

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

COUNCIL SESSION

**Renaissance Orlando Airport Hotel
Orlando, Florida**

JUNE 8-11, 2010

JUNE 8, 2010

SUMMARY MINUTES

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Bill Teehan
Jimmy Hall

Phil Steele
Jim Berkson
Red Munden

Additional Observers and Participants Attached

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TUESDAY AFTERNOON SESSION

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The South Atlantic Fishery Management Council convened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Tuesday afternoon, June 8, 2010, and was called to order at 3:05 o'clock p.m. by Chairman Duane Harris.

MR. HARRIS: I'm going to call the June Meeting of the South Atlantic Fishery Management Council to order and begin with introductions. Let me just tell you how this meeting is going to work, first of all. Mac Currin is going to convene the Snapper Grouper Committee after our introductions and our roll call and approval of the minutes.

The rest of the meeting, including the Snapper Grouper Committee, will be conducted as a Committee of the Whole. There won't be a second chance, Council Members, to come back and review actions that you took at this meeting subsequent to this point. That's the way we're going to do it.

With respect to mackerel, I know a lot of you were here to hear mackerel today. We didn't finish and I think most of you that were here understand why we didn't finish. We will take mackerel up as a Committee of the Whole the remainder of the Mackerel Committee business on Friday. That is when it is scheduled right now. It could happen earlier, it could happen on Thursday depending on how fast snapper grouper moves, and that is usually not very fast. I would count on that occurring before Friday.

Anyway, the meeting is called to order and the first item of business will be the approval of the agenda. Is there any objection to approving the agenda? If you will indulge me and let me move some things around if I need to do so, I will do that. Seeing no objection, the agenda is approved. Now to the minutes of our March meeting on Jekyll Island, those minutes are in your Briefing Book. Are there any corrections or additions to those minutes? Seeing none, is there objection to approving those minutes? Seeing none, those minutes are approved.

Now let me make some introductions and then we will call the roll. After the introductions, I'm going to call on somebody as a point of personal privilege, but, first of all, let me welcome Red Munden and Bill Teehan. They are our liaisons from the Mid-Atlantic Fishery Management Council and the Gulf of Mexico Fishery Management Council. We're looking forward to the discussions with you. Let's go around the room and have the council members introduce themselves starting with George Geiger.

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

DR. CHEUVRONT: Brian Cheuvront, council member, North Carolina.

MS. MERRITT: Rita Merritt, council member, North Carolina.

MR. PHILLIPS: Charlie Phillips, council member, Georgia

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

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

MR. ROBSON: Mark Robson, council member, Florida.

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

MR. BOYLES: Robert Boyles, council member, South Carolina.

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

MR. MAHOOD: Bob Mahood, council staff.

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

MR. CURRIN: Mac Currin, council member, North Carolina.

LT. SULLIVAN: Brian Sullivan United States Coast Guard.

DR. CRABTREE: Roy Crabtree, NOAA Fisheries.

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

MR. STEELE: Phil Steele, NOAA Fisheries.

DR. PONWITH: Bonnie Ponwith, NOAA Fisheries Service.

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

MR. HARRIS: Thank you and thanks to everyone in the audience for being here today. We appreciate your attendance. You are what this council is all about and we appreciate you being here and sharing your observations and thoughts with us this evening during the public comment session. Let me introduce Dr. Jim Berkson with Virginia Tech.

Jim is here with some students and another professor from Virginia Tech, and I have asked Jim to introduce him and I have asked the students to each stand up and introduce themselves and tell where they're from. I'm going to let Jim introduce the topic for today and what these students are here for.

DR. BERKSON: Thank you, Mr. Chairman. I work for the National Marine Fisheries Service and stationed at Virginia Tech. I lead a program designed to recruit outstanding undergraduate students from across the country into the discipline of stock assessments to try to increase the number of stock assessment scientists that we have working for this agency, other agencies and universities.

I work with students each summer on a unique project each summer and this year I'm working with eight incredible students, and we're going to be conducting stock assessments on four data-poor stocks in the South Atlantic. Our goal is to actually have these stock assessments complete so that we can present them for a peer review at the SSC at their next meeting, so quite a lofty goal, but I'm quite confident we'll be able to achieve it.

The students come from across the country. We have students from the southeast, from Florida, Georgia and South Carolina, and as far away as Hawaii. I would like to have them introduce themselves if that would be appropriate.

MR. SALAZAR: My name is Miguel Salazar and I'm from Texas A&M University.

MR. MATTHEWS: I'm Toby Matthews and I'm from the University of Maryland.

MS. BROOME: Molly Broome and I'm from Orlando, Florida. I go to Rollins College.

MS. TILLMAN: I'm Amy Tillman and went to Georgia and Virginia Tech bound.

MR. VINCENT: I'm Matt Vincent and I went Coastal Carolina University.

MS. CLAAR: I'm Danielle Claar and I go to the University of Hawaii at Hilo.

MS. HAMMAN: My name is Elizabeth Hamman and I just finished my undergraduate at New College of Florida and will be starting my PhD at the University of Florida this fall.

MS. SHUGART-SCHMIDT: Katelin Shugart-Schmidt; I will be starting graduate work this fall at Virginia Tech.

DR. BERKSON: I'd also like to introduce Dr. Steve McMullin, who is a professor at Virginia Tech, joining me on the trip and helping me throughout this project. Thank you.

MR. HARRIS: Thank you, Dr. Berkson, and welcome to all of you. We're glad you've been here at this meeting and hope something was informative to you. We appreciate the work that you are involved in right now and producing stock assessments for these data-poor species. That will be an incredible help to the council. Hopefully, this would be the first four of many stock assessments that your students produce in the future, Dr. Berkson, so thank you very much.

We don't have a presentation because we have an illness with the council staff, and we can't appropriately recognize Brian Sullivan at this point, but this is Brian's last meeting with us as

our coast guard liaison. Brian, we will invite you back to another meeting and give you the appropriate recognition then. Do you want to introduce your replacement?

LT. SULLIVAN: Yes, my replacement is Lt. Rick Mock.

MR. HARRIS: Welcome, Rick, we're glad you're here and look forward to working with you. Okay, at this time I'm going to turn it over to Mac Currin and call on him to carry us through the Snapper Grouper Committee as a Committee of the Whole. Mac.

SNAPPER GROUPE COMMITTEE

The Snapper Grouper Committee of the Whole of the South Atlantic Fishery Management Council convened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Tuesday afternoon, June 8, 2010, and was called to order at 3:15 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: Thank you, Duane, and I will do my best. The first agenda item is the approval of the agenda; and as usual if you allow me a little latitude to shift some things around to accommodate staff and our time, I would appreciate that. Without objection, the agenda will stand approved. We also have minutes from our March meeting. Are there any corrections, additions or changes to the minutes? David.

MR. CUPKA: Mr. Chairman, on PDF Page 47, the second paragraph, the second line, it has got me making a positive statement, "I think" so and so; and actually the statement was "I don't think"; just 180 degrees out of turn, so if we could correct that, I would appreciate it.

MR. CURRIN: So noted by the staff, I'm sure, and that correction will be made. Any other corrections? If there is no objection, the minutes will stand approved. I see no objection. We have a number of presentations this afternoon. We kind of got into that a little bit earlier in the Mackerel Committee. Our first scheduled presentation is the SSC Report from Dr. Carolyn Belcher, who is the Chairman of our SSC. You can find the report under your snapper grouper tab, and it is Attachment 1, if you would like to pull that up.

DR. BELCHER: I'm going to give you a brief summary of what the SSC discussed during its April meeting, which we held in Charleston. A brief synopsis of what our main tasks were; we were asked to provide fishing level recommendations for those things that we're currently lacking, OFL/ABC values, which included species in the Comprehensive ACL Amendment; values for shrimp, golden crab, coral, sargassum; those remaining stocks in the Snapper Grouper FMP; species in the Coastal Pelagic FMP; and the Dolphin and Wahoo FMP.

We were also presented with the results from the black and red grouper assessments, and we were asked to review and provide fishing level recommendations from those assessments. The black grouper assessment, the stock status was found to not be overfished nor was overfishing occurring. Some of the discussion points that we had was the issue of constant catchability. There was discussion within the group as with other species of snapper grouper.

We know that there has been a shift in technology over time where fish are more easily targeted with technology. This particular model assumed that constant catchability over time, and that was a point of discussion. Dome-shaped selectivity in the largest fishery; this was more associated with the fact that the selectivities were actually estimated within the model.

Because this has a balance and tradeoff with natural mortality, this kind of led into the potential bias associated with M or natural mortality. When you're looking at the combined mortality rates, the higher your M the lower the influence of your F or your fishing mortality. There were concerns that we might have had biases high towards natural mortality; therefore, looking like fishing mortality could have been lower than what it really is.

Also, there was a lack of sex-specific information. This had to do with your SSBs; the fact that we didn't account for males and females independently. Even with all the discussion points on that, the group was still pleased with what came out of the assessment, and we accepted it for use for management.

Some other discussion points we had relative to establishing our ABC; as has been an ongoing discussion point throughout probably the last couple of years is looking at these proxies of Fmsy and the use of F 30 percent. Because this is what the review panel recommended, the SSC endorsed staying with what the review had put forward.

The projections – this was kind of interesting because this is probably one of the first times in looking at the P-star and the resulting probabilities, what they associated with in landings, the values are very close to one another; 27 percent and 30 percent and 25 percent. The values for landings were all stacked relatively closely, and it was a function of low variability relative to input variables.

As such, the projections were modeled very tightly, so this was kind of an interesting dilemma that we have not seen before because of the high complexity of a lot of these models. There is usually a lot more variability in it. Because of this issue and the fact that we weren't getting a lot of differential – or seeing a lot of difference in the landings, we wondered if we should look at some data-poor approaches to address some of these concerns.

What ended up happening was some of the discussions within the group felt that we could actually use some approximations to help address this issue and get away from data poor because obviously there was good information within the assessment. There wasn't really a huge issue with it, but what we did was look to do additional P-star runs with some modifications; one using a standard deviation of 0.5 for recruitments, so this is giving some more variability in recruitment. This was based on findings of Rick Deriso.

We also applied variability for the Monte Carlo derived Fmsy values for the F 30 percent, because F 30 percent is a value that doesn't have a lot of variability measured to it, so by using Fmsy we can apply that variability to that estimate. We were able to go forward and apply the ABC Control Rule as we've developed.

We found that the P-star for the assessment was 32.5 percent, but because of concerns within the group relative to the uncertainty, which were discussed as earlier points, we actually reduced this value to 27.5 percent. This was actually based on changing out an appropriate tier; moved to Tier 2 within our Dimension 3, which I'm trying to remember – because of the insufficient characterization of uncertainty, we actually moved steps within that tier. Because we felt there was more uncertainty, we buffered a little bit further for that based on the information and discussion points. That was where that value was reduced to 27.5.

DR. CRABTREE: Mac, how do you want to handle questions?

MR. CURRIN: I'll leave that up to Carolyn. Carolyn, would you like to take questions as we go along or go through your presentation?

DR. BELCHER: I'll leave it to what the group would like to have done. If it is more germane to go through, I'll take questions as they come up or I can wait until the end. It's whatever the group feels is the best way to handle it.

MR. ROBSON: There are occasions when I'd kind of like to ask questions particularly as to some of the technical details when she is presenting them.

MR. CURRIN: I'm okay with that.

MR. ROBSON: My question would be on changing the P-star value. Can you kind of give us a little better description of the characterization of uncertainty; what does that mean when you say that?

DR. BELCHER: The characterization of uncertainty has to do with how well we capture the amount of noise within the model. I'm trying to remember exactly because obviously without the table in front of me I have a harder time recalling it. It is a function of whether we included things like environmental variability, I believe. Actually, I'm taking this back now. John, can you help me with this?

MR. CARMICHAEL: One of the tiers in the assessed stock's control rule deals with how well uncertainty is characterized by the assessment. For example, if it is complete, then it is a statistical carrying forward of all the major uncertainties in the assessment with the confidence intervals around the key data, and the important part being that it is carried forward in through the projections. At this time there are no stocks that have been assessed in that manner.

The next level is high and things like snowy grouper and tilefish, where there was re-sampling such as the bootstraps and the Monte Carlo, the inputs, and that is carried forward into the projections along with recruitment and into the reference points and things of that nature. Then there is medium one, which is really the most common approach, where uncertainties are addressed through the sensitivities and statistical techniques, but they're not always as fully carried through with their uncertainties into the projections.

What happened here in the case of black grouper is as the SSC got into the details of the model that was used and its ability to carry forward some of the uncertainties, there was the feeling that the full uncertainty for some of the key data points was not being carried forward into the projections to the extent that is the case in the customized model such as the Beaufort Assessment Model that has been used, and they felt that some things that have uncertainties around them in the projections were being carried as fixed parameters.

That is why they felt, upon looking into this in depth, they revised their scoring for the uncertainty tier in this assessment, which led to a slight change in the P-star. As Carolyn said, even with these the ranges were quite close, the values were quite similar and it was not a big change in actually what the recommended ABC ended up being because there was very little span across the range of P-stars.

DR. CRABTREE: And the P-star I think we heard earlier is essentially the risk of overfishing?

DR. BELCHER: Correct.

DR. CRABTREE: So you decided to accept a lower risk of overfishing or at least you're recommending that the council do that. Can we back up to the 30 percent SPR? You accepted that because that's what SEDAR recommended. What was the basis of SEDAR recommending that?

DR. BELCHER: My recollection on that, I can't really tell you directly what the SEDAR one was. I'm thinking back over a couple of months, so I just –

DR. CRABTREE: Well, don't be surprised but I happen to have it sitting in front of me. Basically it says because the steepness values in the range of 0.8 are reasonable for this species, and that 0.8 implies 90 percent of unexploited recruitment will be achieved at 36 percent SPR. A higher 36 percent SPR should achieve 87 percent or more of the unexploited recruitment in the long term, so the review panel recommends that SPR of 30 percent is used.

They go on to say 30 percent SPR appears consistent with an assumed steepness of 0.8 in this case. I'm assuming in this case, though, that the steepness is very poorly estimated and poorly known. My question is we have a red snapper assessment that is based on a steepness of 0.95, and that's what we're using on everything we're doing yet there the recommendation was a 40 percent SPR. Here we have a stock that I would guess we know less about than red snapper, and we have a steepness that is assumed of 0.8 that is being used yet we're going with a 30 percent SPR. It is not clear to me how these decisions are consistent.

DR. BELCHER: Basically, the information that I can give you relative to that is that, again, this is an intense discussion. We've had this with just about every time that the proxies have come up for use. The group has had that same split of leaning towards a 40 percent/30 percent, but the question is how do we carry forward in a consistent manner. It was recommended through the SEDAR, and I think that was a large portion of why folks were – it is a question of arguing away

from what the peer review put forward at this point was a lot of how I think that discussion was addressed within our group.

DR. CRABTREE: But wouldn't it make sense at some point that we need to sit down and have a very careful, well thought out discussion of this and make a policy call as to how we're going to handle this rather than bouncing around from one assessment to another? My concern is we've just got SEDARs coming to different conclusions, and we don't have good explanations for why they are.

That is going to get us in a great deal of trouble, and that's my worry with it. I understand because I've read through all of this that the SSC has had a lot of disagreements on this, but what worries me about this is coming in and changing proxies when there is still this debate going on and little or no resolution to us, and we're not applying it consistently in either event.

DR. BELCHER: I guess the main question, too, is that in the discussions that we have had – and the group has referred to a lot of papers that are out there – there are discussions that a lot of that use is going to be species-specific, so I don't know that that is going to be a lock in as using that proxy. It has been said that 40 percent is more suited to species like red snapper. That was a lot of the discussion that came out when we were discussing that 18 months or 12 months back.

In that situation I think that is where part of the problem has been is that there is a movement back towards the 40 percent but not everybody is in agreement for that for every species that is within what we're assessing.

MR. GEIGER: Just one question; Roy, you said you have the red snapper or black grouper in front of you; what is the maximum age span for black grouper?

DR. CRABTREE: Well, I think the oldest ages are in the late thirties, but there have been far fewer black grouper ever aged than there have been red snapper, so the odds of encountering that occasional very old fish is less. Also, black grouper otoliths are not the easiest to read.

DR. BELCHER: Okay, Bob Muller, who actually gave us the presentation at the meeting was kind enough to actually do some updated projections for us. Whether he did it on the plane or in his sleep I have no idea, but he was able to get them back to us within a 24-hour time period. We had one minor hang up.

The request was that we were adjusting the recruitment with a standard deviation of 0.5. When Bob did the adjustment, he used a coefficient of variation set to 0.5 as well. After discussions within the group; because of the relationship with CV and standard deviation, that this was not considered to be a large factor. It wouldn't change the results that much; so even though it was identified as an issue, it was identified as a minor issue. The projection that was put forward for us should be used for the council to get an idea of where the stock is currently going, but we did recommend using just an annual value for right now with their recommendation that we be able to revisit as we go along.

For red grouper, the stock status was overfished and overfishing is occurring. Our discussion points within the group, discontinuity of the stock's distribution – this is the fact that these animals are found off of North Carolina, then there seems to be a slight void in the middle states, and then off of Florida, so the SSC would actually recommend a two-stock scenario be considered in future assessments.

Some of the uncertainties that were discussed were catchability issues, release mortality and the magnitude and composition of early catches. Other points included model differences. This had to do with the Beaufort Model and the Stock Synthesis 3 Model, as both of those were run; handling of uncertainties in the Monte Carlo Bootstrap approach versus the projections; and again the F 30 percent representing an appropriate proxy. We did accept the red grouper assessment.

DR. CRABTREE: What was the assumption about catchability for this assessment?

DR. BELCHER: It was back to that constant versus time-varying catchability.

DR. CRABTREE: So did they use time varying or did they use constant?

DR. BELCHER: That I'm not really sure of; I don't have a recollection on that at this time.

DR. CRABTREE: John, with red grouper did they use constant catchability or time-varying catchability?

MR. CARMICHAEL: They explored both alternatives and I think they used the constant catchability in the base run. There was a lot of discussion about these different fisheries and how they might be prosecuted and whether or not they're targeted and things that might have been going on.

DR. CRABTREE: So constant catchability with both of these. All right.

MR. HARRIS: This may be a question for Bonnie; I just wanted to know if the Beaufort Assessment Model is one of the approved models in the toolbox as we've had these discussions in the past about the use of models, so is it an approved model?

DR. PONWITH: The stock assessment that they use in Beaufort is not in the toolbox right now, but it has been peer reviewed.

MR. HARRIS: And the reason I asked that question is because the last review workshop I attended, which was the Spanish mackerel and vermilion snapper, that question came up by the reviewers from CIE, and they were somewhat critical of the use of models that were not in the approved toolbox. I need to understand that.

DR. PONWITH: The stock assessment toolbox is designed to streamline the stock assessment process. The way it is set up is if a model has been peer reviewed to meet the standard to land in

the stock assessment toolbox, then the model itself, the peer review is done. The model has been peer review. It does not preclude us from using other models that aren't in the toolbox. It just creates a higher bar for the peer review of those assessments.

There are always going to be circumstances, species or life history implications, that may require the use of different models or modeling techniques and that is an acceptable scientific practice. It is just to do that, then you need to slow down and take the extra steps to see to it that the model that is used is peer reviewed.

DR. BELCHER: So, again, we accepted the red grouper assessment. Since the stock was found to be overfished, the ABC was determined by applying our control rule for rebuilding stocks, which means that we use a probability of rebuilding equal to 100 percent minus the P-star percentage. The projection stream for rebuilding needs to have a 70 percent probability of rebuilding by 2020, so that means that the P-star for the assessment was 30 percent.

DR. CRABTREE: So what was the decision in terms of the proxy for MSY or how that was handled in this assessment?

DR. BELCHER: My understanding is it was still the assessment results suggest the F 30 percent as representative for the appropriate proxy of Fmsy.

DR. CRABTREE: Okay, because my understanding was they used an actual estimate of Fmsy for red grouper, which I believe in this case corresponds to an SPR of around 28 percent; is that correct?

DR. BELCHER: I don't have that number in front of me.

DR. CRABTREE: Well, how did they come to the conclusion to go with that?

DR. BELCHER: Again, I have the report in front of me, and all I have is it says that the fact the assessment results suggest F 30 percent may represent an approximate proxy for Fmsy, the South Atlantic grouper Fmsy was equal to 0.221; F 30 percent was 0.189; and F 40 percent was 0.127.

DR. CRABTREE: Yes, and what I'm reading is that they estimated a steepness of 0.92 for it, and basically it says steepness of 0.9, again consistent with a proxy such as F 30 percent. Again, I come back to red snapper where we're using a steepness recommended by the SSC of 0.95, and it seems inconsistent with the line of logic that is being used in these reports which we're basing the proxy choice on the steepness used.

I don't think the steepness is any better known for these stocks necessarily than red snapper, and it just seems to be an inconsistent thought process. This SEDAR group seemed to come at it from a different perspective than the red snapper SEDAR group did, and that is creating issues.

DR. BELCHER: Well, I think that is a hazard of the fact that you have different peer-reviewed groups looking on every SEDAR. They're all going to look at it from a different approach and

an angle. I don't think there is any guarantee that every group will have the same approach to the same problem.

DR. CRABTREE: I agree with you there, but that's partly why we have one SSC that looks at all of these and one science center that is involved in all of these, and somehow the science center and the SSC have got to make sure that we're being consistent on how we're doing things. I think the center has got to ensure that there is consistency not only among the different SEDARs in the South Atlantic but region-wide, in the Gulf as well.

Yet again I come back to the fact that we have these different reviewed SEDARs coming to different conclusions about reference points and coming at them from very different ways, and it doesn't seem like anyone is coming in and bringing any consistence into that, which causes me a great deal of concern on it.

I don't want to belabor the point and I'm going to let it go now because I know we're going to come back to this issue later when we talk about red snapper, but that is my concern with it. It is not necessarily any individual decision. I think these are uncertain things and no one really knows what the answer to these are, but the problem is the process we're using and the rationale for how we're getting to them appears to vary from group to group, and we're not being consistent about it.

DR. BELCHER: I guess my question to you, then, is the consistency a problem from the process or is the consistency a problem in the output?

DR. CRABTREE: It is not consistent – it is consistency in the process and making reasoned consistent decisions. If you have two separate groups that look at the same set of facts and come to different decisions, that is a problem for us. You have to have good explanations for why you reached this decision here and you reached a different decision here, and in my view we don't have those kinds of things in many of these cases, and that does pose a problem for us.

I think a lot of this really gets back to the way we're presenting the uncertainties of these things to the councils, and I don't think we're capturing the overall uncertainties. I think there are some real issues that need to be resolved in terms of who the appropriate body to make some of these decisions are, in fact. I know there have been discussions with respect to the reference point as to who ought to get to decide that on the SSC. I think there are a lot of those kinds of issues that just haven't been adequately resolved, and they are creating a lot of problems for us.

DR. BELCHER: So I guess then my question back would be what kind of guidance would the council provide to us in terms of what you'd like to see us do in addressing those issues?

DR. CRABTREE: Well, I don't know, I think we're going to have a lot of discussion about that. Unfortunately, we had to cancel the SEDAR Steering Committee that was to have occurred about two weeks ago, and I think we need to bring that group back together. I think at least for the reference point issue that we need to have some sort of regional meeting where we make some decisions. I think fundamentally we need to take a look at the whole SEDAR process.

There is a balance between continuity between assessments and consistencies between assessments and doing the very best assessment you can do every single time. I don't think it serves management well when the scientific advice is fluctuating widely and bouncing around, and clearly it creates a lot of problems with us when we don't have good explanations for some of those.

I think what we need to do is find a better balance between maintaining some continuity between our assessments but not stifling them to the point where it is too difficult to make changes on things. I think that is the balance we have got to work on. It is not an easy one, but I think that is something we have got to work on.

MR. HARTIG: Carolyn, partly to the questions Roy asked, in the black grouper assessment there was a lot of time spent talking about cumulative optimism, about the 30 percent SPR proxy values; and then right when we get into red grouper the same proxy value was used there also, and also the steepness is very similar in those two species and there was some discussion about that also.

To me it just seems like if an assessment is done in Beaufort, it is the best assessment there could be and anything else isn't based on your discussions. I have problems with the cumulative pessimism from the Beaufort Lab. There are a number of inputs into a number of assessments that have cumulative pessimism from Beaufort, and I could outline those later. I don't want to do it now. Why was the discussion of cumulative optimism in black grouper so much different than red grouper when two of the major input parameters were the same?

DR. BELCHER: I wish I could answer that question. The hardest part with what we do is the report captures the essence of the conversations, and the report is agreed upon by the group as the accurate representation of what went on. Those are the kinds of questions that unfortunately reading between the lines is something I can do, but that is my view of that. It is not the SSC's view of that. I can't really comment to why there is that apparent split in what you are proposing with the cumulative optimism versus cumulative pessimism.

MR. CARMICHAEL: To Roy's comment about the different groups of people reaching different conclusions, it was discussed when we had the SEDAR Procedural Workshop on uncertainty. We had people from around the country and it was acknowledged at that point that one of the realities of convening these independent peer review panels is that you can have different groups of people looking at information and reaching different conclusions.

It doesn't usually come down to their looking at facts, straight, clear, unarguable facts in reaching different information, it is more of they're looking at uncertain information. That is kind of the situation that we're in. The proxies of SPR are not certain information and we don't have a clear relationship between steepness and the appropriate SPR proxy that allows you to calculate that.

I think he is right in that there should be some regional guidance provided that helps the SSCs in dealing with this. We have three councils in this region and we have a lot of different situations and we have to deal with a lot of proxies. It will certainly be helpful to get some guidance as to how we deal with it.

We have seen the situation of red snapper and now these two assessments of different review panels looking at these and making different recommendations for proxy SPR levels in the case of black grouper versus red snapper. In red grouper they have the estimate of Fmsy, which is what they used here and they accepted it.

DR. CRABTREE: Did you penalize the ABC on black grouper because of cumulative optimism?

DR. BELCHER: My understanding was that we looked at the tiered system. In that one particular instance we felt that the wording – we changed wording within that with relative of insufficient to lacking, and that was what prompted the shift over.

I've heard there has been much discussion about the ABC approach applied to data-poor stocks. Point of clarification; this was not applied to everything. We did have specific instances where we discussed other approaches. Spanish mackerel obviously was one of the ones where that approach was not within this particular realm.

This particular approach was suggested during the meeting. We had had a meeting back in January to discuss some of the other methodologies that are currently out there. We were planning to discuss those, but there was an approach that was put forward by one of the members of the committee to consider as a means to how we calculate ABC values for these stocks in which we have specific landings' values. He basically suggested a four-tiered approach where we look at indication of depletion.

The way this works is that the assumption is when we're dealing with landings' data we obviously don't have information or very limited information relative to the population structure itself. We just have landing trends or available effort trends, so we really don't have a good strong fishery-independent indication of what is happening with the stock.

The thought was in that situation to be risk averse you would set an ABC to zero. What this approach would do is then increment from zero based on indications of what is happening based on information that you have at hand. One level of it was looking at an indication of depletion; is it depleted; and if it is not or if it is unknown, these are the weights in which we are going apply up to increase the landings' amount.

If there is no indication of depletion, we put it at 15 percent of – we were looking at median landings for the time series. You would be at the point of 15 percent of the median landings for the particular species. Those that play a critical ecosystem role; if the answer is no, that is another 15 percent, so you would be at 30 percent of your median landings.

Because we have information relative to these PSA or the productivity susceptibility analyses, this gives us an idea are they low-risk, medium-risk or high-risk fish. The lower risk gets you a 20 percent added to that, which puts you at 50 percent of your median landings. Then looking at the reliability of what we're using for an OFL estimate, the more reliable it is the higher the weighting.

This one is obviously more subjective than the other three are, but the considerations under it are outlined below that. If we have landings and effort trends, that helps us with looking at the reliability; data issues, how well is the landings known; do we have species' identification issues, those kinds of things; the length of the landings and effort time series, is it a component of a complex; the absolute range of the animals; discard removal concerns; and then fishery issues, is it a directed fishery, incidental or bycatch fishery. All of those would help to determine some of this reliability around the OFL. In essence, when you total those up, you would be at 75 percent of the median landing stream.

DR. CRABTREE: So you started from zero and worked up?

DR. BELCHER: Right.

DR. CRABTREE: All right, the guidelines are pretty clear that you start at the OFL and reduce based on the level of risk specified by the council and the characterization of uncertainty, so you guys just abandoned the guidelines? Can you explain it to me?

DR. BELCHER: Basically, the explanation I can give is that the thought was without having more knowledge or better knowledge of what is actually happening with the stock itself, we had to set ABC to zero. That was the premise on which this was built.

DR. CRABTREE: Where did that premise come from?

DR. BELCHER: That was what the group gave as a starting point. When we put it out as a strawman to work with, the premise for this to work would be to build it up from zero.

DR. CRABTREE: Okay, how does taking into account critical ecosystem role play into taking the OFL and reducing based on the risk level specified by the council and the uncertainty?

DR. BELCHER: Well, it doesn't reduce down; it comes up. If it doesn't have a critical ecosystem role in the sense that it is habitat or a forage component, then it would be fine to be increased from zero; but the more critical position it plays within the ecosystem, then obviously we have a higher degree of uncertainty.

With that, I will take directed questions. I know obviously the report you have is 22 pages long. A lot of what is in it is actually the numbers and what we have applied for the rules. I can speak to certain things if you want. I just didn't know how best to pick and choose with everything that was covered in those three days.

MR. CURRIN: Thank you, Carolyn. Further questions or comments for Carolyn on the SSC Report?

DR. CRABTREE: Well, I have loads of questions, but I'm not sure it's productive. I look at, for example, an OFL of zero for sargassum. It is incomprehensible to me how that could be scientifically defensible. There is no rationale whatsoever in the document for it. The fishery management plan for sargassum estimates MSY at 220,460,000 pounds. There are all these kinds of issues with it.

I think the data-poor control rule that they used doesn't comply with the guidelines. Clearly, whether to take into account whether a species has ecosystem importance or not is a council decision to be made. I think taking into account the status of the stock is a council decision to make. I can't see where the levels of risk talked about by the councils were addressed at all in it.

I don't know, Mac, that it is worth going through all of this at this point, but it seems to me that we have a report that goes well beyond the guidelines and has a lot of issues involved with it. What we really need to decide at this point is what do we do with it and how we proceed with it. I don't really want to sit here and pepper Carolyn with questions, and I don't think anybody wants to listen to me do that either.

MR. CURRIN: I agree, Roy, and I don't think that would be productive. We are going to have to deal with each of those issues on each of the species as we go through the Comprehensive ACL Amendment and other amendments that this committee is going to deal with and decide either collectively how to approach the data-poor species in a manner different than suggested by the SSC or pick and choose or get through it somehow.

Are there any specific questions for Carolyn or anyone else about the SSC meeting and report? All right, I see none. I have one, Carolyn. I know that there was some not confusion – that's probably the wrong word, but some desire by at least some of the SSC members, as you guys kind of got to the end of your meeting and felt you were kind of pushed, and there is some sense or feeling that there were some things that were discussed early that they might want to revisit.

Does that jive with your recollection? I guess the other question I would have is do you guys have any plans to get back together to further discuss the data-poor control rule or any of the other issues that you had at your last meeting? Was there anything left undone in a general sense?

DR. BELCHER: In a general sense, yes, there is stuff that I think needs to be discussed again. We did have some things that we needed to revisit and talk more about. I know that we were a little bit perplexed with some of the issues, especially as we were putting through the data-poor rule with the lack of our ability to look at particular data; time series-wise either because it was confidential, we can't look at that.

Basically, even in that situation, as you're trying to define a time series, if we can't see the data points how do we know what is best considered a stable time period. Those were some of the

discussions we had, and the best thing that we felt we could do was give a broad time scale that would encompass all, because obviously we were not able to see that information. There was discouragement with that relative to requests for data that we had asked and hadn't received. Yes, there is probably stuff that needs to be revisited.

MR. HARRIS: Before we leave this, I just want to thank Carolyn for the excellent job that she does as chairman of the SSC. This is not an easy task as I'm sure all of us know and certainly the folks in the audience have figured out. It just is a very, very difficult problem that we have right now with respect to how does the SSC provide this information to the council.

I don't know of anybody that is really satisfied with the recommendations that have come out of this report, but that is not a reflection on you, Carolyn, and I just want you to know that. I think everybody around the council would agree with that. Thank you very much.

DR. BELCHER: Thank you, Mr. Chair, and we would appreciate any guidance that could be provided our way to kind of help keep the box defined. I really feel like the group did put their best foot forward in trying to come up with a solution, but again I think parameter defines would be very helpful for us.

MR. CUPKA: I was just going to say that it bothers me a little bit that we refer to this as a control rule for data-poor species because in some cases I'm not sure that is an accurate portrayal of what is going on. There is data associated with some of these species and obviously somehow we've got to be looking at data other just landings' data.

For example, in golden crab market conditions play a big role; wreckfish, we've got CPUE values, things like that. Somehow we've got to incorporate all of this data into the system and consider all of it. I think, Carolyn, I read some comments in your report where the SSC wasn't happy with just using landing streams because it is somewhat subjective. I don't know how we incorporate this other data, but to say some of these are data poor, there are other types of data available that somehow we've got to figure out how we can incorporate that into this overall assessment, I think.

DR. BELCHER: Yes, and some of that was why – you know, those considerations, as we were picking those levels, those were those lists under those two particular categories of how we were trying to justify of being more towards the top of the tier than the lower part of the tier as far as getting towards 75 percent in the median landings. We did acknowledge, especially for things like golden crab and wreckfish where you're dealing with issues of not a fully exploited fishery, but all you have are landings to go on; or in the essence of an ITQ System, it is a severe handicap that is coming out of us being restricted to a landing stream.

The group did have great discussions about that, so it wasn't as completely blinded as just applying a rule or not paying attention. It caused quite a bit of discussion amongst the group because of that acknowledgement of what do you do when it is not a fully exploited fishery. We have a feeling it is not but we still don't know what the OFL is.

MR. HARTIG: Carolyn, don't take this as shooting the messenger because that is not what I'm trying to do and it is not what I'm going to bring forward. There were three different places – and I read most of the minutes. I didn't get through all of them, but I was fascinated by the discussions and where you all went in different areas, but three of the things that came out – one thing that came out three different times – I should rephrase that – is that these low values coming out would be incentive from the top down – or the bottom up, actually – to get better data. I mean, that was the crux of those statements.

I mean, someone who has tried to get better data the better part of my life, that is probably not the best way to go about doing it. That was very, very hard for me to read those comments in that vein. I'm hoping this is not a common view among the entire SSC and the particular comments were made by a particular individual, so that's – I'll leave it at that.

DR. CRABTREE: And I picked up on that as well, Ben, and frankly that was deeply disturbing to me. I thought it was interjecting politics and was completely inappropriate and unprofessional and had no place. I guess one thing – just my personal opinion – I guess the sense sometimes, Carolyn, that the SSC has felt compelled to come up with a number, but my view is when you guys don't feel like you have the information you need or just don't feel like there is an answer you can give, don't give us the number.

Don't feel compelled to go beyond what you think the science allows you to do. Making judgment calls is the job of this council. The SSC's job is to come up with science. If the science isn't there, then I would prefer you just say we don't know and then the council can do the best they can with that. I hope that you don't feel compelled that you have to come up with numbers that you're very uncomfortable with it.

I haven't been to that many of these, but I hope we're not getting into that. I do want to thank you for being here. I know we're a tough crowd and it is a thankless job and we do appreciate it. I guess, Mac, what we need to talk about now is what do we do with the report and how are we going to handle this. I'm not quite sure how we decide if we're going to just do this as we go through these amendments or how you want to do this.

MR. CURRIN: Well, if anybody can see a way, Roy, to boil this down to a usable approach that we can then use as we go through the amendments, I'm happy to do that now. If we don't think we can, then I think we're left with trying to deal with each of these species on an individual basis and discuss some of the things like the golden crab fishery and the wreckfish fishery that are under ITQs and handle those differently than perhaps some of the other data-poor species. I don't really know the best way to go about it.

DR. CRABTREE: I don't think the data-poor control rule that they came up with is the one that I have any interest in pursuing. I think that the place to take into account ecosystem's importance and things like that is when the council sets the ACL. I would like to see a much more narrowly defined process of deriving the ABC where you start with an OFL proxy of some sort and reduced based on uncertainty as laid out by the council.

The question is whether we want to try to reconvene the SSC and go through this again or whether we're going to need to just move ahead and make some choices about control rules and build our record and move on. We are already running late on getting this done within the statutory timelines that we have to deal with.

I don't know when it would be possible to bring the SSC back together or whether we would be able to get the materials and really make much progress on that if we did that, but we've got to move forward with this document. I think we've got to figure something out at this meeting as to how to do that.

MR. CURRIN: Well, I guess whether there would be value in bringing the SSC back together would be a question for Carolyn and John, and that was the intent of my question about whether there were things left undone and you guys felt a need and a desire to get back together soon to try to deal with some of those, and now you've got more to consider with the concerns that Roy has raised over the ABC Control Rule for data-poor stocks.

DR. CRABTREE: And since we do have OFLs for most things, if we select an ABC Control Rule as the preferred alternative, then it would be a simple matter to calculate the ABC based on that ABC Control Rule and the OFLs that we have; would it not, John? I think that is easily enough done.

MR. CARMICHAEL: Yes, I think it would. I guess we're in a bit of a – I mean, where we are in the legal realm and you have recommendations for ABC, I think you recognize that they're from a control rule which the council is considering not accepting, my understanding of what the Act says and the guidelines say about control rules is the control rule is chosen by the council and it's done based on advice from the SSC.

Perhaps if the council feels for various reasons the current data-poor control rule has issues that the council is not comfortable with, I think the council can clarify those and perhaps the SSC, when they can meet again, could get into this further. This is not something that is set in stone once it is done.

We've recognized it is something that can change over time. Maybe the council can move forward with the OFLs and one of the alternative control rules, because you do have several alternative control rules within your documents. One of the comments that was made by an SSC member along the way was kind of a plea for more explicit guidance from the council and asking for terms of reference.

I think if the council is feeling that current iteration of this data-poor control rule is inadequate for various reasons, the more specific those are listed and the more specific guidance can be given to the SSC in terms of going back and what to consider and how do they incorporate the risk level, maybe we can build off the 10 to 40 percent that the council has given advice on. Then I think the SSC can probably take it up and work on this further. Recall that the data-rich control rule took nine or twelve months to come to fruition, so maybe it just needs to jell a bit more.

DR. CRABTREE: I think this is a relevant portion of the guidelines to read into the record, and it says, "The guidance is clear that the control rule policy on the degree of reduction appropriate for a particular stock is established by the council. To the extent that it results in the ABC being reduced from the OFL, the SSC is carrying out the policy established by the council."

I think that is pretty clear in case that it is our policy decision to establish the control rule that is going to decide how this reduction is and that the SSC basically provides us the basis and calculates it. I think that is what we need to do here is to go through and define these control rules because I think a lot of this is a problem of the council not giving enough explicit guidance to the SSC on what we wanted. I think we need to correct that at this meeting to the extent we can.

MR. WAUGH: It seems to me that what would help make the determination of whether we need to bring the SSC back together is whether we can go with the input from the SSC and just choose a different control rule or whether we need to provide guidance back to the SSC, get another recommendation from them and move forward. Perhaps Monica could give us some guidance of whether we can actually go forward now without sending this back to the SSC or whether we have to send it back to the SSC with some more guidance. As Roy pointed out, time is slipping away from us.

MR. CURRIN: Yes, and that is my biggest concern at this point. Monica.

MS. SMIT-BRUNELLO: I think you have a couple of paths before you that you can choose. One would be to get much more definitive in the guidance you give to the SSC and send it back, reconvene, and see what they give back to you. The other is to use a different control rule with the information the SSC has given you and see if you can work from there. I would think that you're not suggesting, though, changing the OFL that the SSC has given you in some of these circumstances when they have been able to give you the OFL?

MR. CUPKA: Not really.

MS. SMIT-BRUNELLO: Maybe as we work our way through this, we will see because I don't think that you could necessarily reject their OFL and choose something different. I think you would have to go back to them.

MR. CURRIN: Yes, and I would think we have to have some real well thought out and discussed rationale for rejecting that and sending it back.

MS. SMIT-BRUNELLO: Yes, I agree, building a good record is always a good idea.

MR. CURRIN: All right, what are your thoughts, folks? How do you want to proceed on this? I know there is a lot of discomfort with the data-poor control rule or the ABC control rule for data-poor stocks. A number of specific things have been pointed out for specific species. I'm getting the sense from the committee that we're certainly not willing to accept that at this point from the

SSC. We can go along and try to develop an approach as best we can or we can provide more guidance to the SSC and ask them to come back and take another crack at it with what would have to be, in my mind, some very, very pointed guidance in a number of areas. Duane.

MR. HARRIS: Mr. Chairman, I can't accept the recommendations from the SSC for the data-poor species at this point in time. I just think they're unreasonable. I can't do that, but I also can't, at this point, come up with a recommendation as to the direction the council needs to go other than I think we need to work real hard to resolve this. I think we need to move on past this agenda item and sleep on this overnight and perhaps several people get together and come up with something that we can bring back to the council on Thursday or Friday and then make a decision on this at that time. I just can't do it at this point.

MR. CURRIN: Well, I guess where it is going to come to a head is in consideration of the Comprehensive ACL Amendment, which is where most of these species are; so perhaps if we defer to that point in the agenda any further discussion of this, that's probably the best approach. Anything else anybody has got? George.

MR. GEIGER: Well, it is going to come to a head sooner than that because this discussion has done nothing to help us resolve the Spanish mackerel unknown OFL. We still have to come to grips with that.

MR. CURRIN: You need to get a little closer to your mike because Roy is having a hard time hearing you.

MR. GEIGER: The discussion we've just had has done nothing to help us with the problem we have with the unknown OFL in Spanish mackerel. That is another issue that needs to be resolved in some manner or fashion before we can move along in those final decisions.

MR. CURRIN: You're out of order talking about mackerel during the Snapper Grouper Committee. (Laughter) No, you're right, though, we will have to get back to that. All right, anything else for Carolyn? Thank you very much and I'm sure you will be hearing from us. Before we get into our next presentation, for the benefit of the audience I just wanted to let you know, if it is not obvious to you, the council is not going to take any action on any issues for the rest of the day.

We've got presentations scheduled and so any action we take during this week will be after we have received your public comments tonight. If that is not obvious to everybody, I just wanted to point that out. All right, our next presentation is the Oculina Monitoring Report Outreach, and I think Kim is going to do that. As a note, our next agenda item is the ACCSP Quota Monitoring Program and Mike Cahall could not make it here today. He will be here tomorrow and we will start with his presentation the first thing in the morning.

MS. IVERSON: Mr. Chairman, very quickly I'd just like to give you a brief update on the outreach events for the Oculina Experimental Closed Area since our last March meeting. Myra Brouwer was invited to represent the council at the Georgia Aquarium in March. It was a

teacher workshop primarily focusing on climate change and effects on the ocean. We had an opportunity to talk about the effects of climate change in deepwater corals, so we were able to take our portable display to the Georgia Aquarium and have that set up.

Myra presented a brief presentation on deepwater corals of the Southeastern U.S.; the biology, ecology and management of those corals, and the presentation was well received. We also were able to distribute some of our MPA brochures and the Oculina Bank regulations brochures. As I mentioned last night briefly, we are in the process of updating the South Atlantic Fishery Management Council's general regulation brochures. They are at the printer.

We will have 40,000 copies ready within the next two weeks and those brochures will be dropped shipped to all of the state agencies and the federal law enforcement and the state law enforcement agencies, as well as many bait and tackle stores throughout the South Atlantic. Also concurrent with our meeting this week, the Capitol Hill's Ocean Week is ongoing.

The South Atlantic Council is represented by a booth at the NOAA Fish Fry and handouts are being given on the Oculina Bank as well as our MPA brochure. The eight regional management councils are represented at CHOW, which is the Capitol Hill Oceans Week, all week, and the focus is on MPAs and managed areas. We do have our brochures that are being distributed there. That ends my report.

MR. CURRIN: Thank you, Kim, very well done. Any questions for Kim? All right, Steve Turner, I think you're up next here from the Southeast Fisheries Science Center to give us an update or some information about the Quota Monitoring Program there.

MR. TURNER: Thank you very much. I wanted to talk about dealer reporting and quota monitoring, what we're doing presently and what we're hoping to do in the future. What I'll be talking about is dealer reporting data flow, the current pattern and the proposed pattern for data flow in the near future.

I'll be talking about a general southeast model that takes us to North Carolina as well the North Carolina specific model. I'll also be talking about reporting and monitoring timeliness, what is occurring now and what we hope to achieve in the future; proposed requirements and modifications; and some discussion points.

This is a picture of the current data flow. Basically, a dealer can report with electronic trip tickets, paper trip tickets. They also currently report biweekly summaries or monthly summaries. The biweekly summaries and the monthly summaries go to the Southeast Fisheries Science Center. The trip ticket information goes to the state. The electronic trip ticket information goes through a company called Bluefin Data, Incorporated. It is run by a person many people know, Claude Peterson.

The data flows from the state to the commission, ACCSP or Gulf States Marine Fisheries Commission, from the commissions to the Southeast Science Center and then we often compare the summarized data from the trip tickets with what we get for the quota monitoring reports.

Now, the quota monitoring that we're doing covers Gulf reef fish, South Atlantic snapper grouper, South Atlantic black sea bass, South Atlantic mackerels and HMS species, sharks and tunas.

In this model we really have two sets of raw data; the information that goes to the state and the information that goes to the Southeast Science Center so we try to compare the two and sometimes we find differences. We often find differences and those are difficult to work out and resolve. Now, this is the current situation in the Gulf of Mexico. The addition here is we have the IFQ Program for red snapper, Gulf grouper and Gulf tilefish, but model otherwise is similar, but at this situation we now have three copies of raw data, three original data sets.

We have the state data, we have the IFQ data and we have the Southeast Fisheries Science Center quota monitoring data. Now, the Gulf also has one additional component that I think is worth modeling in that the Southeast Center port agents work with the states on cleaning up the data and really refining the data.

Our port agents who are on the ground and the docks work with the states to correct the data and try to make it as clean as possible. Now, the proposed data flow is in this slide. It is a much simpler system. We have electronic trip tickets and the states might require that all trip tickets be reported electronically, or they might have paper trip tickets as well.

Electronic trip tickets would flow through Bluefin Data, Incorporated – I will show you an alternative model in a minute – to the states, and Bluefin Data would also route that same trip ticket information to the commissions. Then we would do our quota monitoring essentially on the trip ticket data, so what this does is it eliminates the biweekly reporting of dealers to the Southeast Center so that we're all working on one common data set.

Now, we would add the southeast port agents working with the states both in the Gulf and the South Atlantic, at least Georgia and South Carolina, and we're already doing it with Florida on the auditing, so we would expand that program to try to improve data quality. An alternative model would be that the federal trip tickets don't go to the states; they go straight to the commissions, and state trip tickets then go to the state or electronically to the commission and then potentially back to the state or on paper to the state.

As far as we're concerned in terms of federal species in this model and the previous model, the data basically – the raw trip ticket data comes to the ACCSP and we do our quota monitoring off of that data set. This approach used web-based data entry whereas the previous approach we saw on the other slide, BDI, they use a dealer reporting system which is on the dealer's PC.

That provides the dealer with their own copy of the information they have submitted. In this model, if the data is sent by web to ACCSP, the dealer would then have to log on to ACCSP to get a copy of his own data. They are different models. The PC system often is a little simpler for dealers who are using less sophisticated communication with the internet, such as dial-up communications, but we'll move into that in a minute.

The proposed model would use electronic reporting of all trip tickets for dealers handling federally managed species. We would accept reports to the states or the commissions as meeting federal requirements. There would be only one report filed by a South Atlantic dealer replacing currently two to seven different reports that a dealer has to file roughly every two weeks or month. For North Carolina there would be at least two reports. I'll show you some of that in a minute.

We would do our monitoring on raw data received by the commissions. Subsequently the states would be editing their data and transmitting that to the commission on their own timeframe; and as that new data was received, it would replace the raw data received by the commission, so we would over time work with the edited data for the quota monitoring. We would assist the states – currently we're assisting Florida – we would also assist South Carolina and Georgia with their auditing.

The electronic reporting modes, one is the PC-based Bluefin Data System. This is the system where the dealer has basically a data base of their own information, all their trip tickets retained on their system. They can use this for their normal business function such as writing checks and other activities they need to do.

This is currently the system used throughout the southeast. There is a web entry system available at ACCSP now. This is currently used in the northeast as well as this system. The Bluefin Data System, the PC-based system is used currently through the southeast. Fifty-eight dealers in North Carolina are using this system, and those dealers have accounted for 45 percent of the total landings, almost 60 percent of the king mackerel landings, and 40 percent of the snapper grouper landings.

In Florida 62 dealers are using this system. They account for 66 percent of the total landings, 91 percent of the king mackerel landings and 65 percent of the Florida snapper grouper landings. In both the Gulf and East Florida and North Carolina there is more than approximately 500 dealers using this system.

The PC-based system, the benefits, the pros, the state is the original recipient of the data of all landings' reports, so there is one responsible party for the definitive data. There is one QA/QC System. If the data were partly at ACCSP and partly at the state, maybe the state had their own data delivered – state species delivered to them on paper and the electronic data went to ACCSP, there would be two different auditing systems, so there would be work to make sure that those are producing equally high-quality results.

A dealer with this system retains a copy of all reports in the accounting system and that information is backed up by Bluefin Data, Incorporated. The problems with this system, the state must maintain the data base infrastructure. They have to do their own auditing and receive the data and all those processes.

Currently some states have a lower level of QA/QC at the data entry, the dealer level, than the ACCSP has with their web entry system, but that can be improved. The South Carolina

implementation is needed. This has been funded. ACCSP was given funds this year to implement this system, but that hasn't been done yet.

Georgia has some implementation. They're fairly far along, but it is not complete. There are some problems here. A final problem is there is a fee per dealer per year, so this system does cost some money. The electronic reporting module, the other web entry system, the commission maintains this. There is not a cost to the state or to the National Marine Fisheries Service. The commission maintains it.

They maintain the infrastructure and they have very good quality control procedures. Ideally the state would log on to their system and actually do the auditing and editing. Cons, if some dealers report on paper, then the states need to audit the data in two places. States will likely need to maintain much of their current infrastructure just to be able to work with their history and to be able to report for their own uses. In some cases dealers with dialup would have a difficult time with the web entry system because it is relatively computer intensive.

Now, North Carolina is a little bit different. It is not very different but it is a little bit different. Why is North Carolina different? North Carolina maintains confidentiality for their individual data. We do not have a memorandum of understanding of sharing confidential data with North Carolina. We do have this with all the other states in the southeast as well as the Virgin Islands and Puerto Rico.

The model is somewhat different, and the primary difference is that a dealer physically sends the data to the National Marine Fisheries Service and in a separate event sends data to the state, so now the National Marine Fisheries Service has a separate copy of the data, so now there are two copies of the data. This information is then transferred to the ACCSP Warehouse as well as to the Southeast Fisheries Science Center for quota monitoring.

We regard the state information as definitive, and so we work with them on a monthly basis to maintain copies of their data so that we have the most recent highly edited and highest quality data for the quota monitoring. This is the current situation. The proposal is basically something similar to what we have.

Once again, we have two data streams, but the data will go straight to ACCSP. We would eliminate the biweekly reports and back quota monitoring, and we would do our quota monitoring off the individual trip tickets. Now we would have to work closely with the state to understand what of the raw data we have has been edited so that our quota monitoring can work off their monthly summaries when they're available or the raw data as necessary.

Generally on a monthly basis we're getting at the Southeast Center updated data from North Carolina so we would be working on the raw data for roughly a month at a time and then using the edited data from the state. There is a little bit of logistics to work out, but I don't think it's that difficult.

Okay, moving on from data flow into reporting and monitoring timeliness, the current situation where we're doing the quota monitoring based on half monthly and monthly summaries and the trip tickets going to the states, the data are due to the state ten days after the end of each month. My understanding is in many cases dealers are not timely with this.

This data is subsequently transmitted to the commission and this can be anywhere from a week after delivery to the state to more than a year afterwards. Eventually that data is passed to the Southeast Center and we compare it with our monthly summaries to try to understand what is the best estimate of what the landings have been.

When the monthly summary – the half monthly and monthly summaries, we get this data within ten days after the end of a reporting period. Now, roughly 20 to 25 percent of the reports in the South Atlantic are on the order of 10 to 30 days late and another 10 percent are greater than days late, so 30 to 35 percent of the reports are more than 10 days late.

We have procedures to deal with this and try to account for the missing reports, but this is certainly a problem in our quota monitoring system. We will do our monitoring by 15 days after a monitoring period. Once this data, at least the preliminary data from the dealers, most of the dealers is in our data base, we will then do the quota monitoring and provide our estimates of what is going on with landings to the regional office for their quota monitoring program.

With the new system, what we see and whether the data goes through web entry or however it goes, but whether it is web entry or the PC reporting system, we would expect with the information – we would hope that the information probably goes on a weekly basis to the commission and to the states.

Potentially as necessary the dealers might be asked to report on a daily basis for situations where there is a very small quota or a very small amount of quota remaining. We actually do this currently with I think it is Spanish mackerel in the Keys. We're doing this by telephone at this point, but this system could replace that and that could be used with some of the very small quotas such as for sharks and potentially other South Atlantic species.

ACCSP and the commissions do nightly audits of the data. We would do our quota monitoring – for the weekly data I think we probably would be able to produce estimates of the status by the end of the following week and very likely even earlier than that. For the daily reporting, when things are really critical, we think we could probably be doing our monitoring a few days after the fishing occurred.

Proposed requirements and modifications; require permits for – and this is our recommendation and there will be discussions of some of these items in the next few minutes – require permits for a dealer handling any federally managed species; require permitted dealers to report all landings and not just the federally managed species.

There is some language in the FMPs that need to be standard across the FMPs so that there is uniform treatment; and specifically include electronic reporting option at the Southeast Center

director's discretion. This appears to be included in the current regulations, at least most of the regulations, but I think it would be sensible to specifically include it.

The discussion points; these are the four points and then the next couple of slides I'll go into some more details on them. Should all dealers handling federally managed species be required to get a permit? Which dealers should be required to report electronically; frequency of reporting, weekly, daily; and timeframe for a hundred percent dealers to begin reporting electronically.

Should all dealers handling federally managed species be required to get a permit? If so, this would really facilitate compliance monitoring. We would know whether someone has reported or not. It seems to be essential to be able to do good quota monitoring. This is consistent with the northeast. They require this, and so all along the Atlantic Coast there would be the same requirement.

Which dealers should be required to report electronically? The options seem to be all federally permitted dealers – this is essentially what I would advocate – selected federally permitted dealers or all newly permitted dealers. We may over time – you know, this implementation may change from this to this or something of that nature. Frequency of reports, weekly, daily, as needed – currently we're using semi-monthly.

I don't think this is as useful for monitoring. It is very difficult when you have a small quota and you only have data coming in every half month and it takes time to get the data in. Timeframe for a hundred percent of the dealers to be reporting; do we require that a hundred percent of dealers report electronically in January of this coming year or do we phase it in and start with dealers that account for 95 percent of the landings or some other percentage? How many years until a hundred percent of the reports are electronic? Those are things to discuss.

MR. CURRIN: Thank you, Steve. Questions for Steve on his presentation? I had one, Steve, regarding the – you threw up a line that said you wanted to standardize the language across the FMPs; could you explain that to me?

MR. TURNER: When I was looking at the FMPs recently, I noticed there were some slight differences, say, maybe with golden crab or a few of the different FMPs had slight differences in the language, so it would be sensible to take a look at it and make sure that the language across all the FMPs are the same.

MR. CURRIN: And by that, are you talking about language regarding reporting requirements?

MR. TURNER: Yes, dealer reporting requirements; that is what I'm talking about.

MS. MERRITT: Thank you, Steve. My questions have to do with money. I'm assuming this is a cost savings; and if so, can you give us some idea of that; and then where is the savings going; and how much is it potentially costing for any changes that are being made to the user groups?

MR. TURNER: If the Bluefin Data approach is used, there would probably be some additional costs. There are fees per dealer per year to work with that private company. The place I see the savings is in the data entry side and in the much increased ability to monitor in a timely manner of what is going on with the landings and to be able to give the regional office information on when we expect the fishery to approach the quota level.

I think that is an invaluable piece of information for both the fishermen and the fishery. If the information comes in late and all of a sudden there is a major pulse in landings, if the quota is over and there are accountability measures, then that impacts the fishermen the next year, so it really behooves us to be able to get the data in as quickly as possible and in the highest quality to be able to monitor as best possible.

The other thing is the duplicative reporting, two and three copies of the raw data, we're embarking on procedures to try to begin lining up all of these data pieces to ensure that we're getting the same information across the data bases. If we end up with essentially one entity with the primary data and everybody working off that data, that is a far superior system and doesn't require as much as this cross checking.

Yes, we'd be comparing the trip tickets to the logbooks, but we wouldn't be comparing the Florida trip tickets to the Southeast Center by weekly reports, so we would eliminate one area where we wouldn't have duplication. I think that is a benefit. What would we do with the staff time? We would use that to increase data quality and making sure we can do our quota monitoring on a timely basis. We're also going to be moving from monitoring a small number of species to monitoring a large number of species, and so we're going to need staff to do that as well.

MR. HARRIS: Steve, thank you for the presentation. This council has addressed data need issues many, many times in the past and we have often recommended the use of ACCSP. I'm glad to see that you seem to be embarking on a system now that will incorporate ACCSP. We don't need duplicative data through collection and management systems.

We just need one system that we can rely on and we can get the data we need for the purpose for which it is collected. Mike Cahall will be here tomorrow. I wish he was here today to hear what you had to say. I don't know whether you will be here tomorrow or not to hear what we ask Mike, but it is really important that we get this right. I appreciate your presentation. It looks like to me we're on the right path, but I'm not positive of that yet so we're going to be watching this very closely. Thank you.

DR. CHEUVRONT: There are some additional costs that weren't mentioned that the user groups do have to bear if we're going to do this electronically. One is the initial investment and upkeep of the computer, including monthly connection fees and things like that. That may sound like a small thing, but it may be just a part of doing business, but that is a part of the overall cost that is going not going to be paid for by some other group. It is going to fall on whoever is doing the reporting.

MR. MUNDEN: What was your statement relative to dealing with the fact that North Carolina data are confidential?

MR. TURNER: Well, North Carolina has not signed a memorandum of understanding with the National Marine Fisheries Service and I believe the ACCSP on sharing confidential data, so we essentially receive data in an aggregated form. The dealer codes that we receive, we can identify different entities but not who they are. We just know that one entity caught this amount and the previous year that entity caught this amount. We can track some entity but we can't put a name on that entity. We don't see the detailed level individual transaction data. Does that answer your question?

MR. MUNDEN: Yes, yes it does; and just as a follow, the state of North Carolina would never have gotten approval from the state legislature to put a trip ticket program in place had it not been for the fact that we had to guarantee that those data would be kept confidential, so we're operating under state law.

MR. TURNER: And that is quite reasonable, and we work very closely with North Carolina in a variety of situations where we do have questions about individual trips and we think – you know, particularly in our HMS work, we work very closely on was this trip landed in Massachusetts, was it in North Carolina, we think it is this, and we'll work with our logbooks and we'll work with the North Carolina folks to really resolve these questions. I expect that sort of close involvement would continue and the good working relationship we have with North Carolina.

MR. WAUGH: One thing that is clear from the presentation is it does require some action on the council's part, and we have been around this before as to whether or not we really needed to change anything. When we get to Amendment 18, we've got some data collection provisions in there; when we get to the Comprehensive ACL Amendment, we going to need to amend our other plans to address these recommendations that have been put forward. We may need to add something to mackerel in order to pick that up.

Because as we see these quotas, there are more of them, the overall quotas are lower and we've got tremendous effort shift. Steve has pointed out what the cost to the industry is with accountability measures and paybacks. We're going to need to have daily monitoring of a lot of these species, if not all of them, to account for these lower quotas and data shifts. We're going to have to look to add actions to some of our amendments to implement these measures.

MR. TURNER: The Northeast Fisheries Science Center has been doing electronic reporting for, I don't know, five years at least. They started out with mandatory daily reporting, and they have switched to weekly reporting. I think the dealers are required to report their landings from the previous week by Tuesday, so they're doing quota monitoring on – you know, they do some quality control early in the end and by the end of the week they may be doing their estimation of where they are in their quotas.

Now, the reason they switched from the daily to the weekly was it was just about impossible to do the compliance monitoring, so I think there certainly are going to be some situations where I

think you would switch into daily monitoring. As a quota gets approached, then you would need it with a quota that is really finely managed. I would strongly suggest that you not consider mandatory daily reporting for all dealers. It would be a big burden on the dealers and it would be a very large burden to do the compliance monitoring that goes along with that.

MR. CURRIN: Other questions for Steve or Gregg? Keep in mind Gregg's comments. Rita.

MS. MERRITT: Steve, has there been some outreach done with dealers to get their input or at least give them information on what your plans are?

MR. TURNER: Generally in North Carolina the state folks are doing that. We talked with Don Hesselman about this, and they typically prefer to do it rather than have the federal folks do that. Really, one of the questions here is what is the timeframe that we would implement this sort of thing and make sure that there is sufficient time to do the outreach.

MR. CURRIN: Anything else for Steve? All right, thank you very much, we appreciate it. Bonnie, I think you're on tap next to talk about the status of the Electronic Logbook Pilot Program, and are you also going to talk about the verification after that?

DR. PONWITH: Within the same presentation.

MR. CURRIN: Okay, that will work fine.

DR. PONWITH: Today I'm going to give the council an update on our progress on the electronic logbook program that we have initiated for headboats operating in the U.S. South Atlantic. As part of that I'm going to give you just a very, very brief overview of also a complementary project that we're doing in the Gulf of Mexico. The headboat survey is being conducted by the Beaufort Lab within the Southeast Fisheries Science Center.

Just a bit of a history of that program, the Atlantic Coast Survey, the Headboat Survey was begun in 1972 in North Carolina and South Carolina and then it expanded after that to include Florida, ultimately the Florida Keys and then became the full-time coverage for headboat sampling in 1982. In 1986 we expanded the program into the Gulf of Mexico.

In the pilot study, just the background for establishing this, vessel operators in the pre-pilot program provide trip level catch-and-discard information, and that information is collected on paper logbook forms. The reporting on this has been mandatory since 1996 and the requirement has teeth. If you don't report, it does impact your ability to get your annual permit renewed.

This project is about a \$50,000 project. What we wanted to do was solicit some representative headboat vessels to pilot testing the software and the implementation of electronic reporting and then be able to report on those findings as a major step in considering implementing this on an operation basis. This is a one-year project. Again, it is looking at electronic reporting compared to the program that we have right now and in the comparison looking at reliability, accuracy, timeliness, compliance and cost.

Right now, as we mentioned before, the current data process is that the forms are filled out in paper. They're picked up monthly. They require some additional input by the port sampler to complete that form. From a timeframe standpoint, from pickup to delivery of the electronically entered data, it is about a three-to-five-month lag, so it is quite long.

The electronic form, in this pilot, to be successful, we'd like to narrow that down to a one-month turnaround. Right now in the pilot we've got eight vessels participating, two from North Carolina, two from South Carolina, one from Georgia and three from Florida. You can see the number of trips and the number of individual fish that they've reported on those trips.

The way the program was set up was that we let contracts to develop the logbook system. That has been completed. We've decided on what data elements would be included and captured in the electronic system and that has been completed. We've got the reporting system completed, and right now we're in the actual data collection phase where people are using the electronic system and reporting via that system. We continue to monitor the performance of this system.

Also, what is going on – we're getting into the validation component here – is that what we want to do is a comparison of electronic reporting relative to paper reporting and then validation in terms of dockside validation. All of that is ongoing right now, and we will bring the program to a close in February and be able to report out on our findings. Again, the paper versus the electronic comparisons, we're looking at the reliability, accuracy, compliance, timeliness and cost. Those are the features that we're evaluating in this comparison.

Dockside validation is a critically important element in terms of validating self-reported data, so there are two phases of that. One is validating what species we actually saw, basically validating the catch; and then, secondarily, it is validating the effort; are we actually accounting for a hundred percent of the trips that went out. Both of those elements are critical in understanding the catch on those headboats.

The last step is to conduct exit surveys of the project participants and generate the final report and then actually discuss what our findings are in terms of what it would take – you know, first of all, do we deem this as a successful pilot and then, secondarily, what would it take to implement this as a region-wide approach to sampling.

Now, in the Gulf of Mexico MRIP has initiated the second complementary project, and this is also in the for-hire industry but it is focusing on charter vessels. It is a new project that just kicked off last month. It is a Gulf of Mexico Project, but they're focusing in two subareas of the Gulf of Mexico. That would be Port Aransas, Texas, and the Florida Panhandle.

The plan is to actually select 388 charter vessels with federal reef fish and pelagic permits in the study area. They would be selected randomly and the participation would be mandatory. The purpose of this, again, is to demonstrate what would this look like if you were really going to implement it charter fleet wide as opposed to asking for volunteers and kind of cherry-picking volunteers.

We feel like it will give us a better feel for what this would look like in the full fleet. The selected vessels will be required to report trip level and catch and effort. Again, the compliance is mandatory and it is linked to their annual permit review. They would be required to do weekly reporting with incentives for electronically reporting.

Again, the study design includes validation for self-reported catch and effort, and that would be looking at if a trip went, did it show up as reported; if a person reported a certain level of catch, is that what we're seeing when we do the dockside validation. This project is a larger project. It is about \$450,000.

Again, we're going to notify the selected vessels. I just signed the letter to go out to all permit holders, letting them know that selection letters would be coming. The timeline for this is that we will begin the electronic reporting tool in May – the proposals have been received for that – the selection of a contractor in June. The vessels will be selected and outreach meetings will be held June or July.

We will hold large outreach meetings where we actually talk to them about what is expected of them, how they fill out these forms and why we're doing this to make sure they fully understand what the purpose of the program is. The actual mandatory reporting begins in August. That is scheduled to be a one-year project; again, very complementary to this effort because everything we learn in each of these two components we would hope it would be transportable and usable region-wide.

MR. WAUGH: Are you getting discard data; and the catch area, is it those large statistical grids that have proved unusable everytime we have gone to use them, or are we looking at catch by depth?

DR. PONWITH: We are asking for discard data. In terms of the scale of the grids and the depth, let me check on that and get back to you and make sure I give you the correct answer.

MR. SWATZEL: I've actually got a boat that is participating in that, and the grids are a lot finer than what you have seen in the past. Although it doesn't deal with depth, it is a much finer grid scale.

MR. CURRIN: Is depth one of the parameters selected?

MR. SWATZEL: Only the issue of distance offshore, but it doesn't really deal with the issue of depth, but you do have a fairly fine grid scale, finer I think than what we have been seeing in the past.

MR. CURRIN: In the distance offshore, Tom, how are you guys measuring that and is it accurate?

MR. SWATZEL: Well, it is only simply asking whether you're beyond three miles is the only issue of distance offshore I guess to figure out whether you're in federal waters or not, but you do have a grid that you apply to where you fished. It is relatively fine.

MR. HARRIS: Well, Tom, within that grid how fine can one determine what the depth was? Does the depth run from 30 feet to 120 feet or 50 feet to 75 feet; what is the fineness of the depth in the grid?

MR. SWATZEL: I would have to go back and look at the scale. I couldn't tell you that off the top of my head.

MR. HARRIS: It is such an important component.

MR. GEIGER: Bonnie, with regard to the collection of data for red snapper, in the event that there is a closure and it continues, is MARMAP still going to be the principal use or are you working on another system to expand independent sampling?

DR. PONWITH: I am so glad you asked that because that is the next presentation.

MR. HARRIS: Mr. Chairman, I don't want to harp on this but depth is such an important component of everything that we're doing now with respect to discard mortality and all that, we've got to have a way of collecting depth information.

MR. CURRIN: It would seem to be – especially if you're considering going to a new system – pretty easy to put that box on an electronic recording device. I know it has never been done in the headboat survey. I'm glad you flashed that up, Bonnie, because I did see some room right down there in the bottom left, near the signature, both above and below where we could put a little box and collect some depth information. It is critical. I hate to harp on it as well, but we've got to do this and we've got to start now.

DR. PONWITH: I actually agree. I will talk to the folks and find out whether their intent was to use the smaller-scale grids as a proxy for depth, which depending upon the relief of the area that you're working in, could be adequate or could be inadequate. If you're in a high-relief area where the gradient is highest, a small grid could still end up having an extremely broad range of depth.

I'll talk to them and ask them that question, whether their intent was to try and nail depth by nailing locations. But even if that were true, I wouldn't think that there would be harm done in having a redundancy in there and asking for both.

MR. CURRIN: I don't think so, either. I think it would be great. What has the initial response been like from the pilot project of the people involved? Tom didn't say anything negative about it at least. Have people been relatively accepting and okay with the way it is going?

DR. PONWITH: Yes, I asked that very question and the response I got is that the people that are running this system are actually quite happy with that. That has been a few months now since I asked that question. I will ask the question again and find out if that is still true.

MR. CURRIN: Yes, I hope you will get feedback from participants on how it can be improved and made simpler and easier.

DR. PONWITH: Absolutely, and that is a very important point, and in fact that is what the intent of the exit interview is, which is to close that feedback loop to make sure that if there is anything we can do to make the system more usable for us, we certainly will venture into that area, but we also want the system to have utility for the folks who are running it on their boats. That feedback loop is very important. If people like the system and they perceive a benefit by using this system themselves, it generates incentive to actually use it and use it correctly.

MR. CURRIN: And my last question is, is it a PC-based system or is it a stand-alone little unit that they have to turn in or plug in somewhere?

DR. PONWITH: I haven't seen it. I think it is PC based.

MR. SWATZEL: I've actually got it on this computer. It is PC based. You just download the software and install it.

MR. CURRIN: Thank you very much. Any other questions about the electronic monitoring pilot program? All right, thank you, Bonnie, we'll let you go into your next presentation.

DR. PONWITH: All right, on to Mr. Geiger's question; as you know, the Southeast Fisheries Science Center received FY 10 funding this year to improve fishery-independent sampling in the South Atlantic Region. This is a critically important element to our sampling right now in light of the fact that we've disrupted the flow of fishery-dependent information into the system, and those fishery-dependent data had been an important input into the stock assessment process.

What we need to do right now is make sure that the fishery-independent data are sufficiently robust to serve as a primary input into those stock assessments to make sure those stock assessments are strong and reflect the current state of the stocks in the South Atlantic. What I'm going to do is talk a little bit about what kind of progress we've made since receiving the news of the increase for South Atlantic fishery-independent sampling.

Some of the needs that we feel we need – and this is based largely on the workshop that we had talking about fishery-independent requirements in the South Atlantic that was participated in by people from APs, from this council and scientists from throughout the region. Certainly, what we needed is to expand the geographic scope of the sampling that we're doing and make sure that we had larger spatial coverage. We wanted to use gears that improved the species' representation that we're finding in the ecosystem. Certainly, we needed something that could sample red snapper effectively.

What we've done to increase the survey effort is we've actually added a second vessel to sample the MARMAP protocol. What that will do is increase the spatial resolution of the sampling that we're doing and also not only the spatial coverage but the resolution of the sampling that we're doing. It basically touches on the sample size issue.

A second thing that we've done is we've incorporated video cameras as a survey gear. This has been used with great success in the Gulf of Mexico, and so we'll add that into the South Atlantic and create a data stream using that in the future. The implementation of video gear addresses some of the trap selectivity issues that we are struggling with in the South Atlantic and gives us a second way to validate what we're seeing out in the environment in a fishery-independent method.

It also allows us to do some direct comparisons – if we hold the methodology static some comparisons between South Atlantic reefs versus Gulf of Mexico reefs, which I think will be informative. The area that we're going to focus our surveys on range from Georgia through Northeastern Florida. By increasing again the resolution of our sampling, it will increase the quality of our indices of abundance for red snapper.

It will also give us characterization of the demographics of those species, the age structure, the size structure and sex ratios of that stock. We also are going to be doing some work on the shelf break, quantifying the abundance and age structure of red snapper there. Again, this is between the areas off of Georgia and Florida.

This is a question that has been brought to us by the fishing industry. The question posed was is there a cryptic biomass, are there fishes that are not susceptible to fishing by vertical line techniques of the shelf break where the waters are deep, the currents are running more strongly? The hypothesis is that there is an unexploited pool of fishes out there since we've taken bottom longline fishing off the table, and that those fishes, because they're underexploited, have a different age structure than the ones in the shallower areas that are receiving the higher effort.

This has been something that has been posed by the fishing industry. We tackled it last summer by sampling quite heavily during the spawning season. We saw not a great deal of difference between the age distribution last summer because of that effort and the times that we have sampled before, but this is going to be a new approach.

Again, we're looking for – is there a pool of fish out there, is the age distribution different, and then the third issue is what percentage of the fishes off that shelf break, is that of the total population. We are going to do this study as a cooperative study. We're going to be using commercial vessels and using bottom longline gear to tackle that question.

This is just kind of what we're looking at in terms of the sample design. We are going to be sampling across a series of transects and running longline gear along these transects that going to run across the shelf and across the reef break, again to be able to get the samples and do those comparisons.

In addition to this, we are going to be working off the research vessel, the Pisces, in this area. One of the second ways we're going to take a look at this is by running some ROVs off the reef break to be able to take a look at what those ecosystems look like out there, what the habitat looks like and to be able to look at assemblages in that area. Another area of interest that we have that we're going to tackle with this fishery-independent sample is to look at juvenile red snapper habitats in the shallower waters.

We're focusing on 50 to 100 areas of hard bottom within 50 to 100 feet. We will rely on input from the recreational and commercial industry to talk to us about areas that they think we should be focusing on for this study. It is a combination of habitat characterization and looking at densities in some differentially successful habitats.

Another thing that we're going to be doing is using multibeam to identify and characterize hard bottom areas and then also to be looking at hydroacoustics as a potential assessment tool. This is very tricky for species that are bottom-associated, but it is something that we do want to take a look at and evaluate the effectiveness of hydroacoustics.

This again will be done on the Pisces, and the Pisces has an ME-70, an instrument that is on the dicing class of ships, and we will be taking a look at this and looking at its potential as another means of sampling in comparison to some of the more traditional gears. Again, we're going to be focusing on red snapper. That is where one of our key immediate needs is.

We want to improve the indices of abundance and population characterization by increasing the spatial coverage and also the resolution of that coverage; address the cryptic biomass question through that bottom longline cooperative study; and then also look at habitat for juvenile species, particularly for red snapper. We will be adaptive. We're going to use the results that we obtain in 2010 to inform the work that we will do in the future years.

I think we have covered most of this; again, increase sample size so it increases the precision of the information and then the addition of the new technologies, the acoustics, the camera gear in this to kind of enrich the fishery-independent data that we've got for stock assessments. Some of the work that we would like to do is more multibeam mapping to kind of groundtruth the habitat quality issue.

What that allows us to do is refine our sampling plans and stratify those sampling plans by habitat quality. Again, we already talked about using acoustics as a potential tool for these reef-associated fishes. And then gear comparisons; if we add to the methods that we're already using for fishery-independent samples, some new technologies, what we will want to do is look at the selectivities of these various gears and find out are there strong correlations among those gears; so that if you only can use one gear in one area, how would that relate to what you could have caught using the other gears. Again, this is just a way to try and get more science for the dollar by comparing all of these methodologies to one another to look for correlations. That is my presentation.

MR. CURRIN: Thank you, Bonnie, very much. Questions for Bonnie? George.

MR. GEIGER: Thank you, Dr. Ponwith, that's pretty impressive in terms of expanded independent sampling. I do have a couple of questions, however. I assume that using the video cameras in conjunction with the standard Chevron trips in the MARFIN Program are going to be used as the vehicle to apply abundance in areas sampled. In that data workshop it was identified that the Chevron traps on the Atlantic side used in the MARMAP Program do not capture red snapper very well. There are relatively small numbers of samples over time, and that begs the question of how we're going to get to the hard parts and actually age the fish.

You can look at abundance, you can look at sizes but you can't really age them unless you've got the hard parts. I understand that you've got the longline sampling program but that is limited, so what are the long-term plans for gathering hard parts for aging purposes of red snapper?

DR. PONWITH: Yes, that is a really good point. This year we will be getting an across-shelf look at the age composition based on the longline fishery, so that is going to be a real boon for us in terms of a synoptic snapshot of the age distribution. To the extent that those Chevron traps do not catch red snapper, we're going to have to augment and do some directed sampling in future years.

MR. GEIGER: And to that point, apparently there is evidence that red snapper in the Gulf trap very well in the Chevron trips, which I'm told are identical, and we don't understand why. Has there been a direct comparison made between the type of traps that are used in the Gulf and the South Atlantic?

DR. PONWITH: I would have to look at that and find out if there has been a direct comparison. I know it is not an unprecedented feature. I know there is a trap fishery for lobster in the North Pacific, in the Northwest Hawaiian Islands it is a very common way for them to harvest lobster. The exact same species in the South Pacific won't go in a trap if you beat them with a stick. It is just an interesting phenomenon. I will make a note of that and find out the answer to that question.

MR. PHILLIPS: Bonnie, when they do the longline and they get a representation of age structures, inshore versus offshore, how quickly will the managers be able to use this information?

DR. PONWITH: We anticipated that you were going to ask that question. What we've decided is that the Southeast Fisheries Science Center is going to maintain responsibility for collecting those hard parts and aging those hard parts so that we have full control of expediting that, to get that done as absolutely quickly as possible. To accommodate that, we're going to be working very closely with our state partners to make sure that we've allocated the other aging work that we're doing in such a way that it frees us up to be able to get in there, dive in headlong, and get it done as quickly as possible.

MR. PHILLIPS: Are we talking about six months, a year, two years?

DR. PONWITH: No, we would like to have those data available so that they can inform decisions that are going to be made in December.

DR. McGOVERN: I had an answer to George's question about the Chevron traps. The Chevron traps that are used in the Gulf of Mexico are the exact same Chevron traps used by MARMAP. MARMAP actually gave those traps to the Panama City Lab. Part of the reason why they might not be catching red snapper – they catch them in the Gulf of Mexico in the Chevron traps, but MARMAP has probably not sampled a whole lot where most of the red snapper are. Most of the sampling has been done off of South Carolina, Georgia and not so much in the area of greatest abundance of red snapper, and so that might be part of the reason why they haven't had great catches of red snapper over the years.

MR. HARRIS: A couple of questions, Bonnie. First of all, I know that you've been working with the fishermen to come up with this fishery-independent monitoring program. Now that you have kind of developed it and have a plan of action, have you taken it back to the fishermen and asked them what they think about it? I've said all along that you can convince the council that your program is sufficient, but it is critical that you convince the fishermen that it is sufficient. Where do we stand with respect to that?

DR. PONWITH: Well, we have been consulting fishers in the development of this, and we certainly relied heavily on advice that we got on fishery-independent sampling in the workshop that we had last fall. I guess what I would say is this represents another opportunity to obtain input. If there are still concerns or additional questions that we could make modifications to add new hypotheses into the study or to do modifications of the methodologies, we certainly can obtain that input.

MR. HARRIS: I would encourage you to go back to those people that maybe were somewhat critical at the workshop and make sure that they are happier or if they're not explain to them why you're doing it the way you're doing it. I'm not sure all of them are satisfied right now. The second question is you suggested the need for more multibeam mapping. What are you talking about; are you talking about a million dollars two million dollars, another vessel, what are you talking about?

DR. PONWITH: No, the Pisces is going to be out doing fishery-independent sampling. The Pisces also has an ME-70 on board. We will be running the ME-70 while we're doing the fishery-independent sampling. What that will do is enable us to add to existing knowledge about the characterization of hard bottom areas that we're working in. That would be the plan, to be running the ME-70 to be able to gather these data and use improved knowledge about bottom characterization to help us better stratify our sampling regimes, which ultimately gives us higher levels of precision in the way we gather those data.

DR. CHEUVRONT: Bonnie, it is looking like there is a pretty good handle on some data collection issue related to red snapper here, but we have another major data collection need that we haven't really addressed yet. That is with the 17B closure, which is being closed for speckled hind and warsaw grouper for which we have virtually no data.

This is a larger closed area than is probably going to end up in effect for the red snapper, and we have absolutely no plan for figuring out how we're ever going to open this back up again. My concern is that we've got to figure out a way to collect some data for this deepwater closure as well. I realize that there may not be the number of constituents who are impacted by the deepwater closure as are impacted by the red snapper closure.

I understand that and I'm not grouching over that at all, but I think we need to be looking beyond red snapper at this point and figuring out where we're going to be going with some of these other things. I know you ended up getting only a fraction of the amount of money that was requested as a result of that workshop; I was there. I think you probably ended up getting about a tenth of what that workshop said we really needed.

We have got to do something to get more money to do some of these other things because we're shutting people out of fisheries in a huge swath of ocean that we have no idea of how we're going to collect the data. My question to you is are we thinking beyond just red snapper at this point or are we just saying this is what we've got and this is what we're going to deal with?

DR. PONWITH: I will say that red snapper was really central in our minds as we did the sampling plan for 2010 for obvious reasons. The 2010 plan then will inform how we move forward in the long term in the future. I think you've raised a really good point and the point is carefully noted.

As we evaluate in retrospect how these new additions to the 2010 data went, what is giving us the most information per dollar in terms of our understanding of the demographics and the distributions and the abundances of the full range of reef fishes we're responsible for, what should that long-term program look like; and if we were to get an infusion of new money, what would be the next top priority, how would we adjust the program. It is a good point.

DR. CRABTREE: Thanks, Bonnie, and I think this gives a lot more comfort to people. Is the way you envision this is that the results of this with respect to the selectivities, which I think is the real issue, we would get those sometime around the December council meeting, and we could then use that information to choose what the appropriate base run would be?

DR. PONWITH: That is correct, our intent is to get these data, get the otoliths read just as quickly as possible, and be prepared for those otoliths to inform the decisions regarding the selectivity.

MR. HARRIS: Bonnie, are you familiar with the work done in the Southwest Fisheries Science Center on rockfish? There was a concern out there that the rockfish had pretty much disappeared, but the science center entered into a contract with two to three fishing vessels out there. They were able to use acoustic monitoring and actually identified individual species of rockfish and found that the species was in much better shape than they thought it was in. I don't know whether you're familiar with that work or not, but we had presentations on it at the last council chairmen's meeting and it was pretty impressive.

MR. CURRIN: Bonnie, I have one question for you, too, and that is regarding sampling frequency for the work that you're doing. I'm sure it varies among the different programs that you've got going on in this fishery-independent program. I ask about the sampling frequency because of a concern about coverage of spawning areas or the time of year when the fish primarily spawn.

As you indicated, we heard from fishermen that we weren't sampling in these deep areas where these big fish live. By the same token, I heard from fishermen that we were sampling at the wrong time of year up on the shelf, we didn't collect enough otoliths during the time when the fish moved from the deep water to the shallow water. Being able to sort that out, if that occurs and when it occurs, might shed a lot of light on our interpretation of the data that we do have.

DR. PONWITH: Thank you, that's an important point. In fact, that was something we talked quite a lot about and that was rather than fishery-dependent data for this suite of stocks, that we need to sample to for this to actually do some fishery-independent targeting of spawning aggregations in known spawning areas as a highly efficient way to look at the cross-section of age distribution of spawning adults. That certainly is something that we've talked about and is under consideration. We would rely heavily on input from the industry to help us narrow down those areas if that were determined statistically to be the way that we wanted to tackle improving the sample size on that.

MR. HARTIG: Bonnie, this change to the fishery-independent survey method, how many years will it be before that methodology is assessment ready?

DR. PONWITH: Well, when you go to a SEDAR Data Workshop, typically the reaction is when you have a brand new data stream, they like to see – this is a broad-brush generalization, but they like to see three years worth of data before they're comfortable saying these data represent a trend, but that is when you're looking at trends' data.

For example, the incorporation of the video cameras into this system, if that were the only thing we were doing, we would like to see three years of those data prior to saying these data represent a trend. But, but, what we're also doing is comparing how the video camera fishes relative to the traps and how the video camera fishes in the South Atlantic relative to the Gulf.

By doing those comparisons and doing them in a way that are statistically robust, we can actually kind of calibrate against those different approaches to see if there were strong correlations. If there are strong correlations, that may enable us use those data as a time series earlier by using it as a proxy for additional data of the other methodologies.

The bottom longline gear, this is the first year we're using it and so it is the first year in our time series; but that said, we would use those data as an indicator of how well our other methodologies are representing the full demographics, the full age distribution of the red snapper out in that system, so we would be able to use – that is a discrete hypothesis, a discrete scientific question, so we would be able to use those data for that question immediately. The answer is it depends.

MR. CURRIN: Thank you, Bonnie, very much. Of course, we're all anxious to see some of the results come out of this, and it sounds like you're on line to provide us with some indications before too long. Thanks for the hard work you did in arguing and receiving the funds to do this. It is critical. Okay, our last presentation for the evening will be by Frank Helies. Frank is with the Gulf and South Atlantic Fisheries Foundation. He is going to talk to us about their bandit reel observer program.

MR. FRANK HELIES: Thank you, Mr. Chairman. We're going to kind of shift gears here into some fishery-dependent information. My name is Frank Helies. I'm program director at the Gulf and South Atlantic Fisheries Foundation. This project is two awards of cooperative research. The first was 200 sea days and we got a continuation for an additional 100 sea days.

I'm going to present the scope of the project and Scott Raborn here from LGL will present the data analysis. Some of the people involved on this project, Captain Mark Marhefka was instrumental in getting some of the fishermen to participate. Daniel Parshley was coordinator. I collected about 80 percent of the data with Phil Antman. Lindsey Parker is our South Atlantic Regional Coordinator. Phil is the data manager and Scott did all the data analysis.

There were two primary objectives of the project. The first was to characterize the catch and discards in the South Atlantic Snapper Grouper Bandit Reel Fishery. Secondly to that, we wanted to look at influences on the condition on the discards. Vessel participation was voluntary and therefore non-random. This was not a forced observer program upon the guys.

We placed observers for each sampling trip randomly among the participating vessels. All the observers underwent detailed training prior to deployment and were NOAA Fisheries certified. This included safety and survival training, sea turtle handling and resuscitation training. Vessels were asked to fish under normal conditions. We presented the first year of this data at this exact meeting two years ago, and that was one of the questions we received.

The council was leery about the fishermen fishing normally, I guess, when there is an observer on board. Data collection was conducted from January 2007 to July 2009. There were 41 trips. We went out of ports as far north as Morehead City, North Carolina, and as far south as Mayport, Florida.

Some of the things that were recorded, there was trip number, station number, fishing time, number of hooks set and sampled. All the different rigs were categorized on different forms, date, statistical zone, species, the length of randomly selected individuals. We tried to measure as many as we could, as well as weights. Weights become kind of problematic when you're out at sea.

Condition of each sampled individual when brought on board; this was a scale of one to four, one being normal, two being stomach protruding, three being eyes and stomach, and four is dead on arrival. The fate of all the individuals was basically kept versus discarded or if it was kept for bait. Scott.

MR. RABORN: We kept up with the total catch for each species. For effort we used hook hours. I won't go into the details on how we estimated hook hours, but we came up with an algorithm. I want to make a note that we also incorporated the missing zeroes for stations where we fished but we didn't catch a particular species, which is a common error in data analysis. A lot of times analyzers will just use stations where they had positive catch, but we didn't do that.

We reported the catch-per-unit effort as number of individuals per 100 hook hours. I just arbitrarily chose a hundred hook hours. You can move the decimal point back and forth to get per hour or per thousand hours. When you're trying to characterize catch and discards, you try to stratify to try to improve your accuracy. You do it by a statistical zone or some metric of area.

You can do it by depth and then you have different time metrics. A lot of times you wind up with missing cells; and to fill in those missing cells, what is commonly done is you use a generalized linear model. In this instance I chose a negative binomial regression model. A negative binomial distribution approximates these data, which are discrete and have a lot of zeroes. There are other distributions you can choose, and I'll talk a little bit more about that later.

For this model, I looked at dependent variables; the kept catch, which is the catch that was eventually sold and then the catch that was used for bait. We lumped those two together. Then you had the discarded catch. To describe these dependent variables, we had four categorical variables; year, trimester, statistical zone and depth, and then a continuous variable. Now, the statistical zone – I'll show you where they were in a minute – you can really change this if you want to, if you want to come up with some more biologically relevant metric.

We have latitude and longitude for every station that we fished, so we can group it however we need to. These results are kind of preliminary in that respect as there is a little bit more work to be done on refining the models. I went with 30-foot increments. I tried a greater resolution at depth, but it results in too many missing cells in the GOM. When you have too many missing cells, you can bias your results from a GOM.

I collapsed that and used a coarser resolution of five fathoms or thirty feet and it seemed to work a lot better. I used kept catch as a continuous variable to help describe the discarded catch. If you want to know how many fish that were discarded overboard, it helps to know how many you kept. It turns out to be a useful predictor, but, of course, we can't use that for kept catch.

Here is where we observed the fishing and statistical zone and how it plays out. Basically, that was from 30, which is the bottom part of Georgia and the top part of Florida. South Carolina is 32/33 and North Carolina. The size of this circle here represents hook hours, so the larger the circle the longer they stayed at that station. It gives you an idea of how effort is distributed in the observed vessels.

Anytime you do an observer program, people always bring up questions of sample size and observer coverage. From 2003 to 2007 there were on average about 890 vessels that caught at least one pound of snapper grouper species. However, this is really not representative of the

fishery. Really, only 397 or about 400 vessels landed at least a thousand pounds of fish, and that is really the fishery we're looking at.

We sampled from 24 vessels so you can say coverage was anywhere from 3 to 6 percent, which is on the lower end of the range for an observer program. However, it is not unprecedented. Versus no information, we considered this adequate. A station here is when the boat pulled up to a particular location, stopped and fished. This is how many stations we observed over the three-year program, so we have it by year, trimester, statistical zone. We sampled 78 stations.

In Trimester 1 of 2007 it is Statistical Zone 30, and that could be from more than one trip. On average, the average trip stopped at about 67 different places and fished. In terms of hook hours this gives you an idea of how long or how much effort they spent at each station. This is the average hook hour per station by year, trimester, statistical zone.

To give you a sense of what a hook hour is, an average trip spends about 40 hours of fishing time; not running, they're actually stopping and fishing for about 40 hours. They're fishing more than one reel and there is more than one hook on a reel, so that is actually 244 hook hours, so it is about a six-to-one ration.

Just for this presentation, I used an economy of results and I lumped all the different stations together just to report the average kept catch here, but for the report we can break it out by any means that we need to. You will see that some species are highlighted, and these are just species that we chose to report the GOM results and the length frequencies for later in the presentation. We felt you may be the most interested in these species, but when we submit the report you can do it for as many species as we need to. The most common kept species was vermilion snapper followed by gray triggerfish, red porgy, scamp and so on.

For the discarded catch, the most commonly discarded species is red porgy followed by vermilion snapper and scamp. These are mostly regulatory discards. If you combine all species together and you start to look at the percentage of discards – I'm giving this to you by year, trimester, statistical zone – of all individuals you kept on average 288 individuals per 100 hook hours in, say, Statistical Zone 30, Trimester 1 of 2007; and on average you discarded 126 individuals, which is about 30 percent of the total catch; if you sum across all the time metrics at the bottom row there, you can see that your percent discard ranges from about 9 percent to 22 percent, and average over the entire study is about 19 percent, so you're throwing back one out of every five fish you bring on board; or said another way, you keep four fish for every one you throw back.

Now, getting into the GOM results, looking at year, the discarded catch of red snapper goes down from 2007 to 2009 and the kept catch goes up from 2007 to 2009, and this is because you had an age class of red snapper that grew larger than the minimum length limit. You tend to catch more red snapper in the southern part of the study, Florida and Georgia, and it drops off the further you move north.

You talked about wanting depth information; we have a lot of depth information from this study. I separate it by discarded catch and kept catch and they both come out to show that on average you're fishing in about 120 feet of water or 125 feet of water. Vermilion snapper, it looks like catch dropped off in 2008; again more prevalent in the southern part of the study.

For the depth distribution of vermilion snapper, you get this spike at 60, and the only thing I can figure is that there is a reef somewhere that is shallow and it gets quite a bit of fishing effort and the catch rates are pretty high. For red porgy, again catch dropped off in 2008. You see spikes in Florida and the southern part of South Carolina. That is Statistical Zone 32. They have a deeper average depth of catch.

Red grouper, discarded catch really dropped off from 2007 to 2009. You start to see more grouper the further north you move into the northern part of South Carolina and North Carolina. For gag grouper, a similar distribution across statistical zones; you start to catch gag the further north you move. Again, you get this spike around 60 feet, but the average depth is still greater than a hundred.

These are length frequency distributions for red snapper in each year. I think this is fork length, and I bend them into a centimeter group. Then you've got the frequency of occurrence or the number of fish we measured. You can see in 2007 the majority of the catch was beneath that red line, which is the minimum length limit, and then that cohort grew and it outgrew the minimum length limit and so you started having more kept catch.

Vermilion snapper are mostly distributed larger than the minimum length group. Red porgy, you can see an age group moving through there. The groupers, to a large extent, are greater than the minimum length. In terms of the condition of the discarded catch, 17 fish were designed as absolutely unresponsive when they were thrown overboard, and that is about 0.3 percent of all the fish we looked at.

This is considerably lower than the only other study I could find out there for this fishery, which reported it to be as high as 23 percent and about 10 percent for most. This is mainly because of a designation difference. If a fish was lively but it was only swimming at the surface, they considered this fish a mortality whereas the current study did not. We only considered it a mortality if it was absolutely unresponsive.

The physical appearance of the fish – again, I only did this for the five species, but we can do it for more – for gag you had about 19 percent were normal on appearance; about 79 percent had the stomach protruding. For red snapper it looks like 62 percent were normal and about 37 percent had the stomach protruding. Overall, all bycatch species, about 90 percent appeared normal.

Some things we still need to do before we submit the report in a few months – I used this negative binomial distribution because it handles discrete data well and it handles the large degree of zeroes that you get in data sets like this. There are more sophisticated distributions

available now, such as the Zero-Inflated Poisson or a Zero-Inflated Negative Binomial. These are sort of analogous to the Delta Lognormal Method you may have seen NMFS use in the past.

I used a statistical program called SASS to do this, and they're just starting to implement the zero-inflated models. I tried them for red snapper and one other species and I couldn't get it to converge, but it may just be a function of SASS not working properly. I was going to try a different statistical package and see if I can make them fit and see if they did a better job.

We need to do the routine model diagnostics to vet the models. We used the kept catch as a predictor to tell us what the discards were, and that is a good idea I think, but you also may be able to use the kept catch from other species. Certain species associate together; so if you know how many of one species you caught, it may help you predict how many discards you have from another species, so we can try these associations.

Then, finally, we need to put in a factor in the GOM the vessel that they were observing off of and the port it came out of. Now, if these two metrics fail to be important or significant in the GOM, it doesn't mean that all vessels are alike; but if they are significantly different, then you have to raise an eyebrow and start to wonder if you have enough coverage.

I tried the vessels for red snapper and the model didn't like it. They didn't basically differ statistically across vessels, but I still need to do it for all the other species of interest, and I need to also look at ports. That is about all I have to say today.

MR. HELIES: We were fortunate enough to receive some additional funding through cooperative research in the last funding cycle for an additional hundred days. I'm curious to see what the results are going to be after we have some new regulations. These projects occurred prior to any – all we had was the two-month spawning season closure for grouper. I'm interested to see how the data works out after we have another full season with the regulations in place. Do you guys have any questions?

DR. CHEUVRONT: Can you put the slide back up that shows your dependent and independent variables? I appreciated the fact that you addressed the issue later on about the idea of kept catch influencing the discarded catch, whether you're keeping the same species involved or not or whether you're just doing the other species, because clearly with a binomial distribution – for those who don't understand it, either it is one case or the other; it is dead or alive; it is kept or it is discarded.

You've got two separate dependent variables, so when I saw this I was wondering how you were going to handle that. My concern would be is that even if you're looking at kept catch for other species versus discarded catch, you're going to end up with – my guess is that is what going to be driving the bus on your analysis when you get to GOM.

Because they are so hugely related to each other, I think you're going to have a really high correlation between those events. It sounds like you didn't get the GOM models to run yet, but I

would caution you to include that variable and run it again without the variable in there because you need to get some kind of an impact of what is the – how much of that is driving the bus.

I mean, you're going to calculate an R-square or something in there, I'm assuming, at some point to figure out how much of the variability you're accounting for, and I think that is going to be really important to determine how valid these models are. My concern is that I'm just not sure that they're independent of each – your dependent and your independent variables may not be totally independent of each other, and that causes some concern for me from a statistical perspective. It's like if you're putting your kept catch in and you're modeling to your discarded catch, those are highly related to each other. Do you understand where I'm coming from? I may not have articulated that very well, but you can see what my statistical concern would be there.

MR. RABORN: I would hope that they would be highly correlated because then it would explain and predict the discards. I did get the GOMs to run; I got it to run with a negative binomial model. I just didn't get it to run with zero-inflated. But, you know, you go to a station, they keep a certain number of fish and they go back and they report it and turn it in and get paid for it.

What we're trying to find out is how many they discard; and if I can show that we can successfully predict the number of discards based on how many fish they kept, well, that is a good thing. Now, we can further stratify it by a statistical zone, depth, trimester or what have you, but it may just very well be that is the only variable you need, and then that will be a simple thing to estimate bycatch. You just say, well, how many fish did they turn in, you have this scaler that multiply by, and that tells you how many discards you had.

DR. CHEUVRONT: Have you figured out an R-square for that relationship?

MR. RABORN: You don't really figure an R-square for a negative binomial model. There are other model diagnostics that you can use. There is a very recent paper that does a lot of simulations to help you show how well your length function does and how well your covariates do and make sure that you've entered them into the model correctly. I have yet to do that, but I plan to. In the report you will see the full diagnostics for each model. I'm sorry I didn't put many Greek letters in this presentation, but I didn't figure the council wanted to see it.

DR. CHEUVRONT: Yes, and I understand it and I think that was totally appropriate. It is just that even if that relationship is very strong, that's fine, that is something that you would like to know. My concern is being careful with the statistical assumptions.

MR. RABORN: Yes, I'll have a section that lists every statistical assumption we're making and why we think we're okay or what the dangers are. I want to reiterate we're not using kept catch to predict kept catch. That's kind of ridiculous; you can't do that. Okay.

MR. HARTIG: I have got a short question and a comment. On your regulatory discards, did you happen to separate between time of year like when the season was closed and a size discard?

MR. RABORN: Yes, we have all that information. We know exactly when and how large the discards were versus the kept and all that, so we'll know if it is regulatory or a moratorium or whatever.

MR. HARTIG: And the comment I had was your depth data was instrumental in developing the commercial depth for release mortality in the red snapper data workshop, so it was really nice to find some depth information finally to corroborate what the commercial fishermen have been saying all along. It was really good.

MR. HELIES: I appreciate that. This has been a project that is really dear to my heart because I was there from the beginning. I kind of got promoted into my current, but being an observer out there with the guys, it was really a fruitful experience for me. I really enjoyed it and I've grown as a person from it. Hopefully, something good will come out of it. I know these are really troubling times and hopefully something good will come.

MR. CURRIN: Any other questions or comments? I see none; thank you again very much. I look forward to the full report. Mr. Chairman, I think we will recess our Snapper Grouper Committee until 8:30 in the morning.

(Whereupon, the meeting was recessed at 6:00 o'clock p.m., June 8, 2010.)

JUNE 9, 2010

WEDNESDAY MORNING SESSION

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The Snapper Grouper Committee of the Whole of the South Atlantic Fishery Management Council reconvened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Wednesday morning, June 9, 2010, and was called to order at 8:30 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: We're going to reconvene the Snapper Grouper Committee as a Committee of the Whole. We will take Mike Cahall's presentation on the ACCSP Quota Monitoring later in the day when it is convenient, between a couple of our agenda items or dependent on how much progress we make, perhaps in between. Our next agenda is Amendment 17A. Kate Michie is here to discuss the comments on the DEIS. Kate, I'll turn it over to you.

MS. MICHIE: All right, thank you. The DEIS for Amendment 17A, we actually received 37 written comments. Twenty-nine commenters were opposed to some or all of the actions in 17A. Four commenters were generally supportive of the amendment but suggested even more conservative management measures. Three townships and one county, all in South Carolina, submitted resolutions to the agency in opposition of the proposed implementation of the closed area.

For the MSY proxy action, two commenters opposed the use of F 40 percent SPR. Three commenters supported the use of F 40 percent SPR. For the red snapper rebuilding plan action, two commenters thought the current rebuilding preferred alternative was too long. One commenter recommended that we use Frebuild in the projections and accept projections that achieve the minimum allowable chance of rebuilding the fishery by 2044.

For the management measure actions, one commenter recommended adopting the smallest possible area closure. Two commenters felt that the council should adopt contingent actions to reduce the area further depending on the outcome of the new stock assessment. One commenter opposed the exemption for spearfishing. One commenter supported the choice of exempting black sea bass pot fishing within the closed area.

Two commenters recommended that the council choose a larger closed area. Two commenters were concerned the proposed closed area will shift fishing pressure into surrounding areas. Twenty-six commenters were generally opposed to any area closure of any size. Three commenters felt it was unfair that the states of North and South Carolina were not included in the area closure while Georgia and Florida were.

For the circle action, two commenters supported the required use of circle hooks north of 28 degrees and two commenters opposed the circle hook requirement. For the red snapper monitoring program, four commenters supported a fishery-independent monitoring program. One commenter recommended a portion of the ACL be set aside for research-related mortality. One commenter recommended an additional effort to improve recreational catch data and fishery-dependent information.

There were several comments on issues other than the ones that I just listed above. Eleven commenters cited flawed data as their main reason for opposing the actions contained in Amendment 17A. Two commenters requested that for-hire and commercial fishermen actually be bought out by the federal government if they wished to do so.

One commenter felt the council and NOAA Fisheries Service were conducting inadequate outreach regarding actions in Amendment 17A. One commenter requested a larger discussion of the potential effects of the new SEDAR assessment that is coming out. Since that comment has come in, additional discussion has actually been added to the document. That's it.

MR. CURRIN: Thank you, Kate. Any questions for Kate on the DEIS for Amendment 17A? All right, thanks very much. We're going to move into this document. We're scheduled to consider approving 17A for the secretary at this meeting. I would ask that the committee, as we go through here and we're going to consider every action, to please – we have preferreds on everything. If there is some desire by someone to change something, then let's get a motion on the floor and we'll discuss it and vote on it and move on.

We've got a lot of work to do today, five or six amendments – I can't keep up with them all – on our plate, so let's try to move as expeditiously as we can. I have to leave today at the end of the

day, close to 5:30, to catch a plane home. I hope we can get through as much of this as we can. No emergency; a high school graduation. All right, George.

MR. GEIGER: Mr. Chairman, I wanted to confirm with Kate that the DEIS contained as our preferred alternative Alternative 4D as opposed to the new proposed preferred alternative that was voted on at the last council meeting.

MS. MICHIE: Yes, the version that was filed had 4D as its preferred alternative.

MR. CURRIN: Thank you, George. All right, Rick, we're in Attachment 10. If everybody wants to bring that up, you can follow along.

MR. DeVICTOR: Okay, the first action is a proxy for maximum sustainable yield for red snapper. As you know, MSY is unknown so you're voting on a proxy for maximum sustainable yield. Alternative 1 is no action, so currently what is on the books now is to use F 30 percent SPR as a proxy for Fmsy.

Then you see three alternatives there; one highlighted. Alternative 2 went out to public hearing and what got filed with the DEIS. Then in March you decided to go ahead with Alternative 3, to change the preferred and add that last statement where the Fmsy proxies will be specified by the council. That is the difference between 2 and 3.

We're looking for a bit of housekeeping here because what you did in March was just change the wording of your preferred, which left Alternative 1 and 2. What you could do is leave that Alternative 2 in the document – it has already been evaluated as that is what got filed – or you can move that alternative to the rejected alternative appendix. As you recall in March, you looked at the National Standard 1 Guidelines and clarified that the proxies are set by the council, so maybe that Alternative 2 is not a reasonable alternative.

MR. CURRIN: Suggestions or comments. Mark.

MR. ROBSON: I would like to make a motion, **Mr. Chairman, that we change the preferred alternative to Alternative 1, changing from the 40 percent SPR proxy to 30 percent SPR proxy.**

MR. CURRIN: Motion by Mark to change the council's preferred alternative to Alternative 1, and this is on the MSY proxy alternatives, which is F 30 percent SPR. Seconded by Ben. Discussion or comments. George.

MR. GEIGER: I guess I need to get an understanding and protocol of what this will mean in terms of SEDAR 24. Much to the contrary of what we've been hearing, what we do here today with reference to 17A I believe almost a moot point unless, God forbid, SEDAR 24 does not come back with the rosy picture that an awful lot of people hope and suspect it will or anticipate that it will.

In the event that it doesn't – you know, the whole purpose of moving forward is because we're legally bound to do so and we have actionable science which mandates that we use it to move forward. SEDAR 24 ultimately will make the decisions that we're going to angst over here concerning 17A, again moot because that is going to be the vehicle, SEDAR 24 in December, along with what we heard yesterday from Dr. Ponwith with regard to the longline catch data and the efforts that they're going to employ to try and get that ready for inclusion in that decision-making process in December, which will be an opportunity to again address the proxy that we select at that time. Correct me if I'm wrong.

I just believe that if we're going to have the opportunity to move forward here and we have a stock assessment that we're required by law to work off of, which is what mandated us to develop Amendment 17A, then I would argue that we should be more conservative and precautionary as we move forward because ultimately it may be required that we look back towards it in the event that SEDAR 24 does not turn out to be as rosy as we hope it is. I would not speak in favor of changing the recommended proxy from that which was developed by our SSC.

DR. CRABTREE: Well, we've had a lot of discussion about this over a number of meetings, and I have become increasingly uncomfortable with where we are on this whole issue, particularly in light of SEDAR 19 – I think it was 19 – red grouper, black grouper and the recent SSC Report. I made some of these comments yesterday. I'm not even going to get into the merits of whether 30 percent or 40 percent is the better proxy.

There are clearly scientific arguments on both sides of these. I do want to be clear to you, though, that this is a policy call and it is your decision to make contrary to statements by some on our SSC. I have discussed this at length with NOAA General Counsel and I have discussed this with NMFS leadership in Washington, and that is the agency's determination is it your decision to make.

Now, my concern, as I brought up yesterday, is the process and how we're coming to this decision and how we're doing it. I don't think this is the way to do this. If we're going to make a decision about changing the default proxy or if we're going to move to a more conservative proxy, it needs to be much more carefully thought out, much more carefully that it needs to be a regional decision. This affects the Gulf of Mexico Council as well.

Now, if you as the council simply want to choose this moment to be more conservative, that is within your authority to do that, but if you choose to be more conservative here bear in mind that I think every single argument in the document for 17A can also be applied to black grouper and can also be applied to red grouper. If you make that decision today, you're going to have to be consistent in how you handle this, so this is a big deal.

Right now what seems to be happening are different groups of scientists are coming to somewhat different conclusions. If you look back at SEDAR 15, this was not like a firm, absolute decision by that review panel. It was recommended that we might consider 40 percent SPR. I think what

we ought to do now – and I’m going to vote in favor of Mark’s motion to stay at status quo because I think that is what we ought to do for right now.

We have asked the new assessment to look carefully at reference points and perhaps they’ll actually be able to give us an estimate of MSY and Fmsy and this issue will go away, and we won’t need a proxy. If not, we will get new advice and we’ll look at it and we’ll deal with it at this time. I think we need to ask the Center and the SSC to come up with some way to take a more regional and broader look at the use of proxies, and we ought to think about this much more carefully. Secondly, if we’re going to make a transition to a more conservative proxy, we need to think about how to do this in a way that is not going to be so disruptive.

If we simply switch to 40 percent SPR, we’re going to have many stocks that are going to be undergoing overfishing that weren’t before, we’re going to have several stocks that are going to become overfished that weren’t before, and we’re going to come in and make some deep cuts just because we changed the goalpost.

We ought to think about phasing this in over some period of time in a way that is less disruptive. I would argue that if we get to the December meeting and we have the new assessment and it is clear that 40 percent is the better proxy for red snapper, that we then ought to look at how can we phase this in over a period of time in a way that is going to be less disruptive to the fishery and everyone else.

You cannot phase out overfishing, but you can phase in a new reference point, I believe, and that makes a lot more sense to me than just to come in one day and say we’ve moved the goalpost and now we have another 15 stocks undergoing overfishing and are overfishing. That makes no sense to me, and we just don’t need that right now. We’re buried under controversy.

The public has lost confidence in the science we’re using. We need to make sure we’re doing this right, and I don’t think the way we’re doing this now is the right way to do it. I’m going to support Mark’s motion, and I believe the thing to do right now is to remain at status quo and revisit this issue after the new assessment in a broader regional context.

MR. HARRIS: I’ve studied this issue at length and heard all of the arguments pro and con. I agree with Roy; I think this is something that needs more look. I think we need to consider the regional approach with respect to this issue, and we don’t need to be going off right now on this one species and doing something that is dramatically different, I believe, than what we’ve done on some other species. I’m going to support the motion.

DR. CHEUVRONT: But we have dramatically done this on other species in the past, looking at things like red porgy. There were arguments when that was done to have a lower MSY, and the council chose 35 percent SPR when there were arguments to put it at 30 percent then. The argument was the science is the science. I think what we’re doing now is we are disregarding the arguments that we got from the CIE at the end of SEDAR as well as from our own SSC’s recommendations.

I have a problem with this. I think if we go to F 30 percent SPR as a proxy for MSY, we need to go back and look at the MSYs that we have set on other species and consider then whether we should reduce the proxies for MSY on those. Roy is talking about we need to phase this in if we're going to do this. Well, we've already done some of this in the past, and I think we need to be fair to everybody everywhere and for all the stocks if we're going to change.

MR. ROBSON: Well, I've made this motion a couple of times in the past as well, and I still come back to my basic tenet that this is a policy call. It is not an MSY; it is a proxy. It is this council making a decision about how much flexibility it wants to try to give in rebuilding this stock. We're having a huge impact economically with the actions we're taking, and I think that it is appropriate in this case given – and I don't think we're disregarding the science. I think there is a reasonable amount of information that we have been provided and in fact the 30 percent SPR has been the value we have been using. It is very similar to other values that are being used for red snapper. Again, I have already stated this a number of times, but I feel that this is a policy decision that we can make.

In light of all the impacts we're having, remember we're closing down all fishing for red snapper for the foreseeable future and we're talking about doing a lot more significant actions. I think this is an appropriate decision for this council to make. We have considered the scientific advice and recommendations. I think this is ultimately a decision we need to make as the council.

DR. CRABTREE: And to Brian's point, I don't recall what we did with red porgy, but you may be right about that, but when I say we need to take a comprehensive regional look at this, I mean we need to look at everything. I'm not talking about just sitting down and talking about red snapper. I'm talking about we need to look at all the reference points we're using and are they consistent, are they justified, are they appropriate.

I agree with you, we need to go back and take a look at all of this; but just because we may have done it once before in the past and we may have well had a very strong record for it, that was many years ago, but I don't think that means we need to go down this path right now. I think, Brian, when I talk about looking at this more comprehensively, I am talking about looking across the board at everything we've done and making sure that it makes sense and do we need to make adjustments.

MR. GEIGER: Well, again, last night we heard even from the public recognizing if we were to change this, the potential lengthening of the rebuilding process and the further burden on the state of Florida who is bearing the rebuilding of this stock as it is. We've heard from the management side of NMFS, and I would like for the science side to please weigh in and provide us comment.

DR. PONWITH: The read is, yes, this is a decision to be made by the council. Your science advisors have provided advice. The advice was provided at the close of a very lively debate. Yes, there was a great deal of discussion, but they did land on advice and forwarded that to you. The selection of a proxy in this case is driven by the life history of the species.

Absolutely, there is value in evaluating how you would set proxies. Personally what I would like to see, based on how much time we spent discussing this issue, is amid all the other stock assessments that we're trying to do to keep pace with the reauthorized Magnuson-Stevens Act I would like to throw in a SEDAR special study where we bring in scientists from around the country and outside of the country who are experts in stock assessments to talk about building a framework for setting proxies, and step back from species-specific discussions and address this in a more generic way to set a framework for how these decisions would be made and then start narrowing into region-specific questions of setting proxies for the same species but different stocks in the different areas.

Dr. Crabtree and I have had many discussions about regional consistency and there are challenges. If one SSC does a stock assessment first, should the other SSC be held to the result that they have simply by virtue of the fact that they were first? There are problems with the fact that we have similar species, the same species in cases in both of these components of our wider region, and I think that having some discussions about the merits of consistency and looking at the way we conduct both the science and the management driven by the science so that we can get the timing of being able to evaluate these things comprehensively as opposed to sequentially would be advantageous.

I think having a very broad discussion about the setting of proxies that includes both the management and the science side of the house so there is a clear understanding of the roles and responsibilities and also the consistency among the regions would be helpful.

DR. CRABTREE: Just to Brian's point on red porgy, Jack informs me that the reference point we're using for red porgy now is an actual estimate of Fmsy and not a proxy.

MR. CURRIN: All right, I'm going to get the last word on this I guess because I'm the chairman. Roy and Monica, I understand fully your interpretation that the proxy is a council decision. It needs to be an informed decision. The information that we have and the recommendation that we've gotten on this scientific estimate has come from our SSC.

Not only that, but as far back as I could dig in the amendments addressing red snapper, the recommendations from the scientific bodies were for 40 percent SPR. The council chose early on in the first amendment – somebody correct me if I'm wrong, but that is what I remember from digging at this, and I think I've made the comments on the record before – the council early on chose to select 30 percent, so that is why our status quo now is 30 percent.

It is not because of the recommendations that occurred earlier. I'm uncomfortable with the council not heeding very, very carefully the scientific advice that we have gotten. I'm more comfortable with the 40 percent SPR at this point. I do agree with you and I'm fully supportive of an effort to take a more comprehensive look at this and a regional look. I think that is a great way to go. I'm dragged down from the 40 toward at this point, but I'm not there yet, so I would not support this motion or not be in favor of this motion.

All right, let's vote. **All in favor of the motion indicate by raising your right hand, that's nine in favor; all opposed, 4 opposed. The motion is approved, so we have a new MSY proxy.** All right, Mike Cahall is here. I'm going to let him jump in right now. We'll take his presentation on ACCSP Monitoring Program. After that, we will jump right back into 17A and move ahead, hopefully more quickly.

MR. CAHALL: Mr. Chairman, I appreciate the council's indulgence on my schedule. It is a little bit hectic this week, and I know that you wanted to get this information. My name is Mike Cahall; I'm the director of the Atlantic Coastal Cooperative Statistics Program. I recognize quite a few faces here. This is my first South Atlantic Council meeting.

For those of you who aren't familiar with the program, ACCSP was founded 15 years ago at this point with the intention of working collectively with the various agencies responsible for fisheries management on the Atlantic Coast to standardize data collection for fisheries-dependent data and then warehouse the data so that it can be provided back to the end users.

One of the tools that we have used is the Standard Atlantic Fisheries Information System, and the purpose of my presentation today is to explain this system and how it works and how it has affected changes in data collection and data management primarily in the northeast at this point. The Standard Atlantic Fisheries Information System, which now has the acronym SAFIS, is designed to be a real-time system. It doesn't always function as a real-time system.

It depends on which data collection methodology is employed, and I'll explain that a little bit later. We have found it to be very cost effective because it has avoided individual development efforts within each of the agencies and is a shared system. As such, it was collaboratively designed. The SAFIS System is based on the ACCSP standards, which were collaboratively developed over a seven-year period and had input from virtually all of the participants in the program.

SAFIS is more than just a dealer reporting system. Although it started out as dealer report, what has happened is it is the need for continued systems development, and frankly the dearth of funding and expertise out the field has basically required us to expand it. It now is expanded out into electronic dealer reporting, which is used for federal and state dealer reporting in the northeast and to some degree in the Mid-Atlantic states; electronic trip reporting which is mostly used in the northeast states although we're working now with some of the Mid-Atlantic states to deploy it; eREC, which is for private angler recreational reporting – these are mostly small systems that are targeted for specific fisheries. I will go into a little bit more description a little bit later – and then the central management interface, which contains the mechanism to access the coding schemes to make adjustments to coding to allow for audit reviews, that sort of thing.

SAFIS has a completely automatic auditing interface. SAFIS is a modular, and by that I mean it is intended to have different components very much as the ACCSP is a modular program where catch and effort is identified as a single discipline module. It is a single integrated data base. That means that it doesn't make any difference which agency is collecting the data, they all land in the same place.

In data parlance we call it the schema. It means it belongs in the same group of related objects. It also is combined federal and state reporting in the states that have implemented the system at least in the northeast, so it also used the single set of ACCSP standard codes. All of the data that are collected are in compliance with the ACCSP standards.

We do provide some translation services for some of our partner agencies that pull data back out, but it is all stored in the ACCSP standard codes. We also have a complete catalog of all commercial vessels, dealers and fishermen for the agencies with whom we are working. To kind of reiterate, it is a single system. Initially when we deployed it – and I'll get into this a little more – there was some thought that we might end up managing eight or nine separate systems.

We had a discussion at a meeting probably eight or nine years ago at this point where we just decided as a group that it wasn't practicable to do that and that it made a lot more sense to put it into the same system. We integrated the dealer and the fishermen vessel reporting systems together because they used the same coding schemes. They are using the same reference tables.

For example, the trip reporting system uses the same reference tables that the dealer reporting system does so that you can absolutely match things back together much more easily once you have accomplished your data collections. SAFIS started out its life as a pilot program in Rhode Island. We worked with the Rhode Island Department of Environmental Management. They had a director who essentially mandated electronic reporting with fairly short notice. We had just assisted the state of Georgia in the development of their system, and we lifted Georgia's design, made some modifications to it and brought it into compliance with the ACCSP standards and then rolled it out as the Rhode Island Fisheries Information System.

We then created a second version of it for Maryland and it is current being used – it was initially being used by the striped bass and black sea bass check stations in Maryland and is now used for all of the federal dealer reporting in Maryland and for some of the state dealers. What happened is the northeast region mandated electronic reporting on May 1, 2004, with roughly six months' notice.

We realized that the RIFIS and Maryland FIS Systems nearly met the regional requirements and we offered SAFIS to the region in order to meet that requirement and they accepted. There was a frantic effort over about a six-month period to get SAFIS modified to meet all of the federal requirements. We rolled out the first version of SAFIS on May 1, 2004, and on May 2nd we rolled out the second version, and about two weeks later we rolled out the third version.

Six months is a very short development time period for a system with this level of complexity. It took us about six or eight weeks to get things running smoothly. It has been collecting data in the northeast region ever since. The first generation of the SAFIS System; again, we modified the RIFIS System to become a multi-agency system. We produced different versions.

It knows which partner agency you belong to when you log in. It presents different options depending on who you are. It still uses the same data base. It actually collected the same data.

Sometimes we just label things differently to make things make more sense to folks. Other people were collecting additional data. Maryland, for example, not only wanted pounds; they also need counts of some specifics; those kinds of state-specific requirements.

Again, it used the same coding schemes and we shared all of the dealer, fishermen and vessel permit data. SAFIS actually has three separate data collections methodologies. The blue bar represents the online; and as you can see, the majority of the reports by a slim count are on-line reports.

The “S” stands for the reports that are entered by a PC application and uploaded into the system. This application is specifically designed for this purpose. You have a version of this deployed in the southeast already. North Carolina uses it, Florida uses it, Louisiana uses it. It is commonly referred to as the Bluefin software.

Then, finally, the green bar represents data that are uploaded from outputs of the dealers’ local systems. There is a flexible uploading interface that was developed by the Northeast Fisheries Science Center that will take outputted data from various different tools that the dealers use to manage their own businesses.

That has been very popular, especially with the larger dealers, as it involves months – the conversions that are set up, it involves almost no additional work on their part to get the data into the system. A lot of people ask me how the data move around. This is the application data flow for the northeast region. The data are collected through the SAFIS data base. They are immediately available to the state agencies through state-query tools.

Almost no state agencies do routine downloads from the SAFIS System into local systems simply because of the level of complexity involved. They just work right inside the SAFIS. The data are collected and then there is an automated auditing system that provides output back to both the NMFS field staff and state field staff in jurisdictions.

Where we have both state and federal agencies collecting data, they have now worked a collaborative effort to review, audit and correct this data. This is working very well. Before we had a sort of informal process where the port agents knew who the state people were and vice versa, and they would have phone calls and stuff to work with this.

This has been much more formalized and so we have a synergy between the National Marine Fisheries Service field staff and the various state agency field staff. The data are corrected in the SAFIS data base and then are provided back in its corrected form using the state-query tools. The northeast region and the science center mirror the relevant tables out of the SAFIS data base and their local applications using an overnight process that essentially pulls all of the records that were updated the previous day and post them into a local system.

They have their own suite of tools many of which they have been using for a number of years that they basically modified to use the SAFIS coding schemes. Most of them just did translations; others have actually gone ahead and learned the new schemes. Now these data are

used in their local data-query systems. They're used for quota monitoring and they're used for compliance monitoring.

In the last six or eight months I've moved into the second generation of the system. We rebuilt the primary interface. It was written into called Oracle Forms. Most of you who work for the National Marine Fisheries Service or larger agencies are familiar with Oracle Forms. It has been a mainstay of oracle data base applications for many years.

Unfortunately, Oracle has decided to desupport it and they had a lot of issues with the newer browsers, so we rolled out the new version in January of 2010. While we did that, we went ahead and completely integrated all of the different pieces. We have been doing development kind of piecemeal where the EDR was developed separately with the trip system, and now what they have done has been integrated together with a single sign-on.

For example, if you are a federal dealer in one state and a commercial fisherman in another, it knows that; and when you log into the system, it allows you to either access your federal dealer account; or say you're New Hampshire fisherman account, whichever you happen to be doing. We also made some significant enhancements to the SAFIS Management System to allow the agencies to better tailor the look and feel of their various versions and also better access for the results of our automated audits.

The Electronic Dealer Reporting System, we are already working to expand it into the southeast region. We're working with the states of South Carolina and Georgia. This has presented some interesting challenges because in the northeast the data for dealers is reported in one direction and the vessel trip reports in another.

In the southeast they're reported together, so in a sense we had to combine some of the components of the system together in order to meet the split-ticket data collection requirements. As I said before, Florida and North Carolina are already using the PC-based application, so our discussions that we've been having – Steve Turner is our primary point of contact on this – we're going to integrate all of this together in order to implement an electronic dealer reporting solution for the southeast.

We have a target date of August 1st to get the applications running, and I think it is going pretty well. We are working right now on building the data exchange components much as we had for the northeast region. We have to get the data back down to the state agencies, and we have to make sure that the southeast region and science center have immediate and unfettered access to any information that we collect on their behalf.

The eTRIP System was build in response to some requests from a number of our agencies in the northeast region. Many of them had species or fisheries-specific trip data collection systems. None of them were electronic. They were either hand-keyed into spreadsheets or local access applications as a fairly familiar story, and we were asked by these agencies to help build a system that we could provide to them.

What we did is we pulled together a team or a subset of one of our reporting committees and they developed the requirements for this system. Again, it is built on the ACCSP Trip Standards. We've found that the standards actually have stood the test of time very well over the course of this. The requirements were developed over nearly a year-long period.

Again, it is based on our trip reporting standards, so there is a single trip report with multiple efforts and multiple catches per effort. It has to use the ACCSP Coding Standards and it has to be able to support both commercial and recreational trip trips. In the ACCSP standards, for any who aren't familiar, essentially the difference between a commercial and a recreational report is a flag identifying it as either a charter/headboat or a commercial trip.

We had to add a couple of data elements for recreational trip reporting but not many, so it was actually straightforward. The eTRIP System now is integrated into SAFIS. It was initially deployed as a data entry tool for some of our partner agencies. It works in either way. You can either deploy it as a single individual's data entry tool where an individual fisherman would log into his or her account and provide their catch data or it can go into what we call a data entry mode, which has less help and is designed to be used for data entry clerks.

Many of our program partners are using it in sort of the split mode. There is a younger generation coming up who are very interested in using on-line reporting and frankly an older generation that is not, and so in many of our states we are doing it in both directions. It replaced any one of a number of stand-alone systems, the so-called stovepipe systems based on various spreadsheets or data basis in the various state agencies.

Again, the eTRIP System is integrated into EDR. It uses the same table structures, the same codes, the same references. As such, in states that have deployed both side of this, it has made the dealer report matching much, much easier. We have been constrained from making the matches automatically only because of concerns about confidentiality.

The system could quite easily, as the vessel enters its report or a dealer enters his report, the vessel says, you know, "I sold to this dealer" and the system can go back and say, "I have a dealer report from you that the dealer identified as from this boat on such a day; do you want me to start this out as your building block?" We didn't do that because there were a lot of concerns about confidential information being shared, but the system could easily do that.

In addition we had to add some stuff that is not part of the ACCSP standards. The ACCSP standard never included lobster carring, for example, and the allocation of percentage of the catch amongst the various fishermen as well as direct sales by fishermen, but those have all been integrated into the system as well.

Where we are right now with eTRIP System, we're collecting a hundred percent of state trips in Massachusetts and Connecticut. These states are achieving near-perfect matching with their dealer reports. I mean, we're talking 98 percent. We're working partially in Maryland, New York and Rhode Island in specific fisheries. Our first charter/headboat deployment was about six weeks ago in Maryland.

We are working with the Maryland Department of Natural Resources now to streamline the application. This is the first time we've tried to work in the charter/headboat fishery. The ACCSP standards can be a little confusing and so we're relabeling things and trying to streamline the flow to make the charter/headboat version a little bit more user friendly.

The eTRIP System, as I said before, is deployed in commercial and recreational. Also, the eLOGBOOK System, which was what we used to call eREC System, is deployed in the New Jersey Striped Bass Bonus Fish Program. Basically, fishermen who volunteer to report online report their catch as well as some very basic biological information, very basic effort information; you know, what kind of hook did you use; in a fairly large area, where were you, how many animals did you get and how many animals within a certain size range did you get, and then New Jersey awards them a bonus card that allows them to catch some more fish.

My understanding is that it has been fairly successful. Massachusetts also has a very similar program using different multispecies. These are not intended to be comprehensive systems, but they are intended for specific species targets, which we built at the state's request. They're a little bit outside our normal purview, but they were easy for us to integrate into the system and met the needs of these folks.

We have had some more interest from other of our partner agencies for these – these are essentially private angler data collection systems. For eTRIPS and the directions that we're working on right now, we're working on a flexible collection option so that we have similar flexibility with the dealer reporting system.

Our goal is to create an upload module so that folks that use local systems to manage their own information would be able to upload data directly into the trip reporting system. We're also working with some VMS vendors to integrate a VMS portion into the system. It is mostly intended in our point to be an option so that if we have VMS requirements from our program partners – and I have to be specific here. We are currently not collecting data in VMS fisheries.

We are only collecting data from our state agencies. However, we know that it is coming for not only – it is coming for the state agencies and we wanted to be able to integrate that into the system. We're also working on the expansion of the scope. Those of you familiar with the program know that we want 100 percent of reporting for all fisheries across the spectrum for both trips and for dealer reporting. That is fairly standard for the program, and we're working to integrate it in with the southeast state reporting as well.

The eREC System; again, this is what we call our private angler reporting. New Jersey basically wanted us to create something for them to report striped bass. It was a fairly straightforward system. We used again the same basic table structures that our trip reporting systems used and made some minor modifications. We had to add a few components, some track bonus cards and things. My understanding is that has been pretty successful.

We've also used as much of the existing SAFIS structures as possible. Although we had to mirror them to create recreational components, we now, for example, have a copy of all of New Jersey's striped bass licenses. It has been very interesting cross-referencing them with the commercial licenses.

We created a separate permit structure, but we used the same participant data; so now inside SAFIS, if you have a recreational permit, we identify you uniquely as an individual and then we can identify your commercial and recreational permits pretty easily. It has usually been integrated into the existing state websites.

We've had to modify SAFIS to look like New Jersey's website or Massachusetts' website or Connecticut's website, and that has been a little bit of a challenge. It is a seamless transition for most of our end users. Whether or not they're sitting on the Massachusetts' website or they have been transferred into the SAFIS System, the idea is for it to maintain the same look and feel that they have as they have been working.

We hope, as we're working with our eREC System – the systems that we currently have deployed are kind of like the RIFIS and the Maryland Fisheries System, where they were runoff systems that not integrated together – we're trying to integrate the eREC Systems together into a single hole. It makes it easier for us to offer them to our program partners as basically, you know, we've got this going, and it is very easy for us to create a version for you, tell us what you want it to do.

We do have continued interest from more of our partners. These are certainly not intended, I want to emphasize, in any kind of comprehensive data collection for the private angler fishery. They're runoffs for specific fisheries or for specific gears or for a specific need, for example, the bonus fish program.

Just to give you an idea of the changes that SAFIS has created on the Atlantic Coast, one of the reasons you guys haven't heard that much from us is you've been in pretty good shape in terms of ACCSP's priorities for the recent past. Because you have your integrated state/federal reporting and most of your states have been collecting trip level data for a long time, we've provided support for some of the states, but we haven't had to do a lot in terms of working with folks to get a hundred percent reporting.

An example, we helped Virginia modernize their data management system. We did the same for Florida and Georgia, actually. We also provided technical support for the South Carolina modernization. They were already collecting data at trip level, and mostly what we've been doing is providing technical assistance either through contractors or with our own direct staff support.

In 2004 the southeast was already in compliance with the ACCSP requirements for commercial catch/effort data collection, but as you can see, no one in the northeast was. The first states to roll out the SAFIS System were Maryland and Rhode Island and then New Jersey and

Massachusetts and Connecticut and then New York and New Hampshire and then Maine, and then some of the other states integrated electronic trip reporting into the system.

As you can see, at this point all of the states on the Atlantic Coast are compliant with the ACCSP data collection standards. Some are above and beyond in the sense that they are collecting both the trip level data from their fishermen and their dealers. The minimum requirement for the ACCSP is that we get either a dealer report or a vessel trip report, and now many of them have gone above and beyond.

The SAFIS System enabled us to implement the 100 percent trip reporting requirement I believe significantly ahead of any schedule we might have hoped to accomplish if we had worked individually with each one of our partner agencies to develop their own internal systems to get the job done.

This is one of my favorite charts. This is the data that is in the ACCSP Data Warehouse. This is the chart that shows the level of specificity of the data and its completeness. In essence, the oldest data that we have in the system, which is summary data we pulled out of the historical sets that NMFS Headquarters has, is highly summarized. Much of it is annual.

Basically, as you go down the chart moving towards 2009, which is the last data we have in the system, the data becomes gradually more trip level. What SAFIS did, when we first got it going in 2005, it immediately transformed one of the states and as we moved closer to 2009 you can see we have a much better granularly of the data.

We have trip level data now from virtually all of our program partners and this has made a dramatic improvement in the data warehouse. It has also made it much easier for us to transfer data into the data warehouse because the SAFIS data are housed in the system that is directly compatible with our data warehouse. The data base designs are very similar so it is very easy for us to write jobs to move the data back and forth between the SAFIS System.

In fact, a lot of the daily program that our folks do is actually through a snapshot of SAFIS that is connected through our data warehouse, so you can actually get a continuity of data all the way back through our data warehouse right up to the prior day. Now, granted, we have to provide that data with a lot of caveats because those are raw numbers. Current data is always raw numbers.

You don't want to use it beyond quota monitoring until the data is at least 60 or 90 days old. What SAFIS has really done is providing near real-time data in the fisheries where we're using the on-line reporting. These data are available immediately. State agencies who query the SAFIS data base directly can watch their quotas anytime they want and monitor it either through a direct data connection or through some snapshots we provided through the data warehouse. The regions do their daily snapshots and so they have prior days' data in order to do their quota monitoring. It has also eliminated a lot of redundant reporting. In the agencies that are using it, the states accept the federal reports for all of their state dealers, and the feds accept the state reports for their dealers that have smaller catch.

Now, in our rule is the federal licensing trump state; so if, for example, a dealer switches over and gets a federal permit, we switch them in the system to show up as federally managed instead of state managed although they still have both the state and federal dealer permits. It has proven to be readily adaptable. We have been able to make modifications to meet individual agency requirements, and it is very easy to deploy.

Since it is a web-based tool, there is no installation overhead on the local PCs. The tool that we're using provides a very simple HTML back to the PCs, so there is no issue with what kind of a browser are you using. It works on chrome, it works on IE, it works on Mozilla, it works on all of it. Because it has the integrated modules, it has also standardized the auditing of the data.

The audits inside SAFIS now are table-driven. They are agreed to – there is a common standard that is used. We have a subcommittee of one of our standards' committees that busies itself with audits and making decisions about what we're going to look at and how to validate this information. These are sort of standard things; you know, gears that don't make sense or areas that are out of range, pricing that doesn't make any sense; you know, did you really mean pounds instead of bushels, that kind of thing. That has all been automated inside the system.

We have been working with John Woodsick's process improvement teams and made some adjustments to the audits based on the quality management program that is going on in the northeast. I have a couple of examples of some changes that SAFIS has made in our various partner agencies. Maine had a terrible time monitoring their fluke quota and they have exceeded their quotas year after year, and in one case exceeded it by the equivalent of seven years.

The SAFIS System automatically distributes quota monitoring e-mails to program partners that configure it to work that way. The fisheries managers in Maine get an automatic e-mail everyday showing them the status of the fluke quota, and they're much better able to manage that quota. Ever since they've switched over, Maine has not exceeded their quota, and they've come within a few percentage points every year of making their quota.

It is making it much easier for them to manage the species and it has been better for the fishermen because there haven't been exclusions from prior year quota overages. Massachusetts didn't have a complete data set. They were not doing a hundred percent data collection. They used SAFIS as the tool to implement a hundred percent data collection.

They're able to provide much better value data for the legislatures. This is a very valuable tool when you're going after money from your state legislatures; you know, how important is this fishery, how much revenue does this generate. It also is able to provide NMFS with much better and faster data for the Fisheries of the U.S.

ACCSP has taken over the data-gathering role for catch/effort data on the Atlantic Coast for Fisheries of the U.S. and it has worked very well, and SAFIS is a good chunk of the reason why. Here is an example of kind of the data gaps that were filled. As you can see, in many of these fisheries they had virtually no data. When they implemented the mandatory reporting using the

SAFIS System, they got much more comprehensive data collection. They're much better able to monitor what is actually going on and make appropriate decisions based on that.

In New Jersey it has dramatically reduced their staff time because they're no longer manually keying paper reports. Any of you who ever worked with paper reports know what kind of shape they show up in. Sometimes they're written in pencil and they have fish blood all over them and that sort of thing.

They have been able to get much better data, they're getting it faster and they have been able to get the fisheries data separated out from the other information that they store locally. There is always local politics involved with information management and the SAFIS System has largely pulled that out of the equation for many of our state agencies.

The eTRIP System allows the fishermen to enter their own data. We also provide access to that data for their fishermen so that at any time they want to log in and see how they're doing, how much of this have they caught over what period, that sort of thing, we have reports that allow them to do that, and it also saves, of course, time and postage. The system automatically generates a receipt when they save the thing and it e-mails it to them.

In Virginia – this is a little bit of an interesting story, an unanticipated benefit actually – they have anyone on staff to manage compliance coordination. SAFIS EDR collects the federal dealer reports for Virginia. Virginia has no mandatory dealer reporting program. They collect all of their data through fishermen trip reports. What we do, in order to come up with the total landings for Virginia, is we combine the dealer reports with the fishermen reports.

Well, what happened was, when we did that, we found a whole pile of dealer reports that had no corresponding fishermen reports. The dealer dutifully reported which fisherman it was and what boat it was and what their license was, and there should have been a corresponding report in the fisherman-reported data that Virginia sent to us. Now every year we generate a delta report for Virginia. Virginia sent out their enforcement folks and all of a sudden these trip reports started coming in.

That has helped Virginia's compliance a lot. In the northeast region we are now able to provide them data almost immediately. They do have access to directly query the system, but they continue to use their overnight replication. The data quality has been vastly improved. You cannot put invalid codes into the system. You cannot put people that don't exist, you can't put species that don't exist, you can't use codes that don't exist, so that has stopped that.

Also, the automated auditing process has dramatically improved and standardized the auditing. Instead of riffling through the pages – your process was essentially your port agents would riffle through the pages; that doesn't look right; well, why doesn't that look right; well, I know that it is not right; well, why do you know that is right – these are kinds of questions that we went through when we worked with the port agents and the state agencies to develop the audits.

Now they also have much more responsive quota management because their data is much closer to real time. In terms of the entire coastline, SAFIS is extremely cost effective. It is managed inside the ACCSP's Operating Budget. I estimate that it has had about an \$8 million development cost avoidance, assuming that each individual partner agency developed their own electronic reporting system.

I believe the yearly cost avoidance in terms of maintenance, the cost of maintaining your local licenses, your hardware and your staff at roughly a million dollars coastwide. It also has promoted coordination and cooperation. We have a lot more people looking directly at the data. Instead of maybe one port agent looking at the data and keying it in, you now have the data being keyed in by the dealer and then it goes through the automated audit. The state guy looks at it, the federal guy looks at it, so that the data is subject to a much more rigorous review, and we believe is of much better quality. That's about it.

MR. CURRIN: Mike, thank you very much. We've got time for a couple of questions. It's very impressive with how far you guys have come in a very short period of time and exciting future ahead as well. Rita.

MS. MERRITT: Mike, does your system have any state reporting models that include tournament breakouts, research or display; any removals that come across in the data accounting for those kinds of things?

MR. CAHALL: The commercial data collection does have research set-aside as part of its capabilities. The whole tournament fishing data collection thing still remains a great unknown. Frankly, our focus has primarily been on commercial data collection, but we do have the research set-asides in our commercial data collection system. We're looking towards MRIP to kind of tell us how to handle the tournament data collection.

MR. WAUGH: Mike, with your presentation today and Steve's yesterday, it seems like the two systems are finally coming together. This council has worked diligently in ACCSP from the start, but where we have stumbled is getting these requirements implemented in our FMPs and in the southeast. We're particularly running into issues with quota tracking overages, and now there are going to be penalties.

It seems like now all the partners, including NMFS and the southeast, are in a position that we can implement ACCSP modules through our FMPs and get the same type of timely monitoring and reporting of data that we're getting in the southeast. Is that sort of your feel in working with Steve?

MR. CAHALL: Yes, I think so. Honestly, the kinds of issues that are being raised with the data collection in the southeast are similar to those that we faced initially in the northeast. There are technical considerations. There is a widely held belief that there will be a lot of resistance from the dealers, that they don't have the high-speed internet connections, although the SAFIS System will work on a lower speed; that there will be all kinds of data integration issues in the back end.

These are very similar to the kinds of issues that we dealt with in the northeast. I think the model here is a little different. Because you have much better established state data collection systems, we would have to make substantial changes in the way the states do business in order for them to adopt the system. Since there is no federal dealer reporting system, per se, you're using the state systems, the approach we would have to take to do it might be a little bit different. There is certainly no technical reason that we can't do it.

We have data connections already to the computer systems in the science center and in the region. We do data exchange. The yearly summary data that is used by the ALS System comes from us. I believe that we could do it. It is just a matter of we'll have to work through the approach.

MR. CURRIN: Thank you very much. Brian, I know you had a question. If you can grab Mike during the break and talk to him later, I appreciate it. All right, let's shift gears and get back into Amendment 17A. I think our next action is a rebuilding plan, and I think that is on PDF Page 209; is that correct, Rick?

MR. DeVICTOR: That's right, 209. You have four alternatives. Alternative 1 is the no action alternative. There was a rebuilding plan for red snapper that expired in 2006. Then the next three alternatives deal with various times that you will be expected to rebuild red snapper. Alternative 2 uses what we call T_{min}, and that is 15 years.

Alternative 4, which is your current preferred alternative, uses what we call T_{max}, and that is 35 years. That is T_{min} plus one generation time of red snapper. Alternative 3 is the midpoint between T_{min} and T_{max} so that is 25 years. Again, your current preferred alternative is the maximum allowed by law, which is 35 years to rebuild red snapper.

MR. CURRIN: I assume there is no desire by anyone on the committee to change that preferred alternative. All right, Rick, no desire to make any changes here.

MR. DeVICTOR: Okay, the next action is the rebuilding strategy portion of the amendment. This is PDF Page 215. This actually contains annual catch limits, optimum yield and accountability measures to this. Just a note, Table 4-3, we have a summary of total kill required; we will be sure to change that to "allowed". That change will be made throughout the document.

The table basically describes the various alternatives. They are a percentage of the Fmsy proxy. I think what you're going to have to do here is – again, we have the tiering process that goes throughout amendment where your choice of Fmsy proxy gets carried on, your choice of rebuilding schedule gets carried on; so just as you changed your preferred alternative for the Fmsy proxy to F 30 percent, you probably will need to change your alternative to Alternative 6, 7 or 9.

Your current preferred alternative, as you see in the table, is Alternative 5, and that is Frebuild. What that means is that has a 50 percent chance of rebuilding in 35 years. If you were to choose

a corresponding preferred alternative to that, that would be Alternative 9. It is the very last one, which is 98 percent of F 30 percent SPR.

MR. CURRIN: Okay, because of the previous motion, we've got to do something here to be consistent. What is your desire? Mark.

MR. ROBSON: **I would like to make a motion to change the preferred alternative to Alternative 9 so that we use Frebuild for the OY estimator.**

MR. CURRIN: Motion by Mark and seconded by David. Discussion on the motion. Robert.

MR. BOYLES: As I recall, we discussed this back in December in Atlantic Beach. I'm concerned that we're going down the road where I think we're compelled in this case to be conservative. We've got a stock that is severely overfished. Overfishing is occurring at an incredible rate. We've got all of our hopes pinned on SEDAR 24. At every juncture we have gone with the most liberal allowance possible, and it just concerns me.

MR. GEIGER: My concern is the legality of selecting Alternative 9 is it only gives us a 76 percent in terms of reduction, and we're required to achieve now an 83 percent reduction. I don't know how we can select a rebuilding plan that doesn't achieve the required reduction rate.

MR. CURRIN: Well, this will change that parameter between this –

MR. GEIGER: What is the new reduction rate we're aiming at?

MR. CURRIN: It changes the required reduction from 83 to 76 –

MR. GEIGER: So we're going to go down to 76 percent?

MR. CURRIN: **Yes, that is the implication. Any other comments or discussion on the motion? All in favor of the motion raise your hand, eight; all opposed, three opposed. The motion is approved. Okay, Rick, where to next?**

MR. DeVICTOR: If you would scroll down and go where there are subalternatives to go under Alternative 9; its hard copy 181,

MR. CURRIN: PDF 223.

MR. DeVICTOR: There are two subalternatives under 9A. Your preferred alternative is Subalternative 5A, so this will also have to be changed if you're changing to Preferred 9. The difference here is what you set ACL to. Subalternative 9A sets it to zero where 9B sets it to the actual poundage, which is 144,000 pounds.

The difference between those three AMs – again, this action sets the AMs – is the statement under 9B where it says – it is after 5 – it says the council would evaluate the size of the closures

when the dead discards are expected to exceed the ACL; whereas the subalternatives under 9A do not do that since you set ACL equal to zero.

Again, there is concern that discards come in through self-reported data, possibly people would not record what they throw back if they realize that the closure is based upon what they put down as what they throw back into the water. What we need here is clarification on a preferred alternative between 9A and 9B. Again, your previous was 5A.

MR. CURRIN: We need a motion here, folks. Mark.

MR. ROBSON: I will go ahead and make the motion for selecting Subalternative 9A, ACL based on landings.

MR. CURRIN: ACL equals zero based on landings is the motion by Mark. Is there a second? Second by Ben. Discussion. Is there objection to this motion? I see none; that motion is approved. All right, Rick.

MR. DeVICTOR: And just to clarify, council recommends that we take out the wording that we have in strike-through. What this does is reference sections of documents, past amendments, and we don't think that is appropriate since sections tend to change, so minor changes.

MR. CURRIN: No one has any problem with that, I'm sure. Okay.

MR. DeVICTOR: Okay, next we go to management alternatives. This is on PDF Page 249. I expect being the best place to look at this is in one table. We always go back to the maps and the waypoints and such, but if you go to PDF Page 279, there is a table that describes all the alternatives that we have in the document.

Alternative 2 would prohibit the possession, retention of red snapper in all sectors year round. Alternatives 3A through 4D would do that, but also close certain sections out there to all species of snapper grouper. You can see 3A, 3B, 3C and 3D and are based upon four logbook grids. You can see the depths in that third column so that 3B would close between depths 66 to 240 feet. 3C would close between 98 and 240 foot depth, and 3D 98 to 300 foot depth.

Moving on to 4A, 4B, 4C and 4D, those would close seven logbook grids, and those depths track the same as 3A through 3D. You can see in this same table that I'm sure you'll talk about, but the expected reductions from the various alternatives, which, of course, we've talked about before with the model that has been brought forth to you, how those change with the different assumptions.

There are on the bottom of the table those various assumptions. Your target before you changed your preferred alternative was 83 and now your target is 76. Again, all of the maps and the waypoints are in the previous sections of the document, but I just thought this table was a good way to see them all.

MR. CURRIN: Keep in mind what we have done already with the change in the preferreds. I would encourage the committee to look very closely at this table and to look very closely at the various scenarios that are there. I guess in a perfect world or in my world, at least, I would approach this by selecting a scenario from the bottom of these tables that makes sense, that is reasonable, and then select an alternative within that scenario. In my opinion some of these scenarios, one through seven, don't make a lot of sense. They're not realistic, in my opinion, so that would be my advice to the committee to certainly consider those scenarios, and my recommendation would be to take that approach. What is your pleasure here? Robert.

MR. BOYLES: Mr. Chairman, going on that, it looks to be the real variable here is the compliance estimate. That's the real quantity we're looking at here, and I look at this and it ranges from 100 percent compliance, which I think although we would all like to believe we're angels, I think I could probably suggest that is not realistic, down to 80 percent, and I think that is the question before us is what do we think is a reasonable compliance rate with these measures?

MR. GEIGER: I'm going to use my time differently, I guess. I had a different plan, but one thing I'd like to do is say that based on the comments last night I would like to defend the council a little bit and say it can't be said that this council doesn't listen. The SEDAR 24 is in process. We need to recognize and thank the SEDAR Steering Committee as a council and certainly thank the Southeast Science Center, who has bent over backwards in an effort to get this SEDAR done out of sequence and get it done in a timely fashion so that it can be used for management ultimately in this very contentious issue that we're dealing with.

Thank you, Bonnie, Chairman Harris and Dr. Crabtree as steering committee members. There is a misperception on the part of the public that what we do here today with 17A is going to be in place tomorrow, and that is not the case despite the heroic efforts of Dr. Crabtree in numerous round table discussions and question-and-answer sessions and the attempts of the council to inform the public otherwise.

SEDAR 24 in process is going to be the vehicle used to ultimately make the decisions regarding what we do concerning the regulations on red snapper, whether we need a closed area, we don't need a closed area, ultimately the size of the closed area, the decisions that are made here. Questions from the public last night concerned how we got to the preferred alternative that we have today and the process that was used, which was revelational euphoria I guess when it was determined that we could get down to 83 percent and we could reduce our preferred alternative to reduce the size of the closed area, I had some problems with that and we just got rolled over.

When you look at the fairness of that and when you look at closing the areas that were anticipated being closed, it went like this from the north down when in fact I believe it would have been more prudent had we looked at closing or reducing the size of the closures from the north and proportionately from the south based on the proportion of landings that occur in those areas to be fair.

As it stands right now, the Florida Fishery is the preponderance of this fishery, and Florida is bearing the brunt of the rebuilding period. We heard comments from the public last night that changing the SPR proxy will lengthen the rebuilding period. There are problems associated with doing these things to just make people feel good or make it look good that we're working to reduce the size of these areas when we don't really know the concomitant effects and what we're going to see as a result of SEDAR 24, which ultimately is going to be the vehicle that drives the regulations that we put in place.

17A is the vehicle that we're using to meet the timelines commensurate with Magnuson-Stevens in terms of staying on track and meeting those requirements of the law. We know we're going to get SEDAR 24. We're all hoping it is going to be different, but we don't know how different it is going to be. God forbid if it doesn't turn out to be that ray of sunshine coming down that allows us to do nothing.

We're going to have to do something but we just don't know to what magnitude, and it very well may turn out to be not as rosy and we might have to revisit – maybe we need more than a 76 percent reduction as a result of SEDAR 24. What we have just done now reducing from 83 percent to 76 percent I truly believe is irresponsible and not planning for the worse case. If in fact SEDAR 24 comes back and says we need an 80 percent reduction, which is significantly different than 83, we've got to go back and start all over again.

We've spent a lot of time doing this and working on this and we're thrashing through this when I don't believe it just makes a whole lot of difference in the end run because SEDAR 24 is the document that is going to be the decision process. I'm going to vote against any changes to reductions and size areas.

I was prepared to make a motion and go back to a more conservative area just as a contingency so that we're prepared to move forward. In Attachment 14 we have a new table prepared by Dr. Farmer and Andy Strelcheck, and thank you guys for doing that. It was a lot of work that was accomplished in a one-week period to develop new alternatives, because as a revelation at SEDAR 24 it was stressed that the preponderance of the recreational fishery takes place in 60 to 120 feet of water and the preferred alternatives that we have selected selects the closed area from 98 to 120 feet.

So when you look and consider the effort shift that may take place in that closed area, 98 to 240 feet, and now relegate it into that area between 60 and 98 feet, you're looking at some significant potential red snapper interactions; and even if you reduce the release mortality associated with that to 15 percent, we might not even be able to achieve the reductions we're looking at here in 73 percent.

I'm not suggesting we go to a 66-foot closure, but I'm certainly – and the other problem I have is that when we sent this DEIS out, 4D was our preferred alternative. We got all these comments back from people, including the environmental protection, that were predicated upon that preferred alternative. I wonder what their comments would be if the DEIS reflected our new alternative with our new reductions. I don't like this. This is not a good thing.

MR. CURRIN: Keep in mind our current preferred is indicated in bold there and it is Alternative 3C. Robert.

MR. BOYLES: Mr. Chairman, just for purpose of moving us along for discussion, if you would entertain a motion, I would make a motion that we look at closed area scenarios based on an 85 percent compliance rate.

MR. CURRIN: Motion by Robert that we consider alternatives that encompass an 85 percent compliance rate. Is there a second? Second by Duane. Discussion. Robert.

MR. BOYLES: I must admit there is no magic to 85 percent. I noticed the table has been constructed, as I said earlier, with ranges of 80 percent compliance all the way to 100 percent compliance. I selected 85 simply because it is a good midpoint for discussion just to move us along.

MR. CURRIN: Robert, I think there is some history that would indicate that there is some basis. In fact in previous amendments we have set recreational compliance at 83 percent, I guess, which is pretty close. George.

MR. GEIGER: May I suggest that we pull up Attachment 14 and look at that table that was prepared, also. It has been prepared; there are three bars at the bottom. One is a 66 to 240 foot closure; another is 98 to 240; and 98 to 300. If we're going to apply those, we might want to look at that new table that was worked on and work off of that.

MR. CURRIN: We've received a new one, George, and I believe it is an excel spreadsheet. It's 14A; is that the one you're talking about.

MR. GEIGER: Yes, sir.

MR. CURRIN: Yes, it was in the second briefing book and it's an excel file and not PDF file. I believe that is the one; it's 14a, little "a". What they've done is add – this encompasses a number of new alternatives and the associated reductions based on the assumptions in the various scenarios. This will inform you as to what Robert's motion might indicate. Roy, to the motion that is on the floor?

DR. CRABTREE: No, we can go ahead and dispense with motion. I was going to come back to the bigger picture issues that George referred to.

MR. CURRIN: All right, to the motion, are there comments or discussion of the motion?

MR. GEIGER: One of the interesting things is this will help inform the public that when we get SEDAR 24 back and it provides us with the informative information as to what we need to do in terms of reductions; this paints a more complete picture of where we can go and what we can use to get there. It's very handy and it's already available.

MR. CURRIN: Further discussion on the motion? Basically what Robert's motion would do is restrict consideration to Scenarios 3 and 4, I believe; is that correct, Robert?

MR. BOYLES: Yes.

MR. PHILLIPS: I would have to vote against it because we don't have a clue of what the compliance is going to be until – we heard all the public comment. If we go way away from what they believe in, it is going to change the compliance all over the place. I don't want to lock us into a compliance percentage because that is going to vary greatly according to how the public feels that we're going about this.

MR. CURRIN: Well, we're pretty sure it is not a hundred percent.

DR. CRABTREE: Well, Charlie, we're making decisions based on a lot of uncertainties. There is no getting around that, there are a lot of uncertainties here. The important thing is that you consider the facts and you make a well-reasoned decision the best you can. There are a lot of things in the NEPA Regulations and all about making decisions in the fact of uncertain information. We do it everytime we take an action.

I don't think we've ever taken an action where we could say with any certainty what the compliance rate is, so we're making a reasoned judgment here that is going to guide our selection of these proposed areas based on our experience and judgment. I don't think there is a problem with that. I think we just sort of have to do that.

MS. SMIT-BRUNELLO: Just to clarify the record, George, the public was informed the preferred alternative changed. The Service put out a Fishery Bulletin and I think they may have even used other methods, but I know they put out a Fishery Bulletin informing the public that the preferred alternative had changed.

MR. GEIGER: Well, does that compel DEP then to make comments based on the new preferred alternative because their comments were based on Alternative 4D, as I understand it?

MS. SMIT-BRUNELLO: I'm not sure; I would have to look, but the preferred alternative was reflected – the new preferred alternative was reflected in the DEIS.

MR. CURRIN: If your question is whether everybody was aware that it had changed, the answer is probably no. It required some digging and a desire to be informed so not everybody was. All right, back to this motion, please. Robert.

MR. BOYLES: Just to clarify a comment made earlier, note the differences between Scenarios 3 and 4. There is also a discrepancy between the assumed offshore release mortality rates between those two. Just to make sure we're sure clear on this, I think the purpose of my motion is just to guide the discussion, and is an 85 percent compliance rate a reasonable assumption for compliance with these management measures?

MR. CURRIN: **Okay, further discussion on the motion. Is everybody clear? All in favor of the motion raise your hand, 8 in favor; all opposed, three opposed. The motion is approved.** Okay, I don't know what that is going to do to us as far as the current preferred. I'm going to have to get back to the old table, George, in Attachment 10, I think, to at least get a feel for – all right, Scenarios 3 and 4 or at least Scenario 3 meets the new required reduction of 76 percent, so we are comfortable or at least in compliance with the current preferred. Discussion, Roy.

DR. CRABTREE: Yes, I want to come back to some of George's comments. George, I understand where you're coming from. I admire you for taking a principle stand on some of these things, but the reality is we're going to come back after this SEDAR is completed and we're going to make adjustments to this.

Now, I don't agree with you that we're going to start all over again because I think we're going to come in and make some adjustments. Depending on what those adjustments are, we may have to do an EIS, but I think there is a good chance we'll do an EA and we will make some adjustments there.

I think that is going to happen regardless of what preferred alternative you choose right now because it is just unlikely that we're choose something that is going to exactly line up with what comes out of the new assessment. Even if the percent reductions don't change, if some of the fundamental assumptions in the assessment change about release mortality rates and things like that, we still may want to come in and make some adjustments to management because we have some new information.

That's just where we are and that's what we're going to have to do. Now, we seem to be getting overly worried about a few percent reductions, and I don't think we ought to do that. My judgment on this is that this rebuilding plan is going to work and this stock is going to recover. I've gone through this in the Gulf of Mexico where we had a lot of uncertainties and a lot of arguing over years and years, but when we finally put in place the rebuilding plan, which some said went too far and some said it didn't go far enough, it worked and we have ended the overfishing in the Gulf of Mexico.

People are seeing red snapper fishing like they've never seen in their lifetimes in the Gulf of Mexico, so it worked. I'm confident that this one is going to work, and it is going to work regardless of whether you go for a 78 percent reduction or a 75 percent reduction. It is going to work. No one is going to be able to say exactly how quickly it is going to work because there are a whole lot of uncertainties here that we just don't know, and we're not likely to know after the new assessment.

I think we'll have a better idea after the new assessment but all these uncertainties aren't going to go away. They're inherent in all of these things, but what we're doing here is a very major thing, and we're going to get very deep reductions in fishing mortality. Everything I know about red snapper indicates to me that the stock responds very quickly.

I also personally believe that we've got a jump start on recovery because I think we have some bumper year classes that just by chance have hit this fishery. That has made our lives more difficult in terms of public relations, but I think it is going to make recovery less difficult. Let's not get too wound up in a few percentage points here and there. There are big uncertainties in all of this, but this is going to work and we are going to rebuild this stock and end the overfishing, and that I am confident about.

MR. CURRIN: Thank you, Roy, for your explanation and comments as well as your optimism on this and I share those. I think we are going to make it work. George.

MR. GEIGER: Yes, I believe it is going to work as well. Unfortunately, our track record on previous reef fish species and amendments isn't quite as glowing as we would like it to be, and my confidence isn't quite as buoyed over that. When I referred to starting over, it wasn't referring to the fact that we're going to start over when we get SEDAR 24.

I just maintain that if we have a less conservative position moving forward and that less conservative position winds up to be less than what is identified as being needed in SEDAR 24, explain how we're going to do that, then. We're going to have to go back and revisit these alternatives and there is going to be a problem with that. Are we going to do an emergency rule just like we're anticipating being able to do an emergency rule if in fact SEDAR 24 allows us to take less reductions and close less area?

DR. CRABTREE: Well, I think that is up to you as the council. I don't think you'll be required to do that in either case. I think it will be up to you to see what you want to do, but I think it depends on the specifics of the situation. Look, there is no guarantee that SEDAR 24 won't come out worse than SEDAR 15. I don't know where it is going to come out, so you make a reasonable choice here of something that you think will work and we'll come in and make adjustments when we get into it.

Now, I understand, George, there are some different views on the council in terms of how conservative we're going to be and you guys are going to discuss that, but what I urge all of you to do is at the end of the day, after these discussions have been taken care of, let's come together as the council and go forward with what the council as a whole decides.

MR. GEIGER: Okay, but if we move forward with the 76 percent reduction today in 17A, hypothetically SEDAR 24 comes back not as rosy, it requires us to have a 78 or an 80 percent reduction, I can't imagine starting this process again and going through and developing alternatives.

Nobody is going to object to making the area smaller, but after we submit 17A and revisit it and make the area bigger, holy God, we're going to go through this whole process all over again. All I'm saying is I think it is prudent to be conservative today and be prepared in the event, based on the result of SEDAR 24, which allows us hopefully to reduce – if it doesn't allow us to reduce, we're prepared.

MR. CURRIN: It is a good point and it is well taken. Mark.

MR. ROBSON: My timing here is probably not the best, but for purposes of a council discussion about something that I think is very important for us to discuss, we heard a lot of public testimony last night, we heard a lot of the same public testimony, and we've been hearing about the concerns that this process is creating an incredible amount of economic and social hardship.

We're trying as a council to do what we believe is correct in accordance with the law particularly in terms of meeting a deadline to end overfishing within a certain amount of time. However, we're taking some extreme measures and we have already closed all directed red snapper harvest, and that is likely to continue presuming that 17A is approved by us and forwarded to the Secretary of Commerce.

For purposes of discussion and I think in looking at the public's acceptance and support for what we're trying to do to rebuild these fisheries; with the concern that a large area closure off of the coast is going to be difficult to enforce; we know we're likely to have compliance issues; we also have a timing situation now where we have agreed to go ahead and get the latest available stock assessment; and with the utmost respect for the point of view that George is taking that we should wait on that – that we have that assessment and we need to go ahead and act now and see what is going to happen.

On the other hand, I could also look at this and say that it may be appropriate to try to hold off as much as possible until we get that assessment. **If the likelihood is we're going to be making changes or adjusting what we're doing anyway, I'm going to make a motion that we change the preferred alternative for the management actions to Alternative 2.**

MR. CURRIN: Motion by Mark to change the preferred closure alternative to Alternative 2, which is no closure. Is there a second? Second by Charlie. Discussion. Monica.

MS. SMIT-BRUNELLO: Just for clarification, when you say "no closure", is that no closure even to red snapper? No closed area, so red snapper would remain closed under other alternatives and then this would no further closed area. Okay.

DR. CRABTREE: Well, Mark, explain to us how that is sufficient to end overfishing given the facts that we have before us today.

MR. ROBSON: I can't say that it would end overfishing based on the numbers that we're looking at. We do know that ending red snapper directed harvest is going to get us about 50 or 60 percent of the needed reduction. We know there is some uncertainty in the level of reduction we're going to get regardless of what strategies we take. I don't know what that range is.

If we had a target of 76 percent harvest reduction based on the new 30 percent SPR proxy, I don't know whether the actual measures we take would effect a 70 percent or a 60 percent reduction or an 80 or 90 percent reduction. I understand that not having the bottom area closure

at least between now and the time that we do have a new stock assessment may not end overfishing at the level that we're looking to end overfishing at 76 percent.

Given the level of uncertainty in any of the actions we're taking, the difficulty of understanding what kind of fishing behavior is going to occur as a result of these rules, the compliance issues and the fact that we're not likely to have an actual bottom area closure in place and under federal rules before the next stock assessment is completed, I'm still making the case that to try to address the concern about the other impacts that this amendment is having in terms of the impact on fishing communities, businesses, the economy, that is something the council has to take into effect even though we do have a responsibility to end overfishing. We do also have a responsibility to weigh those other factors, and so I'm making my motion based on that.

MR. CURRIN: All right, Mark, and certainly we do have to consider the economic impacts and the social impacts, but foremost and first we have to end the overfishing. I can't be convinced that the motion that you presented – I don't have any evidence with the information before us that that is going to end overfishing, so I can't support your motion. Roy.

DR. CRABTREE: I can't support it either, and I don't know what we would write into the document as the rationale for it. I would have to oppose it. I understand where you're coming from, Mark, but given the Reauthorized Magnuson Act I just can't support that.

MR. PHILLIPS: There is a lot going into this. We know we're going to change stuff in December. I think this is more of a stopgap until we get to December and we can do it right and we can listen to the public. It is not going to do us any good if we're driving the bus and nobody is on it. I think this is an attempt to try to get it right and not do something and undo something.

In December, yes, make sure that whatever we figure out doing, use an 85 percent compliance rate. This isn't long term. This is until we get to December and get these new numbers and then we can do it right and we can listen to the public and we can take this economic disaster on the east coast into consideration. Everything changes in December. I don't think we want to do this and then turn around and be undoing stuff. Let's fix it right as we go.

MR. CUPKA: I'm sensitive, too, to what Mark is doing, and I, too, would like to see us minimize as much as we can the economic and social impacts in the actions that we take. However, at the same time I would hate to see us not move ahead with something. I think we're going to have to take some action and move ahead if we're going to meet our timeline and everything. I don't see any scenarios under Alternative 2 that would allow us to reach the reduction that we're required to under our new MSY proxy. I'm like Roy; I don't know how we would be able to submit a document that could even be considered given the restraints that we're working under. As much as I would like to, I'm not able to support the motion either, Mr. Chairman.

MR. CURRIN: All right, is everybody aware of the motion? Tom, last work, real quick, and then we're going to vote.

MR. SWATZEL: I agree with Charlie. First of all, I'm not really sure that we should be really even discussing moving 17A forward. We've heard a lot of discussion last night about the fact that we really should wait for the stock assessment. I understand some of the technical reasons why we're moving forward, but it seems really illogical to most fishermen and to myself about these artificial deadlines and about trying to meet the Magnuson Act.

We're 23 months into the overfishing notification. The idea that we can't wait five or six more months for a stock assessment and we're in here discussing what may or may not happen, we don't know, but I really think we would be best overall waiting to deal with Amendment 17A until we get the stock assessment.

In the absence of that, if the council is going to move something forward, I think this is certainly a prudent thing to do. We don't know what we'll end up with. This is fairly minimal impacts on people until we can find out the answers. I think in my view this is the second best preference to do absent not moving the amendment forward.

MS. PONWITH: There are administrator requirements and management requirements and we have got experts on management and experts on the law here to advise on that. From a science standpoint, this motion has an extremely low probability of ending overfishing on red snapper.

MR. CURRIN: Thank you, Bonnie. All right, all in favor of the motion – everybody understands it is to change the preferred to Alternative 2, which has no closed areas – all in favor raise your hand, four; all opposed, seven. The motion fails. All right, we're still back where we were at the end of the last meeting with a preferred of 3C. It does qualify as per the motion that was passed previously from a compliance perspective. Is there any additional desire to change the preferred alternative at this point? Brian.

DR. CHEUVRONT: Mac, I just suggest we move on and leave our preferred where it is.

MR. CURRIN: Okay. Without any desire of anyone else to move ahead with a different alternative, we will move on to our next action. Let's take a break for ten minutes.

(Whereupon, a recess was taken.)

MR. CURRIN: Let's get the committee and council back to the table, please.

MR. HARRIS: Let me make a comment while we're coming back to begin the discussion again. George mentioned something about the red snapper that are caught are caught between – most of them between 60 and 120 feet. I can assure you that is not case off the coast of Georgia because there is very little habitat, and it's probably the same with South Carolina inside of 90 feet. Most of the red snapper do not exist.

I mean, we will catch them on the artificial reefs occasionally, but to really catch red snapper off the coast of Georgia you have to go out to the Snapper Banks, which begins 40 miles offshore. I think Charlie would probably agree with that. I just want to make sure that is not something that

is sitting in people's minds as something that occurs off the coast of Georgia. I don't about Florida but I do know it is not true off Georgia.

MR. CURRIN: All right, let's get back to this action on the closed area. During the break, I know there was some interest in consideration of some new alternatives that were presented to us in Table 14A. Tom.

MR. SWATZEL: I would like to move to adopt a new closed area option or alternative. It would be the new number three alternative in Attachment 14A.

MR. CURRIN: I certainly can't explain that to you because we just got it, but it does have the blocks there. New three is the fourth line, close cells 28/80, 29/80, 30/80 between the depths of 98 and 300 feet, under Scenarios 3 and 4. It gives an estimated 74 or 75 percent reduction. Motion by Tom; is there a second? Second by Doug. Discussion on this motion. Duane.

MR. HARRIS: Mr. Chairman, I would just like those cells projected, if we have got them, so we can see what it is we're talking about. I have a hard time visualizing numbers when there are actually maps that go with that.

MR. CURRIN: Tom, which depth range; there are three tabs there that have different depth ranges? Were you looking at the 98 to 240 range or the 66 to 240 or the 98 to 300?

MR. SWATZEL: Well, I'm confused because on the Attachment 14A – well, I'm sorry; actually I'm looking at the 98 to 300, again trying to meet the scenarios of 85 percent compliance and somewhere close to 76 percent reduction.

MR. CURRIN: Okay, and that's the one I had before me because that is where it opened up. It is new three under the 98 to 300-foot tab.

MR. HAYMANS: Mr. Chairman, I would withdraw my second. I was under the 98 to 240 on that second.

MR. CURRIN: Okay, the second has been withdrawn unless the motioner would like to consider the 98 to 240 closure.

MR. SWATZEL: Yes, I'll modify it to the 98 to 240.

MR. CURRIN: All right, the motion then is to accept the new three under the 98 to 240-foot closure, which is I believe the same closed cells, 28/80, 29/80, 30/80, from 98 to 240, and under Scenarios 3 and 4, which meets the 85 percent compliance. That gives you an estimated 74 percent under Scenario 3 and a 75 percent reduction estimated under Scenario 4. Rick.

MR. DeVICTOR: And please come up and correct me if I'm wrong, but if you're looking at the screen right here, it is this alternative but not logbook grid 31/80, which Gregg is circling right now, so not that closure. It is 30/80, 29/80, and 28/80, between 98 and 240.

MR. CURRIN: That is PDF Page 254 in our 17A document, so you can pull that up on your screen. Duane.

MR. HARRIS: Rick, I'm sorry, would you repeat that again.

MR. DeVICTOR: It is that map that is on the screen right now, but not the grid that Gregg has that mouse over, the top one, not that piece on the very top. That line would go right there.

MR. CURRIN: And I believe the top of that grid line is on 31 north; is that correct, Gregg?

MR. HARRIS: Thank you, that helps.

DR. CRABTREE: Okay, so I'm looking at the table, we need a 76 percent reduction now with the preferreds we have chosen. New three gives you 74 or 75 under Scenarios 3 and 4, but it gets you there in Scenarios 5, 6 and 7. It seems to me that choosing this alternative directly contradicts the motion we passed a few minutes ago, which was to assume an 85 percent compliance rate. In order to make this work, you have to assume an 87 percent compliance rate, so it seems to me this is just inconsistent with the decision we just made.

MR. SWATZEL: Well, it reduces the area by about a thousand square miles. You made mention earlier that if we got within a couple of percentage points of reduction – I mean, we weren't going to be exact, so we're looking at – under Scenarios 3 and 4 with 85 percent compliance, I believe it would be either 74 or 75 percent reduction, which seems to me to be close enough.

DR. CRABTREE: And I understand what you're saying, Tom, but part of my job is to keep the record consistent. It seems to me if this is what you want to do, then you're accepting the 87 percent compliance rate to make this work, and you need to revisit the decision you made about the compliance rate and keep this thing consistent so when staff goes back they can write up why this is adequate.

To me the most straightforward way to explain why this would work would be because you think the compliance rate would be a little better. Now you're going to have to explain to us why you have now just changed your mind and think the compliance rate is going to be better than it was, and the rationale can't be, well, because we don't want to close that area. That is what I think you're facing here.

MR. SWATZEL: Well, if I'm correct, our existing preferred alternative is based on that scenario of – I think it is a lesser compliance rate; isn't it?

DR. CRABTREE: Lower from what?

MR. SWATZEL: Yes, lower compliance rate. We just changed that a minute ago, but based on the document that we had it was a lesser compliance rate.

MR. PHILLIPS: Well, it could probably be fairly easily argued that the smaller the box the higher the compliance rate is going to be.

MR. CURRIN: Other discussion? Remember, the total compliance, I would agree, Charlie, but it is the compliance rate that we have to worry about. The second by Haymans still exists. **Further discussion on this motion? All in favor of the motion raise your hand, please, seven in favor; opposed, five in opposition. The motion is approved, so we have a new preferred alternative for the closure area. Roy.**

DR. CRABTREE: All right, so that motion now has passed and is the preferred. **I would like to make a motion to reconsider the previous motion on the compliance rate of 85 percent.**

MR. CURRIN: Motion by Roy to reconsider the previous motion of compliance of 85 percent; second by Mr. Harris. Discussion? Roy.

DR. CRABTREE: So what we would do now is vote and if we vote in favor of the motion to reconsider, then that motion is gone and then we just have a new discussion about the compliance rate, right?

MR. CURRIN: Well, I think what that does is bring that motion back up for consideration again. We can vote it down at that point or amend it or substitute it or whatever. **Is there any objection to the motion to reconsider? I see none; the motion to reconsider is approved.** I guess through a substitute motion or amendment to that motion we can reconsider the compliance rate.

MR. SWATZEL: On this point now, I think that we considered a 95 percent compliance rate with 3C, is that right – no, that is not right.

MR. CURRIN: Well, it was much higher than 85, you're right, and it gave me some discomfort as I expressed at our last – all of those assumptions gave me discomfort as I expressed at our last meeting. I think that was Robert's attempt to bring a little more sense of reality into the assumptions we're making by restricting the scenarios for consideration. Charlie.

MR. PHILLIPS: Well, again, since we're going to be back hopefully just fine tuning this in December, it might be better to just leave the compliance rate not set and set it in December when we get the rest of our information and go from there.

DR. CRABTREE: Well, I think part of the problem that got us into trouble is we've tried to pin ourselves down to a specific number when it might be better to recognize the compliance rate is uncertain and so we're going to look at a range. Maybe what you're saying now is you think you're going to confine your consideration to compliance rates of less than 90 percent or less than something like that.

MR. BOYLES: Mr. Chairman, again, my purpose of the discussion earlier was just to get us down the road. **I would make the motion that we would consider adjustments assuming**

compliance rates of less than 90 percent and that would guide our discussion and our debate.

MR. CURRIN: Okay, so Robert has offered a substitute motion stating that we consider scenarios that exhibit compliance rates of less than 90 percent. Second by Duane. Discussion.

MR. PHILLIPS: Robert, just so I'm clear, when you say "compliance" – I'm kind of thinking and talking at the same time, which is scary – that is somebody that is going to get a ticket for being in a closed area or being over a limit whether it is 200 pounds of fish over a limit or one fish over a limit; is that going to count one on the rate – how does that work?

MR. BOYLES: Charlie, I think to answer your question I'm looking at, for purposes of the discussion, strictly at Attachment 14A in the briefing document that was constructed for us by the center. I think the purpose of this motion is to, in essence, throw out Scenario 6 and Scenario 7 in each one of the depictions as perhaps too optimistic.

Scenario 6 is constructed on the assumption of a 95 percent compliance rate and Scenario 7 on a 100 percent compliance rate. Again, I want to think most anglers are going to want to do the right thing. I'm not sure that all of us are always going to do the right thing a hundred percent of the time. I guess in a matter of speaking somewhat puts this maybe in the considered but rejected scenarios, if you will.

MR. CURRIN: Further discussion on the motion? The substitute motion is to consider only scenarios assuming compliance rates of less than 90 percent. **Is there objection to that motion? I see none; that motion is approved** and now becomes the main motion. Is there discussion on the main motion? Is there objection to the motion? I see none; that motion is approved.

Okay, I'm a little more comfortable now as I think Dr. Crabtree is as well that things aren't pointing in different directions. Any further discussion on the management measures associated with the closed areas? We have a new preferred and some restrictions placed on it by the passage of that last motion. All right, back to our document, and, Rick, we can move along.

MR. DeVICTOR: Okay, still within the same action, you talked about this before, but what kind of fishing would be allowed in the closed area. I'll quickly run through these. That is PDF Page 266. Alternative 5 would allow fishing for, harvest and possession of snapper grouper species but not red snapper in the closed area if harvested with black sea bass pots. That is not a preferred alternative at this time.

Alternative 6 would allow harvest with bottom longline gear. That is not the current preferred alternative at this time. Already longline gear is pushed back beyond 50 fathoms, which is 300 feet, so I think that was the justification by the council for not choosing that as the preferred. Alternative 7, which is your preferred alternative at the moment, is to allow harvest with spearfishing of species in the snapper grouper complex; again, not red snapper. I'll stop there before we get into the transit alternatives.

MR. CURRIN: What is your pleasure here or comfort level with where we are? Brian.

DR. CHEUVRONT: I think Alternative 5 at one point was the preferred and then we dropped it out, but I think we heard from some fishermen last night that there is some black sea bass pot fishing going on. I think some of the issues that we had concerning black sea bass pots may be taken care of in Amendment 18 because we have selected a control date for participation in the fishery.

In essence, if we don't choose Alternative 5 as a preferred, we're going to shut out some people out of the fishery who might otherwise be able to participate even with a control date and all in place. **I would like to make a motion that we make Alternative 5 to allow black sea bass pot fishing as a preferred.**

MR. HARRIS: Second.

MR. CURRIN: Motion by Brian to select Alternative 5 as a preferred in Amendment 17A; seconded by Duane. Duane.

MR. HARRIS: Mr. Chairman, I support the motion. The testimony we heard and my own personal experience using black sea bass pots, the risk of catching red snapper in those is so minimal that I think it is ridiculous to not allow the fishermen that have black sea bass pots to fish in the closed area using that gear.

DR. CRABTREE: The only thing I think we need to put into the document, if we pass this, is that we're going to watch this carefully. I think we need to at some point talk to the center about having some observers ride on some of these trips so we can make sure that we're correct. I think when Bonnie is back in, at some point we ought to talk to her about that. I think we ought to reflect that in the document as part of our intent.

DR. CHEUVRONT: Roy, I don't have any disagreement with that at all. Are you suggesting that perhaps in this motion we somehow need to modify that or can we just –

DR. CRABTREE: No, I think we just indicate our intent to Rick that in the discussion of this we put there that it is the council's intent to carefully monitor this and that we then talk to the center about trying to get some observers out on some of them. If it pans out they're not catching snapper, great; but if it is a problem, then I think we all have to agree we're going to come back and reconsider.

MR. PHILLIPS: Okay, Alternative 7 talked about spearfishing so what is this going to do about – is this taking spearfishing out or is this just adding black sea bass pots?

MR. CURRIN: No, that is a different alternative and we can have multiple alternatives, so it doesn't address it until somebody wants to bring that up again. Further discussion on this motion to permit black sea bass pots in the closed area? **Is there any objection to the motion? I see**

none. I have checked with Rick, Roy, and he has made notes on your point and will reflect that in the document.

All right, as just indicated, the current preferred is – Alternative 7 is also a current preferred and that allows fish for, harvest and possession of snapper grouper with spearfishing gear in the closed area. People, from the comments last night, came down on both sides of that for a number of reasons. Is everybody currently comfortable with the preferred alternative to permit spearfishing? All right, I'm not seeing any desire to change that, so let's go.

MR. DeVICTOR: Okay, right beneath Alternative 7 you see Alternatives 8A, 8B and 8C, and this all has to do with transit through the closed area. We've gone through these before but I'll just run through them. 8A says you can transit with snapper grouper species on board. Again, you have to be in transit and gear has to be stowed, and those are defined in the paragraph right underneath Alternative 8A what those mean.

That is your current preferred alternative and that is consistent with the deep-water MPAs that we put into place. 8B is the same but it doesn't talk about stowage so the gear does not have to be stowed if you're in transit with snapper grouper species. 8C says you may only have wreckfish on board. Again, your alternative preferred is 8A.

MR. CURRIN: Is everybody comfortable with that? All right, I see no desire to change that preferred. Monica.

MS. SMIT-BRUNELLO: I believe the coast guard suggested a slightly different version of transit that you may want to look at. I think it is in the proposed rule that you have in front of you, but it is not in the amendment. They were suggesting a slightly different version because – I don't have all their rationale with me – because they thought it was more appropriate and covered the various situations in a better manner.

MR. CURRIN: It was just perhaps a more clear definition of transit or a more closely defined definition of transit that gave them some level of comfort.

MS. SMIT-BRUNELLO: Right, it wasn't that you should not allow transit in this area or it wasn't that you should only allow transit in certain in corridors or anything like that. It was just defining what transit means. It is slightly different; and maybe when we come to the proposed rule we can look at that a little bit more. Then if you wanted to go that direction, then we could incorporate that back into the amendment. The council should look at the rule along with the amendment when they're deciding these kinds of things. Let me look at this a little further because it just came up. I will get right back to you.

MR. CURRIN: All right, that's fine. Yes, if we can locate it so everybody can look at it, I don't want to accept something I'm not familiar with or seen. All right, we'll come back to this when Monica is able to point us in the right direction.

MR. DeVICTOR: Okay, the next action is circle hooks, PDF Page 314. There are three alternatives; no action, do not require the use of circle hooks when using hook-and-line gear for snapper grouper species within the South Atlantic EEZ; Alternative 2, which is your current preferred alternative, is to require the use of non-offset, non-stainless circle hooks when fishing for snapper grouper species with hook-and-line gear north of 28 degrees.

Again, that the southernmost boundary of all your closures, so there would be less impact to, say, the yellowtail fishery down in the Keys, and I think that was the rationale for having that line. Then Alternative 3 is to require the use of circle hooks throughout the entire EEZ. Again, your preferred alternative is Alternative 2.

DR. CHEUVRONT: We had circle hooks in a previous amendment and we pulled it out and brought it back in here. We now have Alternative 2 as our preferred. I have a couple of questions that are related to this. Is the reason why it came back here was because of the area in which they were previously – Alternative 3 was the alternative that we had.

Is it because that we're only now requiring them north of 28 degrees is the reason why it's back in here? The reason I ask that is because we heard some testimony last night that there are some problems perhaps with some species like triggerfish that using circle hooks the fish don't bite as well on those as well as associated release mortalities if those hooks are not removed correctly. I'm wondering have we gotten some additional research or what is the preponderance of the research saying about the performance of circle hooks in some of these other species.

MR. CURRIN: Well, I just share with you what was presented to me again, I guess, last week at the fishing school, and Jeff Buckel was there and showed some research to some of the folks participating in the class that he and Rudershausen had done and comparing J-hooks and circle hooks.

Although we don't have a measure yet – I hope we'll get there one day – of the benefits derived from using circle hooks, I think what he presented was a good indication of the level that might represent. It was roughly about 10 percent difference in gut-hooking of fish using two or three different size J-hooks versus circle hooks fishing. This was in gag.

I think it is pretty well known that gut-hooking, although fish can survive that, not many do. They get hurt pretty badly if they swallow the hook. I think that is some evidence, Brian, that these things provide some benefit albeit unmeasurable at this point. I think that is part of the rationale, at least.

DR. CHEUVRONT: And to follow up with that, I think that the benefits of circle hooks in reducing gut-hooking are pretty clear. I guess my concern is more along with release mortality. Are we increasing release mortality by requiring the use of circle hooks perhaps in certain fisheries where we're not quite sure that the anglers actually know how to properly remove a circle hook; are we breaking jaws?

Also, do we have evidence to show that some fish just won't bite on a circle hook? I know right now because of so much of the closures that we have and prohibition; for example, a lot of guys are turning to triggerfish in North Carolina. There is some concern that triggerfish aren't going to bite on a circle hook.

MR. CURRIN: I'm not sure the concern is that they won't bite as much as it is that they're very difficult to hook. I think there is lots of – personally, I think there are lots of factors that enter into that from the size of the hook to the size of the line being used and type of gear that is being used and all of that, so no doubt if this measure is to go through it is going to require some changes in behavior and approach by some the fishermen.

I'll just relate to you again what I think you heard in New Bern as well from one of the commercial guys there who was very adamant that he would be able to teach anybody how to catch triggerfish on a circle hook, that he did it everyday and it was not a problem. Certainly, there is a learning curve associated with it, but there are others that have more experience than I do. Rita.

MS. MERRITT: I'm a little uncomfortable with having it as the preferred the way it is worded right now. I've seen some wording, if I'm not mistaken, with a Gulf FMP where it deals with the circle hook not being required on artificial bait unless there is meat on it. I'm not sure of the difference there. I'm not an expert on circle hooks. I've also heard that there is a difference in gear; when you're using jigs, that you can't use a circle hook on that because the fish can't swallow it because they're usually smaller fish, and so that creates a higher mortality rate there. I've also heard about using bronze hooks in lieu of the stainless steel. I'm not sure, but I'm not an expert on tackle so I'm just passing that out regarding my discomfort at that being the preferred.

MR. CURRIN: Yes, it sounds like you've talking to Jody and I talked to him as well. His biggest concern was that we were going to require circle hooks for everything and all snapper grouper fishing, but it is very clear from this preferred and all these alternatives, in fact, that this is to apply only to the use of natural bait. It doesn't apply to artificial lures, jigs, that kind of thing unless you want to hang a piece of meat on it. Ben.

MR. HARTIG: I did a lot of research on circle hooks. Certainly, Jack McGovern over there helped me. I got to talk to Karen Burns on the west coast. If you ignore the tagging studies which have their own problems inherent with the tagging, you get a 49 percent reduction in red snapper release mortality just through changing to circle hooks.

In the Burns Study in 2002, switching to circle hooks in part of their study eliminated it, well, virtually – and I can't qualify what "virtually" means, but virtually eliminated the hooking mortality problem they had with J-hooks. That is a significant decrease in release mortality. Having said that and trying to get a number to plug into the assessment based on the change to hooks is very, very difficult because the tagging really confounds the point that you see on the vessels when you have a 49 percent kill from the hooks because you don't get – the studies that

were done don't show – it is about equal for circle hooks and J-hooks that were tagged and released and recaptured.

That is confounding the point, but I still go back to the point that if 49 percent of the fish are saved from the hook on the boat, that is probably significant enough to make this change to circle hooks. I will leave it at that.

MR. HAYMANS: Well, I can hear this question coming from all of my constituents; does all this mean that I've got to have some non-offset, non-stainless hooks in my tackle box – circle hooks in my tackle box?

MR. CURRIN: Yes.

MR. ROBSON: I just wanted to confirm that the specific language that we're using in the preferred alternative matches up with the current language in the Gulf of Mexico for the use of circle hooks. I'm concerned about consistency. Particularly in Florida that is an issue.

DR. CRABTREE: It does not because the Gulf language does not require non-offset. It just requires non-stainless steel circle hooks with natural baits, but they did not require non-offset, so there is that difference.

MR. CURRIN: Mark, does that answer your question? Roy, I had you; was that what you wanted to talk about?

DR. CRABTREE: I think Ben built some good record. The document at least is not particularly compelling in terms of the benefits with this with red snapper but I think Ben offered some rationale for it. I think it is something that you guys can make a choice on. The point I would want to make is that this is not central to our strategy for rebuilding this stock. We are not building in any specific reduction. This is just a benefit over and beyond what the others do for this, and I think it is something you just have to make a judgment call.

I can tell you in the Gulf of Mexico we required circle hooks I think three years ago. There were concerns there about triggerfish and other things, but by and large I hear little or no in terms of complaints from fishermen, so they seem to have made the switch over to circle hooks pretty well in the Gulf. We don't hear a whole lot about it anymore.

MR. PHILLIPS: If we're going to go with circle hooks, I think it would be a good idea to mirror the Gulf and allow the offset. I know many, many years ago when I tilefished, it made all the difference in the world between an offset hook and a non-offset hook. They were much more productive, and I would guess that's probably why they're allowing offset hooks in the Gulf. Whether it changes the hooking mortality or not, I don't know. I would suggest if we're going to leave number two as the preferred, I would like to mirror the Gulf.

MR. CURRIN: Yes, I know that there is some research, Charlie, that indicates that offset hooks do have a higher percentage of gut-hooking than the non-offset. I think that is the rationale. I'm

seeing very few offset hooks anymore in the tackle stores. Most of them are non-offset. I'm sure they're available by some manufacturer.

MR. HARRIS: They can offset them themselves.

MR. CURRIN: Or you can offset them, as Duane said, yourself. I think there is some advantage – I don't know what it is – heightened advantage to the non-offset hooks. Bill.

MR. TEEHAN: Mr. Chairman, I just wanted to throw a little more light on that being a manager from the Gulf Council and also the state of Florida. The Gulf Council went with the offset. The state of Florida going compatible with the red snapper regulations in the Gulf went to the non-offset, which created quite a bit of confusion on that body of water.

We got a lot of testimony from fishermen at the time that a non-offset hook could be accidentally offset just by pulling it out – you know, the day-to-day use, pulling it out of the mouth of the fish you can get enough of an offset accidentally on it to make yourself illegal, so it is a difficult thing to look at. I just wanted to give you a little perspective from what we did over there.

MR. CURRIN: All right, what is your pleasure; are you happy here? I'm hearing some indication that there is a desire to remove the non-offset provision from this preferred alternative or are you okay where we are? We need to move. Charlie.

MR. PHILLIPS: **I make a motion that we allow offset circle hooks just for discussion.**

MR. CURRIN: Motion by Charlie to I guess just remove the term "non-set" from Alternatives 2 and 3. Is there a second? Second by Duane. Discussion. Duane.

MR. HARRIS: Mr. Chairman, back when this issue first came up, when Ben brought it up, I read all the papers that I could find on circle hook use. A number of those were provided to me by Ben. I just don't recall the discussion in those papers about offset versus non-offset. I could go either way, but if Charlie wants to use offset circle hooks I don't have a problem with that, and it is consistent with the Gulf, I guess.

MR. CURRIN: Further discussion on the motion? **Is there any objection to that motion? I see none so that motion is approved.** Okay, you've got some information on the transit issue that the coast guard brought up?

MS. SMIT-BRUNELLO: Yes, and I'm sorry I didn't have this before in a more logical way here. It is really not a change to a motion. It has to do with the definition of transit as reflected on the hard copy, Page 225, and I guess maybe PDF copy, Page 266. In the current draft amendment it says, "The term transit means direct, non-stop progression through any snapper grouper closed area in the South Atlantic EEZ on a constant heading, along a continuous straight-line course while making way by means of a source of power at all times."

There was some discussion with the coast guard – and as soon as I’m done Brian is going to speak to this as well – that there was some concern that you could use this definition somehow to allow some perhaps drifting through the closed area, allowing the currents and the prevailing winds to carry you through. From a law enforcement perspective, that was going to be a little difficult to determine via watching vessels on radar and those sort of things.

Before Brian speaks, the idea was that right before “direct, non-stop progression through any snapper grouper closed area, “you would use the terminology “underway, making way, not anchored and a direct, non-stop progression through” – just as the rest of the language reads. Maybe, Brian, you could discuss why that is important.

MR. WAUGH: Monica, you say it one more time.

MS. SMIT-BRUNELLO: “Underway, making way, not anchored and a direct non-stop progression”.

LT. SULLIVAN: And the reasoning is looking at it from a law enforcement aspect, we know it is going to be a large area. We’re going to have our cutters out there. The most viable way for us to enforce it is going to be looking at boats on radar and things like that and finding out who is actually going through the water.

We’ll be able to mitigate how many boardings we’re doing and everything else and decide who we need to board; also with the understanding that somebody might break down in the area, and that’s where officer discretion becomes involved when they do the boarding and everything else. The reason I used the terms “underway and making way” is they’re actually nautical terms and in an nautical dictionary so everybody should understand. We’ll try to put it in a base system.

It is in our coast guard navigation rules and things. That is why I want that wording. It is not really a change to your definition, but it puts it a little bit more nautical for men that are out there. It will definitely help enforcement knowing who is going through the water fast, who is not and gives us a chance who to board. When we come up on them, who has got their gear stowed, who has got what on board, and we go from there. That is the reason for that.

MR. HARRIS: Not only are they nautical terms; they’re part of the rules of the road. I think that adds more credibility to them, too, so I think that’s a good change.

MR. CURRIN: It doesn’t give me any heartburn to add that explanation. Everybody okay with that? All right, thank you, Monica and Brian. I think we’re done with circle hooks.

MR. DeVICTOR: Okay, the final action is red snapper monitoring program. This is PDF Page 323. Again, the AM is to use CPUE to track the recovery of red snapper as it rebuilds through its timeframe. Of course, there is a concern that you won’t be getting in the fishery-dependent data as you are now. There are three alternatives; no action.

Alternative 2, which is your current preferred alternative, is to establish a fishery-independent monitoring program to track the progress of red snapper. Again, we got a presentation from the science center on some projects that they're going to be working on soon to track that progress. Again, that is your preferred alternative. Alternative 3 is to establish a red snapper fishery-dependent monitoring program. The council has talked about this in the past, using for for-hire, charter/headboat, but that is not the preferred alternative.

MR. HARRIS: Question, Rick; you said using CPUE to track recovery of red snapper; that's not the only thing that we're proposing to use to track recovery. I just want to make sure that we're not locked into – because that comment came out at the public testimony last night. We're looking at age structure and all that, and that's not CPUE, so as long as we are clear on that.

MR. CURRIN: Well, you could consider it strictly a measure of CPUE, but it is a new gear. It is not going to be equivalent to the angler CPUE or a catch rate from a commercial fishery.

MR. HARRIS: I understand that; it is just the way it's said.

MR. CURRIN: Yes, I think that point is well taken. George.

MR. GEIGER: Mr. Chairman, with this preferred Alternative 2, I'm concerned that it might lock the science center into just and only those particular gear types and activities. Is there a way that we can add language that would allow them to employ other methodologies, gear types and scientific research programs which avail themselves over time?

MS. SMIT-BRUNELLO: I had that as an item to bring up. I'm glad you brought it up, George, because I wouldn't think that the council's intent is if the center needed to use some of other types of gear or anything, that they would not be allowed to because it wouldn't mentioned. I'm sure Bonnie will speak to this, but you could even say sampling would include things such as or gears such as or some kind of qualifier to make clear, and then the discussion could reflect the fact that you weren't limiting the center by only specifying these kinds of gears that could be used.

MR. CURRIN: Thank you, Monica, and, clearly, there is no intent by the council to restrict the approaches that the science center develops to adequately sample these species. Roy.

DR. CRABTREE: Yes, I agree and so I would ask that staff modify that. Do we need to modify the language in a motion? **I would move to modify the language in Alternative 2 to say sampling would include deployment of gear such as Chevron traps, cameras and hook and line at randomly selected stations in a manner to be determined by the Southeast Fisheries Science Center in collaboration with the council.**

MR. GEIGER: Second.

MR. CURRIN: Motion by Roy; second by George. Any further discussion on this motion? Charlie, to the motion.

MR. PHILLIPS: Well, for instance, we've got Sea Grant going on boats with video monitoring and they will be interacting, so that is going to fishery dependent. I just want to make sure that does not exclude.

MR. CURRIN: No, we've, I'm sure, willing to take and use any information that is available as long as it provides us with some advantage. Roy.

DR. CRABTREE: In a manner to be determined by the Southeast Fisheries Center in consultation with the council.

MS. SMIT-BRUNELLO: Well, again, in consultation with the council, I would like you to discuss what exactly you mean. Does the center have to come in when they want to change their plan to consult with the council? "Consultation" can be read broadly or it can be read narrowly, and so I think maybe we could have a little discussion as to whether that is what you really want.

DR. CRABTREE: As the maker of the motion, my intent here is that Bonnie would do what she just did yesterday, which is she gave us a presentation on some the research that they're going to do this summer, and that they would come in maybe once a year, give us a presentation on the monitoring program and what they intend to do, and the council would have an opportunity to ask some questions and make comments. That's all I intend by this.

MS. SMIT-BRUNELLO: Okay.

DR. CRABTREE: And it is certainly not my intent at all to restrict the science center or do anything that would hinder this research taking place.

MR. CURRIN: And you're not asking that the council approve these methods and approaches?

DR. CRABTREE: It is not my intent that the council will have to approve any of these. It is just that the council have an opportunity to offer comments and ask questions.

MR. CURRIN: Bonnie, you have been very patient; you've had your hand up a time or two.

DR. PONWITH: With that explanation, I can pass.

MR. GEIGER: Dr. Crabtree covered my point.

MR. HARRIS: This is not to the motion, Mr. Chairman, but I just want to harp on this one more time. I think it is incredibly important that the science center continue and have an ongoing dialogue with the fishing community as we go down this road and not have it one time and then stop, but continue that dialogue on an ongoing basis. Thank you.

MR. CURRIN: All right, any further discussion on the motion? The motion is to modify language in Alternative 2 to read sampling would gears such as deployment of Chevron trips,

cameras and hook and line at randomly selected stations in a manner determined by the Southeast Fisheries Science Center in consultation with the council. Charlie.

MR. PHILLIPS: I'm just curious if it would be appropriate, as a friendly amendment, to add "and fishery-dependent data as available" or "fishery-dependent programs as available"; just add it as a friendly amendment.

MR. CURRIN: That is between you and the maker of the motion. I personally don't see it as being necessary, Charlie. I think you would find everyone more than accepting of any information that can be adequately used and approved.

MR. PHILLIPS: I just wanted to make sure one wasn't weighted more than the other.

MR. CURRIN: Okay. Monica.

MS. SMIT-BRUNELLO: Charlie, I guess if the council wanted, in the discussion of all this you could say the council would like to see possible fishery-dependent programs as well or something like that. I think staff would be able to write that up.

DR. CRABTREE: I think, clearly, Charlie, once the fishery opens in some fashion, which I think will happen in few years, if not before – once that fishery opens, clearly, the center is going to incorporate the size-and-age structure and the catch into the assessment model as they always have in the past.

MR. CURRIN: Further discussion? **Any objection to the motion? I see none and that motion is approved.**

DR. CHEUVRONT: Mr. Chairman, can somebody refresh my memory. At one time we were discussion that Alternative 3 was also a preferred, and I don't see Alternative 2 and 3 as being mutually exclusive. We had initially talked about having a dependent data collection program going on during any closed period when fishing was not going to be allowed so that we could monitor the fishability of the stock and we could see the change over time.

I understand that the center got some additional money to be able to do the independent, and that's why I didn't bring this up before because I think the independent data is extremely important. Somehow we're no longer talking about a dependent data collection program, and I was wondering if somebody could explain to me or remind me why did we decide not to do that anymore.

DR. PONWITH: To the extent that the fishery is fishing, we would gather fishery-dependent data; so for people who are fishing outside of the closed area for species that are legal, the fishery-dependent sampling would continue and the reliance on that data as an input to the stock assessments will continue.

The thing that we were concerned about is the closed area and the prohibition of the harvest of red snapper created an end to that data stream with no fishery-dependent data. The council asked

us to evaluate the merits of allowing some amount of fishing in the closed area as a tool, like the continuation of the headboat index or something like that as a tool for monitoring changes as we go through and make progress in our rebuilding plan.

The assessment of that was that the sample size required using that as a tool to maintain the integrity of that data stream; in other words, not change the way people were fishing so much that it no longer represented the same data stream; the amount of fishing that would take place would require to satisfy that need was so high that it actually impacted your ability to rebuild. On the basis of those projections and that analysis, that as a tool for monitoring was rejected.

DR. CHEUVRONT: So basically it is a sample size issue and the cost associated with achieving the necessary sample size to make it a statistically valid survey.

MR. CURRIN: That is what I recall as well. The analysis that came out of Beaufort I think indicated that. Roy.

DR. CRABTREE: But bear in mind after we have the new assessment and this is all put in place, we have the ability through exempted fishing permits to evaluate specific projects on a case-by-case basis. If they have merit and if they can be done consistent with recovery of the stock, we can deal with those as they come through.

MR. CURRIN: And keep in mind nothing precludes the science center from hiring platforms from among the for-hire sector or private boats or wherever else they want to get them to obtain needed samples within that area. Cooperative research projects that may accomplish some goals and provide some needed information may also well be approved or come before us for approval.

MR. HARTIG: I'm scared; I'm concerned that this hasn't been done before and then if we completely go away from some kind of fishery-dependent program, two or three years down the line we're going to say, well, we don't have enough information from the fishery-independent program to put in the assessments and do a new assessment. That is my fear.

I understand the point about the sampling and that it is going to have a problem with rebuilding. Hopefully, there will be some CRP projects possibly that do this, but I'm very uncomfortable putting this all on the shoulders of the science center to give us the assessment inputs we're going to need to show the health of this fishery in the next assessment.

DR. CRABTREE: The Magnuson Act has a requirement in it that we review progress and rebuilding plans every two years. I would make the argument that if we get down the line and the fishery-independent monitoring program is not sufficient, then we have an obligation to make some change to the management and the rebuilding plan.

If that means we reopen in some limited fashion, I think we have an obligation to come in and do something to determine whether this is working or not. I don't think in a case like this is just sitting by and about nothing. I think it will be a struggle, Ben, but I think if that turns out to be the case, then we would have to talk about some sort of experimental fishery or something like

that, which we could do an exempted fishing permit to allow enough effort to go out there to get a gauge as to where we are on it, and then we would revamp the strategy.

MR. HARTIG: That's fine. As long as it is addressed and we have a way to address it, that is fine.

MR. HAYMANS: Roy, just a quick question. If something were to happen that this motion was delayed and we get to December and the interim rule runs out and we don't have anything in place; and these guys go back to fishing on them for some period of time, would that allow even a snapshot during those months that it was open of what might be out there?

DR. CRABTREE: Well, if the fishery does open back up, then I'm sure the center will have port samplers and folks out there sampling the catch, and I would think we would put a lot of effort into that if it did reopen for some period of time. How much value that would be to it, I don't know.

MR. CURRIN: All right, we need to take a look at the proposed rules associated with this amendment, and that is Attachment 12. Do we need to go through those, Rick, or provide any comments if there are any? Monica, in the development are there any concerns that you all have? Roy.

DR. CRABTREE: I just would point out that we've changed the preferred alternative on the closed area, so the rule you have here is going to be changed for the closed area. It will be changed to reflect the black sea bass traps. It will be changed to reflect the offset hooks. I think that's all that we've changed, so we'll make those editorial changes and the chairman will then deem those modifications as appropriate.

MR. CURRIN: Thank you, Roy. Any other comments or questions about the proposed rule? **All right, that is at this point at least Amendment 17A, and I would entertain a motion to approve Amendment 17A for the secretary.**

MR. BOYLES: So move.

MR. CURRIN: Motion by Robert; second by Duane. Discussion? It has got to be a roll call.

MR. ROBSON: Can we have discussion?

MR. CURRIN: Yes, if there is discussion, go ahead, Mark.

MR. ROBSON: Well, I would like to know a little more about what our options are. Can we approve the amendment today and defer submittal or do we have to postpone submittal or reject it. I would like to know what the options are for how we can handle the amendment.

MR. MAHOOD: I think once you vote to submit it to the secretary, that is it until it is submitted.

MR. ROBSON: Well, we can't defer submitting it once we have approved the amendment. It has to be transmitted immediately?

MR. MAHOOD: Right, you're approving it for submission to the secretary.

MR. CURRIN: Yes, I think in actuality, it goes from here to the Southeast Regional Office and spends some indeterminate amount of time there as the attorneys go through it and the scientists go through it, and at some point in the future it is moved to the secretary.

DR. CRABTREE: Well, look, we've made changes to the document, so the team is going to have to go in and make those changes in the document, and that will take some time. Then it will come to the Regional Office and we have to prepare the transmittal memos. You would be amazed how much paperwork goes into some of these things.

Then when that happens, there will be a Notice of Availability published in the Federal Register with a 60-day public comment period and a proposed rule published. Then 30 days after the end of the comment period on the amendment, we will make a decision to approve, disapprove or partially approve the amendment.

MR. BOYLES: Roy, if you were a soothsayer you wouldn't be in this business, but I'm particularly interested in what happens on or around December 5th with the expiration of the interim rule. As I understand it, that is the Saturday before we convene in New Bern; is that correct?

DR. CRABTREE: Well, my goal will be if the amendment is approved will be to implement the final rule on a timeline that will avoid having a lapse in the closure. You're right, I think that date is December 4th or 5th, so we would need to have new regulations effective prior to that date. We've made some compromises on some things today.

Tom made a motion on the closed area, which passed, and I hope that is going to enable Tom to support and some others to support the amendment now. I think we have done the best we can on this. I think we need to go ahead and vote it up and pass it and submit it to the secretary, and then we'll come back to this when we get the new assessment.

MR. PHILLIPS: Just so I understand the timeline, if this goes through and it is done and it is in place December 4th, we get our SEDAR in December; if we need to change it, what kind of timeframe are we looking for a change to go into place?

MS. SMIT-BRUNELLO: You would have a couple of options before you. If you wanted to make changes based on the SEDAR assessment and your framework was set up so to allow you to make those changes, you could do it via a framework amendment, which takes less time. You don't have to publish the Notice of Availability for 60 days and all that, so it cuts the time down.

You could try to see whether an emergency rule was appropriate and perhaps request one from the secretary if you had the rationale and record to justify an emergency rule. Otherwise, you

would be looking at a plan amendment. You've got one in the works right now. It is just not fleshed out because you're not sure what SEDAR is going to show you, but you may be able to work on that ahead of time to cover a couple of these scenarios.

DR. CRABTREE: And if I could give you an example of a similar situation, we in the Gulf of Mexico earlier this year had a new red snapper assessment completed. It showed that the TAC could be increased, so we, in consultation with the Gulf staff, went ahead and wrote a framework amendment, and we had it finished before the council meeting and brought it to the council. They held a public hearing at that meeting and voted it up right then and there and submitted it to us. That is a possibility.

Similarly, if we think an emergency rule is appropriate, we could do that and we come into the December meeting. We already have some options here, but we could work with staff and develop some options, have them all fleshed out and try to come in December and be ready to go. All of this depends on the record and what the circumstances are, but there are provisions that allow waiver of notice and comment and waiver of cooling-off periods and things if it is in the public interest to do so.

Depending on the circumstances of all those things, we can do that, but I will give you my assurance that if the assessment comes out better or worse and we need to make changes I will frontload this and do everything I can to make this move as quickly as possible.

MR. CURRIN: Now, keep in mind there is another option, which we exercised in Amendment 16 with respect to vermilion snapper. I guess the jury is still out on how successful we were with that, and I think an attempt here to go that way, in my opinion, may result in even a larger problem that we had as a result of 16. That is a way we can go, but in my opinion it is not the best way. I feel like if we can justify an emergency rule, that will be the quickest and best way for us to proceed and make changes in this. George.

MR. GEIGER: Dr. Crabtree really covered my questions concerning frontloading and being prepared as they were in the Gulf. Thank you.

MR. HAYMANS: And the opportunity doesn't exist to put that framework in place during this meeting? I mean Roy was discussing if we had a framework available for us to act in December.

DR. CRABTREE: Well, you do have a framework that allows you to act, and I believe you can modify closed areas in that framework, so you have a framework that you can use now to do that. The benefit of a framework over an emergency rule is it is permanent and an emergency rule is just a temporary fix.

If we did go the emergency rule route, then we would have to follow that up then with a framework. We will have just done a DEIS so we will pretty much have a NEPA document that was just done. It would be a matter I think in the analysis of simply updating based on the new assessment and bringing that in. You already have a framework so that you could do that kind of action.

The issue in terms of how quickly you can do it really comes down to can you justify waiving notice and comment and cooling-off periods and things. Obviously, if you have to have a 30-day public comment period and then respond to all the comments, that adds time to it. We'll just have to see how that works out.

We will go through all of this and be prepared with a front-loaded document and a path to get you there, and I will do that in consultation with Bob and Gregg and the chairman and Mac before the December council meeting. I think given the timing of SEDAR, we may have some indications in terms of some preliminary things by our September meeting, and I think at that point we can have a pretty detailed discussion about where things seem to be heading and what we might do and go through all this then.

MR. CURRIN: Yes, Doug, and that is our intent is to get ahead of this thing and start thinking about approaches before the deadline gets here.

MR. HAYMANS: Just to make sure that I understand, the Closed Area Alternative 2 with no closure area is available in December if we so choose, if SEDAR 24 is rosy?

DR. CRABTREE: Yes, whatever the appropriate rulemaking was, you would do it to remove the closed area.

MR. PHILLIPS: Well, I'm seeing where we're going to need to put in some spawning area closures, and those boundaries may or may not necessarily be in the closed area, so we need to start trying to look at where those are going to be now. I don't know how to go about that, but we need to start looking at those areas.

We could do some other things possibly to move the start date of vermilion back where it coincided with grouper, which would have a lot of people off of the ocean which would help with an awful of discards; and then when the guys went fishing, they could keep what they're catching. We need to talk to the advisory panels, but there is a lot of stuff that we need to put in our toolbox that is not in here.

DR. CHEUVRONT: We've got an amendment coming up – I think it's 22. We have gotten so many numbers now it is hard for me to remember, but I would think that if we're going to have some kind of a red snapper recovery monitoring amendment, this would be an appropriate place that we could include exactly the kind of thing that Charlie is talking about. I'm not sure that it needs to be done right here, right now. I think we just need to make sure it gets included in something like that for the future.

MR. SWATZEL: Well, I want to speak to the motion and not necessarily the process; so whenever the appropriate time is to speak to the motion let me know.

MR. CURRIN: The motion is on the floor right now and that is what our discussion should be about.

MR. SWATZEL: Okay. First of all, I do want to thank the council members that voted for reducing some of these impacts with the new closed area. That cut about a thousand square miles off of the potential closed area. I do appreciate that. I do think that the fishery councils worked in good faith to try to comply with the deadlines that Magnuson-Stevens has in it to end overfishing.

We have been at it now for 23 months, and I don't see where another four or five or six months would make much difference. We're affecting the lives of thousands of fishermen and coastal businesses. I appreciate the efforts that have been gone to get the SEDAR process going with a new assessment. I think that's the right thing to do. I really think the logical and right thing to do is to wait until that assessment has been complete, finalized and presented to council before we take any final action on Amendment 17A. That is my view of it; and as a result of that, I'm going to be voting against approval.

MR. GEIGER: Mr. Chairman, I beg your indulgence, but getting back to Dr. Crabtree's point about frontloading and being prepared for this, the devil is always in the details and the delays can be those little things like public comment periods, 30 days, and cooling-off periods. Is there going to be anybody, is there anybody on the council – I doubt it – and certainly no member of the public is going to want to speak against the results and the application of the results of SEDAR 24, so I just can't see why we wouldn't be able to roll forward and have a plan laid out to make this process as streamlined as possible in an effort to get it done as soon as possible while we're meeting in New Bern in North Carolina.

MR. CURRIN: Okay, any further discussion on the motion to approve Amendment 17A? Mark.

MR. ROBSON: This is a very difficult process for everybody. I'm going to support the motion. Earlier, of course, we were trying to do some things to lessen the impact that this action is going to have. However, I've supported this all along. I do believe that we need to improve red snapper stocks in the South Atlantic.

It is unfortunate that we are as a council somewhat locked into a very sort of black-and-white process. We're not able to have much flexibility in timeframes. We're not able to adjust for the possibility of new information coming within six months. We are obligated to address overfishing of this particular federal stock, and Amendment 17A is doing that.

I'm taking some minimal comfort in the fact that we do have an assessment underway. There is a series of additional steps that have to be taken to actually get rules in place, and I'm hoping – and I've heard what Dr. Crabtree has said and his assurances that they're going to react quickly to whatever we can do with regards to the new assessment.

I think in terms of the state of Florida we're taking the NOAA Fisheries Service at their word that is in fact what they will do. Given that we have got an interim rule that is going to expire December 5th, the possibility we're going to have some kind of replacement regulation in place, whether it is the provisions of this amendment or whatever action NOAA Fisheries Service

deems it has to take, we need to try to move on and get something in place to adequately rebuild red snapper stocks. I'm disappointed we're having to do that by closing a large area to all other sorts of fishing, but I will be voting for 17A.

MR. HARTIG: Unfortunately, I came into this problem at a late date.

MR. HAYMANS: You came in late!

MR. HARTIG: But I will say that getting right in, reading the assessment, seeing the problems that were in the assessment, and then making some of those visible to the council and to NMFS and then the public supporting also some of those things that we saw, there was the change to the new benchmark, and that was a major change for this.

I thank the council and NMFS and the steering committee for doing that. That was a great change. At this benchmark we had considerable input from fishermen, and they had an impact on changing some of the parameters in the assessment such as discard mortality, especially on the commercial end. We have taken the public's comment and we have done something with it. The benchmark was a change based on public and political pressure, based on public pressure, but we did, we made the changes, which in a situation like this where it seems like we can't do changes based on public comment, we did.

That is why I would say the public again came to us last night. We had the legislative letters that came to us and the testimony. We had the different fishermen who are going to be impacted and the people who have been in this all along telling us to wait until December to make that call. I have a problem with artificial timelines and trying to deal with this, but I'm not going to vote to move it ahead because I believe that we should wait until that time.

I'm not confident that we can everything done in a timely fashion to make sure that we can do – if there are changes – and I agree with Roy there may not be significant changes to the assessment. Frankly, when you see red snapper, particularly when you change the age structure to 50 years old and you're only managing 25, you have a problem and that has to be dealt with and I understand that. Closing the other fisheries, I have a problem with that. I'm not going in favor of the amendment.

MR. CURRIN: All right, Mr. Mahood, I'm going to turn it back over to you for a roll call vote.

MR. MAHOOD: Dr. Chevront from North Carolina.

DR. CHEVRONT: Yes.

MR. MAHOOD: Mr. Boyles.

MR. BOYLES: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: No.

MR. MAHOOD: Ms. Merritt.

MS. MERRITT: No.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: No.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: No.

MR. MAHOOD: Mr. Robson.

MR. ROBSON: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Mr. Geiger.

MR. GEIGER: Yes.

MR. MAHOOD: Chairman Harris.

MR. HARRIS: Yes.

MR. MAHOOD: Chairman Currin.

MR. CURRIN: Yes.

MR. MAHOOD: The motion passes nine to four.

MR. CURRIN: Okay, everyone, thank you very much. I just would note that we do need to allow the staff some latitude and some editorial license to – we will get back to rule. While I had it on my plate here, I just want to make the comments that I'm assuming we are allowing the staff editorial license to make the changes that we indicated and other things that they find of a technical nature and not substantive.

Everyone understands that the chairman will be deeming this amendment for the secretary after those changes have been made. Everybody is clear on that? We need a motion to allow the chairman to deem this amendment on behalf of the council. Robert and seconded by George. Any discussion on this motion. **The motion is to allow the council chairman to deem the amendment complete for review by the secretary.** George.

MR. GEIGER: Mr. Chairman, it is something that has never been done here, but there are provisions for this council to meet in emergency session. As we proceed through this SEDAR 24 process and if it becomes evident or apparent that there is a potential to be able to move or there are advantages potentially with an emergency meeting, could that be a consideration at least maintained by the staff to come forward and say at some point there is an advantage to having an emergency meeting and developing a timeline in advance of our New Bern council meeting and doing some of the legwork and groundwork at that emergency meeting so that we're better prepared?

MR. MAHOOD: That is certainly could be done, but you're saying in advance of the New Bern meeting. We probably won't have all the information from the stock assessment until our New Bern meeting, so it would probably be between our September meeting and our December meeting I think would be the timeline that you would need an emergency meeting.

MR. GEIGER: Yes.

MR. MAHOOD: Okay, yes, that can certainly be done.

MR. GEIGER: If we can just keep our eye on it and see if there is any advantage to doing that and potential for time savings and development of ideas.

MR. CURRIN: Okay, let's keep the discussion, if there is any, on this motion that we have before us. **Is there any objection to the motion? I see none so that motion is approved.** Now we have to approve the rules, Bob, as well.

MR. MAHOOD: The proposed rule.

MR. CURRIN: The proposed rule, so I will need a motion from the committee.

DR. CRABTREE: So move.

MR. CURRIN: **Motion by Dr. Crabtree to approve the proposed rules associated with the implementation of 17A** and a second by Brian.

DR. CHEUVRONT: And a comment; I think we also need to put in the motion something about we need to be able to allow them to edit the rule according to the changes that were made at this meeting.

MR. CURRIN: Okay, the motion is approve the proposed rule for Amendment 17A and allow the staff to make changes based on actions taken by the council. Any further discussion of that motion? **Is there any objection to that motion? The motion is approved with one objection.** All right, folks, thank you very much. What else do we need to do here? We need another motion, Rick tells me, to allow the chairman to deem the rules after the changes are made.

DR. CRABTREE: So move.

MR. CURRIN: **Motion by Dr. Crabtree to allow the council chairman to deem the proposed rule complete for review by the secretary. Second by George. Discussion. Any objection to that motion? I see none and that motion is approved.** Anything else on 17A? Do you want to break for lunch, Mr. Chairman, and we will be back at 1:15. We will recess until then.

(Whereupon, the meeting was recessed at 12:00'clock noon, June 9, 2010.)

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JUNE 9, 2010

WEDNESDAY AFTERNOON SESSION

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The Snapper Grouper Committee of the Whole of the South Atlantic Fishery Management Council reconvened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Wednesday afternoon, June 9, 2010, and was called to order at 1:15 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: We will reconvene snapper grouper as a Committee of the Whole. We've already, to some degree at least, been introduced to our next agenda topic, and that is the analysis of the closure areas that we've viewed and actually took some action on here in Amendment 17A. The purpose of this item on our agenda is to make sure we understand and direct the staff or at least give some thought to how we might want to react or might feel we may react in December as we become more informed by the SEDAR 24 results.

This is one approach that we use. We have used it in the past to compare area closures and calculate what sort of reductions or in this case in December perhaps we may be looking at

increases in the closed areas or reductions in closed areas. Andy doesn't have a presentation on this topic, but we have referred to the table if there are any questions about to, but certainly we want to have some discussion from the committee about what over and above this we feel we might need to start working on or to have in order to make a more informed or better decision in December.

In addition, we're going to talk about the implementation of whatever changes might be made, whether that is through an interim rule or emergency rule or a framework acti0on. This is your opportunity to ask questions about that. Robert.

MR. BOYLES: Mr. Chairman, today we changed the action by lopping off an area to the north. Unless I'm missing something, it appears that is the way the table is constructed. I guess 28/80 is the base run. I would be curious to know if it's possible to look at an analysis where we might reduce the areas from the south now. I think that would be helpful to me.

MR. CURRIN: Thank you, Robert, and George brought that up – yes, George.

MR. GEIGER: And that would be a proportional reduction certainly because the fishery is so prevalent and predominant off of Florida the landings are high. There is no problem but it should be a proportional meter.

MR. STRELCHECK: The tables that we provided for this meeting were constructed with the idea of as you reduce the size of the closures or increase the size of the closures you wanted to add the closed area was going to provide the next greatest or least reduction, so that's why we took off from the north rather than the south.

The model that Nick Farmer has developed over the last year for you guys certainly is capable is looking at an infinite suite of possibilities. As we get closer to December, we can create similar tables such as this that would look at other options. The other thing that I'll add is that is that a lot of decisions that are being made during the SEDAR 24 Data Workshop and then into the Assessment and Review Workshops are going to change the model baseline that we were working off of.

These tables really won't be directly relevant come December because there will be some changes in terms of how we have to parameterize the model. A key change, for instance, might be the commercial release mortality rate, which was reduced from 90 percent to 50 percent at least of the data workshop. Those changes affect the baseline from which we're reducing off of, and so we would have to reparameterize the model to account for those changes.

MR. CURRIN: I'm not sure how deep in the weeds we can get as far as details, but I just want to make sure everybody is aware of what tools we have now and make sure we're not missing something that we want in the future. George.

MR. GEIGER: And in discussions over lunch, I queried about the SEDAR 24 and where we would be at specific points in time. I was informed that in our September Briefing Book we will

be privy to a draft review of SEDAR 24. That is in our September Briefing Book. Now, Gregg is frowning a bit, but the first draft of the assessment will be available in our September Briefing Book. I think there is ample time here to really take a hard look at that.

When it goes to the SSC, we're looking really at a – and correct me if I'm wrong here, staff – they give us a thumbs up or a thumbs down if it is usable for management. They look for any glaring areas, but they don't do a reassessment or do a point-by-point review of that assessment. I think with the scrutiny under which this assessment is being conducted and with the openness and inclusiveness of the process, even the people who would ordinarily be the people who make comments, public comments, if we have a public comment process in the SEDAR, are probably part of that process.

I think in September we are in a position where we can really take a hard look at this and not wait until December to do it, but do our preliminary work in September maybe in lieu of that emergency meeting I talked about earlier.

MR. CURRIN: Well, that would be ideal and preferable, I'm sure. Robert.

MR. BOYLES: Mr. Chairman, just a process question; in light of pending outcomes from SEDAR 24 – and this gets back to timing – some of the parameters of the model, for instance, about the release mortality certainly that have discussed at the data workshop a couple of weeks ago – from a timing standpoint are we going to have to have the SSC go and look at that and say grace over that before we accept these particular parameters in terms of guiding our decision in December? Will that lead to a further delay? Do we need the SSC to go over and say, yes, this is a reasonable presumption on release mortality, for instance? Are we going to be able to just move down the road?

MR. CURRIN: Rick just told me, Robert, that the SSC is rescheduling a meeting, bumping it up into August, so that they will have an opportunity to look at it.

MR. DeVICTOR: Maybe.

MR. CURRIN: Maybe, possibly. I think they're currently scheduled for November.

MR. GEIGER: To that point, Robert, I think the SSC is looking for glaring things that stand out as problems. They don't reassess; they don't re-challenge, correct?

DR. CHEUVRONT: Right.

MR. GEIGER: So it is more of an overview and the determination of whether it is usable for management.

DR. PONWITH: Just from a timing standpoint, the data workshop has been done. The assessment workshop is beginning. When the assessment workshop is done, the interim project will be posted, but the remaining step in the SEDAR process is probably the most important one,

and that is the review workshop which, if I remember correctly, is happening in the middle of October.

Looking at the results and using them to guide what direction you should be leaning certainly would be prudent, but you would want to be very careful about getting out ahead of the review process because, honestly, that independent peer review is the cornerstone of the SEDAR process.

MR. CURRIN: Yes, I think at best, Bonnie, what we can expect is an indication of how things are going.

MR. GEIGER: Yes, and I misunderstood. I certainly don't want to get out in front of the review process. I was under the impression that draft was going to be kind of what the SEDAR was, but I didn't realize it hadn't been reviewed yet. I guess we're back to keeping as a timing issue the potential for an emergency meeting possibly between September and the December meeting in an effort to jump start this planning.

MR. CURRIN: Other comments or questions? I'm not getting any indication from the committee that they see glaring omissions or approaches that we should be taking that we're not. It seems like we've got a pretty good tool here with Nick's model and realizing that some of the parameters will change and that what we have seen before will be different, but at least it can be modified pretty quickly and will still remain a very good tool for us.

Any discussion about the action and how we might try to make the changes? I suggested this morning an emergency rule. There are the possibilities of an interim rule, which is going to expire, and then, of course, I think Dr. Crabtree mentioned a framework. I'd just like, if we can, Roy and Monica, if we can just go through those approaches, all the available approaches that we have, look at timings and pitfalls and problems with those just for my information and the committee, perhaps, as well. Duane.

MR. HARRIS: Mr. Chairman, this goes back to the previous question and Andy's presentation. I just want to make sure we don't lose sight of some other opportunities with respect to modifying the closed areas. I think we might look at months of the year when those closed areas might be opened, perhaps even days of the week. I just think we need to have all of those options on the table. They may be much more difficult to analyze, I don't know, but I don't want to lose that, so I want to make sure we try to put that in the mix if we can.

MR. STRELCHECK: Right now the model is set up to actually be able to open months of the year based on spatial area closures. We haven't presented that, but obviously that is capable with how the model is designed now.

DR. CHEUVRONT: I think that is a really good point, Duane. I think we do need to think about other possible management schemes that we could come up with other than just closed areas. We've talked about having time area closures, but before we get away from this wouldn't it be a good idea if we could come up with some other potential types of scenarios.

We don't have to work on, obviously, any details. I can't think of any myself, but I don't want to go away from this without giving the guys who are going to do this analysis a feel for the kinds of things that we want to consider. I think this is really important. We need to consider everything and we have to be able to do what we're talking about and also the mechanism for how we would implement any changes. I think what we need to do is do it as absolutely quickly as possible as the law will allow. I think that should be the guiding principle.

MR. CURRIN: And I agree; I just want to kind of have a feel for how that is going to be accomplished. Charlie.

MR. PHILLIPS: Obviously, I would want to run this by the Snapper Grouper Advisory Panel, but there are some things that could be done to lower the amount of discards; i.e., say if you open vermilion the same time you open grouper. That pretty much takes a lot of people off the water because there is not much to catch except maybe some amberjack, but when they do open it up then they can keep their grouper and their vermilion instead of picking and throwing discards back. That is not even getting into black sea bass discards and stuff like that.

That could make a difference, and can we put that in the model. Again, I would like to know how the advisory panel feels because if you wait until grouper, then you're not going to be selling vermilion during Lent. And then we have to put some boxes in for spawning closures and they may not necessarily correspond with these boxes. We've heard testimony that those fish are inshore. These boxes don't go that far inshore so we need to put that in the mix.

MS. SMIT-BRUNELLO: Mac, a couple of questions ago were you asking a question to be answered at this meeting or for the future in terms of what kinds of procedural vehicles these action could take or what was your idea?

MR. CURRIN: Well, I think if we've got time and you've got the information before you at this meeting, yes, I would like to at least have a good feel for among the options available to us for moving ahead, what is allowable, not allowable, timeframes associated with each, if that is possible. If not, then, yes, I'd make that request that we –

MS. SMIT-BRUNELLO: Well, I can discuss it in the broader context. Assuming we have an administrative record, a proper one for whatever you would like to do – and you guys are good about developing those, so we'll just assume we have a good one – then as I discussed a little bit during the 17A discussion, the options are doing something via framework.

Remember that you have a framework action in 17B that has not been approved; and so if that were to be approved – and even if it weren't to be approved, I think that you could modify closed areas, you could restrict gear. There are a number of things you could do along those lines in terms of opening areas up, making them only specific for certain kinds of fishing, spawning season closure, all kinds of things you could do that way already apart from whatever 17B would change to the framework if it were approved.

There is a potential for – well, an interim rule to reduce overfishing is a tricky thing because we have an interim rule that is in place right now that expires December 5th. If you were to somehow fashion another interim rule to – so the interim rule acts as an amendment to the FMP for the time period that it is effective, so until December 5th that interim rule prohibiting the harvest and possession of red snapper is just like an amendment and it is part of your FMP, and that is what exists.

An interim rule can only be used in the Magnuson Act to reduce overfishing, and so if your baseline is already that you've got the South Atlantic EEZ closed to the harvest and possession of red snapper, then you would have to do something even more than that, maybe along the lines of bycatch, something like that, which would further reduce red snapper.

If you understand where I'm coming from, you have a baseline already that closes all the water to the harvest of red snapper; so if you're going to do something that further reduces overfishing, then you're going to think of something more than just that area closed to harvest of red snapper. Those, just like an emergency rule, are good for 180 days. They can be extended. If you have sufficient record and you have taken public comment, you can extend those for 186 days.

There is an emergency rule possibility which is more broad than an interim rule because interim rules are only to reduce overfishing. In this area we're talking about, in the Judicial District of the Middle District of Florida we have a judicial opinion that says that you can only use interim rules for species undergoing overfishing. Interim rules are more restrictive.

Emergency rules are broader, but they have criteria that you have to meet that the Fishery Service has had out for 13 years, almost, about what they consider guidelines really for emergency rules, so we would have to fall within those guidelines, the justification criteria. We have discussed it before and I can bring that up again if we need to, but we're not sure what you want to do yet so it seems premature to start talking about whether something in future could meet justification for an emergency rule.

Then the next step up, which would take a little longer, is the framework amendment that we just talked about, but you don't need a 60-day comment period for a Notice of Availability. That is not required because you have already discussed the kinds of things that you would treat in a framework action. Closed areas, gear restrictions, all those sorts of things, you have already developed that in a fishery management plan amendment that has had that longer comment period.

You don't need that but you would have a comment period on the proposed rule. As Roy was discussing this morning, if you had a good idea of what you might want to include in a framework action, that could be frontloaded, so to speak, in that it would be pretty developed but it would be brought to you for approval.

In other words, you wouldn't see an options paper. It would be much more than that. It would be a document that would be pretty well fleshed out, but obviously you have the wherewithal to make any changes you want because it is going to be your document. From a time period, the

one that takes the longest is a fishery management plan amendment, and I know you're all very familiar with those because you've done a lot of them and you're doing a lot of them.

That requires a 60-day comment period on the amendment once it is done, a comment period on the rule; and then 30 days after the comment period closes on the amendment, the secretary has to make a decision whether to approve it. Those are the vehicles under the law in which you could put actions in to carry it through to make it effective.

MR. CURRIN: Monica, can you put a rough average range of timeframes associated with those three actions?

MS. SMIT-BRUNELLO: Well, with I believe an interim rule or an emergency rule there is Coastal Zone Management Act time periods in which you send the action to the state. Unless you can get them to agree to a shorter time period, that is pretty much a 90-day timeframe you're looking at. The state has 60 days to comment it, and they can extend that for another 15 days and then you can't take action for another 15 on top of that. Anyway, that is really a 90-day comment period.

There is the NEPA time periods of which I know you're all very familiar with now. If it is an environmental assessment, the time to complete that is not nearly as long as it is for an environmental impact statement. With an environment impact statement, you have to send it out for public comment for 45 days and you have to address those comments.

I believe when you issue the final environmental impact statement, if that is the route you go, then you cannot take any action for 30 days after that. It's almost like a cooling-off period. Then under Endangered Species Act, you have to complete any appropriate consultations under the Section 7 of that for federal actions that need to be done. That timeframe, it depends.

We have been very good about having many of the – if the fishery required a biological opinion or some other type of consultations, we're pretty much up to date with those, so that might not be a huge time factor. Those are the major ones. If there is a rule, it can get reviewed by OMB, and they have a statutory period to look at it. Those are the major laws that I can think of that might – OMB is not a law but they have their time for review, so those are the major factors I can think of right off the top of my head.

DR. CRABTREE: Because Monica is a lawyer, she is more careful than me sometimes, but my guess is we're going to be looking at just modifications to something we have already done. The goal of this will be to achieve rebuilding red snapper, which we have already looked at. I can't say it won't be an EIS, but I think it is unlikely that it would be.

One thing we are going to need, though, the CZMA letter sometimes can be a real hangup, but we have got all the state directors sitting here; and if the states will do it, they can take that letter and turn it around in one day and get those back to us. That can be hangup but assuming everyone is on board with that and the state folks go home and turn these around, that shouldn't slow us down at all on some of this stuff.

My goal will be to anticipate what the range of alternatives you may want to look at are prior to the December meeting and have whatever document and analysis we're going to need done; so you come in, you read it and you make whatever changes you want and you choose your preferred, we schedule final action and public hearing at that meeting, and you do it, and then we go back and move the rule.

MR. CURRIN: And assuming if it takes place as you outlined, that rule would become effective when?

DR. CRABTREE: It is conceivable to me that we could – if it is a rule that waives notice and comment, that we might could get a rule to the Federal Register within 30 days of the council meeting. If waive the cooling-off period, it could be effective on publication. Now whether we can waive all those things or not depends on what it is we're doing.

MS. SMIT-BRUNELLO: I have a hard time thinking you could waive public comment.

DR. CRABTREE: Well, on an emergency rule we could.

MS. SMIT-BRUNELLO: Yes, you could.

DR. CRABTREE: I don't know if the framework would allow us to waive notice and comment on a framework action.

MS. SMIT-BRUNELLO: I don't think it is set up that way, but, again, you can have a 15- to 45-day comment period, so you could have a 15-day comment period. You would just want to make sure you have plenty of opportunity for the public to comment.

DR. CRABTREE: And if the rulemaking happens along the timeline I am envisioning and we're assuming that 17A is approved ultimately and then the rule publishes, say, on December 1st, then the red snapper closure would be effective on the 4th or whatever the date is to keep a lapse, but the closed area wouldn't become effective until 30 days after that, so it wouldn't become effective until in January sometime, anyway. If things lined up, depending on what we do, we could potentially have the change in place within 30 days of it actually going in place.

MR. CURRIN: All right, that helps me, thank you, both, very much. Any other questions regarding timing approaches or generating information that we're going to need for a decision? Everybody comfortable with where we are? Do you feel like we can make progress in September? Okay, Andy, thank you. Next we're going to move into Amendment 18, and that is Attachment 15 in your briefing book. Kate is going to take us through that.

MS. QUIGLEY: Okay, Amendment 18, as Mac said, is Attachment 15 in your briefing book. What we can do is go through Chapter 2. We have a couple of new actions and some new alternatives to present to you and some new analyses as well. If we take a look at Chapter 2, PDF Page 37, the first action is extend the Snapper Grouper FMU northward. The language here has not changed, but we have some things that we would like to talk about.

Nothing has changed within this action. The analysis has changed a little bit but not much. One of the main issues that we just wanted to make known to the council is that as the actions are written right now, as the alternatives are written right now, basically what would happen is if someone wanted to fish in those northern areas and they had a commercial snapper grouper permit, then they could.

If someone wanted to enter the fishery and they lived in Virginia, then they would need to purchase two commercial snapper grouper permits from someone, and that would be combined into one. They would do all the paperwork through the permits office, down there, as it is done right now, so none of that would change.

The only concern that some of us had on the IPT that we were going to talk about in the analysis is if you did allow for another office to go ahead and issue permits, then because it would be different from the requirement that we have down here of two for one, there could be some issues. As it stands right now, as the action and alternatives are written, the Southeast Permits Office would take care of any new permits issued, and the states in the Mid-Atlantic and northeast would be responsible for adhering to any portion of the ACL that was designated to the northern area.

MS. SMIT-BRUNELLO: Well, this confuses me. It confuses me because I understand about extending the FMU northward, but this whole permitting idea and letting the Mid-Atlantic or New England go ahead and do whatever they want to do in terms of permitting; how does that work? How does that become part of this fishery management plan, do we have delegations that go – I mean, just how is that set up?

MS. QUIGLEY: I was just going to say – I think Gregg has something to say, but as it is written right now they would not issue new permits. The Southeast Regional Permits Office would continue to issue permits as they do right now and the two for one would be maintained.

MS. SMIT-BRUNELLO: But the area in which the two for one is maintained is the current area in which the South Atlantic manages and not further up north, so it would be just as it is now off of North Carolina, South Carolina, Georgia or the east coast of Florida. To fish in that area you need a snapper grouper permit and you would need two for one or however you obtain that permit, right?

MS. QUIGLEY: Yes, and so when the extension occurred, then the permits office – the current permit would continue. The permits that people have right now, they could then fish in those areas.

MS. SMIT-BRUNELLO: Okay, I understand that part; so if someone is in Virginia and they want to go fishing in the EEZ and this has been extended and the boundary has been extended up through the Mid-Atlantic or New England, all the way, what if they want to go fishing in the EEZ for snapper grouper species?

MS. QUIGLEY: Then they would find somebody to sell them a commercial snapper grouper permit, two permits, and they would go through the Southeast Regional Permits Office to have that condensed into one, and then they would be able to fish the same areas that fishermen down here are able to fish.

MS. SMIT-BRUNELLO: Okay, so the permit requirement extends throughout the entire range of expanded FMU?

MR. CURRIN: I think Gregg has got some light to shed.

MR. WAUGH: Well, I don't know, maybe some confusion to share because I think we're making this a lot more complex than necessary and certainly more complex than where I thought we were heading. I thought we were patterning this similar to what we did with mackerel; and we are recognizing that for whatever reason those species are showing up in the catches, we have to account for them – that is what we have been told – in tracking our ACLs.

We were going to allocate a portion of the ACL to either the Mid-Atlantic area or the New England area and then turn over everything associated with managing that to the New England and/or Mid-Atlantic councils for them to determine how they want to ensure that quantity is not exceeded. That certainly how, as I recall, we were talking about it. It wouldn't extend the two for one up there, it wouldn't do any of that. It is just up to them. We have landings up there. They need to account for them. They will be given an allocation. They track it and shut it down.

MR. CURRIN: Thank you, Gregg, and that was my understanding as well from the communication we had with the Mid-Atlantic at least. We haven't had much in the way of communication with New England. George.

MR. GEIGER: Yes, and Gregg described my recollection as well and that is what I thought we were going to do.

MR. MUNDEN: I agree with everything that has been said other than the fact that the northeast region has not expressed any interest to getting into snapper grouper permitting. It was our understanding at the Mid-Atlantic all along that it would be a two-for-one permit exchange in order for an individual to get a permit to fish in that new area.

We support that because we feel that is only fair to treat those new fishermen the same way that fishermen have been treated in the South Atlantic area of jurisdiction. I don't think the northeast region has any interest in getting into the two-for-one permit exchange, and that would still be handled by the Southeast Region.

MR. CURRIN: Red, I want to make sure I'm clear, then. The Mid-Atlantic's intent was never to issue a permit but to honor and require South Atlantic snapper grouper permits to fish in the Mid-Atlantic?

MR. MUNDEN: That is my recollection, Mr. Chairman.

MR. CURRIN: Okay, that was not mine. Roy.

DR. CRABTREE: Well, I agree that I don't think there is any reason to involve the Northeast Regional Office in the permitting of any of this. It does worry me a little bit, though – and maybe there aren't any, but if there are people up there who are actively commercially fishing for these species, which I'm not aware of any landings so I assume that there are really not, but they would be effectively shut down.

I don't know that anybody is going to spend the amount of money it takes to buy two snapper grouper permits in order to snapper grouper fish off of Virginia, because I don't think there is enough up there. Is there anyone commercially fishing up there that you guys are aware of, Red, because all we really have heard about I think are mostly some charterboats and recreational guys doing this?

MR. MUNDEN: I agree, Roy, most of the comments are relative to recreational fishermen and the headboat/charterboat fishing fleet going out and targeting snapper grouper species, but there is some bycatch of blueline tilefish by the commercial industry. I've been hearing that for a couple of years from North Carolina commercial fishermen. I don't know if anyone is actually targeting the snapper species or not commercially. Quite possibly some of the North Carolina boats who have snapper grouper permits have shifted up into the snowy grouper fishery.

MR. CURRIN: All right, other questions or comments. I'm at least clear on where we're going; it is not where I thought we were going. Roy.

DR. CRABTREE: And back to what Gregg was saying, the notion that we just turn it over to them, but if they want to put in place a change in regulations for a snapper grouper species up there, it seems to me they could have the discussions and decide what they want to do, but then they've got to come back to this council to vote to actually do a framework action or amend the plan or something.

MS. SMIT-BRUNELLO: If that is not what you want to do – this document is this document right now and I guess we can discuss timing and all that, but if you want an action in there where you're not going to require a commercial snapper grouper permit to fish in this area, that is certainly an alternative that you can add in.

MR. CURRIN: Thank you, but I have no desire of that. I want the Mid-Atlantic Council to be happy and I want to satisfy the requirements that we account for and track the mortality of these species. As I told Rick Robins in the past, by the time we get this thing in place that fishery may be totally gone, anyway, because of the rates at which they're harvesting. I don't know but it wouldn't surprise me, at least. I just want to make sure that these guys aren't irritated with the way we're approaching this. It seems like we've got good agreement on that approach and we're going to account for the landings up there as best we can, so I'm happy.

MS. SMIT-BRUNELLO: So I have another question now that we've figured out the permit issue, and maybe we've just discussed this with Roy's comment. It discusses how the Mid-Atlantic or the New England Council would specify management measures to limit mortality to the ACL/ACT specified for their area. Do we all understand that if they wanted to specify management measures, they could get together and specify them, but then they need to go in and somehow be part of the FMP? Okay.

MR. CURRIN: I'm looking at Red for clarification of all that. He is shaking his head in the affirmative.

MR. MUNDEN: That is correct, Mr. Chairman.

MR. WAUGH: Just to clarify, too, that is in part why Red is sitting at the table. If we were in committee, he would be a voting committee member, but we have given seats as voting committee members to the Mid-Atlantic and New England, and that would facilitate the mechanism for them to have input and request regulatory changes.

MR. CURRIN: Yes, and we went through this in the past with whether they wanted to set up their own committee or wanted to be represented, and I think they chose to be a part of our committee and have their input there. Does that clarify everything that you need?

MS. QUIGLEY: That's fine. It sounds like the committee is in agreement with what we have written up here and now we all fully understand what that means. I think for many months there was confusion on the IPT's part as well as some council members, I guess, so we've got that straightened out and that is good.

The only other issue to bring up here is to let people know that allocation to these northern areas would occur in the Comprehensive ACL Amendment. The intention right now is to first get Amendment 18 through and then go on to the Comprehensive ACL Amendment. Otherwise, doing it backwards might not make a lot of sense, so just a heads up that we probably need to keep that in mind.

Okay, if there are no other questions on the northern expansion, we're going to move down to Action 2, which is on PDF Page 39; designate EFH. If you want, what we're going to focus our attention on right now is Table 4-23 on PDF Page 175. The wording for Action 2, some of the wording in there has changed, which I've highlighted in yellow.

We will get to that in just a minute, but I'm going to let Roger and Karla walk you through some of that analysis and the approach that was taken. Basically what we're looking for from the committee is what do you think of this approach, what do you think of this analysis, is this okay with you; and if so, then we can move forward. I'm going to let Roger take it from here.

MR. PUGLIESE: Okay, in response to the discussion at the last council meeting, what we did is coordinated with the Habitat Conservation and the IPT with the intent of including the information that we had compiled to date and then expanding it to address some of the issues,

especially linking what we know about species in the South Atlantic with some of the information relative to designations in the Mid-Atlantic Region.

What you have is in Table 174 – right prior to that you do have the descriptions of the EFH for the Mid-Atlantic. The focus on this discussion and proxy discussion is tied to black sea bass, scup and golden tilefish. When you look at this table, what you're seeing are 36 species that have been identified through the Fishery Ecosystem Plan and in catch information that we were able to compile.

This is a combination of both description information in the FEP as well as where we have confirmed landings in the Mid-Atlantic or northeast region. You have a table that breaks out the species. It lays out some of the details that have been identified in the plan that identified that connection extension through the Mid-Atlantic, New England and maybe even beyond to areas outside, but it does include that key point that identifies its extent into the northern region.

It also does go into discussion and description of some of the habitat requirements, so it is building that connection between the habitat information that we have on those species and the occurrence of that type of habitat or connection to that habitat in the designations for the existing species.

The last column in the table then lays out what we're identifying as an EFH proxy for that species. What we tried to do was break it out by life stage. If you go through this table, essentially what you end up coming to the rapid conclusion is most of the information, number one, is level one, which occurrence information and most of it really ties to adult use of habitats and in some cases juvenile use.

What we did is we went through and created this and worked together to expand and refine it. One more recent recommendation from David Dale at Habitat Conservation was to refine this; and instead of stating no suitable proxy, just identify that there is inadequate data or insufficient data to identify that specific life stage.

What you do have is the description of these 36 species where we do have some occurrence in the Mid-Atlantic and it refers it back to a connection to a Mid-Atlantic species habitat for black sea bass, scup and golden tilefish. That is the short version of what we have in front of us.

MR. CURRIN: Questions for Roger? Yes, Karla.

MS. GORE: I just wanted to add to what Roger said a little bit. We talked with the Habitat Conservation folks about how to designate EFH. They explained to us there are four stages of EFH designation, and the first is looking for presence/absence. We took all 73 species, like Roger said, compared them to the FEP and catch landings and determined that there are only 36 species found in the northern extension area, and those are in Table 4-23.

Then the next step was, well, do you have enough data to actually designate EFH or establish EFH; and for most of them we didn't have that data in the northern extension area. Then you go

to the third step; do you have the data to link to different proxies? There were only three species that we have proxies for in the Mid-Atlantic, which were golden tilefish, scup and black sea bass.

We looked at those species and on Table 4-22 we kind of summarized the EFH of those various life history stages. Then 4-23 kind of meshes the two together, so we look at the 36 species that we know are in the northern extension, their life history information and EFH requirements and then whether or not we can link them to one of the proxies. In many cases we can't.

There is no suitable proxy. The acronym "NSP" is listed for many of the life stages for many of the species. According to the Habitat Conservation folks, that is okay, if we don't have the information we shouldn't establish a proxy that is not accurate. That is where we are. If you look through the list, there is a bunch of life stages and a bunch of species that don't have proxies associated with them.

MR. CURRIN: Questions for Karla? Monica.

MS. SMIT-BRUNELLO: Well, I think this is a much better way to go than the approach that we were thinking about doing the last time. I think that you have all talked with the habitat folks. I do have a question in terms of the actual wording of the alternatives because in Alternative 2 – well, Alternative 1, too, but that is no action, so Alternative 2 says designate EFH and EFH-HAPCs, so the EFH-HAPCs are not required to be designated. It is just that if you have the information that is sufficient to designate, then you can.

I guess I have a question for you, Karla or Roger. Is there information sufficient that you can designate EFH-HAPCs? If there is not, I would just remove that EFH-HAPCs out of the alternative; and if there is, you want might want to make that – I think in the past we have made those separate actions and not together with EFH. That is just a way to structure the document.

MR. PUGLIESE: Yes, Monica, to that, it was put on the table for consideration when we were looking at some of the information they for existing HAPCs, if they would overlap, and the bottom line is we have enough basically to look at EFH alone at this point, so it would be probably prudent to remove EFH-HAPCs out of the action item.

I would take that also one step further. On the preferred alternative we have the New England designation and those are three Mid-Atlantic species in collaboration with the Mid-Atlantic Council, so that may be more specific to identify the Mid-Atlantic area proxies, because originally we had talked about possibly using monkfish, and that just overlapped way too much and really did not – once we got into the guts of looking at the information, it was inappropriate to use as one of the components; so those two variations, the EFH-HAPC removal and New England as one of the parts being removed.

DR. CHEUVRONT: That all makes sense to me so is it appropriate that I would make a motion to modify our Preferred Alternative 3 to change the language on it or is it simply direction to council staff? Do you need a motion, Gregg? Okay, I'll go ahead and make the motion to

modify Preferred Alternative 3 regarding EFH and EFH-HAPC, to change the wording to say “track the Mid-Atlantic Fishery Management Council EFH designations”.

MS. QUIGLEY: I just want to say that we have some suggested wording for Alternative 3 up on the screen. The IPT was a little confused with the term “track”, so instead we suggested wording “designate EFH for snapper grouper species in the northern extension using MAFMC and NEFMC designations as proxies where appropriate”. That would be preferable to the IPT.

MR. CURRIN: So moved by Dr. Cheuvront; second by Mr. Harris.

DR. CHEUVRONT: Yes, thank you.

MR. CURRIN: Discussion on the motion? Brian.

DR. CHEUVRONT: We were going to drop New England, right?

MR. PUGLIESE: Yes.

DR. CHEUVRONT: We only wanted Mid-Atlantic in this and not New England. That is what we were talking about because we didn’t have New England species to use for identifying EFH, correct?

MR. PUGLIESE: Yes, that is exactly – we have the clarification of wording that had been in the original wording, but with dropping monkfish and any specific designation, it is clear that it is three Mid-Atlantic species that we’re using as proxies.

MR. CURRIN: And that will get us by until Massachusetts starts posting the world record tilefish on the internet and then we will have to do something different. Brian.

DR. CHEUVRONT: Just to make sure it’s clear, I’ll reread the motion. **The motion is designate EFH for snapper grouper species in the northern extension using the Mid-Atlantic Fishery Management Council designations as proxies where appropriate.**

MR. CURRIN: All right, further discussion on that motion? **Any objection to that motion? I see none; the motion is approved.** Monica.

MS. SMIT-BRUNELLO: So, Roger, the discussion will – and maybe I missed it, but it will be in there that there is no information, then, to designate it into the New England area?

MR. PUGLIESE: I think what the idea is it is the Mid-Atlantic species, and those species’ habitat distributions and EFH designations cover actually the Mid-Atlantic and New England areas. It is the proxy species is all we’re talking about in there.

MR. WAUGH: Just for some clarification there was some discussion about dropping HAPCs, but it is factual to say that the no action would not designate EFH or EFH-HAPCs. Alternative

2, we have looked at it, we have done the analysis, it is a reasonable alternative and we have concluded that we don't enough to do HAPCs. It seems to me just leave it in there. We have explained why it isn't appropriate.

MS. SMIT-BRUNELLO: Yes, I agree with you. I think that is much better than what I was suggesting before.

MR. CURRIN: So you're comfortable? All right, Karla.

MS. GORE: I just wanted to restate this. The preferred alternative is going to leave no proxies for many species in the northern extension area, which according to the EFH people that is okay, if we don't have the data, we don't make it up, and we can explain it in the document, but I just wanted to make sure everyone is aware of that.

MR. CURRIN: Yes, thank you. A whole lot of work went in to establish the fact that there is not much going on up there that we can do, and I hate to have put you guys through it, but I guess it was a necessary exercise to end up right back where we started. It is good that we have built a good record for that. Dr. Crabtree.

DR. CRABTREE: Just one thing you should all be aware of now that we are extending in another region, and that is going require a new biological opinion. It is likely going to be a formal opinion because it will have to consider protected species like Atlantic salmon that we have not considered before in any other biological opinion. That is a many months' process to write a biological opinion, so that will slow down the processing of this to do it.

MR. CURRIN: Is this an opinion by the National Marine Fisheries Service or the Fish and Wildlife or whom?

DR. CRABTREE: Me.

MR. CURRIN: You?

DR. CRABTREE: Yes, it is a biological opinion that comes out of the region office, and I sign it, but it will take a while to do it.

MR. CURRIN: Can you give us an approximate timeframe?

DR. CRABTREE: Six months typically. Exactly when we'll start on it, we can start on it I think before we take final actions on it, but just be aware it is going to slow us down on this amendment.

MR. WAUGH: Well, I don't know if it is going to slow us down because you are going to send this out for another round of public hearings, so it will probably be right on track.

DR. CRABTREE: Do you know what they'll start?

MS. SMIT-BRUNELLO: I think that six months is usually when – the Protected Resources will tell you that is when they have all the information and then they starting on it.

DR. CRABTREE: But it doesn't necessarily mean to submit it to the secretary, but I think we have done the month of the DEIS phase. Is this an EIS or EA?

MS. SMIT-BRUNELLO: Yes, it is an EIS.

DR. CRABTREE: So that is still a ways off, though, before we get to that point.

MR. WAUGH: And we really don't have a choice because we haven't entered into this extension of our own thoughts. We were told that those landings are there and we have to count them so we have to extend the management unit. It is what it is.

MR. CURRIN: Yes, it became impossible to ignore them, I guess.

MS. QUIGLEY: Okay, if everyone is ready to move on to Action 3, limit participation in the golden tilefish fishery, this is PDF Page 40. I would like to just take a look at the wording of the alternatives before I launch into the new analysis.

DR. CHEUVRONT: Did we actually vote on the last motion? I don't know that we did.

MR. CURRIN: I don't remember and maybe we should do it again.

DR. CHEUVRONT: I don't think we did.

MR. CURRIN: I thought we did but maybe we didn't. Is there any objection to the motion? I see none; that motion is approved either again or for the first time. Okay, thank you, Brian.

MS. QUIGLEY: So, again, Action 3, PDF Page 40, but the wording has not changed for the alternatives, but we have some new analysis because we have some new alternatives. Before I go into that, I just wanted for us to take a look at the alternatives. At one time we had Alternative 1, no action.

Preferred Alternative 2 is the endorsement program and Alternative 3 was the Golden Tilefish LAP. Now, that Golden Tilefish LAP alternative was moved to Amendment 21 so that no longer exists. Now we have two alternatives. Alternative 1 is the no action, do not limit participation in the golden tilefish fishery through an endorsement program; and Preferred Alternative 2, which is rather lengthy, but I would like for people to take a look at it because I think it has some information there that hasn't been perhaps thoroughly discussed.

MR. HARTIG: My question, Kate, was the commercial quota would be the allocated as 10 percent to those holding golden tilefish hook-and-line endorsements and 90 percent to those

holding golden tilefish longline endorsements. I thought that was specific to a catch shares program?

MS. QUIGLEY: It was not. This was the wording that we put together with the workgroup; however, that doesn't have to remain. That is one of the things I wanted to go over that hasn't been discussed much by the council. Maybe I can just read through it. We have limit golden tilefish participation through a golden tilefish gear endorsement program.

"Distribute golden tilefish gear-specific endorsements" – so that is gear endorsements for longline and gear endorsements for hook and line – "for snapper grouper permit holders that qualify under the eligibility requirements stated below. Only snapper grouper permit holders with a golden tilefish longline endorsement or a golden tilefish hook-and-line endorsement associated with their snapper grouper permit will be allowed to possess golden tilefish."

I think that is pretty much understood by everyone. This does imply that one could be allocated both a hook and a line and the longline endorsement; because if they have fished with both and met the eligibility requirements for both, they could receive one of each. Then we have some additional language, which might be a topic for discussion.

"The commercial quota would be allocated as 10 percent to those holding golden tilefish hook-and-line endorsements and 90 percent to those holding golden tilefish longline endorsements." I also have in here "also change the start to August 1st. Now that has to do with another action, so we can go ahead and take that language out because that has to do with another action.

"Logbooks to check catch history and trip tickets to verify," that is pretty typical, but you might want to consider whether you want to keep those two statements regarding the allocation and the start date. If you do, a motion would be preferable.

MR. PHILLIPS: August 1st, we heard public comment last night that there was some opposition to that August 1st start date. I don't really remember how or why it got moved here.

MS. QUIGLEY: I believe it was John Polson went and mentioned that having an August 1st start date or a start date later on in the year means that golden tilefish cannot be brought in and sold during Lent, and that is the time when they do make money on golden tilefish. Now, that is something that the workgroup did not discuss.

They did not discuss the closures, but we let them know that these closures are coming and the fishery would be closed through May 1st – portions of the fishery would be closed through May 1st, but that is not something that was discussed. I am not sure they considered that when they were saying that they preferred August 1st or September 1st.

I went ahead and asked many of the golden tilefish fishermen do you still want to have a start date of August 1st, and they said that it seems okay with them. You still have the issues of North Carolina and South Carolina boats cannot fish when you have a start date of January 1st. They can't really fish until April 1st. May 1st, you saw that issue.

You the hook-and-line fishermen down in Florida that would prefer to start fishing in September. Those issues still remain. But, yes, we have this third issue of golden tilefish can't be brought in until later in the year and then it can't be sold for Lent, and really there is not many other things to fish for.

DR. CRABTREE: On the endorsements, am I reading it right, the Preferred 2A, you have to show your best three years out of 2001-2005; you have to have a total harvest of a thousand pounds. Then in addition to that, these options are that you also then in addition would have to show 1 pound, 100 pounds or 250 pounds in 2006. Am I understanding this?

MS. QUIGLEY: Yes, you're understanding. I wasn't going to get into this yet, but I'll explain why we have all these options right now. Ben Hartig and I were talking and the thought was that there was a desire to make sure that the people who received an endorsement were still fishing or at least still held a commercial snapper grouper permit.

The idea was to get some recent participants into the fishery so they would have to meet both conditions. They must have a harvest level of 1,000 pounds when an individual's best three of five years from 2001-2005 are aggregated and then one of the options below. Now, one option is no additional qualifications to receive an endorsement, but then we have Option 2, et cetera.

DR. CRABTREE: Well, it just seems too many options here, it seems to me. I don't like having something that puts so much emphasis on just one year. What if a guy had a real illness in 2006 and couldn't go fishing, but he meets everything else. I'm just not comfortable with that. Maybe if you did it over two years, but then it almost seems kind of pointless to have it in there. I don't know, Ben, you're the most familiar with this fishery, but isn't there some way we can weed out a lot of this stuff and simplify this?

MR. HARTIG: Yes, and Kate is right, it was an attempt to try and have fishermen that would still be in the fishery, but the short timeframe – and you're right, we had a lot more into this than probably is really needed for the two short years. I agree with you that one year is not valid because somebody could be broken down – or even for two years, for that matter. I think we could probably remove those additional qualifications from consideration, and I'll make a motion now if you need it.

DR. CRABTREE: And I'll second it.

MR. CURRIN: What is your motion, Ben?

MR. HARTIG: To remove the additional requirements for the hook-and-line endorsement.

MR. CURRIN: You might need to be more specific.

MR. HARTIG: For golden tilefish.

MR. CURRIN: Under all the subalternatives or just under – Kate said these are all new so we don't need to – they have never been added so it won't require a motion to remove them.

MR. HARTIG: Okay, so it is just direction to staff?

MR. CURRIN: Well, yes, it would require a motion to add them, I guess.

DR. CRABTREE: I agree with Ben; I think that is too complicated and we ought not do that.

MS. QUIGLEY: Would you like for one of the requirements under Preferred Subalternative 2A and subsequent alternatives to be you must own a current commercial snapper grouper permit? As it is written right now, you don't need to own a commercial snapper grouper permit, so there could be distribution of endorsements to people who have landings during the required years but do not currently own a commercial snapper grouper permit.

MR. CURRIN: Thank you, and my opinion is, yes, they should have to have a commercial snapper grouper permit.

DR. CRABTREE: Yes, I absolutely believe that to be a requirement and to fish with the endorsement you would have to have a valid snapper grouper permit, so I think you should add that.

MR. CURRIN: And an unlimited permit at that. Problem, Ben?

MR. HARTIG: Yes, I wouldn't go that far for the hook and line because there are some 225s that do fish golden tilefish.

MR. CUPKA: Well, it is under this action, but the next action, too, we're going to run into the same thing about transferability. It says that it could only be transferred to somebody holding a valid snapper grouper permit, and we've got to remember we've got two valid types of snapper grouper permits, so we may want to define this a little closer.

MR. CURRIN: We will do that when we get there. Rita.

MS. MERRITT: Mr. Chairman, Alternative 2, we kind of jumped ahead after we were talking about the date. I do think it would make sense to take the change of the start date out of that. I think it complicates it more for different issues, especially now since we have input that says that there may be some other alternative dates we want to hear about in public hearing.

With that in mind, I would like to make a motion that we have an additional alternative to change the start date to August 1 –

DR. CHEUVRONT: You already have one.

MS. MERRITT: Well, it would be an additional alternative if we were taking it out of this. Do I need to say that first?

MR. CURRIN: Kate just told it is a different action, Rita.

MS. MERRITT: **Then the motion would be to remove from Alternative 2 the changing of the start date to August 1.**

MR. CURRIN: All right, that is pretty clear, I think.

MS. MERRITT: Okay, and then can I follow up with a motion to have another alternative? We have to vote on this one.

MR. CURRIN: It is already in there, Kate said. All right, is there a second to Rita's motion? Second by Charlie. Okay, discussion on this motion? Does everybody understand it; it develops another alternative. It is just absent the start date of August 1. **Any objection to the motion? I see none and that motion is approved.** Okay, Kate.

MS. QUIGLEY: Is there any desire to remove the allocation details, the 10 percent and the 90 percent?

MR. HARTIG: The reason for doing this and changing the start date was to make sure we could have landings again possibly as a bridge to a catch share program in the future. If we're boxed into these percentages, I don't know if that is going to be the outcome of what we were expecting. I would make a motion to remove these percentages from this part of the document.

MR. CURRIN: **Motion by Ben to remove the percentage allocations among the two gear types from Alternative 2.** Is there a second? Second by Charlie. Discussion? Ben, I know at one point we had an action in here that would close the longline fishery when some percentage of the quota was caught. I think I offered that because it concerned me that the hook-and-line guys seemed to be getting shut out every year.

Now, I've heard from some people that changing the start date would eliminate that. Certainly having an allocation or an endorsement with some required percentage associated with it would take care of that, but the previous two motions have taken both of those so. Do we have a mechanism for preserving some amount of that quota, some access for the hook-and-line guys in this fishery?

MR. HARTIG: Mac, basically how we have used it, it is mostly in late August, September and November, and in mid-November we're back into mackerels again. If we change the start date, we will get to fish again. When I first did the analysis for this probably five years ago, it showed that basically changing the start date – in lieu of the testimony we've have got, it did not alter the power between the Carolinas and Florida in the landings. It did not alter it at all. There were landings in those dates throughout the winter in those states also.

It was a win-win situation. This is a win in that you don't have to have that step down because the hook-and-line guys get to fish. The reality of the way the fishery has gone is that the

longliners catch fish through the entire quota now. Without changing the start date, we won't get to participate.

MR. CURRIN: Well, plus I'm seeing the fishery close earlier and earlier every year. I was talking to Joe and some of the longliners and they said, you know, they had a fantastic year. They were catching trip limits real quickly, lots of fish in a hurry, and it's done. I'm not sure I'd count on it lasting until November if those guys are hitting it hard when you guys begin in August; I don't know.

MR. HARTIG: Well, basically, if you change the year to August, you know, we get to fish; August, September and November. I don't know if Rita was going to make another motion to broaden the start dates even further and maybe bracket August on each side by July and September. If she wasn't going to make that motion, I would just so the public could comment on a couple of other months.

MR. CURRIN: Kate just said that is actually in there, Action 5. All right, I don't think we've voted on this motion, have we, to remove the percentage allocations among the gear types in Alternative 2. **Any objection to that motion? I see none and that motion is approved.** All right, Kate.

MS. QUIGLEY: Okay, the only other issue is you see that we have golden tilefish hook-and-line endorsement eligibility requirements. You have Preferred Subalternative 2A. That is the preferred alternative by the Golden Tilefish Workgroup. You have a number of different alternatives there.

Then there is a set of subalternatives for the longline endorsement eligibility requirements, and you have Preferred Subalternative 2F. Now, for 2F the Golden Tilefish LAP Workgroup wanted to have 2006-2008 data. We have did not have 2008 data when the analysis was done. What the IPT would like to do is update – first of all, change this alternative to 2006-2008 if that is desired by the council and then update the analysis.

MR. CURRIN: Thoughts on this? It would certainly please me to get it more current in time. That gives me a little heartburn. I don't think we've actually got a control date set for this fishery, do we? We do; what is that date; do you recall?

MS. QUIGLEY: December 5, 2006.

MR. CURRIN: 2006, okay. It just occurred to me in going through this that effectively what we're doing with these really short timeframes is setting up a control date without actually saying that is what we were doing. I would encourage us to have some options that went a little further in time. Other thoughts? The recommendation is to set up an option that –

MR. HARTIG: I got lost; I'm sorry; where are we now?

MS. QUIGLEY: Preferred Subalternative 2F. This is the first subalternative under golden tilefish longline endorsement eligibility requirements. When the longline guys got together with the hook-and-line guys for the Golden Tilefish LAP Workgroup, what they originally wanted was this preferred subalternative using the years 2006-2008.

Now we changed the alternative in order to do the analysis because we did not have 2008 logbook data from the science center. Now what we would like to do, if it is preferred by the council, is change that back to 2006-2008 and redo the analysis. We don't think it is going to be that different, but that was the original intent of the LAP Workgroup, and that was so they could incorporate some newcomers to the fishery.

MR. CUPKA: If that was the original intent and the way it was originally set up, I don't know if we need a motion. Couldn't it just be direction to staff to go back to those years if that data is available?

MR. CURRIN: Yes, let's do a motion because we're actually changing the wording in the alternative.

MR. CUPKA: Okay, well, **I would offer a motion to receive a golden tilefish longline endorsement the individual must have a total of 2,000 pounds, GW, golden tilefish caught with longline gear between 2006-2008.**

MR. GEIGER: Second.

MR. CURRIN: Motion by David; second by George. Discussion on this motion? Is everybody okay with it? **Any objection to the motion? I see none; that motion is approved.** David, I assume your intent was to replace Subalternative 2F with the alternative. All right, Kate, when you're ready.

MS. QUIGLEY: Okay, the next action is Action 4, and that is in Chapter 2, PDT Page 46; allow for transferability of golden tilefish endorsement. This is a new action; so if you want to adopt this as an action in the document and adopt these alternatives, then you will need to make a motion to do so.

MR. CUPKA: Mr. Chairman, before we get to the issue of whether or not we want to add these through a motion, again I want to raise this issue. I'm not speaking for or against it, but when it says that the endorsements can be transferred to individuals or entities that hold valid snapper grouper permits; again, there are two types of snapper grouper permits.

Now if the intent is to transfer them to either the unlimited transferable permits or to the limited non-transferable, the way it is worded now I think it could be transferred to either type. I don't know if that was the intent or whether it was just to be able to transfer them to somebody holding an unlimited transferable permit or if it was to allow it to go to either type of snapper grouper permit.

MR. CURRIN: Well, I guess it is really only an issue with respect to the hook-and-line permits because it wouldn't do much good for a 225 guy to have a longline permit unless there is some exception to that.

MR. CUPKA: Well, I agree with that but it is an issue.

MR. CURRIN: You're right, David, it is an issue and we should be more specific on that, and we can address that. Yes, "commercial" probably should be added to those as well, so we can entertain a motion to adjust those and qualify all these alternatives in here, if you would like.

MS. SMIT-BRUNELLO: I won't make the motion, but I have a comment. Remember that 225s can't be transferred and unlimited snapper grouper permits can be transferred, but, Ben, if you're going to do an endorsement, that is really endorsing a permit, right, so you could allow free transfer if you wanted to.

You could have a situation where a 225 person couldn't transfer their permit but could transfer their endorsement off to someone else, if that's the way you wanted to set it up. The permit transferability has already been addressed and I assume you don't want to mess with that; but if you do, that's another issue. The endorsement transferability right now is there are ways you could freely do it or restrict it.

MS. QUIGLEY: Right now it is implied that the endorsement is separable from the permit; that is how it is implied. If you had it attached to the permit, then when you do a two-for-one transfer of permits those endorsements would disappear, I guess. That's an implication of attaching the endorsement to the permit; so instead we implied that it is separable.

DR. CHEUVRONT: Yes, and I think that is really important because I know I've talked to some fishermen who are trying to figure out – you know, if we go this route with golden tilefish, there is the potential now apparently for an emerging fishery off of North Carolina, and they're only going to be able to get into this if they can get a permit.

They obviously don't have their landings now to qualify, and so we've got folks who don't have the endorsement. They have got snapper grouper permits already, but they would probably like to have an opportunity, if it would become lucrative enough, for them to be able to purchase an endorsement or something from somebody. I think we need to be very careful to make sure that these are two separate entities.

MR. CURRIN: My impression is that it is going to be a relatively limited number of these things around. You would know who had them, I guess. All right, what is your pleasure; do we need some clarification on the permits? We certainly need to add "commercial snapper grouper permits", so that we exclude for-hire sectors involved in this, if that is the intent. Charlie.

MR. PHILLIPS: I think I followed most of this, but on the 225s, those permits were originally set up to phase out, so I don't think you want to let them get an endorsement on a 225 and then keep transferring, because then it goes against the original intent of that 225 permit for that

individual. I don't think you want to make an endorsement that is transferable on the 225. On the unlimited, yes, I can see that, but not on the 225.

MR. CURRIN: All right, we can set it up that way if that is somebody's desire, so let's get these things the way we want them and then we'll entertain a motion to add this action as the direction that has been provided to staff. Monica.

MS. SMIT-BRUNELLO: Or, since you're going back out for public hearing, you could craft it both ways and just see what the response is from the public as well. Feel free to make a decision today if you want to; but if you don't want to, I guess you could go out with them being transferable freely or not.

MR. CURRIN: What is your pleasure? Brian.

DR. CHEUVRONT: I'd go ahead and craft both and take it out to public hearing because I can see depending on where you are could determine how people would respond to this. If you're going to lose endorsements when a 225 permit goes away, you're further restricting the fishery and making it more difficult for new entrants to become involved in a fishery that could potentially expand someday.

MR. CURRIN: What I'm hearing from you, then, is to craft, under Action 4, two sets of alternatives; one in which transferability is aloud among unlimited commercial snapper grouper permit holders only; and then one where it is allowed among all commercial, both limited and unlimited; is that correct?

DR. CHEUVRONT: That is correct.

MR. PHILLIPS: We're going to have a SEDAR on golden tile, and more than likely we're going to be able to support more then ten or twelve boats. We may need a way of getting some new entrants in there somewhere, whether you let the 225 permits be that vehicle, but we need to kind of think about a way of how somebody else may get into it.

MR. CURRIN: All right, Brian, do you want to make a motion to add Action 4 regarding transferability as outlined with direction to the staff?

DR. CHEUVRONT: **Okay, I'll make the motion to add Action 4 as outlined below. Action 4 is to allow transferability of golden tilefish endorsements. The intent for the endorsements is separate from the commercial permit. We're directing staff to develop two sets of alternatives where commercial –**

MR. WAUGH: Does all of this need to be part of the motion or can the motion just be to add Action 4 as outlined below.

DR. CHEUVRONT: Well, I'm not going to read all the alternatives, Gregg. I'm just going to read through – yes, that far. **Okay, the intent of Action 4 is the endorsement is separate from**

the commercial permit and direct staff to develop two sets of alternatives where commercial is just unlimited and where a commercial is unlimited and the trip limited.

MR. CURRIN: Okay, motion by Brian and second by David. Discussion? Is everybody okay? **Any objection to the motion? I see none; that motion is approved.** Any concern, Ben or Charlie or anybody else about – you know, Kate said earlier that it is okay as we have it written now under these options for somebody to own both a longline and a hook-and-line endorsement.

That is one thing. Is it okay for somebody to own two hook-and-line endorsements? At this point it wouldn't do you a whole lot of good, but if somebody is anticipating some changes down the road or these things accrue some sort of value in transferability, you may start seeing people trying to stick them in their pocket for some reason that they have opportunity. Is that a concern is my question? Does that work, "prohibited"?

MR. HARTIG: I don't think so. The longline fishing power is about three to five times what the hook and line is. I haven't seen anybody go back to hook-and-line fishing once they've put a longline in.

MR. CURRIN: Okay, I just want to make sure that is not an issue or concern. All right, Kate.

MS. QUIGLEY: Okay, I just want to clarify that what we're talking about here are four different types of endorsements. There is a hook-and-line 225 endorsement; a hook-and-line unlimited endorsement. Then there is a longline 225 endorsement and a longline hook and line unlimited.

MR. CURRIN: Yes, I couldn't envision a longline 225. I just don't know how it would work. I mean, the guys are fishing on – I'm scratching my head over it for the same reason I'm scratching my head over the guys fishing longlines for a 300-pound trip limit, but it happens. I don't think that makes a whole lot of sense.

MS. QUIGLEY: Okay, are we talking then about three different types of endorsements? Okay, got it. Okay, the next action was the one that Rita was referring to a little bit later, Action 5, change golden tilefish fishing year. This is PDF Page 48. Right now there is no preferred alternative. We Alternative 1, no action; Alternative 2, change the start of the golden tilefish fishing year from January 1st to September 1st.

Alternative 3 is change the start date to August 1st; Alternative 4, change the start date to May 1st. Then we have Alternative 5, close the longline fishery when the 300-pound trip limit for golden tilefish goes into effect. Now, that is something that we talked about the last time, and we couldn't figure out by looking at the minutes whether that was taken out or not.

MR. CURRIN: Obviously, it was because it wasn't in my briefing book. I think we did have some discussion, as best I remember, and the only reason I asked that be put in is for the concern that the hook-and-line guys would not be allowed to fish; and if they're confident that changing the start date will accomplish that, then I'm comfortable, too. Mark.

MR. ROBSON: We do have a preferred alternative, don't we?

MS. QUIGLEY: I just discovered that, yes, Preferred Alternative 3, the start date of August 1st.

MR. CURRIN: Is everybody okay with where we are. Is your recollection the same as mine that we did remove that Alternative 5 as reflected in the briefing book? I would have to check the minutes, but I think we did. All right, no desire to do anything with the fishing year changes?

MS. MERRITT: Mr. Chairman, do we want to get rid of that preferred at this point and just not have a preferred? It's just a question. I don't if it changes much. Here again, the start dates, we have three different dates in there. I don't know that we want to add one more.

MR. CURRIN: Yes, I think the dates that are here are ones that came out of the working group and they thought these were reasonable to consider. We can always add more. There are three there; we could add nine more, but I don't think we've got good rationale for doing that. I think this seems to be a reasonable range as suggested.

DR. CRABTREE: It seems like we keep shifting years around, and now everybody in the black sea bass fishery comes in and complains because we moved the fishing year. I won't talk about whose idea that was. I don't know, I'm starting to think maybe we're monkeying with fishing years too often.

MR. CURRIN: I don't disagree with you. I'll tell you as long as it takes to get this stuff done and by the time we get it done somebody decides, well, that doesn't suite me quite as well as something else did, and so here we are back doing it again. Anyway, everybody okay with this action? Everybody okay with Alternative 3 as the preferred, which is move to August? That's probably what we heard from the most people so far. All right, let's move on.

MS. QUIGLEY: Okay, the next action is Action 6, change golden tilefish fishing limits. This is PDF Page 49.

MR. CURRIN: Is this an action that we need to retain in this amendment? Does anybody actually, other than the longliners, get to fish currently on the 300-pound trip limit?

MR. HARTIG: We get an occasional trip in the wintertime just to maintain landings. That's probably the only reason I do it, but we would much rather fish in the other time of the year. When I brought it before, we didn't need these step downs and the longlines could go ahead on their trip limit and continue to fish and then fill the quota and then we would be done. They wouldn't have to try and catch 300 pounds on a longline, which is not the way to catch golden tilefish, in my opinion.

MR. CURRIN: That is why I raised the issue, Ben, because it seems like the indications are that is kind of where we're going. We're going to start the derby in August and let it run until it runs out. That's why I brought it up; do we need to include this action with the 300-pound trip limits in there?

MR. HARTIG: No, we do not unless the RA thinks that he needs the step down and continue monitoring the quota.

DR. CRABTREE: I think you should do what you think is right here. We can live with it either way.

MR. HARTIG: **I will make a motion to remove Action 6, golden tilefish fishing limits.**

MR. CURRIN: Motion by Ben to remove Action 6 regarding golden tile fishing limits; second by David. Discussion? Gregg.

MR. WAUGH: Just to clarify, that will leave the 300-pound trip limit in place when 75 percent of the quota is met. That is what is in place now; and if we take this action out, that stays in place. If you want to get rid of the step-down, then we need to keep this action and keep your preferred alternative.

MR. HARTIG: Yes, somehow I got caught on the wrong end of the discussion.

MR. CURRIN: Yes, and I led you astray, I'm afraid.

MR. HARTIG: **I'll withdraw my motion; how is that?**

MR. CURRIN: Okay, thank you. Thanks, Gregg, for clarifying that. I was very confused. All right, the motion is withdrawn, then? All right, is everybody with this; we've got a preferred? This action actually accomplishes what I was trying to accomplish in the wrong manner.

MS. QUIGLEY: Okay, Action 7, limit participation in the black sea bass pot fishery, PDF Page 50. You have a preferred; Preferred Alternative 2, limit tag distribution to black sea bass pot fishermen with valid federal commercial snapper grouper permits that landed at least one pound of black sea bass caught with pot gear between 12/08/98 and the control date of 12/04/08.

MR. CURRIN: Everybody okay with this action, the alternatives and the preferred? Brian.

DR. CHEUVRONT: Are you reading from PDF Page 50 because I don't see where you have the '98 date. Yours does not read exactly the same as ours.

MS. QUIGLEY: You're right, why don't we follow the wording that you have in Chapter 2. We thought we would clarify between those dates because we can't go back any further than 12-08-1998.

DR. CHEUVRONT: Okay, I understand; that makes sense. The wording, Kate, that you just read comes from somewhere else in the document other than 2.7?

MS. QUIGLEY: Chapter 4.

DR. CHEUVRONT: Okay, so all we would need to do then is to go ahead and modify the language in Chapter 2 so that matches Chapter 4, and I think probably just direction to staff would be fine to do that.

MR. CURRIN: I would think that would suffice. Everybody is okay with this action as it is set up? All right, Ben.

MR. HARTIG: Mr. Chairman, I would certainly like to see some latitude given to these fishermen in Florida who are going to be closed out of the red snapper fishery for a period of years, and maybe when red snapper – they're allowed to go back, they will no longer sea bass fish; that I don't know, but I would like to see somehow that we can extend the date to '09 and have another alternative.

MR. CURRIN: Well, you can add an alternative if you would like with a motion.

MR. HARTIG: **Okay, so I would add the alternative to limit tag distribution to black sea bass pot fishermen with valid federal commercial snapper grouper permits that land at least one pound of black sea bass caught with pot gear by 12/04/09.**

MR. CURRIN: Motion by Ben; second by Mark.

MR. WAUGH: What was the date?

MR. CURRIN: 12/04/09, I think, was it not, Ben?

MR. HARTIG: I was just going – I mean, it could be January 1st, actually. No, you don't want January 1st, you want the end of the fishing. I was just referring to the control date – December 31, 2009?

MR. CURRIN: 12-31-09; is that okay with you, Mark?

MR. ROBSON: Yes.

MR. CUPKA: We do have a control date here? Okay, that was going to be my question. I didn't know whether he was going to just say a certain date because we didn't have a control date; but if we've got one, we're good.

MR. CURRIN: Yes, we had three, but we took one out. I think we had three, anyway.

MR. HARTIG: Well, if I may, part of this sea bass fishery hasn't been fished commercially to any degree before. This will be information to go into the new assessment and hopefully we will get some bang out of our buck for these fishery landings occurring.

MR. CURRIN: Any further discussion on the motion? Brian.

DR. CHEUVRONT: I understand the reasoning behind why Ben wants to do this. This is obviously an emerging fishery off of Florida, and he wants to try to allow some recent participants into the fishery. Yet we have the exact same scenario going on in North Carolina regarding golden tilefish hook-and-line fishery.

Yet we don't have a way to allow new entrants into the fishery, and so to me this says that what we've got is a problem with figuring out how can we get new entrants into fisheries. What we're doing by all these different closures and things, we're forcing the fishermen to become more creative and find new things to fish for, and they're trying to participate in fisheries that are quota managed, limited entry, whatever we're trying to do.

I think we need to come up with some way that is independent of any given fishery to help us determine how and when and why we can do this. I understand where Ben is coming from, but we have a control date, and, yes, some people probably get shut out of it, but the same thing is happening with golden tilefish on the other end of the range. We need to figure out as a council how we want to handle these kinds of issues, and just doing them one at a time I think is not the way to go.

MR. CURRIN: Well, I was going to refer everybody up to the top of that page, roughly, over to Section 2.7 and the title of it, which is to limit participation in the black sea bass pot fishery. I understand the desire, Ben, but I think Brian has got a very good point and we have to be careful about how we approach it. It is difficult. We can't limit participation and allow people in at the same time.

DR. CHEUVRONT: And to add to that, we set a control date in December of 2008. Everybody was put on notice that if they entered the fishery after that date, they may not be allowed to stay in it. If you got into the fishery after that date, that is the risk you took.

MR. CURRIN: Okay, we've got a motion. Mark, further discussion, last word, and then we're going to vote on this.

MR. ROBSON: I understand all those points, but there have also been an awful lot of regulatory changes that are taking place just since 2008. Particularly in Florida we've got some significant closed areas we're looking at. The effect of 17B is a significant impact on other parts of Florida as well that may not – I don't know for sure – that may not have quite the impact that it is having right now on those fishermen that are here in Florida. I think if at all possible I would like to see us try to accommodate that.

MR. TEEHAN: Mr. Chairman, this is a question for Ben. The emerging fishery that you've seeing off of northeast Florida; is that strictly a federal waters fishery or do you see it happening in state waters, also?

MR. HARTIG: If I would, Jimmy Hall has fished sea bass in that area for quite a long time and he can answer that question much better than I can. Do you want to come up to the mike right there and answer that, Jimmy?

MR. HALL: Jimmy Hall, Ponce Inlet. It is strictly federal waters; state waters, none.

MR. CURRIN: Thank you very much. I know up our way, Ben, at least some of the guys will pot in state waters on occasion, but we've got much more of a climate or temperature variation up that way. All right, any further discussion on this motion? Charlie, absolute last word.

MR. PHILLIPS: Just a quick note; if we're really concerned about letting people into golden tile or black sea bass, then all we have to do is just not put the endorsements in place and just leave it snapper grouper, and that is all we have to do. That takes care of new entrants.

MR. CURRIN: The motion is to add a new alternative to read "limit tag distribution to black sea bass pot fishermen with valid federal commercial snapper grouper permits that landed at least one pound of black sea bass caught with pot gear by the control date of 12/31/09." Any objection to that motion? **The motion is approved with one objection.** All right, on to Action 8 – is that all for Action 7; are we okay there?

MS. QUIGLEY: We have some updates on some enforcement concerns that you had at the last meeting and Karla is going to give those. Then we can move on to Action 8.

MS. GORE: I guess at the last meeting there was some talk to work with law enforcement to create an exemption program for people who lost their pots at sea or lost tags. I talked with the Office of Law Enforcement, and they kind of already have a way to deal with that situation. It is on case-by-case basis and they want to continue dealing with it in the current manner.

MR. CURRIN: So disregarding lost tags, pots with tags, so a replacement policy for lost pots with tags; right?

MS. GORE: Well, the tag part of it, there is a lost tag policy through the permits department where they can apply to get new tags. They cost I think a dollar each to replace the tags. That was part of the concern. Another part was there was the action bring in black sea bass pots within, what, 72 hours?

MS. QUIGLEY: Action 9.

MS. GORE: Yes, so there was the action to bring in the pots within 72 hours or –

MS. QUIGLEY: At the end of each trip.

MS. GORE: At the end of each trip, so there was concern that maybe if they couldn't bring those pots in because of weather or whatever other issue, that they could contact law

enforcement and not get penalized for not bringing in those pots. The Office of Law Enforcement was amenable to that idea, but they don't want to develop an official program.

MR. CURRIN: All right, thank you, Karla.

MS. QUIGLEY: Okay, we have Action 8, limit effort in the black sea bass pot fishery, PDF Page 52. You have a preferred alternative. That is Preferred Alternative 3 which limits black sea bass pot tags to 50 per vessel annually. You have a number of different options there as well as two step-down options, Alternative 5 and Alternative 6 as well as 7 and 8, so there are eight alternatives in total, and you have a preferred.

MR. CURRIN: Discussion on this action? Everybody comfortable with it or are there alternatives that we see that need to be or should be moved to the considered but rejected? There are a lot of them in this amendment. Robert.

MR. BOYLES: Mr. Chairman, how would the just-added control date be affected by those step-down Alternatives 7 and 8? Do we add additional alternatives or do we change the date?

MR. CURRIN: I'd really rather not add additional alternatives. I'd rather see us get rid of those two. We've got a pretty range of pot sizes ranging from I think 100 down to 25 or so; certainly, 50. Then we've got a number of other things that kind of – these two, I guess, step it down at various increments.

It is up to the committee on how you want to handle it, but the passage of that last motion establishing essentially a different control date – if you want to keep these two in here in for consideration to make it compatible with the previous motion, then we probably should add two more, if that is the desire of the committee.

MR. HARTIG: I would make a motion to remove Alternative 7 and 8.

MR. CURRIN: Motion by Ben to remove Alternative 7 and 8 to the considered but rejected. Second by David. Okay, discussion? Rita.

MS. MERRITT: I think that these two alternatives speak to something that I had brought up in the past about the fairness across the board for a reduction in the number of pots; and rather than having an arbitrary number that says this is the right number of pots you should have and then only penalizing those people who have a number that is above that, I feel like that is unfair. I think that these two alternatives address that so that you do have reductions that are across the board.

MR. BOYLES: Based on Rita's comment, I'm wondering if maybe another way to handle this is simply put the new control date in there of 12/31/09. That keeps the idea of some kind of reduction. This is going to public comment.

MR. CURRIN: It is going back for public comment again, yes. To that point, Kate.

MS. QUIGLEY: I just want to clarify that you're referring to the new date being 12/31/2009 and saying it is a control date, but it is really not a control date. It is just a newly identified date.

MR. CURRIN: But that is what we're talking about, yes, exactly. I guess that is another way to handle it, Robert; if you wanted to maintain these two alternatives, just modify them to that date. Rita, if that gives you heartburn, because this is actually a control date. The 12/31 date is not strictly a control date but just one that if it were to go forward and if this were to go forward, we would at least have some way to accomplish that goal. How do you want to handle it?

MR. HARTIG: **I withdraw my motion.**

MR. CURRIN: Everybody okay with that motion being withdrawn? All right, the motion is withdrawn by consent of the committee. All right, what do you want to do with this – leave it alone? What do you think, Ben; do you want your dates in there?

MR. HARTIG: I think it would be cleaner.

MR. CURRIN: Do you want to change these dates?

MR. HARTIG: Do you need a motion?

MR. CURRIN: Yes, we'll need a motion.

MR. HARTIG: Okay, do you just want me to add another alternative or just that other date? Do you want another alternative with a date or do you just want another date?

MR. CURRIN: I was thinking more of modifying these, if that is what you wanted to do. I don't see any sense in having two different sets of reductions based on two different kinds of control years. Rita has explained the rationale for approaching it this way. I think the date basically is not that important.

MR. HARTIG: **The motion is to change the dates in Alternatives 7 and 8 to 12/31/09.**

MR. CURRIN: Motion by Ben to change the dates in Alternatives 7 and 8 to 12/31/09. Is there a second? Second by Charlie. Anymore discussion? **Any objection to this motion? The motion is approved with one objection.**

MS. QUIGLEY: All right, Action 9, implement measures to reduce bycatch in the black sea bass pot fishery, PDF Page 54; you have the preferred alternative, that black sea bass pots must be brought back to shore at the conclusion of each trip. The enforcement issues that came up previously and we've seen some written comments on, Karla has addressed.

MR. CURRIN: Everybody okay with this one the way it is; any desire to add alternatives or change it. We've got a preferred, bring them back. Charlie.

MR. PHILLIPS: I still think Alternative 2 is the preferred. If you want to bring them back – if you need a preferred, I'd go to Alternative 3. I'd prefer not to have a preferred.

MR. CURRIN: Well, we do have a preferred and it is Alternative 2, which is bring them back to shore. If you want to change that, you can either offer a motion for another one as the preferred or to remove that as the preferred.

MR. PHILLIPS: **I would like to remove Alternative 2 as the preferred.**

MR. CURRIN: Charlie's motion is to remove Alternative 2 as the preferred alternative. Is there a second? Second by Rita. Discussion? Duane.

MR. HARRIS: I've talked with Tom Burgess at length about this, and most of the people up there that he works with didn't have any problem with this as the preferred alternative. I think there was only one person that I heard from that didn't like it, and we all know who that is. We've received the e-mail. It seemed like most of them were inclined to be willing to bring them back and thought that was a good idea.

MR. GEIGER: The reason that I pushed for this in the beginning was because I heard from a couple of pot fishermen that requested it be put in as an alternative.

MS. MERRITT: Mr. Chairman, I've brought this up in the past as well, but beyond what Duane said, the one person who has an objection to it and doesn't like it, I know that at least in that person's case he ran into a situation where bringing the pots back required him to have to rent storage space because his home owner's association didn't like the pots being there.

But then the other reason was that I have seen on numerous occasions where these pots have been piled up on barrier islands and left for the boat to come back and pick them up at a later time. I have always felt that was a potential storm – if a storm came in it would be potential trash in the water. That was the reason why I did not think that it would be suitable to require that they come back after each trip.

MR. CURRIN: I think I agree with George. I think personally there are some advantages to having these things back from an enforcement perspective, from a protected resources perspective, and I just think it is a good idea. From limiting the effort in the sea bass pot fishery, it is a good idea, too. Further discussion? Charlie.

MR. PHILLIPS: I'm thinking about it more from a safety aspect. There are just sometimes – and I don't care who you are, something happens and you just can't bring your stuff back. I'm thinking of it from a safety aspect. If they had three days, a week, something like that, I wouldn't have any heartburn over it. I could kind of live with that, but to have to bring them back at the end of each trip, sooner or later you're going to get caught and you're not going to be able to do it. That was my problem.

MR. CURRIN: Yes, and Karla addressed that specific point earlier. They have talked to law enforcement about it. They fully realize that, Charlie, that there are times and situations under which it would be unsafe, and they're not going to demand that somebody bring pots back at the risk or peril to their life and limb, and I think they would work with them as long as you notify them.

I think if it is after the fact and you show back up to the dock and it is a beautiful day and you don't have your pots on board and the Office of Law Enforcement stops by and says, "Where are your pots?", and you say, "Oh, man, I couldn't bring them today because I had a problem"; I'm not sure that is going to float; but if you call a guy from offshore and say, "It is blowing a gale and I can't get my pots up safely and get back; I'm fearful of my life," I think that is going to fly pretty well.

MR. PHILLIPS: Well, that being said, **I'm willing to withdraw my motion.**

MR. CURRIN: Okay, with the seconder? Any objection to withdrawing the motion with so much debate? I see no objection. All right, let's take a ten-minute break.

(Whereupon, a recess was taken.)

MR. CURRIN: All right, before we move into Action 10, David brought to my attention an issue regarding a previous motion that I think we need to clarify at the very least, perhaps reconsider. David.

MR. CUPKA: Mr. Chairman, under Action 7 we passed a motion whereby we stated that 12/31/09 was a control date and it is actually just a date. It is not a control date, so what I would like to do, Mr. Chairman, is make a motion to reconsider that motion.

MR. CURRIN: **Motion by David to reconsider the motion under Action 7; second by Duane. The motion is on the table.** Would you like to amend it?

MR. CUPKA: Well, we've got to vote to reconsider.

MR. CURRIN: Thank you. **Any objection to reconsidering the motion? I see none; the motion is approved.**

MR. CUPKA: **Okay, I'd like to make a motion to amend the motion that would say, "limit tag distribution to black sea bass pot fishermen with valid federal commercial snapper grouper permits that landed at least one pound of black sea bass caught with pot gear by the date of 12/31/09."**

MR. CURRIN: Motion by David and second by Duane. Any discussion? Any objection to that motion? **The motion is approved with one objection.** Okay, on to Action 10 on PDF Page 55.

MS. QUIGLEY: This is improvements to data reporting. We have a commercial section and a for-hire section. Under the commercial, there are a number of different options. We have Preferred Alternative 5, provide the option for fishermen to submit their logbook entries electronically by an electronic version of the logbook made available online. This is something that several fishermen have asked for a number of years. This is voluntary; it is not mandatory. The council has the option to choose more than one alternative as their preferred under this action under commercial.

MR. CURRIN: Recall we did receive presentations from Steve Turner and Mike Cahall this morning regarding what is going on at the ACCSP and how NOAA is interacting with them and planning to utilize the ACCSP data base. I don't think we're quite there totally with electronic logbooks. We do have a pilot program in place, but we're fairly close.

I think it would behoove us to consider including an alternative or approving an alternative here that had something to do with providing electronic logbook information, either if selected or make it required at some point in the future. What is your pleasure here on this action? Any desire to select a preferred at this point? Gregg.

MR. WAUGH: As a suggestion, you heard the center recommend yesterday that we coordinate across our FMPs to consolidate our reporting, standardize our reporting, and it seems to me that either here or in the – here we could amend the snapper grouper plan to implement the ACCSP Reporting Modules, and then we could do the same thing in the Comprehensive ACL Amendment to add an alternative that would amend all our other FMPs to track the ACCSP Reporting Modules. Then staff could fully develop those for you to look at.

MR. CURRIN: Gregg, my question is do we have a good feel for when that is going to be actually up and running totally? I got the impression from Steve that ACCSP is ready, but we're not quite to the point where we're ready to avail ourselves of everything that they have to offer.

MR. WAUGH: I think that would come out as we develop the specifics of this potential new alternative. You heard Steve say I think an August anticipated date for the start of much of it, but I think realistically the implementation date of Amendment 18 is a good year away. This would at least give us the mechanism to implement those reporting requirements.

DR. PONWITH: Mr. Chairman, I am a strong advocate for electronic reporting. We did get some input from the folks who were giving public comments and got some good feedback on that. I think one alternative is the way you have Alternative 2 worded accommodates it, and that is that if selected gives some latitude to be able to phase in the electronic reporting. I think we want to do this but we want to do it in a way that creates an opportunity to phase it in. I think wording like that would be useful.

MR. CURRIN: Well, we have that alternative already there. Gregg is suggesting we might want to consider adding another alternative that would essentially track – Gregg, you have to help me with the wording, but utilize the ACCSP Reporting Module. Brian.

DR. CHEUVRONT: I'll go ahead and make the motion. The motion is that we include an alternative to Action 10 to implement the ACCSP Reporting Module.

MR. CURRIN: Motion by Brian; is there a second? Second by Duane. Discussion? **Any objection to that motion? I see none; that motion is approved.** Okay, as David pointed out, we do have a preferred under here, but also we need to keep in mind, as Kate pointed out, that is simply a thing to provide an opportunity for fishermen – Alternative 5, to provide fishermen an opportunity to report electronically. If they so choose, this provides a platform for them. We certainly could and I think should select another preferred within this action at some point. We don't have to do that today. What is your pleasure? Everybody okay at this point? All right, we will have to move on.

MS. QUIGLEY: Under the for-hire section of this action, we have four alternatives and no preferred alternative.

MR. CURRIN: I think this is another one, Gregg, where we might consider adding an alternative similar to the previous one for the commercial industry regarding the ACCSP Reporting Module. Any desire by the committee to do so? George.

MR. GEIGER: Yes, so move, Mr. Chairman.

MR. CURRIN: Motion by George to add an alternative to the action to implement the ACCSP Reporting Module for the for-hire sector; second by Brian. Discussion. Rita.

MS. MERRITT: Mr. Chairman, I just have a question; the NOAA Fisheries Service authorization to require weekly or daily reporting – is that an optional kind of thing or would that have to be done in advance when a permit is issued? At what point is that decision made; is that something that can change depending upon landings where you might go from a weekly reporting to say, okay, everybody, now we need it daily?

DR. PONWITH: That is a very good question, but I would have to defer to counsel for that. I believe that currently in the Act I have the authority to require monthly reporting, and so I would have to defer to Monica for what it would take to have it weekly and then how that might switch back and forth.

MR. CURRIN: Gregg may be able to also comment on that, Rita.

MR. WAUGH: Yes, remember I think it was Steve that pointed out up in the northeast they did try daily and then backed off to weekly. I think whatever you put in the plan would be what was required. Remember, the significant change is that when you go back to tracking landings and you have paybacks, there is a huge cost to going over. The added cost, if you will, of individuals having to report daily to me is a lot less than having the quota go over and have to pay back the following year.

MS. MERRITT: Well, to that point, I was only questioning it because I don't know, and it might be helpful for it to be clearer when it goes to public hearings. I can see some advantages to NMFS being able to go to a reporting that is more often, go from a monthly or weekly to daily when things start getting tight. I just would like to see it clearer in the hearings.

MR. CURRIN: Any more discussion on this motion to add another alternative to the options for the for-hire sector? **Any objection to that motion? I see none; that motion is approved** then. Okay, Kate.

MS. QUIGLEY: Okay, pretty much that wraps all the actions in Amendment 18, but we do have one that was discussed during the last council meeting. That was changing the black sea bass fishing year. I'm taking a look at PDF Page 58. This was not fully analyzed because there was discussion of establishing trip limits and that could accomplish goal as splitting the black sea bass fishing year.

Anyway, we've got a couple of different alternatives here. I just wanted to point them out. When it comes time to discuss trip limits, it can be discussed at that time. We also need to settle upon if you are going to go with this action, if you want this action, it needs to be approved in a motion and you need to decide where you want to go. There are multiple places where it could go, the Comprehensive ACL Amendment, Amendment 18, several other places, framework action.

MR. CURRIN: What are your thoughts on this? This was one of an actual suite of alternatives that we kind of threw on the staff at the last moment at the last meeting. It was suggested by the fishermen. Some are okay with it that I've talked to; some don't like it. Keep in mind this is probably the source of Dr. Crabtree's comment. I know Dr. Daniel spent untold years around this council table trying to get the black sea bass fishing year changed to June 1. I think he finally was successful, what, a year and a half ago, and here we are we're going to change it again, so I don't know what that says. Robert.

MR. BOYLES: Mr. Chairman, we have heard this comment and I would like to see it remain as part of 18. Again, this has come up particularly in our neck of the woods, and I think this is a good suite of options for starters.

MR. CURRIN: Other thoughts? Then we need a motion to include this as an action if that is what you want to do. David.

MR. CUPKA: **I would so move, Mr. Chairman, that we include this action in this amendment to change the black sea bass fishing year.**

MR. CURRIN: Okay, motion by David; second by Duane. Discussion? Brian.

DR. CHEUVRONT: One of the things that we're not taking into account here in our designation of the fishing year is because the quota seems to be caught earlier now and the fishing year is not lasting all year long anymore. We might even want to look at something like trying to protect

the spawning season for this species. I don't that is taken into account in any of these alternatives.

MR. GEIGER: Another concern I've heard expressed is that because vermilion snapper are closed at a different time it has caused people to shift into the sea bass fishery which has contributed to that quota being caught earlier. There was a discussion about why both species couldn't be closed at the same time to preclude that effort shifting on to sea bass and caused that quota to be caught up so quickly. Now, I know if splitting the season in half will accomplish the same thing by allowing it to stay open longer, but that was a concern expressed by two fishermen up in North Carolina to me.

MR. MUNDEN: Mr. Chairman, I had a call about six weeks ago from a South Atlantic fisherman, and he was questioning me concerning the opening of the black sea bass fishery north of Hatteras. That fishery opens as per the fishery's management plan January the 1st. He was inquiring as to whether or not you could get possibly a staggered season that would increase the demand and price for the black sea bass. He also said that an option may be to have a split season.

MR. CURRIN: Yes, Red, and we've had recommendations to consider a split season as well, and I think we'll talk about that when we talk about these trip limits. I think that was suggested by some of the fishermen, anyway, as indicated here in Alternative 3. Okay, everybody okay with the alternatives; how about the range of alternatives here?

I guess we can vote on adding the action and then consider the alternatives. Is there any further discussion on the motion? **Any objection to the motion? I see none and that motion is approved** for a new action in 18. Okay with the range of alternatives here. It would be better to add now than later, but we will have opportunity and we may get some suggestions from the public as we go forward with this. Robert.

MR. BOYLES: Just a question; maybe Kate can clarify for me a portion of the catch based on average landings from the last five years; was that just a staff suggestion or was that part of the discussion in March? I believe I missed the discussion so just clarification for me, if you would, please.

MS. QUIGLEY: I believe that was a suggestion from the council.

MR. CURRIN: I don't remember who made it, Robert. I suspect it is fairly arbitrary, but it would seem to be a long enough time period to give a pretty fair indication of how the fishery has been operating over the last handful of years. There have been so many weird changes in the last two years that I would hate to start basing something on that. Anyway, give some thought to whether there are other additional alternatives that you would like to consider under this action.

MR. CUPKA: It was just a general comment, but it does refer to this action. I was just going to suggest of staff now that we've got this in there and it is a pretty major change, there are two parts of the document. One is the summary at the beginning and then there is another section

there called “Issues Addressed in Amendment 18”. Now that we have included that, we might want to go back and include those since it is a major action so that people will know it is in there if they start reading the first part of the document.

MR. HARRIS: Mr. Chairman, I do think there is some rationale to perhaps having a spawning season closure. I think that is something I would like to see maybe fleshed out and let’s bring that back to the council to look at that. I know off the coast of Georgia we’re looking at January and February and March as prime periods for spawning of black sea bass. It may even start earlier than that. They get hammered pretty well during those months, and so it may be something that we need to look at. If we have a spawning season closure, it may offer us some other opportunities in some other areas. I would make that as a motion, Mr. Chairman.

MR. GEIGER: Second.

MR. CURRIN: **Motion by Duane to add an Action 12 into this Amendment 18 looking at a spawning season closure;** second by George. Discussion on the motion? Charlie.

MR. PHILLIPS: Is this commercial, recreational, both?

MR. CURRIN: I guess the alternatives could be set up in any way, but it depends on your intent.

MR. HARRIS: And that would be the way I would set the alternatives up.

MR. CURRIN: So inclusive and exclusive of the various sectors for a set of alternatives. How about ranges? Spawning seasons are fairly protracted; do you want to look at any guidance to the staff as far numbers of months centered on the peak of the spawning season or what are we talking about here?

MR. HARRIS: Mr. Chairman, that works for me. I think it would be appropriate to look at throughout the range where they spawn and when. I know where it is off Georgia but I don’t know off North Carolina when that is, so I think we ought to look at that and perhaps have those alternatives in there as well.

MR. CURRIN: I guess staff can flesh out some of that stuff for us and provide some of that information. Brian.

DR. CHEUVRONT: Just to follow up with Duane’s comment about spawning seasons, I’ve been told that it really kind of gets started about March off of North Carolina, so we’re going to have get the science together and find out how this all plays out.

MR. CURRIN: Any other comments on the motion or discussion? Charlie, did you have something?

MR. PHILLIPS: Just one quick comment; it might be a good thing if we can tie in the closures for things like – you know, if we’re going to fool with start dates, have our closures for sea bass,

vermilion, gag, just get people off the water and give everything a break, just kind of keep that in consideration. It helps our discard problem.

MR. CURRIN: There is no question about that. One of the problems that I foresee was just identified. We've got sea bass spawning in March and April, May, into June, depending perhaps on other places, and then we've got the grouper spawning in the winter. As best we can, I understand and I think that is a great goal. Any further discussion on the motion? **Any objection to the motion? I see none and that motion is approved.** Kate.

MS. QUIGLEY: Okay, I just want to make people aware originally we intended to ask for the council to approve this document for public hearings. Because we've got some new actions on the table and new alternatives that have not yet been identified, we will not be able to do that until September, so I just want to make the council aware of that.

MR. CURRIN: Okay, this is what happens when you bring all this stuff in late in the game. All right, anything else, Kate? All right, thank you very much and thanks, Karla. Monica.

MS. SMIT-BRUNELLO: Mac, when we do public hearings, when this could go up into Mid-Atlantic and New England, do they do those public hearings; do those councils take care of those hearings?

MS. QUIGLEY: In the past we have traveled – I haven't, actually, but Rick has traveled up for past public hearings with regard to the northern extension. He has traveled up to the office of the Mid-Atlantic and held a public hearing.

MR. CURRIN: I went to the public hearing in Newport News as a council member and Jack Travelstead and Joe Grist were there in addition to our staff. One guy from North Carolina drove up there to comment. All right, on into Amendment 20, and the first item there is an emergency rule request. There is an Attachment 17 on that.

MS. QUIGLEY: What I thought we could do is start off by taking a look at Attachment 17. If you recall, at the last council meeting you had requested an emergency rule for wreckfish permit holders to have a six-month moratorium on having to obtain a commercial snapper grouper fishing permit in order to possess wreckfish. I am going to turn that over to NMFS staff to explain that letter.

MS. SMIT-BRUNELLO: The long and the short of it was it was very difficult to fit this request within the emergency rule criteria. I know I'm the one who brought this up at the last council meeting and suggested that might be a way to approach it. The council requested it and when we went back and evaluated everything, it was very difficult to fit it into the criteria.

One of the criteria is it is an unforeseen circumstance. That cuts both ways because as I explained before, without going into all of it, some of these regulations have been in place for a while, so whether it was unforeseen is a matter of debate in terms of whether an individual needed a snapper grouper permit in addition to the wreckfish permit.

There were other concerns, NEPA concerns, other things. That is all I'll say on it. Dr. Crabtree wants to say more. I think that some participants were called to discuss it with them as to where they were in the process, whether they were getting a permit. I think one of those participants did in fact get a permit. The justification, if there was any, for an emergency rule, I would say fell apart, but it wasn't all together in the first place, so it just didn't work under the emergency rule criteria. Then the fishery opened on April 15th.

MR. CURRIN: So at least one of the people who was identified as being at risk has taken care of their problem?

MS. SMIT-BRUNELLO: Yes. I should tell you that another individual who did not purchase the snapper grouper permit, I think several of us might have had conversations with him, and I had a fairly lengthy conversation with him last Friday or Thursday. I explained to him what had taken place. He was very unhappy.

He said he had been in the fishery for a year and had hoped to continue in the fishery, so I explained, one, what happened; and, two, that the council, you, was considering an amendment that looked at all the aspects of the Wreckfish ITQ Fishery; and that if the council wanted to, you could address again whether a commercial snapper grouper permit was needed

I had assumed you would look at a variety of things. He said he was going to come, if he could – he is in the Keys – come up to give public testimony last night. I don't remember – I'm not sure what he looks like, but I don't remember hearing anyone talk about wreckfish. I'll carry forward. I told him I would bring it up to you if he didn't come up and testify that he would like a change in the permitting scheme.

He said he purchased gear, he used it for a year, he is not able to use it now. I discussed with him the possibility of purchasing a permit. He said that was too expensive. We discussed some leasing kinds of situations. I actually gave him the number of the permit team leader who is very aware of how to do leases and all that sort of thing. He was going to talk to her, so that is where we left it. I know he would like a consideration for you all to look at the permitting scheme for wreckfish when you're looking at this amendment.

MR. CURRIN: Any questions for Monica about what has been done about this? All right, Kate, are you going to walk us through or fill us in on the wreckfish shareholders' meeting of recent? That is under Attachment 18, I believe.

MS. QUIGLEY: Yes, that is right, it Attachment 18. It is the summary of the wreckfish shareholders' meeting, which was held March 29th and 30th in Charleston. We had six shareholders that were able to come. We had three NMFS staff and then we had several council staff there. The purpose of the meeting was to bring together shareholders to discuss the Amendment 20 options paper that the council had put together and the review of the wreckfish fishery.

They reviewed these documents in detail and provided comments on how they felt about each of the actions and alternatives. They received several handouts, pretty much all the information that we have on wreckfish. They were made aware of the actions that are going into the Comprehensive ACL Amendment, and we can discuss those under the Comprehensive ACL Amendment.

There are several actions that were recently moved there, and these are included here under summary on Page 1, initial reactions to wreckfish actions in the Comprehensive ACL Amendment. There are comments. We talked about confidentiality waivers. They were made aware that the SSC would have a hard time deciding upon an OFL if they did not have the ability to take a look at the landings' data because several years are confidential.

We did have confidentiality waivers available. We distributed them and we only received one back. That was from a shareholder, not from a dealer. We asked about their reaction to the current program and almost everybody said that they really liked the current program and they don't want to see it changed except for a few things. One of the things they mentioned is they would be amenable to electronic reporting put into place, getting rid of paper coupons, basically updating the system. Electronically and administratively, they would be fine with that.

Several of them were worried about illegal fishing of juveniles and high grading and that recreational fishing should not be allowed. They saw no need for a vessel monitoring system. They were open to approved landing sites. They talked about how the spawning season, although it did change the market early on in the Wreckfish ITQ Program, it was not a problem now and they have learned to live with it.

They did want to know about excessive shares, what would be excessive shares in the fishery where there is really only four, five or six people participating in the fishery. We stated Mike Travis and I would be putting together some information and giving a presentation on that in the near future, perhaps September or December.

We talked a little bit about cost recovery, and there was at least one shareholder right here – Paul Reese had expressed that he wanted cost recovery to be shared equally among all shareholders. They get into some of the specifics under each of the actions and alternatives contained in the options paper.

We've got two different sections. Votes were tallied on each of the wreckfish actions contained in the Comprehensive ACL Amendment, and we'll discuss those under the Comprehensive ACL Amendment. Then we've got votes were tallied for each of the actions contained in the Amendment 20 options paper. What we asked is that they vote one way or another.

We went around the table and then we asked them to give some rationale when they were able to. Under here I've noted in parentheses the number of people that voted in favor of a particular alternative and what the rationale was. For most of these actions, Alternative 1 was the preferred alternative or in some cases they added alternatives; so you see that under reapportionment of

ITQ shares, there is new Alternative 6 and new Alternative 7 that they wanted added to the options paper.

You can decide whether you add those or not to the current options paper, but for almost every single action they preferred Alternative 1. We have not yet incorporated these into the options paper. If that is something that you would like to do, then someone could make a motion to do that.

MR. CURRIN: It looks like a lot of them are in there already because they are no action, don't do anything. I guess there was a handful that were suggested or added for various reasons by this group. What do you want to do about the recommendations from the shareholders' meeting?

MS. MERRITT: I guess you can see that I was in the meeting as a shareholder, so I would like to encourage members of the council to take into consideration what these shareholders brought forth. However, I would feel reluctant to make the motion myself since it is somewhat self-serving.

MR. CURRIN: Yes, you are a little close to it, aren't you? Mark.

MR. ROBSON: It sounds like what we need to focus on maybe are the new alternatives that they have recommended to see if we want to put them in the options paper. The first ones that see are under reapportionment of ITQ shares. There were two alternatives. I'll make a motion to go ahead and include them in the options paper.

MR. CURRIN: **Motion by Mark to include new Alternatives 6 and 7 under the reapportionment of the ITQ Shares Section into the options paper.** Second by David. Discussion? No discussion of the motion? Robert.

MR. BOYLES: I just want to be clear – maybe a question for Rita – equally redistribute shares belonging to deceased shareholders; equally as in take the number that are available and equally – not proportionally but equally; is that correct?

MS. MERRITT: Equally but not proportionally; equally, yes.

MR. ROBSON: I just had a question because I'm not sure I understood the different between 6 and 7. I was wondering if Rita could clarify that.

MS. MERRITT: What page is that on?

MR. CURRIN: PDF 4.

MR. ROBSON: I guess the reapportionment; for people who cannot be contacted, what is the timeframe or how long do you have to wait before you can't get hold of them.

MR. CURRIN: It is not real clear how many days you have to take his mail out of his mailbox before you get his shares.

MS. MERRITT: I think from what I remember – that wasn't a thought that came from me, but when it did hit the floor, I'm not sure anybody had a chance to think it all the way through. I think it was just an idea but it hadn't been completely fleshed out. Maybe Kate has got more on that.

MS. QUIGLEY: There were some people that were comfortable with redistributing shares belonging to deceased shareholders. Most people were comfortable with that. There were a couple of people who were also interested in redistributing shares belonging to deceased shareholders and shareholders that could not be contacted by us since we started looking at wreckfish as an amendment.

For about a year and a half or two years, there are several people we've tried to contact and we have not been able to contact. The idea was to include those, but as you can see there were only two people that were in favor of that; whereas, three people were in favor of just redistributing shares belonging to deceased shareholders.

MR. CURRIN: Kate, is this a matter of people that you have had mailed returned or phone calls unanswered or just not received a response from?

MS. QUIGLEY: This has to do with mail returned and the permits office, the contact information that they have on file, we have tried calling and it has been a line that has been disconnected. We have asked around the fishery and not been able to find any other contact information for those individuals.

MR. GEIGER: Kate, do we know approximately how many shares we're talking about in this grouping?

MS. QUIGLEY: I'm not sure how many shares we're talking about. We're talking about four individuals we were not able to contact and then, of course, there are three individuals that are deceased.

MR. GEIGER: Well, is there any way we can find out how many shares that totals?

MS. QUIGLEY: I can find out for the next council meeting.

MR. GEIGER: Because that would be an opportunity to possibly apportion that to a recreational fishery without taking existing shares from anybody.

MR. CURRIN: Other discussion on this motion? **Any objection to the motion to add these new alternatives? I see no objection; that motion is approved.** George had a suggestion. Are there any other alternatives you want to add for consideration in the options paper regarding

this particular issue or do you want to handle that after we go through the workgroup and deal with their suggestions?

All right, the next new alternatives I see – Kate, correct me if I’m wrong – are on Page 5 under the use-it or lose-it policy; new Alternative 4, which states if needed set a control date for a time in the future whereby a fisherman would need landings to qualify. I think what they’re after is those that have not fished in a while, give them an opportunity to show some landings with their coupons.

MR. HARRIS: So we think if we establish a control date in the future they will go ahead and get landings and then qualify?

MR. CURRIN: Well, that is the way I would interpret it. Kate, you can tell me what the intent was.

MS. QUIGLEY: The idea was in order to be given an appropriate heads-up, that it would have to be a date in the future because if you set a date now then people can’t do anything about it.

MR. HARRIS: Monica, have we ever set a control date in the future before?

MS. SMIT-BRUNELLO: I don’t think this council has, and I’m not sure if it has been done elsewhere in the country or not.

MR. MAHOOD: I think a couple of times we said upon publication in the Federal Register, so I guess that would be in the future, but we didn’t actually set date. We just said that when they published it, that would be the control date.

MS. SMIT-BRUNELLO: That’s a good point.

MR. CURRIN: I would be willing to speculate at best, if not bet, that would not suffice the intent of the group here simply setting it effective at the date of publication. I think the idea here is to give these guys some notice so that if they want to produce some landings, that they’ll have the capability to do that. That is my interpretation.

MR. HARRIS: This still gives them time. If they know at this meeting that we said that upon publication that will be the control date, they’re going to be put on notice that they had better get out there and get some landings.

MR. BOYLES: Aren’t they kind of on notice that we’re considering this, anyway, now? Maybe I’m missing something.

MR. PHILLIPS: If you set a control date you might want to set a control date and/or X amount of time should somebody buy some shares or coupons a month before the control date. They don’t want to get hung up on 30 days. You may want to use the control date or six months after you acquire shares or coupons.

MR. CURRIN: Or, I guess we could not add this alternative to the amendment as an option. It is up to you. Rita.

MS. MERRITT: I think part of the problem in making some of these decisions came about because there is a difference between whether or not this becomes a brand new ITQ or if this just becomes an updated old ITQ, which is not under the Reauthorized Magnuson Act. I think we had this discussion at length before, and it did create some difficulty in that meeting with shareholders as I recall, right, Kate, just trying to get that resolved.

I think that overall everybody said leave it alone, just clean it up, leave it at is, it will resolve itself over time, and that is kind of the message most of the people seemed to have is that this is what it is, but it is evolving now because of further interest and they don't really want to change it so much as update it, clean it up because it should have been reviewed a long time ago.

It should have had some science associated with it, either a stock assessment or an update of some kind and therefore would not lead to a brand new ITQ. George just mentioned consider giving the deceased people's shares or the abandoned so-called shares and consider it perhaps for recreational fishermen.

Well, when that topic was discussed, it seemed to be the consensus that, well, no, that would be a new ITQ and let them set up with their own rules with an allocation. It is very confusing as to whether or not we're talking having a brand new, start-from-scratch Wreckfish ITQ or just updating the old one. I believe that Monica gave us some guidance on that the last time as to what would constitute it coming under a new ITQ.

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

MS. SMIT-BRUNELLO: No, it was to another point.

MR. GEIGER: Well, correct me if I'm wrong, but when we discussed this back when we were discussing catch share programs and the expansion of catch share programs in the golden crab and golden tilefish, we had this ITQ Program in place that had never been reviewed. We have a Reauthorized Magnuson Act that has specific requirements for catch share programs contained within it.

I was laboring under the impression that we were looking at redoing the defunct Wreckfish ITQ Program and creating a new catch share program under the provisions of Reauthorized Magnuson in accordance with the requirements of Magnuson. That is where I thought we were going because my contention was that we should use an ITQ Program that is in place and yet has never been reviewed as the foundation for creating a new catch share program under the tenets of Reauthorized Magnuson, see the effort that is involved in that, how we do it, go through that exercise and then use this as a template, if you will recall, for the creation of other catch share programs should they come up as being requested from the industry. I proposed that this would

be our working test case in developing a catch share program and then using it as a template to move forward.

MR. CURRIN: And I recall those thoughts and conversations around this table. Monica.

MS. SMIT-BRUNELLO: I was going to talk a little bit about control dates, and Jack just gave me a really handy thing that said we have had three wreckfish control dates. One of them was July 30, 1991. The ITQ Program was established after that. We had one April 20, 1997 and the last one was October 14, 2005.

What I also wanted to say about control dates is usually you have set them in fisheries – I take everything back I just said. There was only one control date of October 14, 2005, so I misspoke. What I wanted to say was usually you establish control dates for fisheries that there are too many entrants, there is too much fish being caught, there are derbies, there is this, there is that, but this is a different situation in which you already have an ITQ Fishery, so you've controlled it pretty well to the effect that are only – if you want to get into this fishery, Duane, for example, can't just go catch wreckfish.

He has got to buy wreckfish – he has got to be a shareholder, he has got to have the coupons, he has got to have a wreckfish permit, and he has got to have a snapper grouper permit. What you're almost talking about in some ways is kind of a use-it or lose-it kind of situation where I guess you wanted to show interest in the participants at some level I guess as to whether – I guess you would consider that to potentially be a factor as to whether they would stay in the fishery or that you would not let them stay in the fishery or restructure the whole program and all that. This is just a different kind of situation in which we have discussed control dates before. There is no use-it or lose-it in there, by the way, and that has never been a requirement in this fishery.

MR. GEIGER: And as it comes back in my recollection now, in addition to the comments that I made previous, during those discussions we even talked about how we would formulate and look to see if we even needed a catch share program in the wreckfish fishery through the identification of a purpose and need for the program. We were talking about looking at the creation of a new catch share program, as I recall it. I remember speaking to the fact that we need to be able to identify a purpose and need for a catch share program before we even embark on it.

Now, whether because we have this IFQ Program in place, that is fine, but there should have been a purpose and need for it when it was created as well. If that needs to be refreshed, we need to look at the whole program. Again, this should serve as a template. If we can't develop a catch share program based on an existing IFQ Program, it is going to be difficult for us to start from scratch I think, and this would be an easier way to do it.

MR. CURRIN: Well, in fact, George, what we have is a template, and we've gone through the steps with the existing shareholders' group as opposed to with a new catch program, a workgroup as we did earlier when we were talking about LAPPs and had the LAP Workgroup. I think we do have a good template here that has been developed for this. We still I think don't

have a good feel for how we would like the Wreckfish ITQ look or if we think it should remain an ITQ, but that is kind of the process that we're going through from my perspective. Kate.

MS. QUIGLEY: I was just going to say when the ITQ was established, there was a purpose and need and obviously the fishery has changed quite a bit since that point in time. We did do an official review. The council staff did an official review of the Wreckfish Program and then we delivered that to the council and gave a presentation on that, and you have that in past briefing books as an official review of the Wreckfish Program.

Staff made recommendations on how if you wanted to keep the objectives that were currently implemented for the Wreckfish ITQ Program, these are the things that need to be done to meet those objectives. That provided guidance to the council on things they could do. Then it was brought up, well, how do wreckfish shareholders feel about the program, so that is what we're coming back with now.

We have staff input to the council and we have shareholder input to the council. I think that as far as we can really go as staff with the current objectives. If you were to change the objectives on what you wanted to see the program accomplish, then we could go ahead and analyze those as well, but as it stands right now I think we've brought almost everything we can to the council that they have asked for. If you have other suggestions, we can work on that.

MR. CURRIN: All right, let's, if we can, get back to this document and the report from the shareholders' meeting. At this point, in my opinion at least, the new Alternative 4 doesn't make a whole lot of sense. I'm not sure that it is necessary to include, but somebody may feel differently about that. It assumes that the development of an ITQ or allocation of shares is based upon landings. It may or may not be. What do you want to do about it; do you want to stick it in the options paper here now or not? Duane.

MR. HARRIS: Mr. Chairman, yes, I would like to leave it in there, but I would change it and delete "for a time in the future" from the language because I don't want to lock us into something like a time in the future. It is going to be a time in the future from this meeting, but we may want to set it at the next council meeting or something as the control date. I think we probably will need a new control date since this one is getting a little bit stale, I don't know. Monica is going to tell me no, but that is what I would recommend.

MR. CURRIN: Motion by Duane; is there a second? Second by Brian. Monica, you had your hand up.

MS. SMIT-BRUNELLO: Yes, I don't disagree with anything Duane just said, but I am a baseball fan so here is my third strike, my third attempt at giving you the correct control date information. We believe that the only control date that has been given in this fishery was March 28, 1990. That would make some sense because the ITQ Program went in right after that or shortly thereafter.

MR. GEIGER: Monica, could you explain why a control date would get stale if the council established a control date for a purpose?

MS. SMIT-BRUNELLO: Well, what the control date does is it puts people on notice that after that certain date if they get into the fishery the council may choose to use that date to establish some sort of cutoff for participation in the future past that date. "Stale" comes in when – well, let's use this one, for example.

I would say this one would be stale in 1990 if after that the council never did anything and so no one paid attention to that control date and there were all kinds of new entrants into the fishery. I think there has been some case law, and I will bring that back to you at the next meeting. I meant to do it at this meeting discussing stale control dates.

I think other councils have reached back much further than this council has in the past putting in effort-limitation programs. They have picked sometimes a date pretty far in the past, and I think that has either not been challenged in the courts or if it has been upheld. I will look into that for you and get you a little bit better information at the next meeting. Staleness really, I think if you put a date and don't ever use it, how have you put people on notice that you might use that date in the future, so it is a matter of fairness, I guess.

MR. HARRIS: Mr. Chairman, I just remind everybody that this says "if needed", and I'm not that it is needed based on what Monica just said.

MR. CURRIN: Okay, any further discussion on this motion? The motion is to add a new alternative for a new control date if needed. Is that your motion?

MR. HARRIS: Yes, but it also includes whereby fishermen would need landings to qualify.

MR. CURRIN: **Then the motion reads, "Add a new alternative for a new control date, if needed, whereby fishermen would need landings to qualify." Any further discussion? Any objection to this motion? I think the staff has a clear understanding how to incorporate this into the amendment.** Robert.

MR. BOYLES: Mr. Chairman, I'm just raising my hand in objection. I'm not quite sure that I understand that we need it.

MR. CURRIN: I'm with you, but, anyway, any further discussion on this motion? **Any objection to the motion? The motion is approved with three objections.** All right, I think that is the last suggestion by this workgroup. We have got a lot of information here about their preferences on the alternatives that have been identified and a handful of suggestions which we have move forward to be included in Amendment 20. It might help to have a motion, if the committee desires, to ask the staff to incorporate all the information from this document, including the new alternatives and begin analyzing those alternatives, if that is the desire of the committee. Rita.

MS. MERRITT: Mr. Chairman, no, I don't wish to make that motion. Perhaps somebody will later, but at this point what I would like to do is to ask Monica to please readdress our guidance from Magnuson as to whether or not we are obligated to redesign this ITQ or not, because it is the wishes of the shareholders as an existing ITQ to maintain it and just do it as regular review with updating to meet Magnuson.

Now, if that is not the case, then we need to know that because that is what we got out of the shareholders' meeting is that this was – we would have to bring it up to the level of meeting the mandates by Magnuson, but we would not be treated as a brand new ITQ.

MS. SMIT-BRUNELLO: Well, there is the provision in the reauthorized act that basically grandfathers in wreckfish and some other programs that were established before a certain date. You may recall that I said there were certain things that the wreckfish program was out of compliance with the reauthorized act in 1996, the Sustainable Fisheries Act, charging ITQ fees and those sorts of thing.

You always have no action in all these alternatives and you could choose that, but at some point when you start to change it, I think it is changed sufficiently so that it would fall under the new requirements of the reauthorized act, and then I think you would have to meet – for example, if you do what George is suggesting, it would be a new ITQ Program and you would have to meet all the new requirements of the reauthorized act, but you are grandfathered in to a certain extent.

MS. MERRITT: Thank you, Monica, but that is why the shareholders felt like they were grandfathered – this wasn't going to change other than to update as a review but not become a whole new ITQ. Maybe this is where we just have a misunderstanding of how we were approaching this because we were coming from both directions.

Most of these alternatives came up prefaced by a conversation that says, well, if we go to a new ITQ, then we should do this; and then in other cases it was just what we were doing as an update to the old ITQ. Please correct me on that, Kate, if I heard it differently than you did.

MS. QUIGLEY: No, I think I understand what you're saying. It was made clear at the outset to the shareholders that as the wreckfish stands right now, other than cost recovery – that was the only thing I was aware of – that this program is not required to be changed; however, that the council wanted them to review this program and say how they felt about it, what improvements they wanted.

I made them aware that if major changes were made to the Wreckfish ITQ Program, then this would be possibly considered a new ITQ Program and then would have to comply with the Reauthorized MSA. I think that is what you were trying to say.

MR. STEELE: Well, I would defer to Monica on this, but some of the provisions in the IFQ Program, I think the program could be modernized and with the same provisions that you've got there; modernize being get rid of paper coupons, things like this. I don't think it would change the basic tenets of the IFQ Program. It would just bring it up to the 21st Century. I think from

what I remember from one of the APs that the members were all for this, so there is that consideration, also.

MR. GEIGER: I apologize, I don't have the minutes from the previous meeting and I don't have a clear recollection of everything that was discussed, but one of the things I clearly remember our discussing was the fact that wreckfish catch share program, the entire wreckfish TAC was commercial and that there are recreational landings – well, they aren't recreational landings, but there are people encountering wreckfish recreationally who are required to throw them back, caught from great depths dead.

I just asked Red and that recreational fishery occurs all the way up into New Jersey. They're encountering fish in Florida in much shallower areas. They're discovering them in different places. I just believe when it was designed it was a misstep to create a 100 percent commercial fishery. At the point we discussed it we were going to look at – in addition to that, we didn't even have at that time a catch share policy draft from the National Marine Fisheries Service.

Since that time there has been a Catch Shares Task Force and there has been a whole suite of issues discussed and a draft policy issued by the National Marine Fisheries Service to serve as some form of guidance that the councils – when they're considering and designing these catch share programs. I just think this is an old program that needs a real fresh relook and some consideration for omissions such as a recreational catch share portion for that sector.

MR. CURRIN: Keep in mind, I was just reminded by Kate, George, that action on allowance of recreational harvest in wreckfish, there are options on that in the Comprehensive ACL Amendment. It is not in this review of the Wreckfish ITQ Program, but it is –

MR. GEIGER: No, I understand this is philosophical discussion as to whether we're just going to have an old – you know, we're going to put a fresh coat of paint or some new lipstick on the old pig or if we're going to try and get a nice new piglet to grow the way we want it to grow for show purposes.

MR. CURRIN: As long as you can keep the camel's nose out from under the tent, I think we will be okay. All right, what do you want to do here? Duane.

MR. HARRIS: Mr. Chairman, I would move that we direct staff to add the alternatives from the workgroup in the Amendment 20 options paper.

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

MR. PHILLIPS: I would like to ask George what are they targeting out there when they're – I guess they're accidentally catching these. What are they targeting out there to accidentally catch this?

MR. GEIGER: They're actually headboats and some private boats are fishing in areas for grouper. Headboats, there was one guy in Sebastian who was actually advertising Gulf Stream

Monster Trips and had pictures on his website of landed wreckfish. I turned it over to NOAA Enforcement and they took care of that, but that is how prevalent and how often they're being encountered.

We hear from the recreational sector all the time much more frequently. I just received a suite of pictures from up in New Jersey a couple of weeks ago of some very large wreckfish that were landed up there, and they fish them often coming back in from tilefishing trips. They'll stop to catch wreckfish on the way back in was the quote and the caption under the picture.

MR. CURRIN: Further discussion on the motion? **Is there any objection to the motion? I see none so the motion is approved.** George, I'm sure you saw the comments on the issue of recreational bag limits and consideration that was given to the shareholders' workgroup, and they made comments on that; and as indicated, they were not in favor of that, but I think you had a good idea, personally, about some way to carve out some sort of allocation for these encounters that occur on a rare basis. David.

MR. CUPKA: I just want to say that it wasn't an omission or a misstep that it wasn't in there originally. When that fishery was developed, it was developed by commercial fishermen and there were no recreational catches in there at the time, so it wasn't that it wasn't considered. It was considered; it wasn't overlooked. It was done intentionally at the time at that meeting that it has to stay that way. I'm just telling you when it started it wasn't done because it was overlooked.

MR. CURRIN: Okay, the motion has been approved. Kate, what else have we got on Amendment 20?

MS. QUIGLEY: Just one more thing. We have an issue to discuss that I think Monica is going to explain. It has to do with the regulations regarding wreckfish and how wreckfish is part of the snapper grouper bag limit.

MS. SMIT-BRUNELLO: I was having a slight sidebar and I think what you brought up was the aggregate bag limit? Yes, I think this is a great document to discuss and address whether you would like to except wreckfish out of the aggregate bag limit. Remember how at the last meeting I discussed the way that the snapper grouper regulations and amendment have been set up, that the aggregate bag limit covers all snapper grouper species except for the specific bag limit species, the snappers, the groupers, those sorts of things.

It excepts out specifically tomtate and blue runner, but it doesn't except out wreckfish and therefore under my reading wreckfish is part of the aggregate bag limit, which is odd because it is not like you can just go catch your bag limit of wreckfish because you need shares and you need to be a wreckfish permit holder; and if you want to sell them, you need to have a snapper grouper permit.

I think it would be good in this document to address whether you want to have wreckfish be in the aggregate bag limit or not. I would assume staff could work up some options and those sorts of things. I'm glad Kate reminded me because I think this is a good thing to discuss.

MS. QUIGLEY: The repercussions of the current regulations is that someone – from what I understand, Monica, someone with a for-hire license could bring people out wreckfish fishing if he also had a wreckfish permit, shares and coupons. He couldn't sell the catch, of course, as stipulated under 15B, but he could bring people out on a charter trip.

MS. SMIT-BRUNELLO: Yes, and then they would have to be counted with – how would they be counted if he didn't sell them? That's a good question, too, so that is a potential problem. He would have to have shares and coupons to cover at least the harvest of those wreckfish.

MR. CURRIN: And a wreckfish permit as well?

MS. SMIT-BRUNELLO: Yes.

MR. CURRIN: It doesn't sound like that can happen, but can it happen?

MS. SMIT-BRUNELLO: I'll let Kate discuss it. She probably knows more than I do, but I think there have been some transfers and purchases going on of permits.

MS. QUIGLEY: It appears that this has happening already.

MR. CURRIN: Well, that is almost encouraging. The people I have talked to in our commercial industry up there that were encountering these things years ago had been trying to find permits so that they could bring them to the – some way that they could bring them to the bank. They either found it frustrating, difficult, impossible to do, so it is encouraging that can happen. Duane.

MR. HARRIS: Mr. Chairman, I would move that we include another option to consider whether or not to remove wreckfish from the aggregate bag limit.

MR. CURRIN: Motion by Duane to add an action to consider removal of wreckfish from the aggregate bag limit; does that capture it?

MR. HARRIS: Yes.

MR. CURRIN: Is there a second; second by Ben. Discussion? **Any objection to the motion? I see none; that motion is approved then.** Okay, is that it?

MS. QUIGLEY: That's it.

MR. CURRIN: All right, thanks, Kate, very much, we appreciate it. All right, the next agenda item is the Comprehensive ACL Amendment. Rick is going to get us through this. We have got a lot left to do and our discussions yesterday and reception of the SSC Report on data-poor species is going to come to roost right here. Attachment 20. My briefing book had a folder at the top left, which was the Comprehensive ACL Amendment and the document and the appendices are in there.

MR. DeVICTOR: Okay, PDF Page 27 is the first action. This is to remove species from the fishery management unit. You have seen these alternatives before, so see if you're satisfied with the range of alternatives. If you have a preferred alternative, that would be great at this point. Alternative 2 would remove species with 95 percent or greater of landings in state waters, so it compares the fed and the states, what is landed, and remove species based upon that.

That's Alternative 2. Alternative 3 would remove 11 species with 90 percent or greater of landings in state waters, and Alternative 4 uses an 80 percent cutoff. If you scroll on down, Alternative 5 removes all of the following snapper grouper species, and these are species that fall under the Florida Marine Life Species Rule. That would be queen triggerfish, porkfish and puddingwife. That is the first action. There are five alternatives and you do not have a preferred alternative at this time.

MR. CURRIN: Any desire to select a preferred alternative here at this point. Brian.

DR. CHEUVRONT: How does Florida feel about Alternative 5? That one seems to be hanging out there separately from the others, so we could choose Alternative 5 as a preferred along with, I would think, some of these others. If Florida is not in line with the idea of Alternative 5, we could probably go ahead and put that into the considered but rejected appendix.

MR. ROBSON: Well, first of all, I'm having a little difficulty scrolling. I can't seem to see Alternatives 2, 3 or 4.

MR. CURRIN: They're kind of hidden around those tables, Mark.

MR. ROBSON: I'm not sure how to get around the tables.

MR. CURRIN: Well, 4 is on Page 30; 3 is on Page 29.

MR. ROBSON: I can't see them, but I can see 5. Now, those three species have always been covered under our Marine Life Rule, so we have no problem at all with taking those out of the FMU. I was going to ask a question, though. I don't know if this is the right time or not, but we received – I don't know if the South Atlantic Council received the same letter, but the Fish and Wildlife Commission received a letter from the Gulf of Mexico Fishery Management Council seeing if we were interested in taking over management of several reef fish species.

It was including mutton snapper, yellowtail and one other species, I thought – Nassau grouper. I don't know if those actually need to be – because the alternative of that request was if Florida wasn't interested in taking over management of those species, the Gulf of Mexico Fishery Management Council was interested in delegating the authority strictly to the South Atlantic Council for all stocks. I'm not sure where the letter is in our packet. It is somewhere floating around.

MR. CURRIN: Yes, Rick said it is Attachment 24, Mark, and it is under our agenda for the Comprehensive ACL, so we will get to that very shortly.

MR. ROBSON: Okay, very good. As far as Alternative 5 I believe this is something we have supported for a while now.

MR. HARRIS: I would move that we make Alternative 5 as the preferred alternative, and I have another motion for another alternative as a preferred, but I think we ought to take them separately.

MR. CURRIN: Second by David. Discussion? If Mark is willing – Brian's concern was that the state of Florida had considered this and was willing to take this on. David.

MR. CUPKA: The motion says as the preferred, but you really wanted to make it a preferred because I think we can have more than one there.

MR. CURRIN: Further discussion on this motion? The motion is to select Alternative 5A as a preferred alternative for an action to remove species from the FMU. **Any objection to the motion? I see none; that motion is approved.** Duane, did you have another suggestion under this action.

MR. HARRIS: Yes, sir, I would move that we select Alternative 4 as a preferred alternative under the ACL Amendment.

MR. GEIGER: Second.

MR. CURRIN: Motion by Duane; second by George to select Alternative 4 as a preferred alternative under this action, and that alternative would remove snapper grouper species with 80 percent or greater of landings in state waters as indicated in that table there, 19 snapper grouper species encompassed by that. We've got a range of those. Monica.

MS. SMIT-BRUNELLO: I guess just as a reminder, we discussed before about putting in the rationale for why those species were included in the first place so you could have a discussion and inform your judgment on that. Just as a reminder to you all that in the future, when you get more analysis you can choose to – and it is for the public, too – you can choose not to make these preferred alternatives.

MR. CURRIN: Yes, they can be changed; we realize that and they're I think a good range in there. We have got another alternative considering 90 percent occurrence in state waters. Roy.

DR. CRABTREE: I think the reality is that we have not actively managed these species in many years. I don't believe we've changed the regulations on any of these species in the years I've been on this council, which I think is nine or ten years almost now. There are assessments for some of these, I think sheepshead and some others, but they're really all done by the states. It

seems to me the states are more than capable and better positioned than we are to manage these species because the vast majority of the landings are in the state. It seems logical to me.

MR. ROBSON: And just to clarify if we select Alternative 4 with this table as a preferred alternative; does that affect our discussion about those other three species? Okay.

MR. BOYLES: Mr. Chairman, I need to just make sure everybody is aware that we have a rather cumbersome regulatory process in South Carolina that requires us to get legislative approval; so as we move down this road, a concern I would have would we not get legislative approval to manage some of these species, that at least in our jurisdiction there may be some period in which there is no management. I would just like us to be aware of that. We're excited about the opportunity to manage some of these species. Many of us thought for a long time that we would like to have a stronger hand and just for the council to be aware of that.

MR. CURRIN: Thank you, Robert, and I think it is the same problem that you guys have with regulations coming out of ASMFC at times as well, so I'm sure we can be patient. If it might help to give you a heads-up to give your legislature a heads-up, then it may reduce some of that time. Okay, any further discussion on the motion? **Is there any objection to this motion? I see no objection and that motion is approved.** Okay, Rick, ecosystem component; we had some discussion of this the other day in the Mackerel Committee.

MR. DeVICTOR: This is on PDF Page 36. The next time that you see this document we'll put the alternatives all together on one page so you won't have to scroll down so far. The ecosystem component starts on Page 36 and looks at total landings. Alternative 2 would designate the species in Table 5 as ecosystem component species if landings are equal to a thousand or less. Alternative 3 uses the cutoff at 2,500 pounds as ecosystem component species. Alternative 4 is 5,000 pounds and 5 uses the cutoff at 10,000 pounds.

DR. CHEUVRONT: Doesn't this using commercial and – or at least commercial landings for sure, so that these species are in violation of that ecosystem component four-part requirement that generally are not kept or sold; isn't that one of the components of designating species as an ecosystem; and if we're using commercial landings and there are commercial landings, that says then they are sold. I was confused by that when we saw that later on. I wasn't quite sure how we're using this to select these species and whether that was in violation of that designation process.

MR. CURRIN: Well, keep in mind that the tables that are presented here under this action include both recreational and commercial, so, yes, there is a column and you can separate out the commercial landings. Certainly many of them have commercial value and commercial landings, but the point is they're at a low level and we're trying to kind of get at what level is reasonable to classify or categorize these as ecosystem components, I guess. Roy.

DR. CRABTREE: There is some overlap between this and the previous motion, right? Is it substantial? We voted to take some species out and I'm wondering how many of these would –

if we stay with the preferred we just selected, how many of these go away? I know puddingwife does. I have been trying to get puddingwife out of this plan for a decade.

MR. CURRIN: Rick, do you have a feel for that right now? I can see a few right now right off the top of my head.

MR. DeVICTOR: Yes, and the team has talked about this and I think that we're just going to have to take this back. There may be a way to avoid it. Possibly combining this into one action would be a way to clarify that.

DR. CRABTREE: I think going to Brian's comment, to me if these can't qualify as ecosystem species, then I think consideration of removing them – I don't know why tiger grouper needs to be in anything. I don't think there is a record of tiger grouper in the South Atlantic. There are no landings, and I'm not sure that they occur there at all. It is hard for me to envision how there is a need for federal management on a species when there is no fishery for it and there are no landings.

MR. CURRIN: Yes, I think Phil Conklin caught the last one. I asked him about it not long ago. Actually I asked him what it was and he said, yes, he has seen them, but I didn't know what it was. All right, what is your desire here, select a preferred, are we okay with the range of alternatives? Personally I would like to see it the level at which this is established as close to 10,000 pounds as we can get. When we're talking about a fishery the size of what we've got that is on the order of 11 or 12 million pounds plus a year, 10,000 pounds is not a whole heck of a lot. All right, no desire to select a preferred at this point? Roy.

DR. CRABTREE: I'm wondering if we shouldn't select a preferred and then let staff go ahead and work through the analysis. **I would be willing and I'll make the motion that we establish Alternative 5 as a preferred.**

MR. CURRIN: Motion by Roy to select Alternative 5 as a preferred; second by Mark. Discussion on that motion?

DR. CRABTREE: And if I could, Mac, what I would like to see is if staff can go through the criteria within the guidelines and how well does this fit; and then once we take a look at that – because I don't guess that is in here yet, Rick. I apologize but I haven't read it carefully. Has that been done yet?

MR. DeVICTOR: No, the staff has not gone through.

DR. CRABTREE: Okay, so then we'll start with that; and I would say that if we run into a lot of problems, then we can rethink and potentially go to a smaller suite of species and kind of work that way.

MR. CURRIN: And that would allow the staff the opportunity to identify what kind of overlap there is between this alternative and the previous action as well so we can kind of see where

we're painting the same canvas with two different colors. All right, further discussion on this alternative? **Any objection to this motion? I see none; the motion is approved.** All right, Rick.

MR. DeVICTOR: Species groupings starts on PDF Page 39, and you can get a feel that this is a step-wise process where the first step is to take some species out of the fishery management unit on ecosystem component species, and now we're talking about species groups. The council should talk about if you set a group, are you going to set the ACLs for each of these species; are you going to have an indicator species with that. I think now would probably be a good time to have Andy Strelcheck come. He has a presentation and this may help us along.

MR. STRELCHECK: I'm going to be presenting some work that has been done by Nick Farmer and Rich Malinowski in the Southeast Regional Office. I will try to keep it brief. I will stay out of the detailed methods at this point and just provide you essentially with an overview of what we have been doing for the Gulf of Mexico.

We recognized that Kyle Shertzer and Erik Williams have done some work already with species groupings in the South Atlantic. We're not trying to reinvent the wheel. We have been talking with them and trying to work with them and hopefully use some of the new methods and information that we have applied to the Gulf and also apply to the South Atlantic analyses.

Why species groupings? Well, you are tasked with setting ACLs for a huge number of species, many of which haven't been assessed. Although you have now potentially removed quite a number of species from the snapper grouper complex that wouldn't require ACLs, there is still going to be a lot left that will need to have ACLs, so your option will be to set species-specific ACLs or potentially consider complexes that could group species together to set a single ACL for an entire complex.

You have numerous options in terms of setting stock complexes. The annual catch limit guidelines that were published in a final rule essentially lay out at least three approaches, one of which is that you establish ACLs for one or more indicator stocks and several other stocks. Another approach would be to set an ACL for the complex as a whole but not necessarily with an indicator stock.

Then the third would be you could set it for the complex as whole but also have ACLs criterion that would apply to indicator stocks. There are multiple avenues depending on what is known about species within a complex, whether you want to include indicator stocks or not include indicator stocks as part of the complex and how you would go about setting the ACLs.

Our goals and objectives were to provide the Gulf Council with some guidance in setting annual catch limits for reef fish; and in doing so, we wanted to determine or identify species' assemblages for them, and in particular for the reef fish complex; determine if these assemblages were consistent across sectors.

We used a myriad of different data sets in order to accomplish this; and then also look at other characteristics life history and vulnerability to determine and assess impacts of management action on those stocks, and so all of those factors are then considered as part of this process in developing the species' assemblages. As I said, this is just a brief overview.

We've been putting together a report that provides much more detailed methods; but just to capture a little bit of some of the work that we've done, it goes back to some simple summary information about life history characteristics. We've looked at the vulnerability susceptibility analysis done by MRAG Americas and others.

We've looked at just some simple association statistics such as percent landings and percent trips by data set in association with various species. We also have done some much more detailed multivariate analysis that looks at hierarchical cluster analysis in order to determine associations between species both from a present/absence standpoint as well as weighting it based on the amount that is being landed.

Some other analyses, nodal analysis, which I won't get into detail but that is a method that we can look at rare species. Rare species tend to not group well together in a clustering approach because there is not a lot of information to inform the model in terms of where those species associated with, so this nodal analysis helps us to identify common species that might occur with that rare species.

Then Nick essentially came up with a way of indexing all the information that was put together based on the various data sets and come up with kind of an aggregate summary solution in terms of the species associations based on all the clustering approaches that were done. We've also generated just some simple maps and GIS using observer data as well as longline fishery-independent data in order to validate some of the information about species' associations.

Certainly, not all of these data sets would be available for the South Atlantic, but many of them are available. We've looked essentially five major data sets for the Gulf of Mexico. They range from fishery-dependent data such as the commercial logbook program and headboat logbook program as well as MRFSS to fishery-independent data collected through our Reef Fish Observer Program and the NMFS Bottom Longline Survey.

We wanted to look at both fishery-dependent and fishery-independent data to get an indication in terms of potential biases in terms of targeting and not targeting species and how that might affect the clustering of species' groupings. Now, this is one of probably 50 or 60 identigrams that Nick has put together.

I won't go through the gory details, but essentially what this is trying to accomplish is it tells you the association among species and it tries to explain the variance in relation to species based on, in this instance, presence/absence of the species for the vertical landings in the commercial fishery.

This was partitioned by depth and area, but what it essentially will tell you, once everything is run and clustered together, is what species are most commonly associated with one another at least for this particular set under the parameters as has been specified. It is hard to see on the screen, but you can see that there are some different shadings of color, so you will have species like blueline tilefish, golden tilefish and queen snapper that are grouping very closely together.

Well, that makes a lot of sense because those are deep-water species and you expect them to be caught together. We see yellowedge, snowy grouper, Warsaw grouper and speckled hind, so there is some obvious clustering that is occurring and a good indication that it is very representative of how the fishery might be operating and harvesting those species.

In this instance, this one is one of our cleaner analyses, but certainly there are results that are going to be less than obvious and species that will group with another that you wouldn't expect to group with one another and oftentimes that is just because they're rare or there is an oversampling of the data.

With the fishery-independent logbook program we saw a lot of bias toward highly abundant species such as red grouper and red snapper, but those were primary species targeted by that observer program, and so we saw less utility in terms of explaining all the species' grouping associated with the type of data set in comparison to this fishery-dependent data. As I said, this is just one example of many, but it does give a good indication of the species themselves, how they're caught together and that many of them have very similar life histories and depth distributions and would be expected to be caught together.

This is probably something you've seen before that gives you an indication of the productivity susceptibility analyses conducted by MRAG Americas, and overall it uses life history parameters as well as susceptibility to fishing in order to categorize essentially the level of overall risk associated with the various species.

In this particular graphic you see all of the snapper grouper species that are included in their analysis and the level of overall risk that might be associated with those species. This is essentially to inform us when the species' groupings are developed as to what you need to be aware of in terms of vulnerabilities of those species. You wouldn't want to put together a species group that might have species that are primarily not vulnerable to fishing activity, but then there is one that is very vulnerable to fishing activity.

This is not something that directly goes into the analytical work we're doing, but is kind of a secondary analysis that has helped to inform the results of our work. This is essentially laying out the numbers associated with that type of analysis. I have partitioned this into the complexes that essentially were broken out during the work that Nick and Rich had done.

You can see here that as the jacks complex, you have fairly similar productivity susceptibility results in terms of where species are grouping, and so that is a good indication that not only is the species association probably appropriate, but you're not going to be grouping more vulnerable species with less vulnerable species.

Just for your reference, the species highlighted in bold are those that we have assessed in the Gulf of Mexico, so the council could also potentially look at those as indicator stocks for a complex as a whole in setting the ACLs. This is just a simple representation of the cluster association index that Nick and Rich had developed, and essentially this took all of the results of the various clustering analyses across all the data sets, indexed it into one outcome.

This essentially shows three species, black grouper, red snapper and yellowtail snapper, and the five species that are most commonly associated with those particular species; so for black grouper, gag, red grouper, scamp, yellowtail snapper and mutton snapper, the five species that commonly associated with them and all of the cluster analyses that we conducted. These are obviously some of the more obvious, some of the cleaner results that we see. Obviously, with rarer species, you're going to get some unusual species' groupings.

MR. GEIGER: Would you take questions now? I know one of the things in the Gulf of Mexico I have heard very, very frequently is that the commercial industry primarily prosecuting red grouper is now encountering red snapper, and I noticed that red snapper doesn't fall under the – well, you've got red snapper and red grouper. I'm sorry, I see red grouper at the bottom of that pile. Okay, I'm sorry, I missed that.

MR. STRELCHECK: Well, keep in mind we have done this analysis for the Gulf of Mexico as a whole so red snapper is distributed primarily from the Panhandle westward to Texas, and red grouper occur mostly in the eastern Gulf of Mexico, so there is some overlap. Gag, also there is some overlap, and certainly that is the case where they're encountering more and more red snapper, but for the bulk of Gulf they don't commonly associate with one another. It is only in that eastern Gulf area that they would.

I'll talk about some biogeographic considerations that haven't necessarily been a problem for the Gulf of Mexico so far with the analysis that might be an issue as we work toward South Atlantic species' groupings. I won't go into detail but this is essentially the preliminary results of the outcomes of this work.

From the analyses that have been completed, we were able to essentially define a shallow-water grouper complex, and it is very consistent with the existing shallow-water grouper complex. From that we're not making recommendations here, but the council could make decisions as to whether they want to break out the three major assessed species, gag grouper, red grouper and black grouper, into indicator stocks, each with their individual annual catch limit, and then the remaining five species either have a separate annual catch limit or just be defined by a catch limit for the complex as a whole.

Then we have additional species that are part of that grouper complex like Goliath and Nassau where the fishery is closed so it would be appropriate to set ACL separately for those, and then sand perch and dwarf sand perch are research only species at this point, so they really don't group well with any of this.

It gives you an indication of at least the box in blue would be part of the results; the orange and pink boxes essentially are more decisions that then can come out of this from the council's standpoint as to how you want to set up your ACLs and management your fisheries based on ACLs.

MR. CURRIN: Andy, excuse me one second; I have got to relinquish the chair to my vice-chairman, Mark Robson, and excuse myself.

MR. STRELCHECK: What I guess I want to point out at the end of the presentation here is that right now you manage 73 snapper grouper species and the Gulf of Mexico manages 42 species. If we do the clustering approach for the 73, you're going to have a lot of rare species that you just threw out, so it is not going to probably be as clean of an analysis because you do have some rare species or some less abundant species.

Also, you have a much broader latitudinal difference which can result in problems because you have differences in the number of species in that geographic range. You also have a much greater difference in terms of bathymetry which allows for fishermen to encounter a whole suite of species on one trip that wouldn't necessarily be encountered in the Gulf of Mexico.

All of that makes grouping species more complex because you could encounter a more diverse array of species on a single trip. The biographic zones here just are shown based on what Kyle Shertzer and Erik Williams had come kind of come up with in their clustering approach, but you can see as you move farther north you go from 70 species that are primarily occurring in the Keys, southeast Florida, to 45 species north of Hatteras. That is a huge difference in terms of the diversity of species; and from a clustering approach, latitudinal differences would probably be a very important factor in terms of the outcome of the results. With that, I will end with the bar jack hanging out with the hogfish. Any questions?

DR. LANEY: Mr. Chairman, I'm not on your committee but, Andy, do you know if Kyle and Erik have looked at the SEAMAP data base in the course of doing their work or is that one that you would recommend that they proceed to do the same sort of cluster analysis that you have undertaken?

MR. STRELCHECK: They relied on the commercial logbook data and the headboat logbook data for their analyses. They have not looked at the SEAMAP data. Are you referring to the MARMAP data for the South Atlantic?

DR. LANEY: Well, if that is the SEAMAP Survey, yes. I don't know if there is a separate – there is a SEAMAP Trawl Survey, I guess.

MR. STRELCHECK: The problem I would understand from the MARMAP data is just this geographic coverage extends primarily to Canaveral and doesn't cover the southern-most portion of the range and probably doesn't cover as well the northern part of the range, so it wouldn't probably have as much utility, but it is certainly a data set that could be looked at.

MR. ROBSON: Any other questions? Thank you, Andy. Rick, I guess we're going to continue working on that grouping for the amendment.

MR. DeVICTOR: Yes, and that is actually Alternative 5 that Nick Farmer and Andy Strelcheck are working, so there is still work to be done. It is a work in progress, so I think we kind of have to wait for that before choosing preferreds or anything of that nature. The next action is PDF Page 42, and this is the ABC Control Rule alternatives.

To save time, I won't run through these in detail. These have already been discussed during mackerel and spiny lobster. I will note that Alternative 5 is to establish ABCs based on the SSC's ABC Control Rule. Well, actually, all of the ABCs are in Attachment 22. If you want to see the actual values of those, Kari Fenske has put those together. It is in a spreadsheet and it actually shows you what the values would be for these alternatives.

DR. CRABTREE: Alternative 5, which is the SSC's ABC Control Rule; is that the one that we've had the control rule document and all presented to us with the P-stars or is that the ABC Data-Poor Control Rule that was in the report that we looked at yesterday?

MR. DeVICTOR: Those are mainly the data-poor species that they presented yesterday. I think that there were some species that they have provided ABC values for. Yellowtail snapper was one and golden tilefish, so those have been assessed, so those would, I guess, also be covered under that alternative.

MR. ROBSON: Do we need to have some discussion about that? There were a lot of concerns about the control rule for data-poor species. Brian.

DR. CHEUVRONT: Aren't we going to discuss these ABC control rules at some point but maybe not now or are we supposed to do it now? Now would be the time to do it.

MR. ROBSON: I think so. Well, I think there was some discussion of whether we're ready to even accept the recommendations for that control rule for data-poor species that was provided by the SSC. Would Alternative 5 imply that we're accepting that?

MR. DeVICTOR: That is just one of several alternatives in the document right now; but perhaps if you have some comments that should be taken back, it would be a good time to bring those comments up now of your concerns over the data-poor control rule or for the entire control rule, for that matter.

MR. HARRIS: **Mr. Chairman, I'm not willing to accept that data-poor control rule and would recommend that we reject that.** I don't know whether it is appropriate to put that in the considered by rejected appendix or not, but that is what I'm considering at this time.

MR. ROBSON: Is there a second? Seconded by Ben Hartig. Discussion? Roy.

DR. CRABTREE: Will I think we went through a lot of this discussion yesterday when the SSC Report was presented, but I don't think the way they went about that was consistent with the guidelines. I don't think it properly reflected the council's judgment on the amount of risk that we're willing to take although I think we need to be more clear about that. I think we probably ought to make some recommendations about that, but I would support the motion.

MR. ROBSON: Any other discussion of the motion? The motion is to reject the SSC ABC Control Rule for data-poor species and move it to the considered but rejected appendix. **Is there any opposition to the motion? The motion carries.**

MR. DeVICTOR: If they were to come back with a control rule that you could live with that would incorporate the concerns that were raised, then we could add that alternative after looking over that control rule.

DR. CHEUVRONT: I think it would be could if we could do something to offer some direction to the SSC instead of just saying, no, we don't like it. There is no guarantee that they're going to come back with something that is going to more to our liking. I think if we can somehow give them some direction as to what we want them to consider, how much risk is appropriate.

For example, I was at that SSC meeting and one of the things that I was concerned about was the fact that they were provided with a fair amount of data and information; but given the ABC Control Rule for data-poor species, in most all cases they didn't even bother to use those data. There are times when they do actually have data, but it is not an assessment.

I think we need to give them some direction as to how to use data that have not been passed through a peer review. That is what they were falling back on. They were saying this is not peer-reviewed stock assessment and we don't know how valid any of this stuff is, and they just said, therefore, we're not going to consider it.

For example, the first thing that they were looking at was the gorgonians. There was a lot of data that was provided to them, for example, and I pointed out some of that to them during some of their deliberations. For example, there is data that shows that there was like 28.8 billion colonies of gorgonians in just two national monuments, but they chose to ignore that.

When you stop and look at the numbers that they came back with, in a busy summer weekend they probably have recreational boat anchor strikes killing more colonies than they were going to allow for harvest in one busy weekend. That just doesn't make intuitive sense. I think what we need to do is to try to somehow give them some direction on what to consider, how much risk is okay. I don't think this can be done in 15 minutes or 10 minutes. I think we need to give it some serious consideration.

MR. CUPKA: Mr. Chairman, I agree with Brian, and this is part of what I was getting at the other day with my comment that this may be kind of a misnomer or bad choice of words because some of these aren't data poor. There is data that apparently wasn't used because they just looked at one approach, which were average landings over a time series.

There has got to be some way in which they can consider other data that is available. For example, on wreckfish we've got things like CPUE values, we've got mean size over time, so there has got to be some way to incorporate this additional information. I know that at our September meeting we were going to try and concentrate on this Comprehensive ACL Amendment; so I agree, I think we need to give some direction to them. We also need to get them together before our September meeting to come back to us in September with some additional considerations. There are at least four species that I can think of where the approach they used the last time I think is just inappropriate and unacceptable.

MR. HARTIG: Let me try to give us a little bit of a way forward on this and work this out with staff. Gregg has got a copy of it and I will read it. **I would move that the council direct the SSC to consider the following guidance when considering an alternative control rule for unassessed stocks: determination of species as ecosystem components and increasing of buffers about OFL for such circumstances is beyond the scope of assessment uncertainty and should therefore not be part of an ABC Control Rule.**

The Council believes that stock status is an outcome and not an assessment uncertainty appropriate to consider in an ABC Control Rule. The council recommends that the SSC configure the data-poor control rule to provide a reduction downward from OFL as described in the guidelines and does not believe it is appropriate to start at an assumption that ABC equals zero.

The council recommends that the SSC consider a tiered approach that differentiates between levels of data deficiency and takes into consideration sources of information beyond landing streams that may include but are not limited to prior assessments, effort trends, survey and monitoring trends.

Moreover, the council recommends that the SSC review, compare and contrast and comment on the utility of the analytical approaches for developing ABCs in data-poor situations and for unassessed stocks that were provided for consideration at the April 2010 meeting (such as the DCAC and Cooper approaches); the alternative ABC control rules developed by the council and included in current draft amendments; and the proposed data-poor control rule developed at the April 2010 meeting. The SSC should comment on which of these approaches is most robust to unknown information and most appropriate for use in deriving ABC from OFL.

That is something to mull over and think about.

MR. ROBSON: We have a motion; is there a second? Second by Brian.

DR. CHEUVRONT: I think some of the things that we need to make sure that we do is make sure that we're not talking about just snapper grouper species here. We're talking about all species where the ABC Control Rule for data-poor species was applied, but there were also a

couple of species in their report where they did not apply this rule and they came up with measures. I think shrimp was one of them.

I think we need to make it clear that is what we mean when we're giving this motion, and whoever crafted that I think did a great job. Also, if it would be possible, can we get the text of that sent out like in a e-mail or something because I would like to be able to consider fully what exactly that all means.

MR. ROBSON: I'm sure we can do that, yes. At the very end, it seemed like there was either a run-on sentence or something. Can we go down to the end?

MR. WAUGH: Do you want to go section by section?

MR. ROBSON: No, just towards the end it seemed like there was a sentence that didn't sound quite right. I guess the sentence would start there. I think after "Cooper approaches", something needs to be different there. Okay, he is doing some editorial licensing. Did we capture all the key issues in terms of the direction that we want to give? Gregg.

MR. WAUGH: One thing that was pointed out, the first part of this motion we already addressed in a previous motion. We already rejected it and moved it to the considered but rejected appendix, so we could remove that.

MR. HARTIG: That wasn't read into the motion.

MR. ROBSON: Is that acceptable to the seconder? Now, is it the intent to provide this in terms of just written direction to the SSC and this appropriate to any species they're looking at. This isn't just snapper grouper. David.

MR. CUPKA: I know in the motion it doesn't say peer reviewed, and it was done intentionally I think. I know John is here and he knows the intent of this and can relay that to the SSC, but certainly the intent is not just strictly to look at previously peer-reviewed assessments but any assessment that was done.

DR. CRABTREE: I'm fine with the motion and I'll support it, but I think what we've got to deal with right now is I don't – I mean, we can send this to SSC, but we don't know when they're going to meet again or when they're going to deal with this. In the meantime we're under the gun in terms of timeline to get this done, and so I think we're kind of at a position where you may want to just go ahead and select a control rule in here and a buffer you're comfortable with and considered selecting a preferred so we can go ahead and take the OFLs we have and calculate out the ABCs based on these things and staff can get this document moving.

We're going to need to make a considerable amount of progress between now and the September meeting to get this done, and I don't know when the SSC is going to meet again and be able to deliberate about any of this. I would encourage you to give some thought about what kind of buffer for these data-poor stocks are you comfortable with and consider establishing that as a

preferred rule. You've got some alternatives here of ABC 65 percent of OFL, 75 percent of OFL, 85 percent of OFL. See if you can find something in there that you can work with.

MR. ROBSON: We do have a motion on the table for this particular guidance. All right, we have a motion to provide guidance to the SSC. Is there any other discussion or changes to this language? **All right, is there any opposition to this guidance that we're sending? Okay, the motion carries.** David.

MR. CUPKA: Again, I think it is important that we try and get the SSC together sometime before the September meeting. I don't if that is possible, but I think that is something that we ought to shoot for. I don't know what else they're going to need in terms of support. It may not even be feasible to do that, and that is expecting a lot in a short period time. If there is any way that we can do that at all, I think we need to try and move ahead with that.

MR. GEIGER: And I know we're always talking about convening the SSC. Is this an opportunity – seeing as how we're getting them to focus on one item, could they do it by webinar?

MR. ROBSON: John, I think we need to get your input.

MR. CARMICHAEL: I think this would be pretty tough to try and do through webinar.

MR. ROBSON: It doesn't sound like it will work. I'm not sure who we need to – Charlie.

MR. PHILLIPS: Just for discussion, what if we set Alternative 2 as the preferred and then we could always work down from there when we get a new rule from the SSC?

MR. ROBSON: You're talking about the control rule alternative that we want to select as –

MR. PHILLIPS: Alternative 2.

MR. ROBSON: Okay, before we step to that, David, is there any direction to staff that we want to provide to actually look into getting the SSC together?

MR. CUPKA: Well, I guess I would ask John or Bob whether that is feasible. They have to be productive from some standpoint, and I don't know what we can do. It worries me a little bit about even using OFLs as a starting point with what we have seen on some of these species. I think there are a few species that are going to have to be given some kind of special consideration, maybe. Again, I would defer to John as to whether he thinks we could even get something productive out of that, but we do need to move ahead.

MR. CARMICHAEL: Well, I think in terms of considering we're dealing with data-poor species, things with only landings for the most part, I certainly think setting – I guess Alternative 2 is OFL equals ABC. That is probably a stretch because you know you have a lot of uncertainty

because of the fact that you don't have an assessment and you only have landings. You may want to consider another alternative in that regard.

I think there are some other stocks that maybe don't necessarily have to fall under this pure data-poor unassessed. As David mentioned, there are some species for which we have information, and the SSC talked about a number of those in their meeting. In particular it seems like golden crab, sargassum perhaps the corals, and wreckfish emerges, things where there is additional information that may allow the SSC to do something alternative to something such as this rule or whatever you may choose as a true data-poor situation.

It may be more of an unassessed but not quite as data poor, as David has been alluding to. I think there is something that can be done, and we can certainly try to have a meeting sometime in late August and perhaps we can have some evaluations of some of that information available for them in time for your September meeting.

MR. GEIGER: I would offer as a friendly amendment so if we can establish an ABC Control Rule where ABC equals 75 percent of OFL, where we change Alternative 2 to mirror Alternative 3B.

MR. ROBSON: Okay, so you're back to getting to selecting an alternative. Do we have enough direction on the SSC getting together for staff? I had Roy and then we'll get to the selecting of a preferred.

DR. CRABTREE: Well, I want to be clear about the motion we passed because if you look at Alternative 5, it talks about the SSC's ABC Control Rule, but what we rejected was the data-poor control rule. We didn't reject the P-star assessed stock control rule, which I'm reasonably comfortable with that. I think that needs to be clear, Rick, somehow as to what we did.

I agree with John that setting ABC equal to OFL is probably a tough sell. I can read you that in the comments and response in the ACL Guidelines, one of the suggestions in there is it says, "Possible approaches include setting the ABC at 75 percent of recent catch." That is kind of a starting point. You might could justify setting it somewhat higher than that, but I think setting it equal to OFL would be kind of difficult to sell, and I don't think I would be entirely comfortable with that.

DR. CHEUVRONT: What would you do in a scenario where, for example, like with gorgonians, that harvest is demand-driven, and we have a situation there where currently we have a 50,000 colony quota, which probably if we ever even reach that would probably still be okay, but we've never gotten close to that. If we're going by landings, we're already cutting them back on landings by at least 75 percent if ABC is 75 percent of average or median OFL.

DR. CRABTREE: I think there are exceptional circumstances where you may want to do things differently and where it may make sense to set ABC as OFL. For gorgonians I would recommend you do one of two things; one, withdraw them from the plan and turn them over to Florida under their Marine Life Rule; or, two, simply explain in the document that you already

have quota for gorgonians, and that is the ACL and you're not going to make any changes, and it is not even action.

I don't think you need to do anything with gorgonians right now. You already have an ACL for gorgonians; it is 50,000 colonies. You could justify that, but I think my preferred approach right now, based on all the comments we heard, is to turn it over to Florida and let them manage it under their Marine Life Rule.

I think wreckfish may be an exceptional circumstance. I think golden crab may be, gorgonians, and there may be some others, and so there may be cases where you could justify ABC equals OFL, but I think as a general rule across the majority of them – that's more often than not – you're not going to be able to make that case.

MR. ROBSON: Okay, we're back to the ABC control rules. George, did you have a comment?

MR. GEIGER: No, that was going to be my suggestion, offer gorgonians to Florida.

MR. ROBSON: Okay, but first we would have to put them in the Snapper Grouper FMU. Well, we will get to that, though. Charlie, you were trying to come back to Alternative 2. We're trying to decide if we want to have a preferred alternative for the ABC control rule for snapper grouper species. Is there any discussion or a motion to that effect?

MR. WAUGH: There is no motion yet. There were words that were suggested, but nobody seconded either motion.

MR. ROBSON: There has been no motion or a second, so is there a motion to do this? Charlie.

MR. PHILLIPS: Where are we going to get – I'm just trying to make this move along – where will we get the OFL level from?

MR. DeVICTOR: We already have recommendations; median landings from 1999-2008 has been their recommendation for OFL for snapper grouper species.

MR. PHILLIPS: So they're using landings for the overfishing level?

MR. DeVICTOR: Correct.

MR. ROBSON: For snapper grouper.

MR. PHILLIPS: No, I just can't along with landings for an overfishing level because they're two different things.

MR. ROBSON: Okay, so any discussion about selecting one of these alternatives as a preferred alternative? Charlie.

MR. PHILLIPS: Okay, do we have to have a preferred; can we do them case by case? Obviously, just from public comment we know that some landings may actually be close to OFL and others may not. Wreckfish, for instance, do we have to have a preferred?

DR. CRABTREE: I don't see why you couldn't specify a preferred and make a couple of exceptions and say this doesn't apply to wreckfish and deal with that separately, if you wanted to.

MR. ROBSON: All right, I'm not hearing any motions to select any one of these as a preferred.

MR. GEIGER: I'll make the motion to select then Alternative 3 be outright as ABC 75 percent of OFL for data-poor species.

MR. ROBSON: That is Alternative 3B.

MR. GEIGER: Yes, and except wreckfish.

MR. ROBSON: Is there a second?

MR. PHILLIPS: I would like to make a friendly – well, I'll second it, but I would like to make a friendly amendment.

MR. ROBSON: All right, Roy Crabtree and Charlie Phillips second.

DR. CRABTREE: I'll give Charlie credit.

MR. ROBSON: It is hard to tell who spoke first. All right, Charlie, do you have something else?

MR. PHILLIPS: Yes, I specifically would like wreckfish, golden crab –

MR. ROBSON: Just snapper grouper species.

MR. PHILLIPS: Just wreckfish then not fall into this.

MR. CUPKA: That was going to be my point, Mr. Chairman, that this motion is just considering the species that are in here now because later on we may take some action to move other species into this amendment, and we need to make sure that those are treated separately perhaps. In other words, we don't want to pass this motion and then later on bring other species in that would be automatically covered by this motion. That is not the intent. It is for this motion relative to the species that are in there now; is that correct?

MR. ROBSON: Yes. All right, we have a motion and a second to select Alternative 3B as the preferred alternative of the ABC Control Rule with the exception of wreckfish. Again, working

off the OFL recommendation is based on 75 percent of median landings. That is the – no, just median landings. John.

MR. CARMICHAEL: And just to clarify, by data poor we mean essentially stocks which have not been assessed and those which the SSC has not put through their other control rule for assessed stocks.

MR. ROBSON: My understanding now is this control rule is not – this is for all snapper grouper species and not just data poor. Roy.

DR. CRABTREE: That is not my understanding. My understanding is we're dealing here with data poor, but I don't think we have been clear about that, so I think we need to be. I'll have to defer to George because this is what I think. I think for the data rich where we have assessments, I'm comfortable enough with the P-star approach that the SSC has developed.

I don't have any real problems with that. I think it is getting reductions in the same sort of neighborhood everywhere. It is the data-poor control rule that we rejected, and that I think is what we're trying to replace, but, George, I think you need to make that clear with your motion for the record.

MR. GEIGER: John, would it clear it up if we said "data-poor unassessed snapper grouper stocks"?

MR. CARMICHAEL: I believe that would help.

MR. GEIGER: Okay, so I'll modify the motion to establish an ABC Control Rule for data-poor unassessed snapper grouper species where ABC equals 75 percent of OFL, except wreckfish, if that is okay with seconder.

MR. WAUGH: One issue with saying unassessed is we have a number of species that you might have assessments, some assessment has been done. I think what we're talking about here are species that don't go through and don't meet the requirements of the other control rule the SSC has. I don't know what we've called that other control rule. Isn't that the intent; if they don't meet that other control rule, whether that is data rich or whatever, then they fall under this one. Some of these species have been assessed. They may not be a SEDAR assessment, but they have been assessed.

MR. CARMICHAEL: You're really meaning unassessed and a no P-star evaluation available. You could add that into the parenthetical and I think that will make it, unassessed and no P-star. They kind of go together, yes.

MR. GEIGER: Let me read the motion again: **establish an ABC Control Rule for data-poor, no P-star analysis, snapper grouper species where ABC equals 75 percent of OFL, except wreckfish.** Is that okay with you, Charlie? I hope so.

MR. ROBSON: All right, that is the motion. Are we all clear now? I think I am now finally.

MR. HARTIG: And the rationale for the 75 percent, Roy, is that most of the P-star analyses are coming in at somewhere around that range?

DR. CRABTREE: Well, I think that is part of it. I think John can give you some additional rationale. I think it has been a value we've used for many years in terms of selecting buffers. Most of our OFLs have been set at 75 percent and others, but, John, are there some other bases that would indicate 75 percent as a reasonable selection?

MR. CARMICHAEL: Yes, that is correct. There is the information that Roy read earlier about 75 percent of the catch, and then there have been some evaluations that looked at the relationship between CVs or coefficient of variations in assessment estimates and the P-star probability of overfishing values that have been chosen.

Bob had provided us – and Duane was up there – the presentation from the Pacific Council that was done at the council chairs where they showed a distribution based on their average assessment sigma of 0.36, and they showed the catch reductions that have occurred from those. If you look at analyses such as that and some things we looked at with the SSC, which showed the relationship between CVs and risk of overfishing, if you're talking about a CV in the range of 40 to 50 percent and a probability of overfishing in the 25 to 30 percent, which is kind of the midpoint where the council has been, those often equate to around 75 percent of the OFL when you look at ABC as a function of OFL.

From that analysis and then there was some similar work done along these lines that we discussed at the Uncertainty Workshop that was put forward by Mike Wilberg for some things he has done at the Mid-Atlantic Council SSC, that is has kind of emerged as sort of the midpoint over that range. I think that gives pretty good support to the 75 percent number as a starting point when we don't have a lot of other information.

MR. ROBSON: All right, if there are no other questions, we will move along. Okay, are there any objections to the motion that has been read and it is on the screen? **No objection; show the motion passes.** All right, Rick, allocations.

MR. DeVICTOR: Allocations, if you're going to set sector ACLs, you will have to specify allocations. You have seen these alternatives before. Gregg has just brought up do you want to discuss the ABC Control Rule for wreckfish since you have – we do have a section called wreckfish that goes with that so we can handle it. So you have allocation alternatives – you have those before – using landing evaluations. Alternative 2 is use two sectors. Alternative 3 is to use three sectors.

MR. ROBSON: Any suggestions, thoughts, changes? We don't have a preferred. George.

MR. GEIGER: Well, we have had some discussion about this in the past. We even had an Allocation Committee that came up with a potential formula for calculating allocations using

other than just straight catch history over a period. I believe that is Alternative 2, **and I would make a motion that Alternative 2 be our preferred alternative.**

MR. ROBSON: Okay, a motion to make Alternative 2 the preferred; seconded by Duane. It that the Boyles' Law?

DR. CHEUVRONT: Yes, it is.

MR. ROBSON: Is there any discussion on that? Alternative 2 would be the preferred. Charlie.

MR. PHILLIPS: I just want to note again the same thing I noted the last time we brought this up that any overages over a sector's TAC would not – they wouldn't get credit for it towards Boyles' Law.

MR. ROBSON: Okay, any other discussion on the motion? **Any opposition to the motion? The motion carries.**

MR. DeVICTOR: Okay, the next three actions deal with ACLs, ACTs, and AMs. You can see we do not have alternatives here. I noticed that the Mackerel Committee had a range of alternatives, and we can bring those into snapper grouper and bring those before you in September, which is probably the best way to handle this.

MR. ROBSON: If that is acceptable to the committee, we'll direct staff to go ahead and do that. All right, next.

MR. DeVICTOR: Now we're getting to species-specific sections. We go through greater amberjack, red grouper, wreckfish. This has been brought up before. I think it came from the public where someone was concerned about the 1,000 pound trip limit for greater amberjack, so we have inserted alternatives -- you have seen these before -- to change the trip limit to 2,000 pounds and an alternative to change it to 1,500.

DR. CRABTREE: I would like to bring up a more big picture thing with it. We're running late on getting these things done. My preference with this would be to have this amendment do the ACLs and take the management measures and the red grouper rebuilding plan and those kinds of things and deal with those in a separate amendment.

I guess we're going to come to the letter that was just delivered, but we've got two years to deal with red grouper overfishing and get it implemented. We have about six months to finish these ACLs, and I would like to see this amendment be strictly what we have to do to get ACLs done and pull these other things out and deal with them in a separate amendment that would follow this one. I'm really concerned that the rest of this stuff is going to drag on and on.

MR. HARRIS: Does this mean taking the amberjack trip limits out of this amendment? The reason I ask that is because we've pretty well promised some folks that we would deal with this

in this ACL Amendment. I don't mind removing the other stuff, but I'd hate to remove amberjack trip limits because we have been telling some folks for a long time we would do it.

DR. CRABTREE: I would say pull them out and put them in a regulatory amendment and do a framework action on it and get it done fast. We've got the analysis and I think that is easy. It is up to you, but I think you could do them in a framework action, couldn't we, and that way they potentially get done ahead of all of this.

My bigger concern is red grouper and trying to do a rebuilding plan and all the things associated with that, and then I don't know what is in here with wreckfish and the rest of it. I would suggest if you want to just make a quick decision on amberjack trip limits, let's do a simple framework action and dispense with that.

MR. HARRIS: Mr. Chairman, simple doesn't apply to the Magnuson Act. It may sound simple and it may be simpler than a plan amendment. If that is the best way to do it and the quickest way to do it, I'm all for it. I just don't want to have it drag on beyond the ACL Amendment.

DR. CRABTREE: Well, I'm philosophically one who likes more focused and smaller amendments. I make that argument to you all the time. If you think about it, when we get these big monstrous amendments with all those things in it, in the end we always end up splitting them up. Let's split it up now it seems to me. I am really concerned and we're hanging out there with ACLs because even if we strip this down now, it is going to be a real rush to get these ACLs done on the timeline we're supposed to get it in.

MR. BOYLES: Mr. Chairman, in light of the discussion, **I would make a motion that we remove the greater amberjack trip limits from the ACL Amendment and initiate a framework action to deal with the trip limit change.**

MR. ROBSON: All right, we have a motion; is there a second? Second by Duane. Is there any discussion? Ben.

MR. HARTIG: How much public comment are we going to get in this regulatory amendment, one at one public hearing?

MR. DeVICTOR: You probably can hold as many public hearings as you would like. I know from hearing Monica this morning that there is a 30-day comment period on the proposed rule, but I think it is up to the council on how many hearings you would like, but we're talking about a greater amberjack framework action.

MS. SMIT-BRUNELLO: Yes, that is up to the council. You can even have it done at the next council meeting. It is up to the council as to how many hearings that you, the council, would like to have. You could even have only one at the next council meeting; but if you want to do more, that would be fine.

MR. HARTIG: I thought I remembered before that was normally the way we did it. On a framework we had one public hearing at the meeting where we were going to take action. Before we took action, we heard from the public. Is that not right; that is what I thought we normally did.

MR. SMIT-BRUNELLO: I think that is the way you used to do it. I'm kind of out of order but I notice that you have later in the agenda a potential interim rule request for black sea bass, vermilion and gag trip limits. You can make just a framework trip limit action for all these four species and deal with it that way.

MR. BOYLES: I would amend my motion to suggest that we do as legal counsel just described – no, a framework action to deal with trip limits.

MR. HARRIS: To Ben's point, Ben, if you feel like we need to have more than one public hearing on this, which –

MR. HARTIG: No, I do not. I just wanted to make sure how public comment it was. I think we can accomplish it in one. It is a very fixed, fine universe for at least the amberjacks; and the other ones, the universe is a little bigger.

MR. WAUGH: Coming back to Roy's comment about the bigger picture, that concerns me as well, and now what you're saying is, yes, we've only got six months to finish the Comprehensive ACL Amendment; and, by the way, let's throw in a regulatory amendment for four species –

MR. HARRIS: Framework.

MR. WAUGH: Framework, the same thing – trip limits. We're going to talk about our work schedule and priorities in the Executive Committee. You know, it is a lot. One other question, if we stream down the ACL Amendment, can we just establish the ACLs or do we also have to include the accountability measures to ensure we don't exceed the ACLs?

DR. CRABTREE: I think we probably have to include the accountability measures, so I think we could structure this amendment so it has ACLs, accountability measures, all these others. I mean, you're right, we're going to have to figure out where we do it and where red grouper falls in and all these kinds of things.

MR. ROBSON: All right, does this motion capture the trip limits, the intent to look at all of those trip limit species in snapper grouper? Is there any discussion? The motion is to remove greater amberjack trip limits from the Comprehensive ACL Amendment and initiate a framework action to address trip limits. Do we need to specify the species?

MR. HARRIS: Well, it includes all the trip limits that are at the present time in the Comprehensive ACL Amendment, right?

MR. DeVICTOR: You will have to talk about the other ones later on in the meeting.

MR. ROBSON: All right, if that is clear enough, that is the motion. Any other discussion on the motion?

MR. HARTIG: Please, if I could know the species, it would help. Okay, vermilion, black sea bass and gag. Okay, you're going to make someone very happy in the audience last night.

MR. ROBSON: Well, the way that motion reads we want to include greater amberjack. Okay, you've got it. Any other discussion on the motion? I will reread the motion: Remove greater amberjack trip limits from the Comprehensive ACL Amendment and initiate a framework action to address trip limits for greater amberjack, vermillion snapper, black sea bass and gag grouper. **Any objection to the motion? Show the motion passed.** Okay, Rick.

MR. DeVICTOR: The next action deals with red grouper. I don't know if we're ready to go over those now. As direction to staff, again a motion perhaps to move also these out of the document. We're going to go through red grouper and wreckfish.

DR. CRABTREE: **I would move that we move the red grouper rebuilding plan and associated measures into a separate stand-alone amendment.**

MR. ROBSON: Motion and a second by David Cupka.

DR. CRABTREE: And if I could, Mark, just talk about the letter for a minute, I signed this today and I think you all have it. This is the standard notification to the council. The only difference is the clock is different now. In the past it has been one year for the council to take action. Now it is two years to implement the rebuilding plan and the management measures. We probably have a little more time – I'd say 18 months to get this done, something like that. We've got more time to spend on red grouper than we have to spend on these ACLs.

MR. ROBSON: Okay, we have a motion and we've got a second. As Roy has explained, we've got the new two-year timeframe to address overfishing and rebuilding plan. Any discussion on this motion of removing this from the ACL Amendment? **Any opposition? Show the motion passes.**

MR. DeVICTOR: Okay, we have a series of red grouper alternatives. You have not seen these before. This is the first time that you have seen them. Maximum sustainable yield is the first action.

MR. ROBSON: I think there is direction to staff to go ahead and remove all of – the components of red grouper, to take it out of the ACL Amendment. We don't need to go through them now in the ACL Amendment. Do you want to go through them now?

MR. GEIGER: Well, no, I don't want to go through them now, but I can't believe we're just going to kick it off to the next meeting. If we've got time, let's do it now and start working on this stuff. This is how we got in the situation we're in with red snapper.

DR. CRABTREE: Then I think the issue is whether – we've got 45 more minutes; what is the highest priority stuff we need to get through in that time?

MR. ROBSON: Rick, can you help us out? Let's see what we've got in the ACL Amendment.

MR. DeVICTOR: Okay, I can go through these relatively quickly. MSY for red grouper; we actually are not dealing with a proxy here. We did get an Fmsy value from the stock assessment so you can see that value and what MSY would come out to be.

MR. ROBSON: What page are you on there?

MR. DeVICTOR: This is PDF Page 45.

DR. CHEUVRONT: **I would like to make the motion that we accept Alternative 2 under maximum sustainable yield as our preferred alternative.**

MR. ROBSON: Motion and a second to accept Alternative 2 for MSY. Second by Duane. Is there any discussion on the motion? **Any opposition to the motion? Show the motion carries.**

MR. DeVICTOR: Okay, the next action is the rebuilding schedule. The stock is overfished so we have a series of alternatives. We set these up just like we did with red snapper where Alternative 2 is Tmin; that is three years. Alternative 4 is Tmax, which is ten years. Alternative 3 is the midpoint between those two, which is 6.5 years. Those are the rebuilding schedule alternatives for red grouper.

MR. HARRIS: **Mr. Chairman, I would move Alternative 4 as our preferred.**

MR. ROBSON: Motion to make Alternative 4 as the preferred rebuilding schedule; is there a second. George seconds. Any discussion on that? Ben.

MR. HARTIG: Was it the fact that red snapper has a much longer rebuilding timeframe or was it because it came in before under the gun?

MR. ROBSON: Well, it is the same principle, though. It is using the maximum allowable rebuilding schedule. It is based on a generation time and then adding ten years, so it is different for red snapper than red grouper but it is the same – we're basically saying we're going to take the longest possible rebuilding schedule that we have available to us.

MR. HARTIG: And then the only question I was asked is why is it only ten years for red grouper?

DR. CRABTREE: Well, the statute specifies that you have to rebuild stocks in ten years or less unless the biology of the stock is such that it cannot be rebuilt in ten years. In the case of red

snapper it could not be rebuilt in ten years. Red grouper can be rebuilt in ten years, so that is the maximum you have here.

You need to give staff some rationale for why you're going with ten years as opposed to, say, six and a half years. I think what I would want to look at with red grouper; you know, we implemented the four-month closure, and I think we've got ACLs already on the books for red grouper. If we stick with what we have done now; is that sufficient for us to rebuild and how quickly would it rebuild with the catches at those levels? I think that would give us some guidance on all of this.

MR. DeVICTOR: If you turn to PDF Page 54, you recall that Amendment 16 put in a closure for shallow-water groupers for January, February, March and April, and changed the aggregate grouper bag limit from five to three. The expected landings of red grouper from that would be 498,317 pounds whole weight.

That is lower than the ACLs that we got in the previous projections, which are a few tables up, which I'll walk you through. The expected landings from Amendment 16 actions are lower than the ACLs from the projections.

DR. CRABTREE: And the ACL – it seems like I remember the ACL was 588,014 pounds? I thought we did it in 15B. No, not for red grouper? Okay.

MR. HARRIS: A question, Mr. Chairman; based on what Rick just read to us on Page 54; does that suggest that a shorter rebuilding schedule would be more appropriate than Tmax? Is that what you're saying? That is what I kind of thought you were saying.

MR. DeVICTOR: I don't think we know that at this point because projections that were done all used ten years as Tmax, so to find out that answer we would have to ask for projections that rebuild in 6.5 years or three years.

DR. CRABTREE: And I'm looking at the table on rebuilding strategy and the yields, and what is the Foy for red grouper now? It has got F 45 percent, and the percentages of F 40 percent, is that a carryover from somewhere else or is that actually OY for red grouper.

MR. DeVICTOR: Yes, that table which is on Page 46 – I'm not if that's where you looking at, but that shouldn't say F 40 percent SPR. That is a mistake. That was a cut and paste so that should read 85 percent of Fmsy, 75 percent and 65 percent.

DR. CRABTREE: But when I look at this, it sounds like to me that if you selected Alternative 4 or even 5, the anticipated catches we're looking at are actually lower than either one of those. You know, the thing about the rebuilding time is if you choose a longer rebuilding time, then you're going to have a much higher probability of recovery. If you choose the somewhat shorter building time, your probability of recovery will come down some.

I don't know how you balance those out, but I think the point is it looks to me like we've already put management measures in place that are sufficient. All we've really got to do now is lay out the parameters and we're good to go with red grouper.

MR. WAUGH: Doesn't that include specifying what the ACL is for red grouper rather than just relying on our projected landings from the previous amendment?

DR. CRABTREE: Well, yes, and that looks like what we would be doing in this table and in this amendment, but it doesn't appear there are any management measures that are needed right now. I think you guys just have to figure out if you want to take ten years and have a very high probability or if you want to take something shorter and have a lower probability.

MR. ROBSON: What is your pleasure?

MR. HARRIS: Of rebuilding the fishery; is the lower probability or higher probability of rebuilding –

DR. CRABTREE: Yes, because I think this table is based on ten years, so obviously if you choose 75 percent of the Fmsy, it is going to have a pretty high probability of rebuilding in ten years; but if you choose to use six years, I don't know if it gets there or not in six years. I don't guess we have any of those, so I think you're going to have to have those projections before you're able to make a selection of the timeline of the strategy.

MR. DeVICTOR: I think we have to run the economic models for this, too, because I think you recall with black sea bass it actually made sense in the long term to move that up a couple of years. Once we flesh that out, I think it will give you a better idea of what kind of rebuilding timeframe to set.

DR. CRABTREE: Yes, so my recommendation would be that we not choose a preferred right now, we get the economic analysis, get the numbers and then we look at what seems to be the best way to go when we have that.

MR. HARRIS: **Mr. Chairman, based on this discussion, I will withdraw the motion.**

MR. ROBSON: You good with that, George. All right, the motion has been withdrawn and staff has enough direction to take a look at that analysis with a shorter rebuilding timeframe. Where are we at?

MR. DeVICTOR: Well, we've talked about the rebuilding strategy, which is PDF Page 46, and I guess we will wait on that before choosing a preferred alternative because that is part of the rebuilding plan. We do have management measure alternatives. Well, first we have allocations for red grouper because there is none on the books right now. We have the same alternatives that we have looked at before, using two sectors and then using three sectors.

MR. BOYLES: **Mr. Chairman, in keeping with the discussion we had a moment ago, I would move that we make Alternative 2 our preferred.**

MR. GEIGER: Second.

MR. ROBSON: Motion and a second by George Geiger to make Alternative 2 the preferred for the allocation formula.

MR. DeVICTOR: And that comes out to be 47 percent commercial and 53 percent recreational.

MR. ROBSON: Is there any discussion? Again, this is just to make it the preferred. **Any objection to the motion? The motion passes.** Go ahead, Rick.

MR. DeVICTOR: Okay, this is the last part of red grouper. We have AMs and management alternatives. You can see what is currently in place now under Alternative 1 and under PDF Page 52. Then there are proposed regulations in 17B, which is not in place right now, but it has been submitted to the Secretary of Commerce. That set up the gag, black grouper, red grouper commercial ACL and recreational ACL. I put that in that table, also. Then if you scroll down to Alternative 2, which is PDF Page 53 –

MR. ROBSON: Hold on. George, go ahead.

MR. GEIGER: Yes, just as a question, I know we've already put in place the four-month closure, but there is an action that we're taking in 17A that is going to close some area. Have we given any consideration to the reductions that would occur resulting from that closed area in terms of projections? I guess we haven't because we don't know what the size of the closed area is going to be, but at some point when we know that we're going to be able to project savings there as well in terms of potential future landings.

MR. DeVICTOR: Yes, we could look at that. Most of the red grouper landings are in the Keys and North Carolina.

MR. GEIGER: Just keep it as something to look at, please.

MR. ROBSON: All right, you can see we've got a number of management actions that are already in the hopper, if you will. I don't know what you're looking for here from –

MR. DeVICTOR: Again, PDF Page 53 has alternatives that you have not seen before. It sets up a commercial ACL for red grouper; and after it is met, you limit it to the bag limit as Alternative 2. Alternative 3 deals with if you go over the commercial ACL, you reduce the ACL in the following season by how much you have gone over. That is the commercial side of things.

Then on the recreational side of things you use a running average of three years; and then Alternative 5 is to reduce the length of the following year if you have gone over; and Alternative 3, reduce the ACL in the following fishing season by the amount that you have gone over.

MR. GEIGER: **Mr. Chairman, I would like to make a motion that Alternative 4 under the recreational sector is the preferred alternative.**

MR. ROBSON: Is there a second? Second by Duane. The motion is to make Alternative 4, using a running three-year average of landings used to – this is for accountability measures, really. We have a second; is there discussion on that motion? Ben.

MR. HARTIG: I just wonder about the mathematical utility of maybe taking a five-year average and dropping the highest and lowest value. I've done it before. With the problems with the recreational data, I don't know that MRIP is going to solve all of the problems we had in MRFSS. I'm not a mathemagician to be able to tell you whether that is a better way to do or not. I just wish somebody could look at the data and tell me if that is a better way to do it in the long term.

MR. HARRIS: I don't know whether that is a better way to do in the long run or not, Ben, but this is consistent with what we have done for other species. I think it is really incumbent on us to try to be as consistent as we can with these accountability measures. It just makes sense to me.

MR. ROBSON: All right, we have a motion and a second. Is there any other discussion?

MR. PHILLIPS: What are they going to do about possible overages?

MR. ROBSON: Are we talking about recreational? David, to that point.

MR. CUPKA: Yes, Mr. Chairman, it seems like to me that Alternative 4 is just a procedure by which you gauge whether you've gone over it or not, but it is not really an accountability measure. It doesn't seem like you get into an AM until you look at Alternative 5 or 6. To me 4 just says how you're going to arrive at that number to see if you've exceeded it or not.

MR. ROBSON: Yes, that is correct; I misspoke earlier. This is a process to figure out when you need to do accountability measures. Rick.

MR. DeVICTOR: These are alternatives that we took from 17B, so I think what you would have to do here is choose multiple preferred options. That is what you did with 17B.

MS. SMIT-BRUNELLO: I think that covered it.

MR. BOYLES: Mr. Chairman, I was going to suggest that we also – you've got a motion on the floor; never mind. We will deal with that and then I was going to suggest we add Alternative 6 as preferred. **Let me make a substitution motion that we would select Alternative 4 and Alternative 6 as accountability measures in the recreational sector for red grouper.**

MR. ROBSON: Second by David.

MR. CUPKA: Mr. Chairman, the reason I would support Alternative 6 is we've had a lot of testimony from recreational fishermen that they would rather see ACLs or bag limits reduced than they would to shorten the fishing season. I think 6 is a better alternative than 5 based on testimony we have had from the recreational sector.

MR. ROBSON: All right, Roy, did you have your hand up earlier?

DR. CRABTREE: I've got some questions, I guess. If the ACL is exceeded, then the ACL the next year is reduced, but what prevents you from running over the ACL in the next year? Are you going to do an in-season closure? Did I miss something? Just reducing the ACL in and of itself doesn't do anything.

You have got to then make an adjustment to the season to make sure you don't go over the then reduced ACL. I'm afraid the dilemma you're in is unless you're going to get very frequent assessment updates to keep track of this, if you don't pay back these overruns, you potentially find yourself in a pretty deep hole because the stock is going to recover, the recreational catches are likely going to go up as the stock recovers, and that gets a tough decision.

I think even Alternative 6 isn't complete because it doesn't specify what specific action do you take. I think you have got to consider do you want to have an in-season closure or do you want to put management measures – and I guess we have them now in place that we think are sufficient. Then if we run over, we pay back the overrun plus we then shorten the season or reduce the bag limit or do something in order to prevent the catches from exceeding the then reduced quota.

MR. ROBSON: Well, I think you're right, but we still have a motion right now for selecting Alternative 4 and then Alternative 6. The question that Roy is raising is in regards to the completeness of Alternative 6 and telling us what we need to do. Roy.

DR. CRABTREE: If it is helpful, I can give you an example of one that we have in the Gulf of Mexico that is happening now, and that is greater amberjack. In greater amberjack they established a commercial and a recreational quota. With the recreational and the commercial fishery, there is an in-season closure when the quota is caught. Then there is also a payback provision, so last year we closed both fisheries.

Both fisheries exceeded their quota, the commercial by a little and the recreational by I think about 300,000 pounds. Then what the accountability measure specifies is that at some point early the following year we publish a notice in the Federal Register saying here are the new ACLs with the payback provision deducted from the ACL, and then we project what we think the closure date for the recreational fishery is and establish that as the new closure date for the fishery.

Of course, in the commercial fishery you monitor the quota and you close it down when it is reached. Now, that has all gotten kind of fouled up by the oil spill and the big area closure in the

Gulf right now, but in theory that is how that one was supposed to work. I guess it is kind of your choice whether you want in-season closures of the recreational fishery or not.

I know no one likes those and the data is not well suited to that, but the problem we had with greater amberjack in the Gulf is the quotas were low enough that we were afraid we would get four months into the season and realize the recreational fishery has already gone over their quota; and if we didn't do the in-season, we would sit there and watch them go over by so much that there would be no fishery at all the following year, and no one wanted to have that happen. Now, you have to judge those risks among yourselves, but that is an example of one that has been put in place in the Gulf and it is actually happening.

MR. DeVICTOR: In my notes I had perhaps add Alternative 7 that would duplicate what we have on the commercial side to actually shut down the fishery when the recreational ACL is met.

MR. ROBSON: We need to vote on this one. We have the substitute motion. All right, is there any discussion on the substitute motion? Charlie.

MR. PHILLIPS: Okay, I'm guessing after we vote on this, then we're still going to go back to something like Roy has talked about and then vote on that, hopefully.

MR. ROBSON: Yes. Is there any objection to this motion? I think there were concerns about this motion not being complete.

DR. CRABTREE: Well, we can pass this motion, but then we can go in and add an additional sentence to it.

MR. ROBSON: Okay, we still need to vote on the substitute motion. **Is there any objection to the substitute motion? The substitute motion passes.** Now we need to vote on this as the main motion, and **that is to select Alternatives 4 and 6 as our preferred.** All right, is there any discussion? **Any objection to that motion? The motion passes.** Roy.

DR. CRABTREE: **I move that we add a sentence to Alternative 6 that states the Regional Administrator shall publish a notice to close the recreational fishery when the ACL is projected to be reached.**

MR. ROBSON: Motion and a second by Duane. Alternative 6 would read if the recreational sector ACL is exceeded, the Regional Administrator shall publish a notice to reduce the recreational sector ACL in the following season by the amount of the overage; and then additionally the Regional Administrator shall publish a notice to reduce the ACL by the amount of the overage and close –

DR. CRABTREE: I think you need to deal with the in-season closure first and then the adjustment of the ACL second, Gregg, and then it is close the recreational fishery when the ACL is projected to be met and not when the fishery is projected to be met.

MR. ROBSON: All right, that is language to be added to end of current Alternative 6. Roy, why don't you read the entire Alternative 6 now with that language added to the end?

DR. CRABTREE: **Okay, the motion is to add to Alternative 6, "The Regional Administrator shall publish a notice to close the recreational fishery when the ACL is projected to be met and reduce the ACL for the following year by the amount of the overage."**

MR. ROBSON: All right, that is the motion; was there a second? Duane seconded it. Any discussion on the motion? Roy.

DR. CRABTREE: I think this is the way to go. I just would strongly encourage you to keep a close eye on this and make sure that the management measures you have in place is sufficient to make sure that they don't reach it, because I can tell you from experience they hate it when they reach it and you close them down. You don't want that to happen.

MR. ROBSON: **All right, if there is no other discussion, is there any opposition to the motion? The motion carries.** I think we have reached our threshold for the day. Robert.

MR. BOYLES: I was going to make a motion for the commercial measures just to dispense with this, if we could, Mr. Chairman.

MR. ROBSON: All right, if we can finish that.

MR. BOYLES: Mr. Chairman, **I would make a motion that we select Alternative 3 as preferred for commercial accountability measures.**

MR. ROBSON: Motion to select Alternative 3 of the commercial ACL/AM criteria as the preferred; is there a second? Second by Charlie Phillips. Rick.

MR. DeVICTOR: And that just deals with post season; that doesn't put in an in-season AM.

MR. ROBSON: All right, we have a motion and a second. Robert.

MR. BOYLES: The status quo is after the commercial ACL is met, all purchase and sale is prohibited.

MR. DeVICTOR: That is not in place for red grouper right now; 17B proposes to put in an aggregate gag, red and black.

MR. BOYLES: Mr. Chairman, modify my motion to select Alternative 2 and Alternative 3 as preferred.

MR. HARRIS: I'll second that.

MR. ROBSON: All right, seconded by Duane. Is there any discussion on that motion? **Any objection to the motion? The motion carries.** All right, we are now through that and we will recess, Mr. Chairman.

MR. HARRIS: We will recess until 8:00 a.m. tomorrow morning, and we will reconvene the Snapper Grouper Committee of the Whole at that time.

(Whereupon, the meeting was recessed at 6:47 o'clock p.m., June 9, 2010.)

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JUNE 10, 2010

THURSDAY MORNING SESSION

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The Snapper Grouper Committee of the Whole of the South Atlantic Fishery Management Council reconvened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Thursday morning, June 10,, 2010, and was called to order at 8:00o'clock a.m. by Chairman Mark Robson.

MR. DeVICTOR: What we're going to start off is talking about black grouper. I think we went through red grouper and we were done with those alternatives. This stock assessment was completed. It was determined that there is one stock between the Gulf and South Atlantic, so I think we're going to need some advice here from NOAA GC on this. This is not in your briefing book, but what you have on the screen are the recommendations from SSCs in terms of OFLs and ABCs.

The OFLs are the same between both SSCs and recommendations, but they differ in their ABCs and it has to do with the difference in the P-star. Their control rules aren't exactly the same. Also, what the Gulf SSC did is they did it out for a five-year stream where our scientific advisors just gave us one year. You can see the difference in the value for next year for the South Atlantic would be 610,482 and the Gulf is 49,761.

We should talk about do we need to get these groups together and come up with one value or can we choose one of these to go forward. Then as we go through the alternatives, how do we allocate between the two jurisdictions? Is that something that we want to do? Then we can set forward our sector ACLs.

DR. CRABTREE: Maybe I missed this, but the difference between these two is because of the different P-stars used? The P-star is essentially the risk of overfishing. I think the council just ought to make a decision if you want to go with 33 percent or 27.5 percent risk of overfishing, and that would reconcile it assuming the Gulf Council makes the same decision.

I think if you're comfortable with a 33 percent risk of overfishing, then this is all consistent; but if you want to go with 27.5 percent, then we would need to go back to the Gulf. It looks to me like this is something the councils need to decide.

MR. ROBSON: I think we're all familiar with the most recent stock assessment and the results of that. Duane.

MR. HARRIS: Mr. Chairman, I would move that we select a P-star of 33 percent as the risk of overfishing for black grouper.

MR. ROBSON: Okay, we have a motion and a second by Ben Hartig. Discussion? Duane.

MR. HARRIS: Just for the record, I don't think there is that much difference between the two, but what it does point out to us is the difference of who you select for your scientific committees and what their approach might be with respect to risk of overfishing. That is a council decision. They give us advice but it is a council decision. I just don't see there is that much difference in the percentages. I do see that there is some difference in what the ABC might be, and I still think it is a pretty risk-averse approach of overfishing.

MR. ROBSON: And, again, with the black grouper assessment that came out, it is not undergoing overfishing or overfished. Any other discussion? Gregg.

MR. WAUGH: Just one quick question and it may help to have some clarification because the P-star – and, John, you may need to help us with this – of 27.5 came out of our SSC's assessment control rule, for lack of a better term, and I think we have sort of indicated we're accepting that one; so maybe just some clarification as to why now we're using a different one and not our sort of recommended control rule.

DR. CRABTREE: Well, I think part of it is that in this instance we've got two different SSCs and two councils, and we've got to harmonize this somehow. It sounds like to me that this council is willing to harmonize by going along with the Gulf Council recommendation. I guess we're making an exception here in order to be consistent with the Gulf Council.

MR. HARTIG: I would just say there was a lot of discussion in the SSCs about the black grouper assessment, but they went out of their way to make that overfishing level smaller with black grouper with some of the same inputs in the assessment of red grouper, so I don't have a problem with this.

DR. CRABTREE: John can go back through the minutes, but there was all this talk by one or two people on the SSC about cumulative optimism, and I believe they penalized this because of some of those types of things, which, frankly, I don't think they really should have done; and obviously the Gulf Council SSC did not do. I think that is part of the difference here.

MR. CARMICHAEL: Yes, and I think their original P-star, when they first ran through it, was like 30 percent; and when they had further discussion and decided to change the scoring of the

treatment of uncertainty, they got to the 27.5, so even initially they were at a different point than the Gulf's SSC.

I think that is not going to be unusual especially for any of these stocks which are jointly managed and both councils are going to deal with it. I think that is a bigger question and we need to consider that; does this now – I guess perhaps by accepting this P-star the SSC needs to go back and redo their ABC, but it does raise a bit of the procedural issue about if you pick the ABC from this, then you're picking an ABC that is higher than what your SSC has recommended. I just don't know how all that plays out and how we deal with this for the multiple stocks that may come up.

MR. ROBSON: All right, is there any other discussion on the motion? **Is there any objection to the motion? Seeing none, the motion carries.**

MR. DeVICTOR: Okay, the next action deals with maximum sustainable yield; and then when we get through actions, we will have to have a discussion on what amendment this action goes in, because right now it is in the Comprehensive ACL.

MR. ROBSON: This is for black grouper?

MR. DeVICTOR: Black grouper.

MR. DeVICTOR: Okay, Gregg brought to my attention that we need clarification; are we just setting the ABC for 2011 or are we actually going to go forward with what the Gulf SSC did and set it for a five-year stream?

MR. WAUGH: Now, by picking this P-star of 33 percent, then these are your ABC values. The OFL is the same, so I guess we're adopting the OFL, but we need clarification on whether you want us to go forward with this ABC increasing each year, whether you're going to average it; how do you want us to treat those numbers?

MR. ROBSON: I guess the question would be what would compel us not to do the same schedule?

MR. HARRIS: Mr. Chairman, I think that is the question; and it seems to me to the extent that we can be consistent between ourselves and the Gulf on these jointly managed stocks, we should try to be. I would adopt the approach that the Gulf Council has taken, and I would move, Mr. Chairman.

MR. ROBSON: Okay, **we have a motion to accept the five-year ABC levels**; second by Ben Hartig. Roy.

DR. CRABTREE: And that is fine; but the way we have normally handled this, in some cases we've put as much as three years' TACs in the regulations, but we have not put anymore than that. The other thing about it is the increases in the TAC from year to year are contingent upon

not exceeding the TAC in the previous year, and we need to put some language in the discussion there that those TAC increases are contingent upon us successfully staying within.

Otherwise, the other way to do it is just put the one-year TAC in and then you come every year end and do a framework action and adjust, but I see Gregg frowning. I think staff will figure out how to deal with that to look at next year.

MR. ROBSON: Okay, is that good enough direction for staff to add that language?

MR. DeVICTOR: Yes.

MR. ROBSON: Okay, so we have a motion and a second. The motion is to accept the five-year ABC levels from the Gulf of Mexico Fishery Management Council and applying a P-star of 33 percent. Is there any further discussion on the motion? **Any objection to the motion? Show the motion passes.**

MR. DeVICTOR: Okay, we're going to skip the MSY and OY actions at this time and just go right to the ABC Control Rule. These are the same alternatives that you have seen throughout the week. I guess what you're doing – if you can scroll down to Alternative 5 where you're going to establish the ABCs based on the SSC's ABC Control Rule; however, you are changing the P-star, so I'm not sure if you want to add a new alternative that would repeat this, but you're changing the P-star; or, do you want to revise this alternative?

DR. CRABTREE: This is just specific black grouper; could we not put an alternative in there to adopt the control rule approach used by the Gulf Council SSC? **I would so move that we put in an alternative which is to adopt the control rule used by the Gulf Council SSC and establish that as our preferred alternative.**

MR. ROBSON: Motion and second by Duane. You're referring to the Gulf Council Control Rule for black grouper?

DR. CRABTREE: Yes, this is just for black grouper.

MR. ROBSON: All right, we have a motion and second; is there discussion on the motion? **Any objection to the motion? Show the motion passes.**

MR. DeVICTOR: Okay, the alternative for MSY, there is a no action, Alternative 1, and what is currently on the book is F 30 percent SPR for black grouper. Alternative 2 would actually set the recommendation – again, we're dealing with proxies here; whereas, red grouper we actually had a value for Fmsy. Here actually the recommendation that came out was to use F 30 percent SPR as a proxy. The question is do we have to set this as an action or are those alternatives the same because we're setting a value that is a separate alternative; or, do you want to see more alternatives?

DR. CRABTREE: My personal preference is this not be an action at all that we just put some discussion in the document that the proxy is unchanged, here is the new estimate, done, unless someone has a desire to revisit the proxy, but I don't.

MR. ROBSON: I don't see any desire to revisit that unless somebody wants to do so. All right, we will move on, Rick.

MR. DeVICTOR: Next is OY, and these are standard alternatives that we have. Again, OY for no action equals zero produced by Foy where F 45 percent SPR is used as the Foy proxy. Then as we do, we set 65 percent of Fmsy again, so that is the F 30 percent, 75 percent and then 85 percent.

MR. ROBSON: Any desire to select a preferred OY alternative? Gregg.

MR. WAUGH: As was mentioned yesterday, we have to be careful with linking our OY to our ABC and ACL, and you can see that these OY numbers are below the ABC stream that we just talked about, so you may want to consider – I don't know what the poundage estimate would be, if we have that from the current stock assessment, but it would probably be lower than these, whether you want to add another alternative

MR. HARTIG: The basic question I had in trying to figure out all this new terminology – I mean, does OY equal ACL, Gregg? Is OY equal to ACL – I'm just wondering where we stop going down in this process. That is what I'm trying to get at; how many steps are we going to take for uncertainty, and then the OY is not an uncertainty, per se, is it?

MR. WAUGH: Well, when we first started down this road a year and a half or so ago we had had some discussions about setting OY equal to the OFL, but your OY gets into the more long-term yield as well. We backed off of that and we have been looking at this sort of suite of alternatives.

MR. ROBSON: When you say the OY relates more to the long-term yield as opposed to – I need a little more explanation of that.

MR. WAUGH: Well, right now your OY is the yield produced by Foy, and we were using F 45 percent as the proxy. You're not overfishing or overfished, so basically the values we're getting are estimates of your long-term yield.

DR. CRABTREE: Gregg, what is the yield at F 45 percent; do we have that? We have more recently I think been shifting towards setting OY at 75 percent of Fmsy, and for consistency purposes we might do that here. It may be that 75 percent of Fmsy is not much different than F 45 percent, but I don't really know. I think that is something that we need to look at before we make a decision on that and look at what those yields are.

MR. HARTIG: Mark, the basic problem I'm having is seeing how this all works for a particular species; you know, how each one fits in, what reductions we get, and then I can make an informed decision about OY.

MR. ROBSON: And by that you are referring to not just the OY but then –

MR. HARTIG: Yes, the whole suite, the ACL, OFL, ABC, OY; stock assessment uncertainty and then management uncertainty; where is the step-down in OY; what does that mean? That is what I'm having a problem with and how it relates to setting your eventual number that you're actually going to be able to catch.

MR. ROBSON: And looking at that in relation to actual yield values?

MR. HARTIG: Yes, and at the actual yield levels, yes; because without having that, we're making these decisions that lock us into doing that when we don't even know what the values are going to be and how much uncertainty in the landings is already taken into account before we set that level. I'm just trying to figure out how to go forward where the public can understand how this all relates and why the reductions were made.

MR. ROBSON: I agree; it would be good to be a little more transparent about that. Maybe we should just – yes, let's leave this as it is without going any further on a preferred or anything and maybe we can see some numbers from staff later. All right, we will move on.

MR. HARTIG: Well, the question was asked are those enough alternatives; you really don't know until you look at how they all interrelate and you may want one that is less restrictive.

MR. DeVICTOR: Okay, next is allocation alternatives. Again, it is the basic alternative that we have been working on through the week; to allocate between two sectors; and then to three sectors, using the equation that we have used so far, and I'll bring that up on the screen.

MR. BOYLES: Mr. Chairman, **I would make a motion that we go with Alternative 2, dividing among two sectors.**

MR. ROBSON: Seconded by George. Any discussion on the motion? This would be to adopt Alternative 2 on allocations for black grouper as our preferred alternative. Any discussion? **Is there any objection to the motion? The motion passes.**

MR. DeVICTOR: Okay, the final action for black grouper has to do with AMs. Perhaps a quick way of doing this is to set this up as you did with red grouper and have the same alternatives as that or I can go through each alternative as I did last night.

MR. BOYLES: Mr. Chairman, **can we adopt by reference the measures that we discussed last night for red grouper?**

MR. ROBSON: Is that a motion?

MR. BOYLES: Yes.

MR. GEIGER: Second.

MR. ROBSON: Second by George Geiger. Okay, the motion is to adopt by reference the same suite of accountability measures as we approved for red grouper. Is there any discussion on the motion? **Any objection to the motion? The motion carries.**

MR. DeVICTOR: This ABC applies to the South Atlantic and Gulf; so do we need to allocate between the two jurisdictions?

DR. CHEUVRONT: How can we do that without Gulf representation in the room?

MR. ROBSON: Well, we have it but I don't know if he has got the Gulf Council's authority to –

MR. TEEHAN: Well, obviously, Mr. Chairman, I don't have that authority, but it is something we can – we're meeting next week and we can take this issue back and have the discussion during our Reef Fish Committee.

MR. ROBSON: Relative landings would be obviously something to look at for us to be informed about what we want to do. George.

MR. GEIGER: If we're talking about allocations and landings are what we're trying to get away from, the same way we allocate between sectors would in my opinion be a consistent way to determine this allocation as well.

MR. BOYLES: **Mr. Chairman, I would make a motion that we propose, perhaps, to the Gulf Council the application of the formula among the two councils, which is the formula half-weighted on a long-average landings and half on a most recent series, consistent with the formula that we have adopted for allocation between sectors.**

MR. ROBSON: All right, we will capture that motion. Second by George. Bill.

MR. TEEHAN: Mr. Chairman, this might be premature but if this motion does prevail, I would like to request that it be in the form of a letter.

MR. ROBSON: Okay. George.

MR. GEIGER: Yes, and certainly in that letter there would have to be an explanation of the formula and how it was derived, going back to the origins of the formula.

MR. ROBSON: We could offer to send an envoy to explain it, and that would be Robert. Okay, the motion is to propose to the Gulf Council, in a letter, the Sector Allocation Alternative 2 of the

South Atlantic Fishery Management Council be used to allocate black grouper between council jurisdictions. Does that properly capture the motion? Is there any discussion on the motion?

MR. HARTIG: Mr. Chairman, just one question; what is long term in this when you develop that 50 percent long term, 50 percent of most recent landings? Is it the three most recent; is it the last three years and long term; how long does it go back?

MR. WAUGH: The long term is 1986-2008, and the more recent is 2006-2008.

MR. BOYLES: I was presuming that there is no '09 data; I'm guessing.

MR. GEIGER: Mr. Chairman, maybe at some point we need to revisit the formula and those years should be updated as we go forward.

MR. ROBSON: Well, it does say three years rolling, so actually it could be 2007-2009.

MR. GEIGER: Right.

MR. BOYLES: I guess I was assuming that was the case, that the dates in there were not hard dates, but were in fact rolling, but did begin – I think the long-term set begins in 1986.

MR. ROBSON: At some point that particular language probably could be generalized to just refer to the three-year rolling cycle of most recent. All right, Ben, does that address your concerns? Okay, Bill.

MR. TEEHAN: Mr. Chairman, this is just a procedural thing. I realize that we're probably not going to see this letter next week. Is it the preference of this council for me to wait to broach this to the Gulf Council until the official letter, or do you want me to open sidebar conversations or committee conversations on this?

MR. ROBSON: Gregg advises that the letter is already written.

MR. WAUGH: That's not quite what I said. We will have it ready to go out by tomorrow.

MR. ROBSON: With the Gulf Council meeting next week, that is very timely, so I think we'll try to get that letter done and signed and you can hand deliver it.

MR. TEEHAN: Really, I will. If you can give me one of those things, it would be better than me scurrying next week saying has anybody seen the letter.

MR. ROBSON: Okay, we can move on. Any further discussion on the motion? **Any objection to the motion? Show the motion carries.**

MR. DeVICTOR: Now, do you want black grouper actions in with red grouper – I imagine you want to take it out of the Comprehensive ACL Amendment – or do you want to have a separate red grouper and black grouper amendment?

MR. ROBSON: Well, remember the discussion yesterday was we're moving the management or rebuilding in the case of red grouper into a separate amendment. I would think that would certainly be the approach. Do you need a motion? I that is just the way we build that amendment.

MR. DeVICTOR: Okay, so I'll put black grouper and red grouper in the same amendment.

MR. ROBSON: Okay. Brian.

DR. CHEUVRONT: We just sort of glossed by very quickly and said we'll just put black grouper in the same amendment as red grouper. Does there need to be a motion or something to say that giving the direction saying that is our intention? Really, if the public was reading this stuff they wouldn't know. By looking at motions, they would not see at all what we're doing with black grouper.

MR. ROBSON: That is a good point, Brian, so we need a motion.

DR. CHEUVRONT: **I make the motion that we include black grouper management measures into the same amendment as red grouper.**

MR. ROBSON: We have a motion and second by Robert. Any discussion on that motion? **Any objection? That motion passes.**

MR. DeVICTOR: Going back into the Comprehensive ACL Amendment, we're going to discuss wreckfish now. What we have left is wreckfish, dolphin and wahoo, but dolphin and wahoo will be discussed later. Sargassum will be discussed later on. We thought we would discuss shrimp in the Comprehensive ACL Amendment with this group because we do not have a Shrimp Committee meeting.

There are two more species left to talk about with the Comprehensive ACL Amendment. This is on PDF Page 55 for wreckfish. Wreckfish used to be in Amendment 20 in terms of OY, MSY, ACLs, AMs. I believe it was March when you decided to move it into the Comprehensive ACL Amendment, so we will have to talk about on where wreckfish actions will go next.

The first action is maximum sustainable yield. You have four alternatives there. Alternative 2 is to set it equal to the yield produced by Fmsy or the proxy. Alternative 3 sets the maximum sustainable yield equal to the average landings from 1988-1994; and then Alternative 4 which sets it to average landings from 1988-2007.

MR. ROBSON: All right, is there any desire to select a preferred at this point? Rita.

MS. MERRITT: **Mr. Chairman, Alternative 3 with the average landings representing the years of high landings, 1.946 million pounds, is close to the TAC that wreckfish has been operating from, and I would like to see that as the preferred alternative.**

MR. ROBSON: That is in the form of a motion?

MS. MERRITT: I so move.

DR. CHEUVRONT: I'll second it.

MR. ROBSON: Second by Brian. This would be to make Alternative 3 the preferred alternative for MSY. Is there any discussion on the motion? **Any objection to the motion? The motion passes.** Gregg.

MR. WAUGH: There was another alternative that was discussed that is not shown here, and we're trying to find the actual number, but it was a revised estimate of MSY from Joe Powers when he was acting center director. I think it was around maybe 2.5, 2.6 million pounds. We're trying to get that number, but that is another alternative that we should have had included in here. I would just wondering if the council would be interested in adding that.

DR. McGOVERN: I was just wondering if we could get some rationale for that alternative.

MR. WAUGH: The new one I just mentioned?

DR. McGOVERN: No.

MR. ROBSON: You said you want some rationale? Rita.

MS. MERRITT: Well, my rationale is that we don't have any updated science to prove differently. We also have a situation that is not necessarily – or the landings that we have are not necessarily tied to any biological problem that we know of. It is more of an economic problem.

MR. ROBSON: **All right, any other discussion. We've already voted on this motion. Jack, does that – okay. Now, there is some direction or some desire to look an additional alternative that refers back to a set of larger landings. Is there direction to go ahead and look for that and include it as a new alternative in the next version? Charlie, do you want to make a motion to that effect?**

MR. PHILLIPS: **Yes, I would like to make a motion to put the alternative that you just talked about in the document.**

MR. ROBSON: And presuming that is added, of course, that would be highlighted the next time we see the document to make sure we know it has been added. Can somebody read the motion? The motion is to add a new alternative for MSY based on a letter from Joe Powers, Acting

Southeastern Fisheries Science Center Director. Do we need to add anything more to that motion to make it clearer? Is that clear enough? Brian.

DR. CHEUVRONT: I'll second it.

MR. ROBSON: Any discussion on that motion? Again, it will be highlighted in the next document as a new item to look at? **Any objection to the motion? Seeing none, the motion passes.**

MR. DeVICTOR: Okay, next is OY.

MS. MERRITT: Just a question; I haven't seen this letter. Is that in our briefing book?

MR. ROBSON: Let's go ahead and we'll move on now.

MR. DeVICTOR: Okay, we have OY alternatives and these based upon our standard alternatives where OY would be set at a fraction of Fmsy; 65 percent, 75 percent and then 85 percent. We will break those out as separate alternatives.

MR. ROBSON: All right, any discussion on OY alternatives? Brian.

DR. CHEUVRONT: I think we probably – just for consistency's sake, we would probably stay at 75 percent, but right now, as Rick just described, it looks like they're not actually broken out in separate alternatives. I would just suggest let's wait until we get a separate alternative to choose the preferred and move on.

MR. ROBSON: Very good. If that is the consensus of the committee, we will do that. Rick.

MR. DeVICTOR: Okay, the next actions are setting MFMT and MSST, and we were just talking at the front table here. Perhaps these don't have to be actions, per se, and we can take that out and we'll just put in the values as we get those.

MR. WAUGH: We've got in place a formula for calculating the MSST, so we will just update those unless you wanted to change how we calculate those values.

MR. ROBSON: Any desire to change that process? I think we can move on.

MR. DeVICTOR: The next action is the ABC Control Rule. Alternative 2 is to set it per the SSC's Control Rule.

MR. ROBSON: This would be PDF 56 for scrolling down through the document.

MR. DeVICTOR: Alternative 3 is to set ABC equal to 1.75 million pounds. Alternative 4 is to set to 1.5 million pounds. It seems to me, looking through this, that Alternatives 2 and 5 may be identical. Someone could correct me if I'm wrong, but they're the same.

DR. CHEUVRONT: **I make a motion that we remove Alternative 5.**

MR. ROBSON: Okay, we have a motion to remove Alternative 5; second by Rita. Any discussion on the motion? **Any objection to the motion? The motion carries.** Is there any desire to select a preferred alternative? Rita.

MS. MERRITT: Mr. Chairman, **I would like motion that Alternation 1, no action, be kept as the ABC Control Rule as our preferred alternative.**

MR. ROBSON: Okay, we have a motion to select Alternative 1 as the preferred; is there a second? Charlie seconds. Any discussion? Duane.

MR. HARRIS: Gregg, walk me through what that will mean, please.

MR. WAUGH: If we were to choose ABC Control Rule Alternative 1, that would not meet the new requirements of MSA to specify an ABC Control Rule and ABC.

MR. HARRIS: Mr. Chairman, didn't we discuss yesterday wreckfish being one of those special cases, but we still have to comply with the law.

MS. SMIT-BRUNELLO: That's right. I was trying to figure if Alternative 1 was no action and assuming it was – and I see it is – yes, you wouldn't meet the requirements of the Magnuson Act. While that alternative should remain in the document, I suggest you not choose it as your preferred, but maybe you don't have enough information right now to choose a preferred; I'm not sure. You don't have to.

MR. HARRIS: Mr. Chairman, I agree with that and I can't vote for a motion that is obviously out of compliance with the law. I think we need to figure out another way to do it, and maybe the best way to get through this at this time is to just not select a preferred.

MS. MERRITT: To that point, I made the motion based on the workgroup's recommendation, but here again we have to keep in mind, too, is this going to be a new ITQ or is this going to be an updated ITQ? I guess we haven't really resolved that whole question. I understand we still have to have an ABC, but I didn't know whether or not we would be able to maintain as equal to the current TAC or not without using the control rule based on it being an exceptional situation.

MS. SMIT-BRUNELLO: Well, I would think even under the Reauthorized Act or under the old Act, really, or the Act as it was before, whether this becomes a new kind of ITQ Program or remains the way it is in terms of the management measures, you still need to comply with what the Magnuson Act before and now says in terms of MSY. Now the Act even specifies and kind of pushes the councils a little bit more on what they require, so I really would advise you not to choose Alternative 1 because it just wouldn't comply with the requirements of the law.

DR. CHEUVRONT: I'm slightly confused here by the language in Alternatives 2 through 4. Alternative 2 refers to the fact that the SSC will provide an ABC control rule and value for ABC at their April 2010 meeting. Well, they didn't do that, but then in Alternatives 3 and 4 it gives the step-down from the MSY.

We could set – I just want to make sure – we could set the ABC equal to MSY; is that what that is saying if we chose to do that? I guess I'm trying to figure out is there some way we can make these alternatives a little clearer as to what it is we could do. This implies that theoretically we could set ABC equal to MSY.

MR. CARMICHAEL: I don't think that would appropriate, but you could set OFL equal to MSY, and that is actually quite common. Perhaps that is the way and then you could set ABC at 75 percent of OFL. The SSC didn't give an ABC control rule; that is correct. They had a lot of discussion and they gave you an ACL suggestion, and I don't know how that fits within the whole legal framework and how this process works. If we get that far, we should talk about that, too, but the ABC equal to a percentage of OFL is appropriate. OFL maybe is MSY and maybe you're comfortable using the MSY as it was estimated some time ago.

DR. CRABTREE: Well, I think that is a reasonable approach for now. I think we're going to need to hear something from the science center on that. I think one of the mistakes that the SSC made was they allowed the management implications to get all wrapped up in the science advice they were giving us, and I don't think that was appropriate.

Deciding what the catch level is, is just that. Now, if that then has adverse impacts because of the way our IFQ is designed, we need to look at making modifications to the IFQ, but I don't think we can come in and try to pick a catch level in order to avoid having impacts on the IFQ. At least in part that is what happened at the SSC meeting.

I think taking the previous estimate that we have and going with that and some sort of reduction right now is about the best we can do. Unless I hear something from Dr. Ponwith that the center objects to that; and if they do, then I think we ask them to provide with an alternative, I think that is a reasonable way to move forward at this point.

MR. ROBSON: Okay, we have a motion. The motion was not voted on. Rita.

MS. MERRITT: It probably would be best at this point to withdraw it and make a new motion that we not have a preferred.

MR. ROBSON: All right, that is okay with seconder? Charlie is okay so the motion is withdrawn. We have had discussion is there any objection to withdrawing that motion? Seeing none, the motion is withdrawn. Charlie.

MR. PHILLIPS: Alternative 2, the ABC control rule; we don't have an ABC control rule to look at for Alternative 2; do we? I mean, should that be in there if there is not a rule to look at?

MR. CARMICHAEL: You don't have an ABC control rule specific to wreckfish provided by the SSC, but you do have discussions from yesterday about an ABC control rule where you use 75 percent of the OFL, and perhaps that is an acceptable rule to use for wreckfish. It would be a new alternative.

DR. CHEUVRONT: Just to help provide some direction, because I think in some cases our alternatives are not laid out very clearly yet, **I would like to make a motion that we set OFL equal to MSY – and this is for at least one alternative – OFL equal to MSY and ABC is 75 percent of MSY.**

DR. CRABTREE: I will second that for discussion. John, what would we then use for MSY?

MR. CARMICHAEL: Use the estimate from the previous assessment.

DR. CRABTREE: Which was what, approximately?

MR. CARMICHAEL: Gregg, is it in one of those options or, Rick, is it in there?

DR. CRABTREE: Is that the 1.9 –

MR. CARMICHAEL: 1.946 million pounds.

DR. CRABTREE: Which is the average landings from 1988-1994? Okay.

MR. WAUGH: Since we're back on MSY, the figure in – the memo or letter from Joe Powers, Acting Southeast Fisheries Science Center Director, was dated September 12, 2001, and that figure 2.5 million pounds. What he did was he looked at or the center looked at the assessment that was done in the southern zone where we had active fishing and looked at the abundance and the previous research that had been done in the northern zone and came up with an estimate for combined South Atlantic Council area of 2.5 million pounds.

MR. ROBSON: That was added as an alternative, right, Gregg? Okay, we have a motion. All right, the motion is to set the overfishing limit equal to MSY and the allowable biological catch equal to 75 percent of MSY. Any further discussion on that?

MR. HARRIS: That's another alternative, right?

MR. ROBSON: This would be a new alternative.

DR. CHEUVRONT: I believe this actually will direct alternatives in a couple of these sections where we have one section to set OFL and then we have another one to set ABC. I guess this is just to provide – my intention was this is to provide direction to staff to know how to set up at least the alternatives that would give us this option.

MR. ROBSON: That's good, great, thank you for that. Any discussion? Charlie.

MR. PHILLIPS: Just a quick note; do we want to set a range around that 75 percent or just leave it right there?

DR. CHEUVRONT: Well, typically what we have done is we've had not just 75 percent but 65 percent and 85 percent, and so I'm assuming this would just keep us consistent with what we've done for other species.

MR. WAUGH: Brian, just coming back to the motion again, I think it would be better if we said that ABC was equal to 75 percent of the OFL, because that is really what we're stepping it down from; OFL is MSY.

DR. CHEUVRONT: That's fine; I think that is probably keeping in line with the language of the Act and all that to do it that way. I have no problem with that.

MR. WAUGH: And one correction; the figure I was talking about for MSY was for golden crab and not wreckfish. We can pull an estimate out of the Vaughan et al assessment. That was the most recent assessment for wreckfish, so we'll look at that information and use that as the numeric estimate for that new MSY that we added.

MR. ROBSON: We have this motion and we need to vote on this motion. The motion is to set the overfishing limit equal to MSY and the allowable biological catch equal to 75 percent of the OFL for wreckfish. Is there any further discussion? **Any objection to the motion? The motion carries.**

MR. DeVICTOR: The next action is ACLs. This is on PDF Page 57. Basically we have a series of alternatives here that sets ACL equal to the top end, low end, and it seems like the midpoint is Alternative 2 of the ABC range – perhaps clarification in Alternative 2 of what best point estimate means.

DR. CHEUVRONT: Yes, I would kind of prefer to punt on this right now until we get some of this other stuff worked out, but what we would need to do is change the language regarding the SSC recommendations from the April 2010 meeting. Since we didn't get that, I think that needs to be removed from here. The idea of just using the ranges is fine. Certainly, I don't think it is appropriate at this point for the council to select a preferred here.

MR. ROBSON: Okay, I think there is a consensus on that, so let's move along.

MR. DeVICTOR: Next, allocations; Alternative 2, 90 percent commercial and 10 percent recreational; 95 percent commercial and 5 percent recreational and 100 percent commercial and zero percent recreational. There are four allocation alternatives for your consideration.

MR. ROBSON: Is everybody okay with those; adequate range? Robert.

MR. BOYLES: Mark, yesterday we talked about the – at least I believe we did – we talked about the inactive permits in wreckfish. Do we have any idea of how many they are and what kind of poundage that might represent in terms of a potential transfer?

MR. GEIGER: We requested staff to look at that and bring back to us at the next meeting what that poundage representation was.

MS. MERRITT: George just stated my main reason for raising my hand, but as long as you've brought it up, Kate and I were talking about this yesterday on how to get a handle on just what this is in order to move forward on it. Once she finds out how many shares we're talking about that are involved with either the deceased or abandoned shares, it might be a good idea to request of NMFS staff to send out – and here again I don't know the legality of this and I'm sure Monica will need to weigh in – of contacting at least by way of maybe a certified letter requesting that these people either forfeit or at least give us something to go on as far as knowing whether or not they want to continue holding these shares.

I know that on permits there is language that allows NMFS not to renew a permit. I don't know about the original certificate that is issued on shares, whether or not there is any kind of a administrative rule that says that you can take away the certificate if people don't keep their record up to date as far as contact information or changes at all. It might be a way to at least get some proof that these are abandoned and no longer useful and then be used for redistribution or however the ITQ comes out, but at least we will know then this no longer belongs to these other entities or individuals.

MS. SMIT-BRUNELLO: Well, to that point our office will work with NMFS staff and try to get a handle on who is alive and who is not alive and that sort of thing. We certainly can't revoke people's permits in this situation. There has never been a use-or-lose provision in this program; so the fact that people haven't used it, they haven't used it, and at least initially there was – I'm sure it wasn't envisioned initially that this kind of situation would occur, but there is no minimum amount of harvest that is required to stay in the fishery. We will get some information on – we'll work with staff on trying to get a handle on how many people are still I guess alive and concerned about the fishery.

We certainly can't revoke their permits, though or revoke their shares or anything like that. We will figure this out. We have some other IFQ fisheries in the Gulf, and I think that we need to decide – it would be a good our office looked into what happens when a shareholder dies, what happens to those shares and all those sorts of things or what legally is allowed to happen to them. We will look into that on a global kind of perspective.

MR. PHILLIPS: I guess there are a couple of points. George mentioned that some of those recreational landings from what I gathered were actually targeted. They weren't bycatch landings. The other thing I would like to know before – the ITQ System seems to be working and I'm not sure we want to change it to the point where they have to get into rents or royalties

or whatever, and I'd like to know what that bar is; so if they decide they to stay under it, they will know what kind of wiggle room they have got and know where that bar is.

MR. GEIGER: And certainly the intent here of having a recreational allocation under wreckfish is not one to create a fishery within wreckfish. I don't know that one actually exists. I don't think we will ever know because they're, I'm sure, a rarely encountered species on MRFSS surveys just like snowy grouper and golden tilefish are in the recreational sector.

We saw all those huge spikes and up and down, but the allocations that are represented here in this alternative basically follow what was the deep-water allocation for snowy grouper and golden tilefish. We've heard the hue and cry in particular from the commercial sector over time that it is a sin to throw back fish that are dead, essentially dead, going to be wasted.

They are being encountered and currently being thrown back dead and wasted by the recreational sector and that is something that this council has the ability to correct by creating some form of set-aside to cover those fish should they be incidentally encountered. Now, that encounter rate, as I understand it in reading and having input from fishermen, is increasing because they're finding these fish not just in deep-water locations where this commercial fishery traditionally occurs and is prosecuted, but they're finding them in shallower areas while fishing for species other than deep-water species.

That is a problem and it can be corrected by having this set-aside bycatch fishery allocation for the recreational sector to preclude that waste. That is the intent of having this recreational allocation set-aside; not to create a fishery and not to start anything up, but to just cover the wastage that we all have a problem with in terms of regulatory discards.

MR. HARTIG: Well, as we go down this path it may be interesting to know how many coupons are actually tied to snapper grouper permits now. Over time we don't know what has happened to the – you know, if they still have permits or they just have the shares and there may be a regulatory action you could take down the line.

MS. MERRITT: I agree with George in that is a concern. I think it was referred to as a bycatch, but the concern is that there be some accountability there. I think the workgroup that we had of the shareholders, the concern was that once we get a handle on how many shares might be available for a set-aside situation, that it wasn't just for what was being referred to as bycatch, but may actually be just to handle more than just recreational bycatch or non-permitted catches, incidental catches and that kind of thing, but also to accommodate new entrants and having this available for new entrants into the ITQ.

I think there are a lot of different ways that we could use a redistribution and those are things that I think do need to go back to the shareholders as well as the council to relook at how there might be a redistribution to handle all of these other situations that go along with this ITQ and these abandoned or no long active shares.

MR. GEIGER: Mr. Chairman, I would submit that the recreational sector would be a new entrant; not into the catch share program possibly but they certainly would be a new entrant into the fishery. This is a public resource. We have a problem with discard mortality, and this is an opportunity to address that issue.

MS. MERRITT: To that point, here again, I'm not really arguing with you; I think it is semantics. I don't consider a recreational set-aside or allocation as being a shareholder, per se. I look at it as more of just recognizing that they do catch them, they shouldn't be wasted, they shouldn't be – you know, there should be some accommodation there. I just don't see it as individual quota; I see it as a sector share.

DR. LANEY: Mr. Chairman, I'm not on your committee, but this is a question for Monica, I guess. Monica, can these certificates or shares be inherited; and if the answer to that is yes, does that mean that you would have to not only determine the viability status of former shareholders but also have to contact their heirs as well?

MS. SMIT-BRUNELLO: Well, that is something we're going to look into.

MR. ROBSON: All right, we have had some very good discussion about this. Is there any additional action on allocations? Are we good with this with no preferred? All right, any other discussion? If not, we will move on.

MR. DeVICTOR: Okay, if you scroll down, the last action is the management regulations. No action, to keep the spawning closure January 15th to April 15th. Alternative 2 is to remove the January 15th to April 15th spawning season closure. Then if you go on to the next page, you see a list of alternatives for the recreational sector.

I won't go through those in detail but just note that Alternative 11, I believe staff and the IPT is looking for guidance on whether or not to add that to the list of alternatives, which would put in a spawning season closure for the recreational fishery that is compatible, but note you do have alternatives to remove the spawning season closure.

MR. GEIGER: Certainly, a spawning season closure should be for both sectors. A spawning season closure, as the council has progressed here considering spawning season closures, has been consistently applied to both sectors and should always be applied to both sectors. If you don't have it applied to both sectors, it is not a spawning season closure. I would submit that should be a standard operating procedure. It is a protocol that we should follow in every fishery as we move down the line so this question doesn't have to keep being addressed.

MR. ROBSON: Do you need a motion?

MR. DeVICTOR: To add that as an alternative.

MR. ROBSON: **Do you want to make a motion to add Alternative 11.**

MR. GEIGER: I will so move, Mr. Chairman.

MR. ROBSON: Second by Rita. The motion is to add Alternative 11 to implement a spawning season closure for the recreational fishery that is compatible with the current one for the commercial sector. Is there any discussion on that motion? **Any objection? The motion passes.**

MR. DeVICTOR: Those are the wreckfish alternatives. Wreckfish is on a deadline. Do you want to have these actions remain in the Comprehensive ACL Amendment?

MR. GEIGER: Mr. Chairman, I have a question for staff. Gregg, I talked to you yesterday, I believe it was, or maybe the day before about landings up into the Mid-Atlantic. Those are factually occurring and under timing and tasking can we have staff look to see if we can develop some information pertinent to those landings and see if possibly extension of the management up into the Mid-Atlantic Management Zone is appropriate for this stock as well?

MR. WAUGH: Yes, we can pull the landings' information together, but my understanding of our action in extending the fishery management unit is for all species in the Snapper Grouper Fishery Management Unit so it would include wreckfish.

MR. GEIGER: Okay.

MR. WAUGH: And we may already have those numbers; we will have to take a look.

MR. GEIGER: I wanted that stated; thank you.

MS. SMIT-BRUNELLO: There already is a spawning season closure for wreckfish; no person may possess; that covers everyone, commercial, recreational, whomever, so there already is one and it runs from January 15th through April 15th of each year.

MR. GEIGER: If we're talking about spawning season closures here and – all right, if it is already covered, then I would withdraw the motion. I have no problem with that, but I want to make certain that – and it should become a protocol as the council moves forward that as we talk about spawning season closures, I believe they should cover both sectors. I will withdraw that motion based on legal advice that we already have a spawning season closure in place that occurs for both sectors.

MR. ROBSON: Okay, we will need to reconsider the motion since it was already voted and approved.

MR. GEIGER: Did we vote on it?

DR. CHEUVRONT: Yes.

MR. ROBSON: So is it a motion to reconsider? Robert; second by Ben. Is there any opposition to reconsidering that motion? Rita.

MS. MERRITT: It is not in opposition so much as it is a comment. What does it hurt to leave it in there? The alternative is written stating that there is a current spawning season closure, and it reiterates the councils, as George has said, that we need to be sure that we're consistent with this, and that it is clearer. I'm not so sure it is clear to the public, for what it is worth.

MS. SMIT-BRUNELLO: I should probably defer to Gregg because he is going to tell you that staff has to analyze it, I would assume, and you have to go through all the requirements that we do for alternatives so it can certainly be mentioned in the document and discussed. But that would be my advice is to not include it because it already exists in the regulations.

MR. BOYLES: Mr. Chairman, maybe the best way to do this is since we've already voted on the motion to include Alternative 11, I would make a motion that we not – and that under the theory that Alternative 11 is already covered is status quo. **The motion is to not include Alternative 11 in the document.** If I get a second, I'll tell you why.

MR. ROBSON: Okay, is there a second to that motion? George.

MR. BOYLES: We already have a spawning season closure. It is redundantly redundant from the Redundancy Department.

MR. ROBSON: All right, so we need to vote on this motion. Is there any discussion? Is everybody clear on this. **Is there any opposition to the motion? Seeing none, the motion passes.** Now, the reconsideration, we don't need it. Monica.

MS. SMIT-BRUNELLO: Are you going to leave wreckfish?

MR. DeVICTOR: We're about to.

MR. ROBSON: I think so; we're getting close.

MS. SMIT-BRUNELLO: I have two items. After our office looks at the whole issue involving all the different scenarios that can occur when a shareholder dies, we may want to put something in the document – I guess it could be alternatives – where the council specifies what they would like to have happen, whether when a shareholder dies, maybe that goes back into the pool or you acknowledge that it could be something that could be inherited and those sorts of things. I'm just of kind of putting that in your ear for the future.

I also had someone approach me to ask whether it was appropriate at this point to take wreckfish out of the Snapper Grouper FMP and make it its own fishery management plan because it is, I guess, pretty distinctive. I'm not suggesting you do this or not do this, but I guess it is something to consider. I don't believe you need to have an alternative at this point, but you may want to

address it now or in the future or not at all. It is something that should be considered at some point.

MR. GEIGER: I have one further motion, Mr. Chairman. **Under the management measures for the recreational sector, I would move that we remove Alternative 6 through 10 and move them to the considered but rejected portion of the document.**

DR. CHEUVRONT: I second it.

MR. ROBSON: A motion and a second by Brian. The motion is to remove Alternative 6 through 10 and put them in the considered but rejected appendix.

MR. GEIGER: Certainly, the rationale there is Alternative 6 through 10 would create a fishery for this. Certainly, when we looked through our other deep-water species when we were considering management measures and the unknown landings within those sectors, we went to a one per person, considering going to a one per boat in those fisheries. To be consistent and to take care of creating a bycatch fishery in this sector, I just think it is prudent to eliminate the potential for developing a fishery with a bag limit of ten and twenty animals.

MR. ROBSON: Did you intend to also include Alternative 5 in that?

MR. GEIGER: No, I didn't because there is a potential for headboats that encounter these animals with multiple passengers on board, and that is a limit on the headboat already so it would be the first five people who would catch a fish would have that opportunity. Hopefully, they would move before that.

MR. ROBSON: Is there any discussion on that motion? Ben.

MR. HARTIG: George, do you want make that number five – well, that is not in this motion, okay.

MR. ROBSON: All right, any other discussion on the motion? **Any opposition? Show the motion passes.** Ben.

MR. HARTIG: I would just ask George if you want to make number five – do you want to make that specific to headboats?

MR. GEIGER: Well, it is a public hearing document. We can certainly tweak this as we move forward, Ben.

MR. ROBSON: All right, are there any other motions related to wreckfish management measures? We're going to take a 15-minute break.

(Whereupon, a recess was held.)

MR. ROBSON: All right, everybody, let's reconvene. We're going to go ahead and reconvene the snapper grouper discussion as the Committee of the Whole. We're going to continue on the ACL Amendment, and we're now into specific issues regarding shrimp.

MS. BROUWER: Okay, I'm told that the discussion on shrimp is on your PDF Page 89. The issue with shrimp is the guidelines state that even though ACLs are not required for annual crops, councils are still required to estimate other biological reference points. The SSC did have discussion regarding shrimp at their April meeting, and they recommended OFLs.

The recommendations from the SSC are based on landings. Shrimp species and rock shrimp were among those included in the list for data from the center. However, the SSC used landings that were already part of a previous amendment in order to make their recommendation. What they recommended was to set OFL at the maximum landings between the years 1990-2000.

Even though there are already MSY proxies, they recommended that the OFL be set at MSY. Their rationale for doing that was that they didn't know how those MSY proxies had been determined. They were 20 years old; and if they were based on average landings, they reasoned it would be better to look at a more recent time series in order to recommend OFLs.

Up on the screen are the SSC's recommendations; 23.6 million pounds for white shrimp, 10.9 for browns, and 2.7 for pinks. ABC is set at OFL because penaeids are an annual crop and it is environmentally – the production is. For rock shrimp the SSC did not have a specific recommendation other than to use the same time series and look at the maximum landings between those years and set that as the OFL.

MR. ROBSON: All right, is there any discussion on this? Charlie.

MR. PHILLIPS: Okay, just to be clear, is no action not establishing an OFL a practical – is counsel going to tell us no if we go there?

MR. ROBSON: Monica may not have heard the question, but the question is if we were to select no action, do not establish an OFL for shrimp, is that something that we are able to do within the direction of the Magnuson Act?

MS. SMIT-BRUNELLO: No, I believe you have to establish that for shrimp. Because shrimp is an annual crop, you don't have to establish annual catch limits, I believe.

MR. ROBSON: Does that answer your question, Charlie?

MS. SMIT-BRUNELLO: Well, let me look a minute because what has to be in an FMP are annual catch limits and accountability measures, and I believe that for annual crops you don't have to specify annual catch limits. It is in the guidelines that you should establish overfishing limits, but those are guidelines so let me look.

MR. PHILLIPS: Well, just for discussion, what the landings are, as we all know are going to change drastically according to mostly environmental conditions. Trying to pick what an annual catch rate would be is arbitrary. If we can legally not choose a number, I think that is where we should go, but I don't know how to go about that.

MS. SMIT-BRUNELLO: I guess I would suggest that at this time you not pick a preferred and just leave those alternatives in there and then we'll work our way through. Let's just leave it at that.

MR. ROBSON: If that's okay with the committee, we'll leave these as is. I guess just quickly a question I would have would be if you have an OFL established and you go over that in a given year, what does that mean, what happens?

MS. SMIT-BRUNELLO: Well, doesn't mean you would be undergoing overfishing; and then I believe you have, at least for some shrimp species, a process set up where you have a committee that at least looks at that and determines what is causing the overfishing or at best they can determine whether fishing is causing the overfishing or whether it is a depletion for some other reason. That's my recollection.

MR. ROBSON: Right, given it is considered an annual crop, then, yes. Myra.

MS. BROUWER: Just to add to that, the pink shrimp has been depleted over the last few years, and so the Shrimp Review Panel has been called to assess the situation and give their recommendation as to whether a new management action is necessary. They have consistently determined that the reason for the depletion is environmentally driven as opposed to being caused by overfishing.

MR. PHILLIPS: Myra, back when I used to shrimp off the Tortugas, they had a huge closed area inshore for protecting the nursery. Rather than have an allowable biological catch, it seems to me it would be much more reasonable, if the justification was there, to increase the size the nursery or do some other management options that would get you where you want to go to help increase your biomass and still let the boats work on what comes out to work on.

MR. ROBSON: Well, we'll leave this OFL set of alternatives in place for now. Myra.

MS. BROUWER: I just request some guidance here on what to do about rock shrimp, and just to remind you the SSC did have landings for rock shrimp to look at for this recommendation. They basically made the recommendation in order to be consistent for all the shrimp species. However, they did not have the landings' information in front of them, so would this be something that perhaps the SSC should revisit if and when they do meet?

DR. CHEUVRONT: As I understand it, they just didn't have landings for this time period. There are landings that do exist for rock shrimp but in a different time period, correct?

MS. BROUWER: That's correct.

DR. CHEUVRONT: Then I think what we ought to do is take this back to the SSC and tell them this is the time period for which we do have landings available; is this sufficient?

MR. ROBSON: Okay, is that adequate as direction?

DR. CHEUVRONT: I think that would work as direction, wouldn't it, Myra?

MS. BROUWER: Yes; the only concern is does this time period represent the maximum productivity for that particular fishery? The SSC was able to establish that by looking at the landings for the penaeid species but they evidently have not made that determination for rock shrimp, so I guess we'll just have to wait and see.

MR. HARTIG: Well, basically, we had the rock shrimp fishery come and tell us that in the recent past they haven't been able to fish for a number of reasons, so how would recent landings have any bearing on what is available for rock shrimp harvest?

DR. CHEUVRONT: So it is sounding like what Ben is saying is the recent landings are not sufficient and we need to try to come up with a different metric if at all possible.

MR. WAUGH: We could go into our last rock shrimp amendment that had landings' data and pull out the maximum landings in that time series and just use that. I think that probably has the historical landings for the rock shrimp fishery.

MR. HARTIG: Yes, and I would just add some notation to the SSC why the landings have been lower. They're probably not going to see them, but what the problems were with the rock shrimp fishery in the recent past that caused them not to go rock shrimp fishing.

MS. BROUWER: Yes, if it is okay with you, Mr. Chairman, Laurilee Thompson and Mike Merrifield are here, and they probably could give us a quick estimate based on their experience on recent landings.

MR. ROBSON: That would be good.

DR. CRABTREE: Well, this is an ACL Amendment; we don't have to have ACLs for shrimp. I think we ought to take everything that has anything to do with shrimp out of this amendment. We don't have to do any of this right now, **so I would move that we move the whole action with respect to shrimp from the document.**

MR. ROBSON: Okay, we have a motion and a second by Charlie. Brian.

DR. CHEUVRONT: Okay, the motion is to remove the actions from the Comprehensive ACL Amendment, but we have to get this someplace, so do you have a suggestion of where we put it?

DR. CRABTREE: Where do we have to put what?

DR. CHEUVRONT: Well, we have to come up with the biological measures for shrimp apparently; don't we have to come up with OFL and ABC and –

DR. CRABTREE: We have an ABC for shrimp. As far as I'm concerned, our FMPs are up to date on shrimp. I don't think we need to take an action for shrimp at this time.

DR. CHEUVRONT: So they can just cut it out altogether and –

DR. CRABTREE: That is my view right now. We've got a lot of work to do; and unless you see a problem in the shrimp fishery that we need to address, I don't think right now, given the things we have before us, we need to do anything with shrimp.

MS. BROUWER: Roy, I'm not sure that we have an ABC for shrimp. We have MSY proxies.

DR. CRABTREE: Didn't the SSC give us some?

MS. BROUWER: Yes, they gave us an OFL and they recommended that the ABC be set.

DR. CRABTREE: Okay, so the requirement in the statute is the SSC is supposed to give us an ABC. They did that and we don't have to do ACLs. I think unless you see a problem in the fishery we can move on.

MR. ROBSON: Ben, did you have a comment about rock shrimp?

MR. HARTIG: Yes, just except for rock shrimp; they did not come up with a value for rock shrimp.

MR. ROBSON: We have the motion and it would actually remove any actions regarding rock shrimp, but we don't have OFL or ABC.

MR. WAUGH: I think the gist of what Roy is suggesting is let's deal with the items that have a statutory deadline associated with them first; and then once we survive that, let's regroup and figure out what we need to address. We're going to get into this in a little more detail in the Executive/Finance Session. There is nothing in the fishery that is saying right now we need to do anything. The requirement to specify an ABC is in the Revised Act and we'll do that in a future amendment.

DR. CRABTREE: And I think that the language about ABCs and SSCs was in the Act prior to reauthorization so I don't really think that is something new. I agree completely what Gregg; what we're trying to do now is meet the requirements for ACLs that are due in 2010. They don't apply to shrimp, and so I think we need to stay focused on getting ACLs in place and we'll come back to shrimp at another time.

MR. ROBSON: All right, and that is the motion; remove all actions for shrimp from the Comprehensive ACL Amendment. Is there any other discussion on the motion? **Any objection to the motion? The motion passes.**

MR. DeVICTOR: We are done running through the actions of the Comprehensive ACL Amendment. The next agenda item deals with considering transfer of three species from the Gulf of Mexico Fishery Management Council to the South Atlantic Fishery Management Council. That is outlined in Attachment 24. The three species that the Gulf Council wants this council to consider are mutton snapper, yellowtail snapper and Nassau grouper. The justification is contained in their letter, Attachment 24.

MR. ROBSON: All right, has everybody seen that letter? At some point I think – and Mr. Teehan is here from the Gulf Council. They have sent this letter to the South Atlantic Council. There is a related issue that I would throw out there regarding the possibility of even eliminating these fish from the fishery management unit and have Florida manage these three species.

We are already primarily responsible for stock assessments and other work related to yellowtail and I believe mutton snapper as well. There is not any real concern about Nassau grouper in terms of any kind of harvest of allowable take, that is a related issue. I believe Florida would be certainly willing to do that. If these species were not included in the FMU from either council, we would implement rules such that Florida rules would apply in federal waters. David.

MR. CUPKA: There is another issue, too, Mr. Chairman, that I guess will come up in Executive/Finance, and this is the issue of the council boundary. It may be that the Gulf would take a different look on it depending on what is decided relative to that issue. I don't think we're going to settle it any time soon, but it does have some bearing probably on how they might look at this issue if we were to change that.

DR. CRABTREE: Well, I believe that Nassau grouper is still considered overfished, and so that is not a candidate for removing from the plan. I think part of what the Gulf was looking at with Nassau was simply to allow the South Atlantic Council to manage Nassau throughout its range as well as potentially these other species. That is one option.

I suppose we could talk about yellowtail and mutton snapper and delegation to Florida because those are in good shape; or, I guess you could consider removal from the FMP and turn those over to Florida. Then as David mentioned, there has been some discussion of the council boundary.

We have, for years, had to deal with the multiple jurisdictions in Monroe County and all the problems caused by that. One way to address that might be to rethink where the boundary line is between the Gulf and South Atlantic Council. That would obviously be a complicated issue, but I think all of us would agree that having a highway run down an island chain being the boundary between two councils is not an ideal situation.

I think at least you have got flexibility with how you want to deal with this, but I think with Nassau grouper at least, removing it from the FMP is not an option, but you could – and I think the Gulf Council would be agreeable to allowing the South Atlantic to have sole jurisdiction and manage Nassau grouper throughout its range. The fishery is closed anyway.

MR. TEEHAN: Mr. Chairman, I'll try to earn my Gulf Council salary and point out to you first on this letter that it is obvious to me that the Gulf Council time machine has taken effect, because the letter is dated the 22nd of April, but the date stamp in the South Atlantic is April 20th. That is an interesting observation.

This particular issue has been going on for some time in the Gulf Council, and it is really a lot bigger than what this letter would imply. The original discussions that we had with NOAA Fisheries and the Gulf Council was based upon the spiny lobster issue, which those of you who were here on Monday got to hear that discussion where NOAA and the Gulf Council would like to turn that fishery over to the state of Florida with certain caveats.

That then blossomed into spiny lobster and stone crab, and the state of Florida has different views on which one of those two they would rather take. They're both Florida fisheries. The agency, FWC, does the lead in the stock assessments. They go through the SEDAR process, but basically it is our scientists who do it.

It has then now blossomed into including mutton snapper, yellowtail snapper and Nassau grouper, and I believe there are octocorals being thrown out there in the mix somewhere, also. These are all things that are considered as the Gulf Council would like to either repeal the FMPs for, for instance, stone crab, which you all don't have, or take particular critters like mutton snapper and yellowtail snapper out of the snapper grouper or reef fish complex and turn management of those species over to – it was initially Florida and now the South Atlantic Fishery Management Council is also being asked if they would rather have it.

I'm not quite sure how either one of those would play out. We have been talking about this for a while, and I think – Mark, if I'm overstepping my bounds, go ahead and rule me out of order, but I think in general, the 30,000 foot view, the state of Florida would be willing to take over species where the fishery's management plans were repealed in toto from the federal management.

That would mean that Florida would have the complete control of the management of the fisheries outside of the constraints of the Magnuson-Stevens Act and that we would have the ability to extend our regulations into federal waters off of the coast of Florida. There are a few warts on that.

We could only enforce our regulations on our own Florida registered vessels or vessels from other states that are landing their product in Florida. We don't have any problem with the crustacean trap fisheries. I think it is unlikely that anybody is going to come from Texas or North Carolina with a thousand 80-pound lobster traps down into Monroe County and catch lobsters.

However, we do have some concerns with yellowtail snapper, for instance, a fish that can easily be caught in large quantities and put on a freezer boat and taken back out to another jurisdiction for landing. However, having said that, we are still in the position at this point to be willing to take over the management of these species if the FMPs are withdrawn or if the species are withdrawn from the management plans that they're included in. Mark, that concludes my comments, if you have any to add to it.

MR. ROBSON: No, I don't, but Bob and then Roy.

MR. MAHOOD: I'm probably dating myself a little bit, but as a young biologist I sat in on a meeting that led to the Spiny Lobster FMP. It was David Gould, Ed Joseph, Ed Joyce, and I can't remember who the director in Alabama was at the time, but the problem was the thing you alluded to there are boats from Alabama and Georgia were going in federal waters off Florida, catching shorts or anything they wanted and bring them back to their home states and land them.

There was no desire to have a Spiny Lobster Plan up until that point. It became pretty rampant back in those days and it was having a pretty tough effect on the Florida fishery, so that will still be there, and it's nothing you can do that I'm aware of, Monica, that would preclude that from happening again.

MS. SMIT-BRUNELLO: Well, delegation would; if you delegated Florida part of the FMP, then they would have the ability to regulate – I mean, it depends on what measures you delegate to them.

MR. MAHOOD: But not if you would totally withdraw the FMP.

MS. SMIT-BRUNELLO: Right, if you withdraw the FMP, Florida can regulate the Florida vessels.

MR. TEEHAN: Bob, you're right, there is a split – and I'm really kind of speaking with two hats because I represent the state of Florida also – there is some interest in both sides of this with the lobster and stone crab industry in Monroe County. Some of them would not like to see the fisheries given strictly to one entity; i.e. the state of Florida, because there is still some – I won't beat around the bush – there is some distrust over management practices that have happened in the past. That distrust is still there even though the practices aren't.

I'm seeming to see a little bit of a change in that philosophy. As the specter of ACLs and AMS looms larger in the lobster and stone crab fishery, I think those industries are starting to look to the benefit of having the state of Florida manage the fisheries outside the constraints of MSA and doing away with the ACLs and AMs.

Of course, the only problem is or the only fly in this soup is that in the Spiny Lobster FMP there is a provision that deals with the importation of undersized lobster tails into the United States. Florida would not be able to enforce undersized regulations if those lobsters are landed in North Carolina or New Orleans; whereas, if there was an FMP, a federal management plan, they could.

If we can get that particular provision moved someplace else, out of the Lobster Joint FMP, federal FMP, then it would clear the way for that FMP to be repealed and that entire fishery given to the state of Florida. The other fisheries, mutton snapper, yellowtail and Nassau grouper, stone crab and octocoral, do not have those constraints contained within the FMPs, so that would be an easier and cleaner switch if both councils choose to go that route.

DR. CRABTREE: Well, Jack has corrected me about Nassau grouper. I guess the status of it is not undergoing overfishing but unknown with respect to overfished. However, it is on the protected resources list of species of special concern. I think if we tried to remove from the federal management plan that would upset quite a few people, and so I probably wouldn't support that.

I do think of the species we're looking at and what Bill talked about, I don't know how the yellowtail industry would feel, frankly, about turning that over to Florida. I suspect there would be mixed opinions on it, but it does make sense to think about trying to bring some of these fisheries under one council's jurisdiction, and I think that is doable.

I do think with respect to octocorals we had a lot of support for turning that over to Florida, and I think that makes a lot of sense. I would probably support this Gulf Council issue, but I think stone crab is one that turning over to Florida makes a lot of sense. I think mutton snapper and yellowtail snapper, that would just be something the council would have to decide.

MR. PHILLIPS: I might be worrying about something that I shouldn't worry about, but considering the status of Nassau grouper and knowing what just got – all the area that got closed to protect Warsaw and speckled hind, I would worry about us picking up something that may actually cause us to have to close some bottom or something for some additional protections on that species.

MR. ROBSON: Well, getting back to the letter from the Gulf Council, the first step in this process would be does the South Atlantic Council want to assume responsibility for the federal management plan for those three species, and we would be managing throughout the Gulf and the South Atlantic, as I understand the letter. I think the first issue is does the South Atlantic Council want to assume full responsibility for managing those three snapper grouper species?

MR. HARRIS: Mr. Chairman, I don't have any problem with accepting that responsibility; but if we do have the responsibility, it doesn't preclude us from delegating it or giving mutton snapper and vermilion snapper and perhaps even Nassau grouper, I guess, to the state of Florida. I have no problem with accepting that at this point in time.

It does make sense to me in these species where one council could manage it throughout the range. I think we're better off having one council do it if the other council is agreeable to doing it. **I would make a motion that we accept the offer of the Gulf of Mexico Fishery Management Council to manage mutton snapper, yellowtail snapper and Nassau grouper throughout their range.**

MR. ROBSON: Okay, we have a motion; second by Ben Hartig. Bob.

MR. MAHOOD: I just ask if we do this that we have Monica look into this very closely because a lot of times there are unintended consequences of these types of things. One that comes to mind is the North Carolina Vessel “Mr. Big” going to Alaska and taking their whole federal quota, and that wasn’t a very popular thing.

The state of Alaska set up a quota system for a resource that occurred in federal waters, and there was nothing to stop a North Carolina vessel from going up there and taking the whole quota before they left. There is that kind of thing we’ve got to watch out for. I think the other thing is if we have essential fish habitat for these fish, does that go into the Gulf like we’re taking it into the Mid-Atlantic. There are a lot of little pieces like that we need to look at, also.

MS. SMIT-BRUNELLO: Those are great points and we’ll look at it. Roy brings up the permit issue, and one way to deal with that is let these people who have Gulf reef fish permits in that area fish for those species, but that might have enforcement concerns. We will try to look at all of the issues together.

MR. HARRIS: Mr. Chairman, should we then defer this motion until such time as we get the answers to those questions? I’m seeing some people shake their heads yes, Charlie for one, but it does make sense to me that we defer this until we have perhaps a little bit more information.

MR. WAUGH: Just one point to consider that if, indeed, this is going to be added to the Comprehensive ACL Amendment, our current schedule is to approve it for public hearings at the December meeting. If this is something that you’re giving serious consideration to, the sooner we can get it analyzed and bring it to you in September would be better.

MR. TEEHAN: Mr. Chairman, just two things; obviously, this is nothing that needs to be worked out today. It is the intent of the Gulf Council to make the offer that they’re making here, so I think that side of the coin is filled, and it is up to you all to decide what you want to do. As the state of Florida manager, also, I have to say that to Chairman Harris’ comments about that the South Atlantic could take over the management of these species and delegate some aspects to Florida, I don’t believe we want that. I believe what we want is all or nothing. We would rather get out from having to do the ACLs and AMs as a state.

If the species are removed from federal management plans totally and given to Florida, then we don’t have to do any of the – we don’t have to go through the Secretary of Commerce, we don’t have to ACLs and AMs. But that’s all for future consideration; and based on upon Gregg’s comments, there is a certain amount of hurry-up involved to make the decisions as to whether to continue looking at these critters on a federal level or not.

I will be at the Gulf Council next week and we will have this discussion. Then Mark and I will be at the Florida Fish and Wildlife Commission meeting the following week, and we have this as

an agenda item, also, so we will get hopefully some final direction from our commissioners as to how much commitment they want.

MR. PHILLIPS: All that being said, if we go through, would we maybe want to put this in with the red grouper amendment?

MR. HARRIS: Mr. Chairman, didn't we take an action yesterday where there was a list of species that based on the predominance of their catches being in state waters – I think mutton snapper and yellowtail snapper both were perhaps on that list, and so they would be removed from the Snapper Grouper Fishery Management Unit if that action is adopted; is that not correct?

MR. ROBSON: There is that list, but I can't recall if those two species were on that list. I didn't think they had made the cut.

MR. DeVICTOR: I'm looking at the list right now, and I do not see those species on the list to be removed from the FMU. Maybe it was on the ecosystem component lists, but they're not on there.

MR. ROBSON: I recall looking at that list and specifically looking for yellowtail and mutton.

MR. GEIGER: I guess the one thing I caution is if we pass this, there has also been some discussion about the potential for instead of having split jurisdictions or having the South Atlantic Council manage Monroe County of having a council line moved and the possibility of having Monroe County being managed by the Gulf Council.

If you take responsibility for yellowtail and Nassau grouper – the species that were listed up there, muttons and yellowtail, it kind of locks you into being forced to continue to manage those stocks. I'm not speaking one or the other in favor of moving that management boundary or not, but I there have been discussions about it; and it kind of locks us in if you accept responsibility for muttons and yellowtail.

MR. ROBSON: Do you want to withdraw the motion?

MR. HARRIS: Mr. Chairman, I'm going to withdraw the motion until we get additional information on this.

MR. ROBSON: Okay, is that agreeable to the seconder? Is there any objection to withdrawing this motion? The motion is withdrawn. Ben.

MR. HARTIG: Yes, the one thing to add into this – I'm glad Paul Raymond is at the table – is when we talk about we can't enforce other vessels coming in and breaking another state's law; can't the Lacey Act take care of some of that, Paul? Is that an appropriate use of that law?

MR. RAYMOND: As long as it's not an underlying Magnuson Act violation or a Tuna Act violation; but if it is any state law that is violated and put into interstate commerce other than the

Magnuson Act – underlying the Magnuson Act violations, you can use the Lacey Act, both felony and a misdemeanor or civilly.

MR. ROBSON: Just for my clarification, there have a couple of comments made about the council boundary and potentially looking at that; is that something to discuss at a later point in the council meeting? David.

MR. CUPKA: Yes, I've asked Chairman Harris if we can't put that on the agenda for our Executive/Finance Committee meeting later this week.

MR. ROBSON: Okay, very good. All right, Rick, are we done with the Comprehensive ACL Amendment items?

MR. DeVICTOR: Yes, we are.

MR. ROBSON: All right, so we are going to move on now to Snapper Grouper Amendment 21, the Comprehensive Catch Share Amendment, and Kate has a report for us.

MS. QUIGLEY: This will be brief. I just wanted to update you on what is occurring with Amendment 21. Following the Catch Shares Workshop that was held in March, council staff got together with NMFS staff and talked about what we can do. An IPT was formed and the NMFS staff made a request to headquarters for possible help and maybe they could assign staff members to help us in writing up a possible scoping document for January/February.

They did that; they assigned Milliken, who was here Monday, Tuesday and Wednesday of this week. He has started learning about the fishery and getting some background information. He is starting to write a scoping document for your review in December. He is also, at the same time, putting together a draft options paper. He may have a draft in September for you to take a look at. He will definitely have a draft in December.

The idea is that Mark and staff would work on this scoping document and a possible options paper for your review in December and approval to send out for scoping in January/February. Also, I went over the questions that were asked at the March Catch Shares Workshop and put together a fact sheet to try to answer some of those questions.

There were three main questions that I heard. One was what are the benefits and drawbacks of catch shares. Number two, what fisheries are well suited and not well suited for catch share management. Number three, what are the lessons learned from catch share programs already implemented.

What I did is put together a fact sheet although it is six pages long. It is not really a fact sheet, but it is six pages long. I tried to answer as concisely as possible those questions. I also handed out to you a couple of different documents. One is the design and use of Limited Access Privilege Programs, which is the official NMFS guidance with regard to development of catch share programs.

This is kind of the Catch Share Bible at this point and what council staff takes a look at when we are coming up with catch share options. I also handed out catch quota balancing and multispecies individual fishing quotas. It is one of the two catch share documents focusing on multispecies fisheries.

And Catch Shares in New England; not necessarily so you can learn a lot about New England, but because it contains some very brief but accurate information about other catch share programs. It is a real quick read. Anyway, the point is that I tried to answer these questions the best I could, but there is really no short answer.

If you want to become really well versed in catch shares and be able to contribute to an options paper and feel confident in doing that, you might want to take a look at these three documents. I know there are other documents, but if you just take a look at these three I think you will have a pretty good background on catch share programs.

MR. HARRIS: Mark had to step away so I'm taking over right now of the Committee of the Whole in snapper grouper. Are there questions for Kate? What direction do you expect from us right now, anything?

MS. QUIGLEY: No, I've outlined the timeline; and if you have a reaction to that timeline, that would be great to hear. Again, what we're looking at is putting together a draft options paper for September and then in December have a further-along draft options paper and scoping document for your approval for public scoping in January/February.

MR. HARRIS: Any comments on the timeline? Seeing none, anything else, Kate? Okay, that completes our discussion of Snapper Grouper Amendment 21. The next item is Amendment 22, Rick.

MR. DeVICTOR: The council began discussion in March about long-term red snapper management. Perhaps what you want to do here today is talk about the purpose and need so we can start working on alternatives that we can bring back in an options paper in September. The last time you talked about possibly a tag system for red snapper for the recreational sector. We can include that in there. Also a catch share program was talked about. There are two things, but, again, if you talk about the goals and objectives, and we have heard before about allowing – as these stocks rebuild through time allowing some level of harvest. Staff can come back with an options paper.

MR. GEIGER: Rick, you mentioned a tag system for red snapper. Again, if we're looking at how to manage, I think we're going to have to manage this whole complex differently and as a group. I don't know if just issuing tags for one species or another in this group is the most effective way to do it. I don't know that, but it certainly should be discussed as a goal for an overarching management process for bottom fishing in the southeast.

MR. HARRIS: Yes, I agree with that, George. Charlie and then Ben.

MR. PHILLIPS: I guess we should try to look and see if we can try to get some kind of an eco-based kind of long term, because we've got all these openings, closings, this crosses that, and let staff kind of look and see what groupings that we can have where people – even if we have a closed season for everything for a little while and then everything is open, just look at some options there so we don't have all this discard data. I know that is very vague, but I think you know what I'm talking about.

MR. HARRIS: Yes, I do, and that is the direction I thought we were heading until the Magnuson Act was reauthorized and amended and it kind of took us away from that, but I do think eventually that is where we need to get back to. That's more of an ecosystem approach to managing reef fish species, including the other species, too, because we know as we ratchet down the harvest of reef fish, other species are going to become targeted; and to the extent they're not under some kind of controlled program, it is going to be open season on getting permits and those kinds of things for those species. Ben.

MR. HARTIG: For the commercial sector specific to red snapper, when we reopen it is it going to be to all permit holders; is it going to be to permit holders who had previous landings; is it going to be a threshold of landings you will have to have before you're allowed to be back in this fishery; and then what are the bycatch considerations, how do we deal with that when we reopen red snapper. Those are some of the thoughts that I had.

DR. CHEUVRONT: Related to that, a point that I brought up yesterday, we need to discuss – I don't know if this is the appropriate place, but it is an issue that does need to be discussed here is how to allow new entrants into the fishery if we're going to be considering past landings.

MR. HARRIS: Other comments or other direction for staff with respect to this issue? Do you have enough, Rick; do you need anything else?

MR. DeVICTOR: No, that's fine, and, again, we'll come back with an options paper. It will be pretty wide ranging.

MR. HARRIS: Yes, it is wide ranging, but it will be a large options paper. Okay, is there anything else on Amendment 22? Jack.

DR. McGOVERN: Mr. Chairman, the trip limit summary and information is in Attachment 25 in your briefing book. It was requested by the council at the last meeting that we look into possible trip limits for – or just look at different possible alternatives for black sea bass, vermilion snapper and gag.

Gag is the first one up there. These different alternatives, Gregg and I worked on this together and a lot of these alternatives we got from commercial fishermen who called me up. Two of them were black sea bass pot fishermen. The no action we have up here is the current quota of 309,000 pounds. Alternative 2 is just to establish a trip limit for black sea bass for all gear that is used in the fishery.

There is a broad range of possible trip limits from 500 pounds to 2,000 pounds. There is also a trip limit that keeps the fishery open all year, and that is one that we came up with right there. Alternative 3 would have separate trip limits for the pot fishery, and other fisheries that fish for black sea bass is primarily hook and line. Then Alternative 4 is something that was discussed in Amendment 18 and that is a split season. This was suggested by a black sea bass pot fisherman.

The person I talked to was not in favor of trip limits for black sea bass. He said because you're fishing pots, you could have a situation where maybe if you have 50 pots out you could reach your trip limit by 30 pots, and then you would have to empty the trap contents of all the rest of the pots, especially if Amendment 18 requires you to bring your pots back to shore.

He would rather have two seasons and then just have two short seasons. He also suggested that the pot fishery close down when 90 percent of the quota is met so that incidental catch with hook-and-gear could be allowed for black sea bass. He also suggested a spawning season closure for black sea bass, which is in Amendment 18 right now, too. He suggested that if we had two seasons you would have that spawning season closure, anyway.

If you move down to Table 1, this just shows about 90 percent of the landings are with black sea bass pots. They're more frequently taken with hook-and-line gear, but the vast majority of the landings are with the pot gear. Then Table 2 shows that there was a big increase in the number of trips that fish pots in 2009.

There is about a 64 percent increase in the number of trips fishing pots. This increase in effort was included in the analysis to determine when the quota would be met with these different trip limits. Table 3 shows the effect of the different trip limits in Alternative 2, which would set a trip limit for all the gear.

If you look at Alternative 1, that is no trip limits. We see that in the previous fishing years it is estimated that the 309,000 pound quota for gag would have been met in February or May, but in this past year it was met on December 20th. This is because of the increased effort that is likely. Now, the effect of the trip limit, a 500-pound trip limit would extend when the quota is met to February. You can see when it is met for the different alternatives.

Alternative 2E, the last one, that would be a 1,000-pound trip limit and reduced to 500 pounds when 75 percent of the quota is met. The quota in that case would be met at the end of January. There is also the 2,000-pound trip limit that was suggested by a pot fisherman, and that really doesn't have much effect at all, and that is why it's not in this table.

There are not very many trips that get catches greater than 2,000 pounds, and that is shown in Table 5. About 1 percent of the trips are greater than 2,000 pounds. You can see that down at the bottom of that table. That is for both 2009 and 2008. The next table shows the effect of the two trip limits for the pot and the hook-and-line gear; that is Table 7. For example, if there is a 500-pound trip limit and a 50-pound trip limit for other gear, primarily hook-and-line gear, the quota would be met in February. I'll stop there with black sea bass.

MR. HARRIS: You wouldn't just go on to gag or do you want to have questions first. Okay, questions first. Brian.

DR. CHEUVRONT: Yes, let's talk about black sea bass for a minute because I've been talking probably with some of the same fishermen that Jack has talked to. There has been another alternative that has been suggested by pot fishermen. I think it needs to be at least discussed, and let me just put it out on the table. This is what the guy had suggested was not to have any trip limits mainly for the reasons that Jack was talking about because if you get your trip limit before you have pulled your last pot you're just going to dump everything overboard.

They considered that to be wasteful of the resource. This suggestion was to allow the pot fishery to continue until all but 100,000 pounds of the quota was taken and then shut down the pot fishery but allow the hook-and-line fishery to continue. Then come January 1, reopen the pot fishery and allow that to continue and the hook-and-line fishery to continue until the quota was taken and then shut down the fishery at that time.

Just sort of back-of-the-envelope estimates, it would have actually shut down the fishery completely probably sometime in late February or early March, which would be in time for the spawning season closure. It would be timed pretty closely with that. Part of the issue is that the fishermen would rather be able to fish some pots in January and February when they don't have many other fishing options and be closed in some of the fall months where they do have other things that they can do.

The idea was to allow them to switch to a different fishery when they have options and then let them go back and fish some pots but close in time for the spawning season. The idea was, well, should the quota then be increased such that by December 31st there was more than a hundred thousand pounds left of the quota; that there would be pot closure, and then they would just continue fishing like we've been doing all along until the quota was met and then you shut the season down.

MR. HARRIS: Just a question to you, Brian; I can't remember whether, when I talked to Tom, he suggested that we not have trip limits and just go with this option; is that what you said?

DR. CHEUVRONT: Yes, and Tom actually did say no trip limits and that was largely because of the reason that Jack gave; that if they reached their trip limit before they pulled their last pot, they don't want to have to dump fish overboard.

MR. HARRIS: Okay, I just didn't get that. Other questions or comments regarding this? Do you want to move on to gag or are there any motions that you want us to consider right now?

DR. CHEUVRONT: **I would like to go ahead and make a motion that we consider that as an alternative, the no trip limits for black sea bass.**

MR. HARTIG: Second.

MR. ROBSON: A motion and a second by Ben.

DR. CHEUVRONT: Would it be all right for me just to give the details in an e-mail to Jack based on what I said or is that a problem for the record? I described the plan already. It looks like Gregg is trying to write it out.

MR. HARRIS: While he is getting that up there, I think the intent – you know, the question on the agenda was whether we were going to request an interim rule for trip limits, and this would preclude that because you're recommending no trip limits. The other question, then, becomes where would this amendment go? Is this projected to go in the new framework amendment that we're talking about?

DR. CHEUVRONT: Yes, I think that is the intention is that we're looking at some way of trying to extend the season. We had talked about trip limits, but if we frame this framework action around eliminating derbies as opposed to specifically tying it just to trip limits, I think this is an action that fits in with that goal.

MR. ROBSON: All right, any other questions or discussion on that motion? The motion is to allow the pot fishery to remain open until all but 100,000 pounds of the commercial quota is landed and then close the pot fishery; reopen the fishery on January 1 until the commercial quota is projected to be landed. Duane.

MR. HARRIS: The only question I have is with respect to a potential spawning season closure because we discussed that. I know the spawning season may occur earlier off Georgia than it does off of North Carolina. There is not a lot of black sea bass pot fishing off Georgia, but if you open it back up in January you're going to be opening it up in Georgia on spawning fish.

DR. CHEUVRONT: There are two parts that are not in this motion yet. One is that the hook-and-line fishery would remain open until the quota is caught, and the other is that if there is more than 100,000 pounds of the quota not landed by December 31st, there would be no pot closure.

MR. ROBSON: Is that the seconder's understanding of the motion when you made the second? Okay, Brian.

DR. CHEUVRONT: Just to give a little clarification, the idea behind this is that the guys want the fishery to stay open as long as possible, but they also don't want to penalize the hook-and-line fishermen who might be out there because black sea bass are caught on hook and line with a lot of other species.

Right now if we have an early closure and they're hook-and-line fishing, they're going to have to throw back black sea bass, which they don't want to do. They want to conserve the resource. The intention of this was to help preserve their fishery, but also not negatively impact the hook-and-line fishermen. I think they were trying to do that.

There was consideration – I mean, the spawning season closure came from the same fisherman, and he was speaking as a representative for multiple people that he had spoken to. I think we could probably tweak this and I think it would be agreeable to the fishermen. I like the idea that the alternative was fishermen driven, and they seemed to think it will meet their needs.

MR. MUNDEN: Mr. Chairman, Brian just perfected the motion to address my concern for the hook-and-line fishery.

MR. HARRIS: The only other thing I would add to this is we still need to keep in mind what other closures may be in place during certain times of the year like the shallow-water grouper closure because black sea bass would be encountered at that time and the vermilion snapper closure. As others have said, I think we need to try to combine these closures to the maximum extent we can so that we – you know, when we're kicking people out of the water; to the extent that we can – just because of the discard mortality they're not out there fishing for other things and discarding fish that they can't legally keep. In the analysis I think we need to know where that takes us.

MR. HARTIG: I think the sea bass pot fishery may be unique enough where maybe we can tweak it to get to what you wanted before, to get the season to end sometime into the beginning of the spawning season closure. I think that may be a goal that you may want to take with black sea bass, tweaking the months so that you get your spawning season closure based on the projected closures we're having now.

DR. CHEUVRONT: Gregg has got the motion up there, but he has got a part highlighted and there needs to be an edit to that. It should read if there is more than 100,000 pounds of the commercial quota remaining by December 31st, there would be no closure of the pot fishery.

MS. SMIT-BRUNELLO: I'm not sure that this makes a great deal of difference, but instead of using the worded "landed" you mean "harvested", right?

DR. CHEUVRONT: Exactly.

MR. STEELE: Well, one thing the council needs to consider is that when we look at these quotas we use projections, which are based on historical data. Knowing that this is possible, this is going to change fishing behaviors quite a bit; so using last year's data to look at this year's effort may not work out, but we would certainly look at it.

DR. CHEUVRONT: To that point, Phil, we have sort of talked about how fishing behavior is going to be changed. The thought was that because we're assuming that in Amendment 18 we're going to have the 50-pot limit, but in essence because we're also probably going to institute they're going to have to bring the pots in at the end of every trip, really the 50-pot limit is a maximum. Guys are only going to be able to carry as many pots as will fit on their vessel.

Many of the vessels that are fishing out there really could not carry more than even 35 pots. There is very few that can really carry more than that. In essence, we are instituting a trip limit.

We don't know exactly the size of that effect. It is because we have instituted these other actions that I think are going to constrain the catches. They're willing to take the risk.

MR. STEELE: I guess we will find out how well this works the first time we do it.

DR. CHEUVRONT: I'll read it in. The motion that I made is to allow the pot fishery to remain open until all but 100,000 pounds of the commercial quota is projected to be harvested and then close the pot fishery; reopen the pot fishery on January 1 until the commercial quota is projected to be harvested. The hook-and-line fishery would remain open until the commercial quota is projected to be harvested. If there is more than 100,000 pounds of the commercial quota remaining by December 31st, there would be no closure of the pot fishery until the quota is projected to be met.

MR. ROBSON: Could you repeat that, Brian?

DR. CHEUVRONT: Gladly; allow the pot fishery to remain open until all but 100,000 pounds of the commercial quota is projected to be harvested and then close the pot fishery; reopen the pot fishery on January 1st until the commercial quota is projected to be harvested. The hook-and-line fishery would remain open until the commercial quota is projected to be harvested. If there is more than 100,000 pounds of the commercial quota remaining by December 31st, there would be no closure of the pot fishery until the quota is projected to be met.

MR. BOYLES: Yesterday we discussed the idea of changing the fishing year, and I'm just curious how this all fits in with that. I know we talked about bouncing around on changing the fishing years, but we did have a discussion yesterday about a fishing year change back to the calendar year. I want to be clear on where we're going.

DR. CHEUVRONT: The problem if you start back with a calendar year fishing year, that allows you to start fishing right through the spawning season, and so I believe that was one of the reasons why we wanted to start the fishing year on June 1st, anyway, was to avoid the spawning season. The motion, the way I have it up there, would obviously continue to have the quota start June 1st each year, and the fishermen seemed to be okay with that idea.

Their concern about having a January 1st start is they wanted something to do in winter and this takes care of that ability for them to do that. They would rather have a closure in the fall and allow them to have a short season in winter than to catch it all up in the fall with nothing to do for five months like happened this year.

MR. CUPKA: Well, that may address your fishermen's concerns, but I'm not sure it addresses the one that ours have who want to charter in the summertime and then fish in the wintertime, which was the reason why they wanted to go back and change the fishing year to start January 1st. I realize the problems that would create, also.

DR. CHEUVRONT: And this is just adding another option. I think those other options are still there, and I just wanted this to be something that we considered and analyzed and come back

before the council. This is from the perspective of fishermen who are fishing for these in North Carolina and this was their concern. I think we just need to discuss it in the entire suite of potential alternatives. I'm not saying do this as our preferred; no, I'm just saying let's just get it on the table right now.

MR. ROBSON: Okay, we have a motion. Any further discussion on the motion? **Any objections? Seeing none, the motion passes, so this is added as a new alternative.** George.

MR. GEIGER: Gregg, I have a procedural question. Are we going to go out to scoping with this or just to take it to public hearing?

MR. WAUGH: That's a good question.

MR. GEIGER: I mean, we have so much input from so many people concerning so many variables associated with this fishery, this seems like one of those areas that we might get input from the public in terms of scoping it.

MR. WAUGH: I would argue we've already been getting scoping at these meetings that we have held and the discussions we have held at each of our council meetings. I would make the argument that is the scoping process and now we're taking that input and putting it into some document as yet to be determined and then go out to hearings.

MR. ROBSON: All right, anything else on the trip limit alternatives?

MR. HARTIG: I just had a question for Jack. Jack, that 500-pound trip limit – and I haven't had the time to go through these in detail and I will afterwards, but does that significantly change the way the fishery operates over all?

DR. McGOVERN: I think you can look at Table 5 and you can see what the different trip limits at what percentage of the trips are greater than that and maybe that help answers your question.

MR. HARTIG: Yes, it will, thank you.

MR. WAUGH: These alternatives, this is the first time you have seen these, and some of them – and I've got them projected here – some of these are in 18, like Alternative 4 is in 18 that establishes a split season, and Alternative 6. Is it your intent, then, that we would add 5, 3, 2 and 1 to the other alternative that you just approved; do you want to see those put into a document for analysis?

MR. ROBSON: I think so. Brian, do you have any input here?

DR. CHEUVRONT: Gregg, did you say Alternative 6 is in Amendment 18, the spawning season closure? I just don't recall.

MR. WAUGH: That is what Jack and I recall.

DR. CHEUVRONT: Okay, I just want to make sure we don't lose it.

MR. WAUGH: Kate, will you check that for us, please; and if we find that either 4 or 6 are not in 18, then we would add them in here as well. That would be I would assume the intent.

DR. CHEUVRONT: **I would like to make the motion to add black sea bass Alternatives 1, 2, 3 and 5 to the framework document; and as a note we would add Alternatives 4 and 6 into the framework document if they are not already included in Amendment 18.**

MR. ROBSON: Second by Ben. All right, is the motion clear? Any discussion? **Any objection? The motion passes.**

MR. DeVICTOR: I do not see a black sea bass spawning closure in Amendment 18.

MR. ROBSON: All right, what is next?

DR. McGOVERN: Okay, next is vermilion. The current situation is that there are two seasons and two quotas. There is a 315,523 pound quota for January through June and a 302,523 pound quota for July through December. Alternative 2 would establish a thousand pound trip limit. Again, 2 and 3 were suggested by fishermen that I talked to. Alternative 2 was also suggested by the Snapper Grouper Advisory Panel when they talked about Amendment 16 in June 2008.

Alternative 2A would reduce the trip limit to 500 pounds when 75 percent of the quota is met. Alternative 3 is a 750-pound trip limit that would be reduced to 400 pounds when 75 percent of the quota is met. Alternatives 4 and 5 were added to try to see when the trip limit would extend the fishing season until the end of it.

Also, this week there was a suggestion by a fisherman of a 750-pound trip limit that would be reduced 250 pounds when 75 percent of the quota is met, and I determined when that would be met as well. Amendment 16 was put into place in July of 2009 for reference here, and Table 1 shows when the 302, 523 pound quota would have been expected to have been met during July through December of 2008 and that is in September.

It actually was met on September 9, 2009, so it was close to when it was expected to be met in July through December of 2009. If you go down to Table 3 you see it is a different situation in January through June. In January through June 2009 it would have been expected that the 315,523 pound would have been met in June, but it was met on March 19th. Table 4 kind of shows you why that happened.

It shows the catch per trip for January through February of 2008 through 2010, and the catch per trip averaged at about 325 pounds in 2009 for those two months, but it was 800 pounds in 2010, so they're catching more per trip, but there was an increase in the number of trips that it didn't appear like we saw with black sea bass.

We go down to Table 5. Tables 5 and 6 show you when the quota would be expected to be met with the various trip limits. Alternative 1 for Table 5 indicates that the 302,523 pound quota was met on September 9th. If you go to a thousand pound trip limit, it would extend the season to September; for Subalternative 3A, a 750 pound trip limit reducing to 400 pounds when 75 percent of the quota is met would result in the quota being met on October 26th.

Then the trip limit suggested by the fishermen this week during the question-and-answer session and also during public comment was 750 pounds reduced to 250 pounds when 75 of the quota is met, and that would be estimated to be met in the middle of November. For Table 6, this the estimate of when the quota will be met during January through June 2010 and not 2009, as it says there.

The quota was actually met on March 19th. A thousand pound trip limit would extend it about a month. If we go all the way over, you can see it wouldn't be met with a 400-pound trip limit. A 500-trip limit would extend it pretty much through the whole season. With the quota suggested by the fishermen the other night, 750 down to 250, that would extend it through the whole season pretty much. It would be expected to be met during the middle of June. I'll stop there.

DR. CHEUVRONT: I'd like to make a motion to amend Subalternative 3A to be establish a 750-pound gutted weight to 833 pounds whole weight trip limit and reduce to 250 pounds gutted weight, which is 444 pounds whole weight, when 75 percent of the quota is met.

MR. ROBSON: Second by David. Charlie.

MR. PHILLIPS: All of the boats that I know between – you know, which are the 40-footers that are having to run 70 miles offshore, especially in the first half of the season when the grouper are closed, they can't go fishing for that. Did they do any kind of economic value of the trip versus cost on this because those guys, they can't go fishing on that. It might work for a little boat that is not going far, that doesn't have a lot of expenses, but it is not going to work at all for our boats.

MR. HARRIS: Just to clarify, they can't go out for that; do you mean the 750 or the 250?

MR. PHILLIPS: It is just not profitable. I mean grouper is closed, pinkies are closed, they might catch a few amberjack, but you just absolutely cannot run 70 miles offshore on a boat making seven and a half knots and catch 750 pounds and come back and even break even. I mean it just doesn't work.

DR. CRABTREE: Well, that is always the trouble with trip limits. Essentially you build inefficiency into the fishery; and the larger operations lose out on it and the smaller ones come out ahead. I don't like these step-downs and I don't think they actually accomplish a whole lot because by the time 75 percent of the quota is done, you're not going to last much longer, anyway, and it effectively means that the larger vessels only get to fish on 75 percent of the quota and then they're shut down. That is the problem with trip limits and they get portrayed as the perfect solution, but they never are.

MR. HARRIS: Yes, and there is a difference between the boats fishing off the coast of Georgia and those fishing off North Carolina. Our boats do have to run a lot farther. There may not be nearly as many of them, but they do have to run a lot farther to get to the fish. They are put at a disadvantage, as Charlie said, financially if they are limited to that low number based on the distance they have to run and the fuel that they have to expend to get there to catch the fish.

DR. McGOVERN: I looked by state the number of days away for trips that caught vermilion snapper and the average catch per trip and Georgia is by far the highest of all the other states. This is data from 2007 and 2008. The days away are a little over six days, 6.4 days. Their average catch per trip for vermilions, 1,300 pounds. In comparison to North Carolina, they're away about 2.8 days on average and their average catch per trip is 375 pounds, so it is a little bit different for each of the states. A trip limit has a different effect by state.

MR. ROBSON: Jack, what are those numbers off Florida?

DR. McGOVERN: For Florida 2.85 days away on average; average catch per trip is 533 pounds. It would be different depending on which years I picked.

MR. CUPKA: I don't disagree with any of these comments, but, again, we're looking for a range of alternatives to take out to public hearing, right?

MR. ROBSON: Yes, I believe so. Brian.

DR. CHEUVRONT: David brought up the point that I was going to make, so I'm fine with that. Charlie, to be perfectly honest, I was not – when I was crafting this, I was not thinking about the differences in Georgia. I did not want to preclude – I just wanted to get the consideration. Thanks for pointing that out because I wasn't thinking about that.

MR. PHILLIPS: I know you're not picking on me. Just one other point; I've heard fishermen tell me, "Yes, I can tell you exactly when I've got 500 pounds or when I've got 700 pounds or when I've got a thousand pounds." I've been packing fish for a long time and I ask those guys when they come in, "What have you got?" It is never within a hundred pounds.

Then we've got a problem of if you set a trip limit, what is the violation going to be when they're 20 pounds over, 50 pounds over, dump those overboard? You definitely don't want them peddling them down the street. The only way to do that safely is try to tell them to cut their trip limits down even lower, which makes it more unproductive.

There are some fishermen out there that can hit that number, but if you look at the whole fleet, if you've got 20 percent of the fleet that can't count very good and you're doing – you know, like my boats, they're 20 or 24 trips a year, you're going to run into fishery violations and then you're going to run into discards. They're going to try to catch this trip limit and they're going to – maybe if there is something else open, fill it up on something else. You're going to run into fishery violations and discard problems.

MR. ROBSON: All good points. Duane.

MR. HARRIS: I guess the question is do we have enough alternatives in the document to take out to public hearing, and I think we do so I think we can – we've had good discussion but I think we can probably move on.

MR. ROBSON: All right, I believe so. Again, the motion is to amend vermilion snapper Subalternative 3A to establish a 750 pound gutted weight, 833 pound whole weight trip limit; and reduce to 250 pounds gutted weight when 75 percent of the quota is projected to be met. That is an amendment to Subalternative 3A. Is there any discussion? **Is there any opposition to the motion? The motion carries.**

MR. DeVICTOR: And then direction to staff include the rest of the alternatives into the document would be helpful.

MR. HARRIS: **Mr. Chairman, I would move that we add Vermilion Snapper Alternatives 1 through 5 to the framework document.**

MR. BOYLES: Second.

MR. ROBSON: Motion and second by Robert to add Alternatives 1 through 5 to the framework document. Is there any discussion? **Any opposition to the motion? That motion carries.**

DR. McGOVERN: Next is gag. The current quota is 352,940 pounds and there is a seasonal closure from January through April. Again, we've got alternatives from fishermen that I talked to. Alternative 2 is a thousand pound trip limit and subalternatives that it could be reduced to a hundred pounds when 75 percent of the quota is met. Alternative 3 is a 750-pound trip limit and a subalternative that would reduce it to a hundred pounds when 75 percent of the quota is met.

Alternative 4, a 500-pound trip limit; Alternative 5, 250 pounds; and Alternative 6, a hundred pounds. Then Alternative 7 was not requested by the council and I added it in just for fun. Table 1 shows that the 352,940 pound quota would not have been met during 2008 or 2009. It would have been met in 2006 and 2007.

Table 2 just shows what the landing would be with the various trip limits during May through December of 2009. Table 3 is based on 2007 data when the quota would have been met. It is estimated the quota would have been met at the end of November, and with a thousand pound trip limit the quota would have been met the 14th of December and on the 31st of December with a 750-pound trip limit. I'll stop there with this.

DR. CHEUVRONT: Well, it sounds like from the data that we've had that even considering trip limits less than 750 pounds is probably not even necessary here. I mean, we've got some reductions that we're getting certainly by the extended spawning season closure that we put into place.

To reduce some of the burden on putting this framework together, I would like to make a motion that we remove Alternatives 4 through 7 – I'm sorry to take away your fun, Jack. I don't see why we need to treat gag, red and black grouper all together here when we're now going to be able to separate them since we have an assessment and we could probably manage each of those species individually.

MR. ROBSON: All right, is there a second? Second by David. Any discussion on the motion? Again, that motion is to remove Trip Limit Alternatives 4 through 7 for gag grouper from consideration. Brian.

DR. CHEUVRONT: Maybe since they're not in there really yet, I should have framed it in the opposition and say let's go ahead and include Alternatives 1 through 3A as opposed to removing. We would include Trip Alternatives 1 through 3A in the framework document for gag. We have a little editing here; let me reread the thing again to make it clear: include Trip Limit Alternatives 1 through 3A for gag in the framework document.

MR. ROBSON: Is that slight change good with the seconder? Okay, is the motion clear to everybody? Any discussion? **Any opposition to the motion. The motion carries.** All right, next up we have one more item to cover.

MR. HARRIS: Mr. Chairman, before we get to this, just let me tell you what we're planning on doing today. As soon as we finish this, we're going to go into a closed session legal briefing and then we will recess for lunch. As soon as we finish snapper grouper this morning, which shouldn't take too long, that puts us half a day behind; so just for everybody's information, that is where we are. Then after the legal briefing we'll go to lunch and then come back and begin the next item on the agenda.

MS. SMIT-BRUNELLO: I would like to introduce you all to a new attorney in our office who will be working on Magnuson Act issues. She came in December, I believe, and her name is Mara Levy. She has attended a Caribbean Council meeting, she is at this meeting, and at some point we will get her to a Gulf meeting so she can get familiar with Magnuson Act issues and all that. Hopefully, she will be working with me on many of these amendments that are moving through.

MR. BOYLES: Mara, I would just like to say thank you for helping with an issue that we have had with some enforcement issues in South Carolina. We certainly appreciate the clarification and looking forward to working with you further.

MR. ROBSON: All right, Kate and Charlie, are we ready? There is a document that the people need to be looking at.

MR. WAUGH: It is Attachment 26.

MS, MICHIE: As you all know, Amendment 15B was implemented around February. That amendment requires several different types of sea turtle release gear. Since then a few of those gear types have coming into question, their appropriateness for use with lighter tackle that is used in the snapper grouper fishery because several of those gear types were originally designed for use with the pelagic longline gear, which is typically more heavy than – the tackle is heavier than what is used for snapper grouper fishing.

It is really three specific types of gear that have been called into question, and those are the dehookers, the line cutters and the bolt cutters. The council has been asked to consider making some modifications to either the specifications of the weight of those dehooking gear types, if we can change those in the regulations, or require them on some vessels and not others, things like that. They just wanted it brought to your attention and for your consideration at this meeting.

What follows here are some alternatives that we have come up with just to generate some discussion amongst the group. The first one is just what is required now, and you can see the list right there. As you recall, in Amendment 15B you decided to implement the requirement for all dehooking gear regardless of freeboard height, unlike the Gulf who has some dehooking gear types that are dependent upon the freeboard height.

Then Alternative 2 would modify the approved specifications for line cutters, bolt cutters and dehookers on board all federally permitted snapper grouper vessels, so that would include longliners and those using rod-and-reel type gear. Then Alternative 3 would modify the current gear specification component of the regulations for the dehooking and disentanglement gear to make it more of an appropriate size and type for whatever tackle you're using.

That is kind of the approach that the Pacific Region has taken with this. They have specific requirements for longline vessels in terms of the gauge of steel and things like that that the dehookers and line cutters need to be built out of. For recreational fishermen, I believe, and those using rod-and-reel type gear, they're encouraged to use dehooking instruments that are of appropriate size and strength relative to the tackle that they're using.

Alternative 4 here would require all federally permitted hook-and-line vessels with no longline gear on board to have and use a tool that is capable of cutting the fishing line and a tool capable of removing a hook from a sea turtle. It would require fishermen to follow the sea turtle handling and release guidelines. Now, this is what is most similar to the approach that the Pacific has taken.

Alternative 5 would require all sea turtle release gear listed under Alternative 1 for federally permitted snapper grouper vessels using longline gear, and it would require some other type of specified gear that you guys can come up with for vessels using hook-and-line gear with a lighter type of tackle. That would kind of be custom tailored to snapper grouper vessels using rod-and-reel type gear.

Then Alternative 6 would track the same turtle release gear requirements in the Gulf of Mexico, which would make the gear required dependent on the four-foot freeboard height like they do. I

have Charlie Bergmann here next to me. He has a great history with this subject, and I think he has presented some information to you several years ago on this. He is here to present any information that you might need or have, and he has some dehooking gear types and some models to show you here.

DR. CHEUVRONT: Do any of these alternatives – in talking to some of the fishermen who have now gone out and bought the hardware and stuff that they need, the only lingering complaint I'm hearing from some vessels – and it's some of the smaller vessels as well as some of the for-hire vessels – is that they would like to get that tire off the boat if they can. Does Alternative 4 allow them to do that? It's hard to tell from what you have there.

MS. MICHIE: Well, the tire isn't required anymore. I have the regulations. There is a list of alternate items that you can use to isolate and stabilize a boated sea turtle. I believe those things are like a coil of rope, a flotation device, maybe a cooler, something that would isolate their position.

DR. CHEUVRONT: Okay, where can I find that because I need to pass this on to some folks? Maybe I can just give you my card and you can e-mail me a list.

MS. MICHIE: Yes, I have the CFR citation right here; I can just e-mail it to you right after this.

MR. HARRIS: I think everybody has received this e-mail that Kim has sent us from Bobby Cardin regarding this issue. He just commented on the six-foot devices on vessels with a low freeboard was a good way to knock your teeth out and creating other problems. His first comment was taking out of the text – and this is in quotes – “whichever is greater” would relieve the six-foot requirement.

Number two, “the dip net is useless when I can simply reach into the water and grab a turtle instead of having to untangle it from a net”; and then, three, “the turtle tether is also useless when I can simply reach into the water and grab the turtle instead of having to untangle it from the device.” I think those are all good points; and whatever we do, we need to consider those comments.

MR. ROBSON: Do we want to see anything related to this gear? Any other questions? Brian.

DR. CHEUVRONT: If we add these alternatives; are we talking about adding them to our framework amendment? Where are we going with this?

MS. MICHIE: Well, that would be up to you. To answer your question, if you chose to readdress this issue, which I think is what you have to establish first – you have been asked to do that, but you will need to determine as to whether or not you actually want to go forward with it – it would need to be added to an amendment that hasn't been through scoping yet, I would assume because though it has been scoped before, the regulatory changes that might take place under them would need to be put through the NEPA process.

MR. BOYLES: Mr. Chairman, for the purposes of discussion I would make a motion that we add these considerations to our framework amendment.

DR. CHEUVRONT: I will second it.

MR. ROBSON: We have a motion and second by Brian. Monica.

MS. SMIT-BRUNELLO: And the framework allows you to make gear restrictions or changes to your gear modifications, so I think that would be fine.

MR. PHILLIPS: I would like to see the chart or a list or something over what the Gulf has got compared to what – so I could balance it.

MS. MICHIE: I think that is in – yes, it is in the turtle release protocol. It is also in 15B. I think they have the two alternatives so it is listed in there and on the placards, which are available on the internet.

MR. HARTIG: If we approve this motion, what does that do to the people who haven't purchased the gear yet? I mean, are we going to be required to have the gear in the regulations currently required until this is passed or is there going to be a grace period introduced by the agency where we don't have to have this gear?

MS. SMIT-BRUNELLO: What is required right now is what is in place in the regulations.

MR. HARTIG: So, in other words, I'm going to go out and spend X-dollars to have this gear and then after this is approved I will have to have less gear. I say that and I will give you a little history. Jack and I have had a number of e-mails in the last couple of months about this. It wasn't specifically to the changes, but it was specific to whether or not you can actually get some of the gear. Some of these things weren't available when I tried to get them, so there are problems out there with supply companies being able to provide this to the fishermen now.

MR. BERGMANN: Ben, like I talked I've talked with you earlier, anyone is able to make this gear themselves. We have the specifications on them. They're relatively easy to make. We try our best to make sure that they're easy to make so there is compliance in their use.

MR. HARTIG: Thank you, Charlie. I really did need that on the record because it is not clear at all from the regulations that you can use anything other than what is in those regulations. That was my problem. There are a number of things in there that basically some of that is on your boat everyday. Now that that is on the record – and I appreciate that – that will help a lot.

MR. BERGMANN: Ben, we're always re-evaluating equipment. We get equipment sent to us all the time, and any equipment can be, at some point, certified as part of this tech memo. Any of that equipment can be made. You do have a lot of it on board. If anyone has difficulty in acquiring the equipment, please give me a call and I'll see what I can do.

MR. SWATZEL: I'm just appreciative of the council willing to consider this issue. It is a problem, and I appreciate it being moved forward.

MS. MICHIE: I also just wanted to point out another issue that was raised with us, and that is inconsistency between the protocol and the regulations. I don't know if maybe another alternative might be to simply draft the regulations in such a way that they would mirror the protocol, which does allow for different material types.

The protocol allows for more flexibility than what the regulations currently state. They don't match, but yet they're required to have the protocol on their vessel. I've got some fishermen wanting to build their gear as it is reflected in the protocol, but the regulations are very stringent in the gauge of steel and things like that that they have to build it out of.

MS. SMIT-BRUNELLO: I guess I have a question for Kate. The protocol, that was in Amendment 15B in which all of this came through, and so is this just – well, I don't want to ask you a legal question, so what we should do is look at the protocol and look at the regulations and figure out whether this is something internal to NMFS that the Service can simply put out regulations that mirror the protocol better, but I'll want to look at the amendment to see what the council adopted, so we will look at all that.

MR. ROBSON: All right, we have a motion and it has been seconded. Gregg.

MR. WAUGH: And if Monica should determine that the necessary adjustments can be handled through a technical change to the regulations, then it would drop out of the framework is one thing. The other is are we going to make the similar argument since this sea turtle action just went through 15B, all that process, and we have been conducting meetings, gathering public input, that we have completed scoping? I would hope so. Otherwise, if we have to do separate new scoping, then that is going to delay this whole framework.

MS. SMIT-BRUNELLO: It is my feeling or advice that you have scoped this issue. I mean, you have done plenty of that and the public has had a lot of opportunity to comment and apparently they're still commenting on whether this works or doesn't work for them. I think that you have completed it at least for the council purposes and probably NEPA, too, really, I think. Well, we will see what kind of NEPA document is required, but we need to look into this further.

MR. ROBSON: Okay, is there any further discussion on the motion? **Any objection? The motion carries.** Thank you, Kate and Charlie, we appreciate it. Brian.

DR. CHEUVRONT: If we're ready to move on, I've got one more snapper grouper issue quickly that I think we need to discuss. I think we all received an e-mail this morning regarding the MSY proxies that have been used for some species with the idea that since we're now using 30 percent SPR as our MSY proxy for red snapper, that we probably need to go back and look at some of these other species.

Some of it was discussed yesterday, but I would like to get a couple of things clarified. One is that Amendment 12 to the Snapper Grouper Plan established a 35 percent SPR for MSY proxy for red porgy, but that was later changed to an actual calculated value in an update. Apparently black sea bass now also has a calculated MSY and not a proxy.

However, John Carmichael told me an hour or so ago that currently our MSY proxy for B-liners is using Fmax. I couldn't remember exactly what the MSY proxy was for that. If that is the case, is it worth doing an analysis to find out what a 30 percent SPR as a proxy for MSY, whether that would be advantageous to do or not.

We have just about reached the limit of my understanding of stock assessments here by saying that, and I would like to maybe get on record if somebody could help clarify that issue of whether it is worthwhile to pursue looking at a 30 percent SPR as a – whether that is going to gain us anything.

I don't want to request something of the science center if there is not a potential for getting some gain from this. Gregg just whispered in my ear that the yield at F 30 percent SPR would end up being less than using Fmax as the MSY proxy. At this point I'm not sure whether we need to pursue this. I know, Roy, we had talked some about this, but I didn't know the issue about what the actual proxy was at that time. Are there other species that we need to consider going back and looking at?

DR. CRABTREE: Well, I don't know. I think we need to take a look at the whole deal and the big picture on this, as I said the other day. I just don't know, Brian.

DR. CHEUVRONT: I think what has happened, though, is that what we found out this morning has now taken some of the urgency out of the request. What mechanism do we want to use to try to look at this issue for some of the other species? I'm not sure how to request this.

DR. CRABTREE: I would think that we need to have some sort of regional meeting that involves policymakers and some science-side folks and review what we have done and where we are and come up with some guidelines about what we're going to do. It may be something that the SEDAR Steering Committee ought to talk about in terms of how to set something up. I don't think it is necessarily a SEDAR meeting because I don't think it is a science issue, really. I think it is as much a policy issue as anything else that ought be guided by some science.

DR. CHEUVRONT: Yes, I agree with that, I think it is a policy issue, and it doesn't sound like – I mean, once we give policy, it is simply somebody taking the direction from the policy and doing some calculations with numbers that are already available. At least that is the way I'm seeing it.

I'm not sure that we're going to need to come up with totally new things, so it would be a matter of tasking somebody to do those necessary calculations to provide the policymakers – or the policymakers need to decide what they want to do and then the science people would do the calculations.

DR. CRABTREE: Well, we could task John with coming up with a plan as to how to address this and advise us of it at the next council meeting.

MR. CARMICHAEL: The next June council meeting or the next council meeting considering how many things we're tasked with now for the next six months. Yes, I think, as Roy said, a meeting of the scientists and the policymakers because I think it is well accepted at this point or at least it should be that when you're dealing with proxies you're dealing with an uncertainty and there is a policy decision to be made.

When you're dealing with MSY and you're dealing with estimates of that, that is something we accept as a fact and there isn't a policy decision to be made, so it is easy enough to just use the Fmsy when you have it. Some consistency would be helpful and some guidance just to the council and the SSC and the council recognizing that in some cases when the SSC does give you recommendations, you do make the decision.

If you decide to stick with 30 percent in most cases, then that is fine. We had a lot of these discussions back with the SFA Amendment and maybe dusting some of that off and seeing where you stand and deciding if you see a need to change any of that might reduce some of these discussions at each point of the way.

It would seem like a good thing to consider and we can talk about how to best get the people together from around the region because it is potentially a region-wide issue, and certainly for the regional office it is region-wide to try to come up with some guidance for more consistency at the council level.

DR. CRABTREE: With respect specifically to vermilion snapper, I don't think we have an assessment update scheduled at this time.

MR. CARMICHAEL: No, we don't; we got the vermilion snapper assessment to the council, I guess, in December 2008, I believe is when it came into you. Regulations just went in for vermilion.

DR. CRABTREE: Yes, so, you know, it is probably time for the steering committee to look at scheduling an update of that, and that would be an opportunity, Brian, to revisit the whole issue at that time. If we scheduled an update in 2011 or 2012 or something, there would certainly be time enough to have passed to justify doing that, I would think.

MR. CARMICHAEL: And as Brian said earlier, Fmax is the maximum yield that you're going to take, so an SPR level is not going to get anything in terms of putting a little more into that system.

DR. CRABTREE: But I do think with vermilion they specified the steepness to generate a specific SPR value, so I'm not sure how that plays out. We would have to look back at that.

MR. CARMICHAEL: Yes, and certainly the steepness then affects the productivity that you project in the future, which affects the actual poundage you get from the F_{max} F rate.

MR. HARRIS: Is it possible to get MSY from an update for a species for which we don't have an actual MSY value?

MR. CARMICHAEL: I believe that it is, yes. I think if you do an update and some of the issues that stood in the way of getting an MSY estimate before led them to believe they have an MSY estimate that is now reliable, I think that would be acceptable to come from an update.

DR. CRABTREE: Yes, a lot of the time the problem with estimating MSYs is that we don't know the spawner-recruit relationship, and a lot of times that is because we don't have enough spread in the observation. If you had a real change in stock status over four or five years, you might be able to estimate it at that point.

DR. CHEUVRONT: And, Duane, actually that is what was done I believe in red porgy.

MR. ROBSON: To follow along on that idea of sort of a regional meeting, who needs to initiate that?

DR. CRABTREE: Well, I think this is something we ought to talk about at the SEDAR Steering Committee, John, because that way we will have Gulf folks there. I think that is the place to talk about how to do it and when we might could do it.

DR. PONWITH: But if it has been decided that this is a policy issue, then the SEDAR Steering Committee isn't the ideal mechanism because the SEDAR Steering Committee is dealing with the science side of the process. If this is a policy call, then we would probably want to use a different mechanism.

MR. CARMICHAEL: We could take advantage of the steering committee meeting and having the representatives there together to come up with a way of doing those, but I think it would be handled outside of SEDAR.

DR. CHEUVRONT: Is this something that we could put together just an ad hoc group of folks from the council to meet for a conference call or something and then talk about the issue and then provide direction to whoever is going to be the analyst for this and maybe keep it out of the SEDAR Steering Committee. I think if we deal with the policy issues first, that will drive who needs to then get the – you know, what else needs to be done with the data.

DR. CRABTREE: Well, I'm just thinking the SEDAR Steering Committee because it has the people we need to have there to talk about it. I think there is a bigger picture even than this is really, one, there has been a lack of clarify about whose decision are some of these things. We have decided these proxies are a policy decision, but I think there is a whole lot of gray area on a lot of things that it is not entirely clear who ought to be deciding.

I think ultimately this really gets at the issue of characterizing uncertainty in assessments. I think there is a whole mishmash of things here that if you really back away from the issue that we need to talk about and the steering committee might be a starting place or we could pull together some other group to do this, but I think we certainly need science-side people to participate in this discussion.

MR. PHILLIPS: Before we get away from this, I would like to talk about the timing of when we will get another vermilion update, and could we suggest it being done as soon as possible, and I don't know exactly how to do that.

MR. ROBSON: We could talk about that during the SEDAR Committee.

MR. CARMICHAEL: Right now you have one scheduled for 2012? Thanks, she nods in the affirmative; 2012 is when the next vermilion update is scheduled.

MR. PHILLIPS: I'm just concerned about the data coming in for that, especially once we close some boxes and especially if we have to leave some boxes closed. If it is possible to practically move that it up, I would like to see that.

MR. HARRIS: To that point, Charlie, what we don't want to do, however, is not have the data that we need to get the numbers that we need; and if moving it up – and I'm not sure we can move it up, anyway, because of the schedule and the complexities and the other councils that are involved in that, but we don't want to move it up let's say to 2011 if we're pretty sure we're not going to have the data that we need to do the MSY.

MR. CARMICHAEL: Yes, that is a discussion for the SEDAR Steering Committee. I just remind everyone that we bumped golden tilefish and we bumped snowy grouper in the last year, and both of those assessments are substantially older than vermilion. Vermilion has had a benchmark, an update and a benchmark, and we have some assessments going back with quite a few more years under their belt and more years of data. I think that is the tradeoff the SEDAR Committee is going to have to make is how many updates can be done in 2011 and what do think are the most pressing issues.

MR. ROBSON: Is there any other business? Brian.

DR. CHEUVRONT: I just want to clarify, so, Roy, this is going to be taken up with the SEDAR Steering Committee?

DR. CRABTREE: John, can you put this on the agenda?

MR. CARMICHAEL: Well, the SEDAR Steering Committee has a conference call scheduled for near the end of June and the primary topic of discussion is intended to be the assessment schedule for 2011. Then I think we can probably talk a bit about organizing some type of reference points and dealing with uncertainty and risk evaluation working group of some sort

amongst the councils and the regional office and perhaps the science center to try and put something together. We can certainly do that at that meeting.

MR. ROBSON: Okay, is there any other business with the Snapper Grouper Committee? Mr. Chairman, I'll turn it over to you.

(Whereupon, the Snapper Grouper Committee of the Whole was adjourned at 11:50 o'clock a.m., June 10, 2010.)

MR. HARRIS: Thank you, Mark, I appreciate you stepping in for Mac and working through this complex suite of issues. At this time we're going to ask the public to leave the room. We're going to have a ten-minute legal briefing, and then we will recess for lunch, and we will be coming back in at 1:15. At this time we're going to enter into a closed meeting.

(Whereupon, a briefing on litigation was held, and the meeting was recessed at 12:02 o'clock p.m. June 10, 2010.)

JUNE 10, 2010

THURSDAY AFTERNOON SESSION

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The South Atlantic Fishery Management Council convened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Thursday afternoon, June 10, 2010, and was called to order at 1:15 o'clock p.m. by Chairman Duane Harris.

GOLDEN CRAB COMMITTEE

MR. HARRIS: Okay, let's come back into session and turn it over to David Cupka for the **Golden Crab Committee**.

MR. CUPKA: Okay, thank you, Mr. Chairman. The first order of business will be approval of the agenda. Are there any changes to the agenda? Seeing none, the agenda is approved. The second thing that is not on your agenda printout but it will be to approve the September 2009 committee meeting minutes. Are there any corrections or additions or deletions to the September 2009 committee meeting minutes? Seeing none, then those are approved.

This brings us down to Golden Crab Amendment 5, and we will ask staff to lead us through that document. At some point we're going to have to decide, too, about shifting part of that – I guess whether or not we're going to shift it to the Comprehensive ACL Amendment. Kate, do you want to start us through Amendment 5, and we will see where we want to go from there.

MS. QUIGLEY: Amendment 5 is Attachment 1, and we're on PDF Page 15. This is a listing of the alternatives being considered. We have four actions up front that deal with MSY, OFL, ABC and ACL for golden crab. Below that I have inserted several actions with regards to a proposed catch share program.

The Golden Crab AP, as you recall, met last year. They put together catch share actions that they would like to see considered and alternatives that they would like to see implemented. Those have been incorporated below. Staff has not gone through and fully incorporated them or added alternatives to compare the ones chosen by the Golden Crab AP; alternatives to compare with the ones that they came up with.

What I thought we could do is perhaps take a look at least at Action 1, 2, 3 and 4, which you see upon the screen. The SSC recommendations have been incorporated into the actions. You see that under Action 1, establish MSY for the golden crab fishery; Alternative 1, no action; Alternative 2, MSY of 5 million pounds; Alternative 3, MSY of 2.5 million pounds; Alternative 4, MSY between 400,000 and 600,000 pounds; Alternative 5, recommendation from the SSC.

The SSC did not recommend an MSY. They only made a recommendation for OFL and ABC. The MSY of 5 million pounds was something that the industry came up with, what they thought was probably out there. Alternative 3 is MSY equals 2.5 million pounds, and that is based on letter signed by NMFS that Gregg is going to give a little bit more detail on.

MR. WAUGH: This is the one that I mistakenly mentioned this morning when we were talking wreckfish. Alternative 4, the MSY of 400,000 to 600,000 pounds, is from the assessment that was done just based on catches in the South Florida area. What was done in the letter we got from Joe Powers was taking this number for the south and then looking at other research catch information, abundance information for the northern zone and coming up with a recommendation to use an MSY of 2.5 million pounds.

DR. CRABTREE: Did the SSC have that letter; did they review that?

MR. WAUGH: Yes, we presented the information to them, but they said the letter was too old and too outdated to consider.

DR. PONWITH: I would like to see that letter. I guess what I would like to do is an opportunity to go back and find out what the level of analysis was that underpinned that letter. I tried to do that earlier this week, and the tentative response that I got back was that it was not as the result of a rigorous analysis. Before I land on that, I would like to look into that further.

MR. CUPKA: Okay, other questions or comments? Well, why don't we finish going through at least these first four actions and then we'll go from there.

MS. QUIGLEY: Action 2 is establishing an OFL; Alternative 1, no action; Alternative 2, OFL equals Fmsy equals 0.7047; Alternative 3 OFL equals Fmsy equals 0.2055. Alternative 4, which is the SSC recommendation that 518,316 pounds, that is 65 percent – no, sorry, I'm getting a little ahead of myself – that is the OFL that they identified that was the median landings of ten

years I believe from 1999-2009. It might have been 1998-2208, but, anyway, it was the median of ten years of landings. Then we have Alternative 5, the value for Fmsy obtained from the most recent SEDAR assessment. Action 3 is establishment of an ABC.

DR. CRABTREE: Well, I'm afraid we're at a point where we have an OFL from the SSC, and we either have to send that back to the SSC and ask them to reconsider or go to the science center and ask them to overrule it. It is hard for me to see how we just choose another OFL. I think this is a case where I think it is a good idea to have Bonnie review the letter from Joe Powers. It may not be a rigorous analysis, but I don't consider what the SSC did to be a rigorous analysis, anyway.

I think Bonnie looking at that is a great idea. Then somehow we need to see what comes out of that; and if that gives us what we need or then we need to go back to the SSC and ask them to reconsider on this. I think we've got to have that or we're going to be on awfully shaky ground if we try to choose some other value.

MR. CUPKA: Well, Roy, you will recall we talked about trying to have an SSC meeting before our September meeting at look at a couple of these species that are data-poor species that we have a problem with, and golden crab is one of them. What my suggestion was going to be after we ran through this was to entertain a motion, first of all, to move these actions to the Comprehensive ACL Amendment, but then to wait until we get feedback from the SSC at our September meeting.

You will notice as we get further into this document, that there is an awful lot of work that still needs to be done on this, and so it is not something that we have to do at this meeting. Certainly my intent at this point is to move these and then see what kind of feedback we get from the SSC, because golden crab is one of the species we're going to ask them to take another look at. I meant the Comprehensive ACL.

MR. CARMICHAEL: And could it be appropriate to ask – I mean, would the right, perhaps, avenue be ask the science center to look at some of the older information for golden crab, in particular that letter, and see sort of where it stands in terms of its reliability and whether or not it is the kind of information that we should use, because this issue of stuff becoming potentially a bit outdated is a question that comes up quite often.

MR. CUPKA: John, I don't know what the SSC received to look at the last time, but I know that these fishermen are reporting and we ought to be able to come up with some CPUE values, some size, the sorts of things that we suggested that they may want to take a look at other than just landing streams to get a better handle on the status of this stock.

MR. CARMICHAEL: That was one of the things the SSC suggested was the potential to look at CPUE. The other area that was discussed by them is the range of the stock and then the area over which the fishery is operating, because the point was made that the fishery may not be fully exploiting the full range of the stock and there could be a large area in which there is no effort,

which obviously then would have an impact on what you think the relation is between the landings and the overall productivity.

The SSC left it as being just some preliminary evaluations of that and nothing that certainly necessarily approaches a full peer reviewable stock assessment, but just some evaluation of the percentage of area that is even exploited might give them greater confidence in perceiving this as a potentially developing fishery and being able to raise that limit.

MR. CUPKA: I do know some of the earlier estimates where they tried to estimate standing stock based on catch rates and all just looked at a portion of the area where these crabs are known to be distributed like just the southern zone or the southern middle zone. I don't think they ever considered the northern zone, which is a much larger area. All these things need to be considered when the SSC takes another look at this.

MR. CARMICHAEL: I guess, David, one other question on Action 2; it seems that it is mixing rates with the poundage, and I think OFL was intended to refer to a poundage level and not a rate versus OFL equals Fmsy. An option would be MFMT equals Fmsy, but OFL should be a poundage. It could be the yield at Fmsy equals 0.7407 and that would be an appropriate wording for it.

MR. WAUGH: Coming back to what we're going to get from the center, remember we asked for the existing assessment to be updated, and we were told that the resources weren't there to do it and it would have to get in the SEDAR queue. The SSC requested and we requested OFL values be provided to the SSC, and due to resource limitations they haven't been. If we're bringing the SSC together and the expectation is they're going to meet between now and our September meeting, then what exactly are we asking from the center and what are we going to get when. Is the intent to get it so the SSC has something new to look at when they meet?

MR. CUPKA: That would certainly be my desire and my hope. Bonnie, did you want to comment on that.

DR. PONWITH: Right. We're in the middle of an expedited red snapper benchmark right now; so in terms of being able to run a stock assessment on golden crab right now, I think the answer would be the same. But to go back and gather up data that could be used in the same sense as we're doing with the data poor, to use catch-per-unit effort or under other indices of abundance that could be used to guide the setting of OFL, I think is something that is doable.

If there are specific things that we should be looking for, having guidance on what those things are would be good. John mentioned looking at the areas that they're fishing right now versus what the potential range of the animals are – and I agree that could be valuable, but it is not clear to me how we would know the full range if it weren't for a fishery-independent sampling that would be actually measuring the full range of those animals, so I'm not sure how we would do that unless the fishery were in history were more disbursed.

MR. CARMICHAEL: There was some discussion at the SSC that alluded to the possibility of some information on the range of the species, and I'm not fully versed in what it was. It was sort of implied that there could be some information there.

MR. CUPKA: Well, I know in South Carolina we did some early work on this fishery and did some exploratory fishing, and Betty Wenner and Glenn Ulrich did some estimates on the standing stock based on some of that. We know there are crabs up there and we just need to pull that information together.

I would hope that by our September meeting, which is where we're going to concentrate on the Comprehensive ACL Amendment, that we would have some information back from the SSC so that we could incorporate that and take some action and move that amendment ahead, including golden crab information. Wilson.

DR. LANEY: I know those data are there, I think. I talked to Glenn when I was at Fort Johnson not too long ago and told him that these discussions would be coming up and inquired about his interest in possibly assisting the center and/or the council in that regard in terms of determining what the range of the animal was and what sort of data they had from other parts of the range. I think Glenn would definitely be interested in doing that.

MR. CUPKA: I wonder, too, John, if maybe you shouldn't have some discussion with Bonnie to make sure she knows what the SSC had available the last time or some of the things that we would like to have available before they meet this next time so that we could help direct some of that.

MR. CARMICHAEL: Yes, I think it would be my intention and we'll obviously do this through a formal request to the center and to look at the SSC minutes and some of the comments that were comment and some of the things they had suggested would be helpful to them. I think in doing this, we also have to consider the overall workload and what the priorities may be because we have been in some discussions with the group at Beaufort about getting started on the black sea bass update, which we would like to have done sometime this year, so this becomes another piece of work. If they think their ability of starting black sea bass here in the summer, if we need to get this done by September that may bump black sea bass out to being done later. The timing of this could be pretty important towards its effect on other projects.

MR. CUPKA: Well, we need to bear in mind, too, that this ACL Amendment is under a timeline, too, that we need to try and meet. Charlie.

MR. PHILLIPS: They did some golden crab with the University of Georgia out of Brunswick, too, in the early eighties, so they also should have some stuff.

MR. WAUGH: I think we have to be very sensitive to the workload in the southeast and particularly with the oil situation. When that comes around the corner, that is obviously going to impact people's schedule tremendously. I wonder if we can't think outside the box a little bit

and maybe involve the Northeast Center because they've just recently done a red crab stock assessment; very similar life history characteristics to golden crab.

Maybe we could ship the data up there and let them do it, but we've got this 2011 deadline staring us in the face and we've got resource limitations down here. Maybe there is a potential for some help in another area.

MR. CUPKA: Well, that certainly would be worth looking into, but I'm sure they have some of the seem workload and time constraint problems that we're having, but we don't know that until we look into it.

MR. HARRIS: To that point, there are a lot of science centers – well, maybe not a lot, but there are a number of science centers, and some of these science centers are doing updates every year for every species, and it seems to me that it may not be the Northeast Fisheries Science Center, but certainly someone somewhere should be able to provide us information if the Southeast Center can't provide it for us.

I really get tired of hearing that we don't have enough – I know it is true that we don't have enough people, but yet congress has put these deadlines on these councils to do this stuff. You can't do it without data and you can't do it if somebody can't analyze the data and tell you where you are and where you need to go. We've got to think outside of the box and get it done in some way or else you're going to have some people move to the southeast, Bonnie, from other centers even if it is on a temporary basis to help us out of this jam.

MR. HARTIG: And, certainly, you just said what I've thinking for quite some time. Golden crab is going to be probably one of the few species that we may not be able to meet the timeline, and so be it. I mean, that is one the things that is going to happen. Based on the timelines, somebody has got to send a message that everything is not going to be attainable given the data and the problems in the southeast right now.

There have been a lot of things saying, well, the law is the law, but basically if you can't get it done, you can't get it done. I would make a motion that before – well, I'm going to hold off because there may some more information coming out of what we get. The question I have is how is this going to work?

Is the staff going to bring all the information together for the science center? That is an important consideration because Charlie mentioned some data in Georgia. There is some other data floating around, I guess, from other studies that have been done on golden crab. How is that going to work? I want to make sure that all that data is considered before we get to September.

MR. CUPKA: Well, my understanding was that John was going to communicate in writing, I guess, to the Southeast Science Center indicating some of the things that they need for the SSC to look at before September and try and pull that together. Bonnie.

DR. PONWITH: A couple of points; it has not escaped that we're one of six fisheries science centers and that there are semi-permeable membranes between us. I absolutely have gone to headquarters in the face of the demands of the Reauthorized Magnuson-Stevens Act and asked for help. When I stacked up what it was going to take to meet these deadlines against the sets of hands we had to do it, the math didn't work out.

Those conversations influenced the resources that we got to bring on new stock assessment scientists and certainly influenced the resources that we got to conduct fishery-independent sampling in a more robust way in the South Atlantic. The catch is that we've gotten the resources, the recruitment announcements are out; but as you know when we get a new person in, we want to have them work in journeyman status until they can get their footing as a stock assessment scientist and on our team, and so there are certain lags.

Now, I have gone and talked about bringing a senior stock assessment scientist from another science center down here to help us, but the challenge in making that business case is that every single science center is struggling with the same suite of deadlines and different species, different ecosystems, but the same suite of deadlines. It has been very, very tough to make that case.

In terms of the acquisition of these data, I hear a hot mike that I'm going to get a letter. I will start working on pulling together what I can get my hands on within the science center. I would urge our colleagues in the states that if they have information they thought had utility, don't wait to be asked. Consider the discussion here as a queue to start pulling that information because if we wait for a letter to come and then we use that letter as the impetus to go to the states to acquire that information, it just throws more of a time lag in there.

Then we will see what we have comprehensively and how it can be used. Again, I will also look at the Joe Powers letter and the analysis, and again my preliminary understanding of that was that it was information that was forwarded but that it was somewhat ad hoc and not particularly repeatable. I'm going to groundtruth that to make sure.

DR. CRABTREE: Well, it just seems to me where we are or the real question right now is what is the best available science we have right now? I've got an SSC report that has one sentence on golden crab, median landings. Then we've got a memo from Joe Powers that I assume is longer and more detailed than that.

While it may have its limitations and it may not be as good as we would want, but the question that comes to me it seems like is that the best available science and information that we have at the time? That seems to me the immediate question. I'm all for getting other analysis and things done, but I just question that any of that is going to be available. I understand Ben's thoughts on that, but understand, Ben, my position

MR. HARTIG: No, I understand.

DR. CRABTREE: So I guess what I would come to is whether the Powers' letter is somewhat ad hoc and not as rigorous as we would like, is it still, though, the most detailed information we have right now? If it is, then I think we would be okay to move ahead with that at this point until we have something better to rely on. I guess that's something that the center would have to look at and tell us. The question is not really whether the analysis is as good as we would like it to be; it is based on what we have, is that the best information we've got right now.

MR. CUPKA; I agree with you, Roy, and I think if you go back and look at what Joe did, that does incorporate some of this earlier information on the distribution and whatnot that was alluded to earlier. Since then, it seems to me there is additional data available that maybe was not shared with the SSC in terms of – like I say, I know these fishermen report landings and effort and whatnot, so it seems like we could do a recent CPUE analysis or look at average size. They report on size of crabs. It's very similar to what we get in wreckfish in terms of CPUE and average size and whatnot, so I think they need to look at that, also, if we can get it together.

MR. HARRIS: Mr. Chairman, two things; first of all, we all know that Bonnie's shop has three councils and ICCAT to deal with. I don't know how many stock assessment scientists she has in the southeast region, but you've got all these other regions that basically deal with one council. I don't know what the comparison with scientists in these other regions versus the southeast region, but I told Erick Schwaab on at least two occasions that he needed to take a serious look at where people are within NOAA Fisheries science centers and make some hard decisions, perhaps.

If we need to move more scientists from around the country to the southeast to get this work done, so be it. I'm sorry that the other councils are facing the same deadlines we're facing, but they've had the scientists and the support for a lot of years and we have not, and I think we all agree with that.

I mean, I agree with Roy that we're up against the deadline and we need to get the best science and use it and move forward. The other thing I would say is I thought – and maybe this is not exactly right – that yesterday we rejected the data-poor control rule that the SSC had come up with, which was used to provide this one sentence of information on golden crab, so where does that leave us with what the SSC has provided versus what perhaps Joe Powers' letter provides?

MR. CARMICHAEL: I think that leaves you with the possibility of selecting something else for the MSY and thus OFL if you presume OFL – OFL equals MSY. I guess the question is under Alternative 1 for MSY is no action; does that mean there is no MSY? I don't recall if there is an MSY in place for this plan.

MS. QUIGLEY: You are correct, an MSY was considered and then rejected. MSY of 4 to 12 million pounds was considered by the council; NMFS rejected it, and so on and so forth. There is no MSY at this time.

MR. CARMICHAEL: So you could have – you have the Powers’ approach as one alternative for MSY and then you could follow along as you’ve done in something like ABC is 75 percent of OFL.

DR. CRABTREE: Yes, and then I think at some point we’re going to have to revisit this with the SSC and ask them to reconsider all this. Part of my concern – and I’m looking through the minutes of the meeting now, and there is a statement like here, “Until you get better information, the law pretty much curbs you into keeping a precautionary approach.” What I worry is they just came in and decided they were going to be really conservative.

MR. CUPKA: Other comments? Do you want to move along, Kate?

MS. QUIGLEY: I’m not sure it is all that useful to go through the remaining actions, but I’ll just go through them quickly. Action 3 identifies the ABC; Alternative 1, no action; Alternative 2, ABC is 2 million pounds. That is kind of a small step-down from the 2.5 million that is noted in the Powers’ memo.

I’m sorry, the 2 million pounds, where does that come from? It is a step-down I guess – yes, from the Powers’ memo – then Alternative 3, ABC of 1.5 million pounds, another option based on the Powers’ memo. Alternative 4 is the SSC’s recommendation of 336,905 pounds. That is 65 percent of the OFL recommendation from the SSC. Then we’ve got Alternative 5, ABC of 4 to 4.5 million pounds based on the 5 million pounds requested by the industry.

Then we have Action 4, the ACL; basically just no action, ACL equals ABC and ACL equals something else less than the ABC. One thing we’re thinking is you might want to think about moving Actions 1 through 4 to the Comprehensive ACL Amendment since the catch share program in this document is going to take a bit longer. We think that is probably the appropriate place for it to go.

MR. CUPKA: Well, that was certainly my intention was to take these first four actions and entertain a motion to move them to Comprehensive ACL Amendment and then see what kind of feedback we get from the SSC and consider taking action on these alternatives at our September meeting. Does anyone wish to offer a motion? Rita.

MS. MERRITT: Mr. Chairman, **I make the motion that we move Actions 1 through 4 to the Comprehensive ACL Amendment.**

MR. CUPKA: Okay, we have a motion; is there a second? Second by Ben. The motion is move Actions 1 through 4 to the Comprehensive ACL Amendment. Discussion on the motion? Is there any objection? **Seeing none, then that motion is approved.** Okay, the rest of the actions, as Kate indicated, deals with options or alternatives for setting up a catch share program for golden crabs.

If you have had an opportunity to look through this, you will notice that many of the actions have one or at the most two alternatives. Basically, most of the alternatives in there are ones that

came out of our Golden Crab AP. Obviously, it is going to take some more work to further flesh these out. What we can do is either go through these and if anyone has any alternatives they would like to add, we can do that; or, we can ask staff to flesh this out a little more and go through them in September. Charlie.

MR. PHILLIPS: I just want to back up just a minute. Alternatives 1 through 4, since we kind of decided the data-poor ABC rule wasn't working; do we want to direct staff to take any of those alternatives out that were associated with that so they don't have to do the analysis on it?

MR. CUPKA: Well, let me ask Gregg if that would be helpful. I guess what I thought we would do would be at September we would go through those and see if we want to delete any and get some input, but if we can would it be useful to you to delete some of these at this stage, Gregg?

MR. WAUGH: Yes, it would help because our intent would be to flesh these out a little bit more before September; so if there are some that we aren't going to carry forward – and John mentioned two of them under Action 2; these OFLs that are just fishing mortality rates. But if there are some that we can delete, that would be helpful, yes.

MR. CUPKA: Well, do we want to go back through these real quick, then, and see if there are any other ones? Well, Alternative 5 is the recommendation from the SSC and I think we have rejected that at this point; but it may be when they come back in September with another recommendation, it may be something we would want to consider, so I'm not sure we ought to delete that at this point. I do agree on under Action 2, we need to get some quantitative values for those figures. Are there any other ones that you saw, Charlie.

MR. PHILLIPS: Well, I'm not good about picking them out; I'm just working on theory.

MR. CUPKA: Well, I don't see any that jump out unless Gregg has got any recommendations there. Well, maybe under Action 3, Alternative 4, that is one that we have rejected, so we could entertain a motion to take that out. Duane.

MR. HARRIS: So move, Mr. Chairman; that is, **the motion is to remove Alternative 4 under Action 3.**

MR. CUPKA: Okay, do we have a second? Second by Mr. Phillips. Is there any discussion on the motion? Is there any objection? **Without objection, then, that motion is approved.**

MR. HARRIS: Just a question; does that mean that we should remove Alternative 2 under Action 4?

MR. CUPKA: I was just looking at that. We may want to remove that value out of there, but we may want to leave the alternative where ACL equals ABC.

MR. HARRIS: Well, **I would make a motion that we remove the 336,905 pounds from Action 4, Alternative 2, and just leave it as ACL equals ABC.**

MR. CUPKA: Second by Ben Hartig. Discussion on the motion? Is there any objection? **Seeing none, then that motion is approved.** All right, that does bring us back down to the catch share program. Again, as I indicated we can either go through these, but it needs a lot more work done it.

In fact, this brings up another issue which we were going to bring up in Executive Session; and if you want to, Mr. Chairman, we can get into it now, and that is the fact that this is pretty much where it was back in September of last year. One reason why is because of the workload on the staff. As we begin to look at more and more catch share programs and things along those lines, at some point we're going to have to prioritize these things.

I know there is a lot of interest among the golden crab fishermen. They very much want to move ahead with this catch share program, probably more so than even the wreckfish fishermen are, but we've got so many things going on now that we need to decide where our staff is going to put their time. Duane.

MR. HARRIS: Mr. Chairman, given the fact that we've got such a close working relationship with the golden crab fishermen and they have expressed strong support for a catch share program, I recommend that catch shares in the golden crab fishery be our number one priority for developing catch shares in the South Atlantic.

MR. CUPKA: Well, that is obviously the case, and also it might be a good test case for a catch share program. It is a small fishery. There a limited number of participants. There is no recreational component. Again, they're very interested in moving ahead with it. It might be a good one to use as a test case, so I would share that. Charlie.

MR. PHILLIPS: Mr. Chairman, I agree; but before we go too far forward with catch shares, we may want to be able to have a good grasp of what the ABC actually is. You could theoretically give a small number of fishermen a catch that they couldn't possibly catch, so we might need to know kind of what the ABC would be before we got too far into catch shares.

MR. HARTIG: Point of order; did Duane make a motion?

MR. CUPKA: Not yet; we're still having discussion, but I think that he will. Well, those sorts of things I think can be considered, Charlie, as we move ahead. I hate to hold the thing up waiting until we get to that point. I think we can adjust for that as we get into it. Other comments or discussion? Duane.

MR. HARRIS: **I'll just make what I just said in the form of a motion and that is to make golden crab catch shares as the number one priority for the South Atlantic Fishery Management Council in developing a catch share program.**

MR. CUPKA: Okay, we have a motion by Chairman Harris; a second by Mr. Hartig. Is there any discussion on the motion?

MR. HARTIG: Well, we're making this a priority for not a whole lot of fishermen, but the importance of this is that the technology developed by the fishery now has opened up the fishery to a much broader distributional range and market. That is going to invite more interest in this fishery as we're already seeing with several boats already trying to get into this fishery. The timing is good to do this now.

MR. CUPKA: Well, I agree with you. All of you should have received a letter from Bill Whipple and Howard Rou indicating some of the problems and needs and all, and so I think that we need to move ahead with this if we can. Further discussion on the motion? **Is there any objection? Seeing none, then that motion is approved.** Roy.

DR. CRABTREE: It seems to me, though, it is contingent upon us coming up with something for an OFL other than what we had from the SSC. Unless that goes up sharply, the thought that the fishery is going to expand, it's just not. We'll have to see how that plays out, I suppose.

MR. CUPKA: Well, we discussed that before with the fishermen. Obviously, that's the first thing we need to do; because if we don't get that changed somehow, then the whole thing I think becomes moot in some ways. We're aware of that, Roy, and that is the number one thing we need to do. Mr. Chairman, as I say, the others have to do with the catch share program.

There is not a whole lot there. We could do one of two things. Like I say, we can either go through these and see if anybody wants to add anything, or we could direct staff to further flesh this out and bring it back to us at our September meeting. In the interest of time I might suggest maybe you want to do the same approach. It is up to the rest of the committee.

MR. HARRIS: Well, if it is okay with the rest of the council, that would be what I would recommend as well. We're behind schedule on the agenda and we need to move ahead with other agenda items. If we can flesh this out and bring it back to the council in September; do I see any objection to doing that? Anybody that really wants to move ahead? Okay, are you through, then, David?

MR. CUPKA: That completes our committee action, Mr. Chairman, thank you.

MR. HARRIS: Okay, the next agenda item is dolphin wahoo, Tom Swatzel. Remember we're a committee of the whole.

DOLPHIN WAHOO COMMITTEE

MR. SWATZEL: **We'll call the Dolphin and Wahoo Committee of the Whole to order.** The first on the agenda is approval of the agenda. Any additions to the agenda? Hearing none, the agenda is approved. The second item is approval of the September 2009 meeting minutes. Any corrections to the minutes, any changes? Hearing none, the minutes are approved. Basically, we're here to continue to review some action items and alternatives for inclusion into the ACL Amendment for dolphin and wahoo. I'll let Gregg lead us through the decision document.

MR. WAUGH: This is Attachment 1. I've got just the extracted actions up here that I'm projecting. We've got the actions of MSY and we've got the no action. The complications with MSY is that MSY is specified for dolphin in the Atlantic, U.S. Caribbean and the Gulf of Mexico.

Option 2 is an estimate from the production model, and we have Options 4 and 5 that were to be filled in. We did not get a recommendation for MSY from the SSC. We do have an MSY. There is no need to change it. It raises the complications of involving the other councils, so we may not want to make that an action item.

MR. SWATZEL: Any comments or concerns about the MSY? Roy.

DR. CRABTREE: I agree with Gregg. We don't have any new information so I would not make it an action item. I would just take it out and not deal with it.

MR. SWATZEL: Do we need a motion for that?

DR. CRABTREE: **I would move that we not include MSY as an action item and remove it from the document.**

MR. SWATZEL: Second by David. Any discussion? Any opposition to the motion? **Hearing none, that is approved.**

MR. WAUGH: The next item is the OFL. We've got an MFMT and an MSST in place. We did not get any recommendations from the SSC, so again I would recommend we make this not an action item since we have existing values.

MR. BOYLES: Mr. Chairman, I would make a motion that we not include this as an action item.

MR. WAUGH: Excuse me, I misspoke, we do have a recommendation on OFL. It is average landings from 1994-1997 of 11.88 million pounds.

DR. CRABTREE: I guess I'm still not sure it needs to be an action item. I mean, that is what it is and unless there are issues with it, it seems to me that is what we have and it would just be discussed in the document but not an action item.

MR. WAUGH: The one difficulty we have is that the MFMT that is specified is a fishing mortality rate and it doesn't have a yield associated with it; so if we need to specify a poundage, then we're going to have to use a poundage.

DR. CRABTREE: Well, an option that we should consider throughout these ACL documents is the guidelines state that councils should decide which of two methods they're going to use to gauge whether overfishing is occurring. One is to use maximum fishing mortality threshold, but the other is to use the OFL.

For most of these data-poor stocks, we don't have fishing mortality rate estimates so it seems to me we would use the OFL. I don't think we have fishing mortality rate estimates for dolphin or wahoo. At least we haven't had an assessment in many years so it seems to me we could withdraw the MFMT and replace it with the OFL. Basically that would mean if catches are below the OFL, we're not overfishing; if catches go over it, we are. It seems to me that would be one way to handle that.

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

MR. PHILLIPS: Well, where would we get the OFL numbers from?

MR. WAUGH: Well, we have a value recommended from the SSC, and again that is based on the average landings from 1994-1997. Farther along, Table 1 shows you the landings so that you can gauge – it is on Page 11 of Attachment 1. If you look at that, you see that the landings came close in 2007 and then in 2000 and 2001 they exceeded that level.

MR. CUPKA: But we really don't have a total of that, do we, Gregg? We've got total commercial and total recreational, but we don't have the overall total. It may be other years it was exceeded.

MR. WAUGH: I'm pulling up a table that has the totals. Okay, this is a table that takes the data that you were just looking at in Table 1 and adds a grand total. Again, if you look back, 11.88 million pounds came close in 2006-07, it was exceeded in 2002, 2001 and 2000; very close in 1999.

DR. CRABTREE: Gregg, the landing seems to have dropped in 2003; isn't that about when we put the size limit and did some other things when the Dolphin Wahoo Plan was implemented?

MR. WAUGH: I believe that's correct.

MR. SWATZEL: Okay, what is the guidance on this item?

DR. CRABTREE: Well, I'll make a **motion that we withdraw the MFMT as the measure of overfishing and we indicate in the document that we're going to use the OFL as the measure of overfishing.**

MR. SWATZEL: Second by Ben Hartig. Discussion? Any opposition to the motion? **Hearing none, it is approved.**

DR. CRABTREE: And, Gregg, I think that is something that ought to be a decision point on all of these. One of the problems we've had constantly is we get an assessment and we take management actions to end the overfishing, but then we may not get another assessment for four or five years, and it stays on the list of stocks that is undergoing overfishing until we get another assessment.

If we change that on most of our stocks and said we're going to use the OFL as the measure, then as long as we brought the catches down, it would go off the list as undergoing overfishing if the catch is below the OFL. I think that is a way to get around what has been a long-standing complaint on this council and to have the list of stocks reported to congress and all that reflect the actions we have taken.

I think throughout the Comprehensive ACL Amendment that is kind of a decision point that we ought to make. Then when you get a stock assessment, the OFL should correspond with whether you're above the MFMT. I don't really think there is a whole lot of downside for it, and I think it would give a truer picture of what is going on with our stocks.

MR. WAUGH: Okay, the next item is the ABC Control Rule and ABC. Option 1 is no action. Option 2 is the potential ABC range based on 65 to 85 percent of MSY. Option 3 is looking at separating an ABC for the Atlantic. Option 4 is the ABC based on the SSC's data-poor control rule, and their recommendation for ABC for dolphin is 8,912,174 pounds.

That would cover the area that our management plan covers, New England, Mid-Atlantic and South Atlantic areas. We've got other non-SSC control rules as we have talked about for other species that are included in here as well.

DR. CRABTREE: Now, Gregg, make sure I'm not wrong, but I think what they did was set the ABC at 75 percent and that is how the control rule worked out for dolphin and wahoo. But, I think we have the same issues with this ABC Control Rule that they came up with that we did in the others.

My preference, to be consistent, would be to move this to the considered but rejected, but then I think we can adopt, which is essentially effectively the same thing, which is ABC is 75 percent of OFL. It is going to give us the same number, but I think it is more consistent with the way we handled the snapper grouper and the other species. I would like to hear how you guys feel about that, so I'm not making that as a motion right now.

MR. SWATZEL: Let me just point out that I believe based on this SSC ABC recommendation, that I think eight out of the last ten years that would have been exceeded, so just something to think about. Ben.

MR. HARTIG: One of the things that bothered me yesterday when we set ABC equals 75 percent of OFL are things that are unique with some species that we manage, and dolphin is certainly one of those, which has a very short life span and grows very rapidly, spawns in less than the first year.

Eventually I certainly would like to see us take a little more latitude to try and set that at a little bit higher percentage. I should have made the motion for a range yesterday, but I certainly think that dolphin especially you could go to 85 percent without any trouble.

MR. BOYLES: I make that in the form of **a motion, Mr. Chairman, that we specify ABC at 85 percent of the OFL for dolphin as Alternative 6C in the document.**

MR. SWATZEL: Second by Ben Hartig. Discussion? Roy.

DR. CRABTREE: So the rationale with dolphin would be because they're such a productive stock, they grow so rapidly that we're willing to accept more risk because the consequences of overfishing here are likely to not be very severe because the stock would recover very quickly.

MR. HARTIG: Yes, they spawn at age one or less.

MR. SWATZEL: Any further discussion of the motion? Any opposition to the motion?
Hearing none, it is approved. Roy.

DR. CRABTREE: **I then would move that we move Option 4 to the considered but rejected portion. That is the SSC data-poor control rule.**

MR. SWATZEL: Second by David Cupka. Any discussion?

DR. CRABTREE: I think the rationale is the same as we discussed in the snapper grouper committee and we're just being consistent with the issues we have already raised with that control rule.

MR. SWATZEL: Any opposition to the motion? **Hearing none, it is approved.**

MR. WAUGH: The next item is OY; this is on Page 8 of your document. Again, for similar reasons is the mention for MSY. OY is currently specified; the amount of harvest that can be taken by fishermen while not exceeding 75 percent of MSY. That MSY is tied to the Gulf and Caribbean areas also, so I would recommend we not make that an action item.

DR. CRABTREE: Well, we need to think about this. If we leave OY at 14 to 34 million pounds, that is higher than what we just set the OFL at, and I have a hard time seeing how that is reconciled. **It seems to me we ought to set OY equal to the ABC that we just set because that is what we're going to try and achieve.**

MR. HARTIG: **So moved.**

DR. CRABTREE: **So, Ben, your motion is to make Alternative 2 the preferred?**

MR. HARTIG: Yes.

DR. CRABTREE: I would second that.

MR. SWATZEL: Any discussion?

MR. HARTIG: **The motion is adopt Alternative 2, OY equals ABC, as our preferred alternative.**

DR. CRABTREE: And Monica just whispered in my ear do we have another reasonable alternative, but I think because we have a lot of alternatives for ABC that that means the OY is equal to ABC is so we therefore have a lot of alternatives. In fact, Gregg, I think you could take this out as an action and simply merge it into the ABC action if you wanted to. It doesn't much matter to me, but it does seem to me that because we're equating those and there are many versions of ABCs, that we therefore have a lot of potential alternatives for OY.

MS. SMIT-BRUNELLO: I agree.

MR. SWATZEL: Any further discussion?

DR. CHEUVRONT: Gregg, I think that is supposed to be 85 percent of OFL.

MR. SWATZEL: Okay, have we got it straight now? The motion is to adopt Alternative 2 as our preferred, OY equals ABC. Any opposition to the motion? **Hearing none, it is approved.**

MR. WAUGH: Next is dealing with allocations. We've got a number of alternatives here, and I'll try and blow this up so that you can see the numbers. A lot of them result in the very same allocations, and I will point these out. Alternative 1 is status quo, no allocations. We have in place now what has been called a soft cap of 1.5 million pounds on the commercial sector, or 13 percent of total landings, but that only triggers the council looking at the issue.

Alternative 2 would develop allocations based on the years 1999-2008, and it is using the table I just showed you, and we can go to that and look at that if you need to. That would result in 7 percent for commercial, 93 percent for recreational. That is Alternative 2. Alternative 3, looking at more recent years, 2006-2008, you get 8 percent commercial, 92 percent recreational.

Under Alternative 4, where we get into our ratio approach, looking at the earlier years and more recent years – in snapper grouper where we've applied this before, we've gone back to 1986, but our recent data that we have is 1999-2008, so I've just provided the figures looking at 1999-2008 and 2006-2008, and you come out with 8 percent commercial and 92 percent recreational, exactly the same as Alternative 3.

Alternative 5 where you're looking at three sectors, the ratio approach, you come out with 7.7 percent commercial, 0.3 percent to the for-hire, and 92 percent to the private recreational. Then Alternative 6 is a straight 50/50 allocation.

DR. CHEUVRONT: I've got a question here. Back when Alternative 1 was set up as the status quo; has there been any significant management changes to the fishery since that had happened because I'm wondering if there is any outside constraints that might have – I mean, 13 percent was set as the soft cap back then; and, clearly, except for maybe last year, it sounds like the commercial sector hadn't approached that amount, roughly 7 to 8 percent of the total landings.

I was wondering if there was something that had been done management-wise that might have influenced either the commercial or the recreational landings in the intervening years since the status quo was put in place.

MR. WAUGH: We have not amended the Dolphin and Wahoo Plan since it was put in place.

DR. CHEUVRONT: Thank you; that answers my question.

MR. GEIGER: Mr. Chairman, for purposes of consistency, I would make a **motion that use Alternative 4 as our preferred.**

MR. SWATZEL: Second by Ben Hartig. Discussion? Roy.

DR. CRABTREE: And, Gregg, you don't consider what we did in the Dolphin and Wahoo Plan with the soft cap to have effectively established an allocation?

MR. WAUGH: That would be up for you all to determine. It doesn't trigger anything other than a review by the council; so if you all conclude that's an allocation – the 13 percent commercial and 87 percent recreational, then we can expand that.

DR. CRABTREE: I don't think an allocation in and of itself necessarily does trigger anything. It just is an indication of how you think things should be partitioned; and then unless you set up hard quotas or something like that – you know, this is just an issue of what is the status quo. It seems to me you could at least argue that the status was the way we set it up in the Dolphin and Wahoo Plan. Who was here back then? David, did you consider that? I was on the council when we passed it, but would you have thought of that as an allocation when we did that and that was kind of the intent?

MR. CUPKA: No, it was really thought of as kind of a soft cap. We were trying to maintain that; and if it differed from that, then we would come back and revisit and see if we needed to change those percentages. In a way, you could look at it that way, but I don't think we intentionally set it up to be an allocation.

DR. CRABTREE: I guess just to me if that was kind of what we intended the mix of the fishery to be, that sounds a lot like an allocation to me.

MR. PHILLIPS: Gregg, Brian asked you if there was anything that would have changed I guess the amount of mahi being landed; you may not have done anything in mahi, but we had a lot of effort shift because of other regulations. I would bear that in mind.

MR. SWATZEL: Any other comments or discussion about the motion? Ben.

MR. HARTIG: Well, when was the swordfish – how far back was that? Well, basically when you moved the longliners out of the South Atlantic for the most part of at least the South Florida

area, between South Florida and South Florida – all right, we didn't, all right – well, HMS. Gregg, do you remember what time period that was? No, I don't either.

MS. SMIT-BRUNELLO: Well, I'm just looking at the Dolphin and Wahoo Final Rule, and the HMS time area closures already were in existence when the final rule was established.

DR. CRABTREE: I'm reading the Dolphin and Wahoo FMP, and this is in the section where the cap was established and this is the analysis and the biological impacts. It says, "Provided measures are in place to ensure overfishing is prevented, allocation of the resource between commercial and recreational sectors is not likely to have an impact." Economic impacts; the analysis says, "This is a non-binding allocation."

It seems to me when you read the text of it, it was treated as an allocation. I think, just based on what I'm seeing, that the status quo probably ought to reflect that. It seems clear when you read through the text here that it was analyzed as if it was an allocation.

MS. SMIT-BRUNELLO: What does a non-binding allocation –

DR. CRABTREE: Well, I don't but the social impact statements says "the establishment of an allocation scheme for the recreational and commercial sectors". I know you wouldn't want to have to explain to a judge how it wasn't an allocation with all of that language in there.

MR. GEIGER: Believe it or not, I still remember that was the first call I ever received from Dr. Crabtree, and it was on the 23rd of December when the plan was approved. It was with assurances that if the cap was exceeded, that the trip limit portion of the Dolphin and Wahoo FMP that was disapproved by NMFS as part of the Dolphin and Wahoo Plan would be rapidly employed.

Since then we have had those discussions and it sounds like we have to go through a framework action to put trip limits in place or take whatever action is necessary should that cap be put in place. To me it seems like it is exactly that, it is a quasi-allocation. Now, do we have to have an allocation or not? If we want to allocate and we want to remain consistent throughout all of our fisheries, we have come up with a methodology for doing it, and that methodology is Alternative 4, which is why I made the motion.

DR. CRABTREE: And, George, I'm not saying anything about – if you want to change it, you can certainly change it. All I'm making the case is I think the status quo probably is best to reflect what was the setup in this plan. Now, you're more than free to change it. Yes, I think if we exceeded that cap, then I think you would have rationale to come in and do several things.

One, you're going to put an ACL in place and I assume you will put a commercial ACL in place. You could simply make that a hard quota and then you know it won't be exceeded; or if you want to come in and look at trip limits, you can do that. The way the council set this up, it is not a quota and so there is not an automatic closure or anything like that, and there is no way to put the trip limits in place without a framework action or doing something to put them in. They

don't just automatically come to life. I think you use that as a rationale for doing it if you want to.

MR. SWATZEL: Let me make a suggestion; why don't we dispose of this motion, and we can always go back concerning if you want to recharacterize Alternative 1, but we do have a motion on the floor. Is there any other discussion about it? Is there any opposition to it? **One opposed; the motion is approved.** Does the committee want to recharacterize I guess the status quo concerning Alternative 1; any feelings about that? David.

MR. CUPKA: Well, again, back when we set it up, it operated like an allocation, but we didn't intend it strictly in the sense that we use allocations now. I think the approach that has been suggested here under this alternative is consistent with what we did; because if you look at those landings, those landings are held to certain levels.

That ought to be reflected when we do this allocation. In other words, they ought to be same. If those landings really got out of whack, which they didn't, then you might end up with a different allocation. If you set something that you call an allocation and it is clearly an allocation, I think it would be consistent with what was done originally even though back then we didn't call it strictly an allocation, but they ought to consistent, I think.

MS. SMIT-BRUNELLO: I would suggest to be accurate and so the public understands, too, that you discussed this non-binding allocation that was put in place then. I think you should characterize no action as just that, what was done when the plan went into effect. You can discuss it under the discussion as to what that meant and all that, but I think it should include it.

MR. SWATZEL: Well, is there any desire to formally change the language in Alternative 1?

DR. CRABTREE: Tom, I agree with Monica, and I think staff can just reflect what was done in the plan non-binding allocation or something like that.

MR. SWATZEL: Okay, that's fine. Anybody disagree with that? Mark.

MR. ROBSON: I'm not a member of your committee, Mr. Chairman.

MR. HARTIG: This is a committee of the whole.

MR. ROBSON: Oh, yes, that's right, sorry. I have a question; is it really necessary for us to have Alternative 6?

MR. SWATZEL: You bring a good point up, and maybe we can get a motion to consider to take that one to the appendix.

MR. ROBSON: As a new member of the committee, I would like to get a motion in. **I would like to move we move Alternative 6 to the considered but rejected appendix.**

MR. SWATZEL: Second by David Cupka. Any discussion? Any opposition to the motion? **Hearing none, it is approved.**

MR. WAUGH: Okay, next is the annual catch limit. Option 1 is no action. Option 2, 3 and 4 tie the ACL to the MSY, and again that is problematical in that the MSY value is for the three council areas. Option 5 would set the ACL separately for the Atlantic, and I think this should equal the ABC, 8,912,174 pounds. This equals the ABC recommended by the SSC. Option 6 would allow you to reduce it from the ABC.

DR. CRABTREE: Well, I would **move that we remove Options 2, 3 and 4 from the document because they exceed the OFL we established.**

MR. SWATZEL: Second by Duane Harris. Discussion? Any opposition to the motion? **Hearing none, it is approved.** Any other guidance from the committee concerning the options?

DR. CHEUVRONT: On Option 5 do we want to remove the sentence, "This equals the ABC recommended by the SSC", because I think that would make it a little more consistent with some of the earlier decisions that we made. I realize the number is the same, but we got there a different way. **I would like to make a motion on Option 5 we remove the sentence that says "This equals the ABC recommended by the SSC."**

MR. SWATZEL: We have a motion; second by Ben Hartig. Any discussion? Any opposition to the motion? **Hearing none, the motion is approved.** Roy.

DR. CRABTREE: And, Gregg, you would just Option 6 and flesh out a couple alternatives out of that like 90 percent and 80 percent, something like that? Okay.

MR. WAUGH: Okay, given that we're looking at an ACL of 8.9 million pounds and if you remember from our look at the total landings, that is close to where we have been in a couple of years over it, so we need to determine whether we want to look at setting an ACT either on the commercial or the recreational sector.

We've got that same suite of alternatives that we've looked at before on the commercial; stepping it down to 90 percent or 80 percent. On the recreational we're looking at 85 percent, 75 percent or looking at using the actual PSE value. The PSE values are shown in Table 3 in the document that you have.

MR. SWATZEL: What is the pleasure of the committee? Are you okay with the range that is there? Brian.

DR. CHEUVRONT: I'm almost wondering, you know, this is such a productive stock that is 90 percent even itself almost too conservative. Could we handle a 95 percent?

DR. CRABTREE: Well, I think the way you ought to think about this because you're going to have accountability mechanisms; and that means if you go over the ACL, something is going to

happen. It is predominantly a recreational fishery, really 90 percent, and I would think you will want to avoid having the recreational fishery go over the ACL. I would look at how volatile have the recreational catches been over the year and then try to set things up so that you keep recreational catches safely below the ACL. Otherwise, you could end up closing dolphin down one year, and we don't want to do that, I don't think.

DR. CHEUVRONT: Well, we could consider this separately, though, for commercial and recreational.

DR. CRABTREE: Yes, because that is the way it is set up, and I think on the commercial side, if you want to have a hard quota or something you probably don't have to worry about it.

DR. CHEUVRONT: So I guess what I'm kind of thinking is that perhaps – I mean, ACTs are optional, but if you have one for one sector do you have to have one for both sectors? It is pretty clear that we would be able to keep the commercial constrained pretty close. It might be a little more difficult with the recreational sector, so I guess what I would like to do – just for discussion sake, **I would like to recommend that we set Alternative 1 for the commercial sector as our preferred ACT for dolphin.**

MR. SWATZEL: We have a motion; second by Charlie Phillips. Discussion? George.

MR. GEIGER: Well, I guess my question is then by de facto does that become a quota, a hard quota?

DR. CRABTREE: Well, I think what you did with the annual catch limit is you just set a single annual catch limit for dolphin. I don't think you set a recreational catch limit and a commercial catch limit. Well, does setting the allocation automatically set separate ACLs; that is your intent? Okay.

MR. GEIGER: So then the question still is does that then become a hard quota? Okay.

MR. SWATZEL: Any other discussion on the motion? Any opposition to the motion? **Hearing none, it is approved.** Any other discussion about ACTs?

MR. WAUGH: Here is a table of the recreational catches; 2009 is preliminary so look from 2008 going back; 8 million to about 13.7 million back in 2001. Attachment 1, Table 3 on PDF Page 13 shows you the PSEs. They're not hugely variable.

MR. GEIGER: Mr. Chairman, I would like to make a **motion that Alternative 4 be our preferred alternative for the recreational sector ACT.**

MR. SWATZEL: We have a motion; second by Ben Hartig. Discussion?

MR. GEIGER: I think because it is not hugely variable; those landings are not hugely variable; those fish are caught when they're there; they're not always there, I think it is a safe bet to go

with that Alternative 4. It accomplishes what we intend to do is not ever incur a closure in this fishery. I think it will adjust for the effort shift that we may get in the area resulting from the closure.

DR. CHEUVRONT: Which year's PSE do we use?

MR. WAUGH: I would suggest giving us guidance whether you want us to use a three-year average or the five-year average and whether that should be a running three-year or a five-year.

MR. SWATZEL: Any thoughts on that? George.

MR. GEIGER: I would modify the motion to say make Alternative 4 our preferred alternative with a running five-year average.

MR. SWATZEL: Is everybody okay with that change? Okay.

MR. GEIGER: Now, if I may, Mr. Chairman, what is the mechanism for coming back and making adjustments to any of these items? If in fact we see we've used our best judgment here, but it turns out that it is not and we need to make adjustments to it, how do we come back and alter all of these decisions concerning accountability measures?

MR. WAUGH: It would be a framework.

DR. CRABTREE: Yes, you would have to take a framework action, I guess, but I have a question about the way – a running five-year average, that means the ACT is going to change every year because you're going to change the running five-year, and I don't think you want the ACT to be changing every year; do you? If you use the running instead of just the most recent five years or something, it will be a constantly changing target.

MR. GEIGER: Well, if you use the most recent five years, won't it change then again every year?

DR. CRABTREE: No, for this one it says you'd be using 2005-2009, and it looks to me like it is going to about 0.75 or something like that, and that means that your ACT would be roughly 93 percent of the ACL, and that is just what it would be, and then you'd know what it is. Otherwise, you're not going to know what – you'll have to wait until you get the MRFSS number, get the new one and then recalculate it and we might have to publish a notice in the Federal Register and do all kinds of things like that.

MR. GEIGER: Do we need to add "based on the most recent five-year period"?

DR. CRABTREE: I think that's it right there.

DR. CHEUVRONT: But it would change over time?

DR. CRABTREE: No, we'd just be setting it until you come in and change it. If you look at those CVs, they're pretty stable. If they really jump or you feel like you want to change it, you can come in and change it.

MR. GEIGER: Okay, I understand what you're saying. Okay, so **the motion is to make Alternative 4 our preferred with a five-year average using the years 2005-2009, if that is okay with the seconder.**

MR. SWATZEL: Everybody okay with that? Any more discussion about the motion? Any opposition to the motion? **Hearing none, the motion is approved.**

MR. WAUGH: Okay, the next item is to look on PDF Page 14. This is looking at accountability measures. Status quo is that there is no hard quota for dolphin and there are no AMs in place. Option 2 would set the commercial AM for this stock to prohibit harvest, possession or retention when the quota is met. We should probably change that as "projected to be met".

All purchase and sale is prohibited when the quota is projected to be met. Implement accountability measures for the recreational sector. If the ACL is exceeded, the Regional Administrator shall publish a notice to reduce the length of the following year by the amount necessary to ensure landings do not exceed the sector ACL for the following year.

We compare the ACL with recreational landings over a range of years like we've done for others. The first year use 2011; then 2011 and 2012; then for 2013 on use the running three-year average. Option 3 is the same except it would be to publish a notice to reduce the bag limit. Option 4 gets into payback for the commercial sector; and Option 5, payback for the recreational sector. You see the recommendations that have come from the AP there.

DR. CRABTREE: Gregg, what is the bag limit now and is it the same everywhere?

MR. GEIGER: Ten in Florida.

MR. WAUGH: Yes, this is shown on Page 15. The recreational daily bag limit is ten dolphin per person per day and not to exceed 60 dolphin per boat per day, whichever is less. Headboats have a slightly different bag limit. Headboats are allowed a bag limit of ten per paying passenger.

MR. GEIGER: Would it be possible, Gregg, to have Option 4 and 5 completed with a little more detail explaining to the public what it would actually mean? I understand payback, I understand that, but it might not be fully understandable to the public at first blush. I think the range of alternatives are sufficient and let's get public comment on it. If we need a preferred, **I would make a motion that Option 3 be our preferred alternative.**

MR. SWATZEL: I don't think you necessarily need a preferred, but if you want to make the motion that is fine.

MR. GEIGER: Well, what it does is it does give the public the idea as to what the intentions of the council are, and it might cause them to speak more loudly.

MR. SWATZEL: Okay, we have motion to select Option 3 as our preferred; second by Mark. Any discussion on the motion? Any opposition to the motion? Hearing none, **the motion passes.** Roy.

DR. CRABTREE: So we set an ACT for the recreational fishery and the accountability measure is set up around the ACL, so what does the ACT do exactly; what purpose is it serving as it stands?

MR. WAUGH: That should be changed now to read "ACT". Since we have specified an ACT, that is similar language you've used in others where we haven't set an ACT, but now we have set an ACT, so we should change – and if you give us editorial license we will change that to reflect the ACT unless you all want it not to happen unless the ACL itself is exceeded. That is another possibility.

DR. CHEUVRONT: Yes, and that was the point I was going to bring up as well because, remember, our preferred alternative for the commercial was not to have an ACT. I think the ACT for the recreational side, if the recreational side goes over that ACT but does not exceed the ACL, is there a problem with that? I mean, I think the issue is if there is going to be any kind of payback or change in management, I would prefer it to be based on the ACL

DR. CRABTREE: Yes, and I'm of a like mind. To me, I would get rid of Options 4 and 5. I don't think there is any reason for a payback in this fishery. That's up to you. I'm just trying to think, though, Brian, if that is how we're doing it, then what is the point of the ACT? We're not using it for anything, so we need to think of some way where the ACT actually does something to help us avoid hitting the ACL.

DR. CHEUVRONT: Well, I think the ACT still would do that.

DR. CRABTREE: How?

DR. CHEUVRONT: You're going to try to stop the fishing or manage to the ACT, giving yourself that little bit latitude if you do go over a little bit. ACT is your goal but ACL is only when you – if you exceed ACL is when, for example, you would go in and reduce the bag limit the next year. I can see conceivably you go over the ACT but you don't go over ACL, the next year you don't change the bag limit. If you go over ACL you would change the recreational bag limit.

MR. WAUGH: And don't we need to – once you see this the next time, you will see it all fleshed out with the numbers, and then we'll need to look and see if our existing management measures have a sufficiently high probability to keep the catches below your ACT. If they don't, then we'll need to change our management measures.

DR. CRABTREE: Yes, I think something like that would make some sense. If your intent is you're going to look at the existing management measures and ensure that they have minimally a 50 percent probability of keeping us at or below the ACT, that might make some sense. That could mean we need to make adjustments to the bag limit or something; I don't know what it will mean. Then I think there might be some utility to it.

MR. WAUGH: And that's our next item; we're going to look at management measures next.

DR. CHEUVRONT: I would like to go ahead and make **the motion that Roy had suggested to remove Alternatives 4 and 5 under the accountability measures to the considered but rejected appendix.**

MR. SWATZEL: We have a motion; is there a second? Second by Ben Hartig. Any discussion of the motion? Any opposition to the motion? **The motion is approved.** Mark.

MR. ROBSON: This many have already come up, but on Option 2 how would you actually deal with a change in the fishing year with something like dolphin as an accountability measure? Would this be applied to both the commercial and recreational sector? I'm asking because I think there is a high level of seasonality to when and where dolphin occur, and I'm not sure how that would actually work if we ever had to consider that.

MR. WAUGH: Well, reducing the length of the season under Option 2 would just apply to the recreational because the commercial we're going to track and close it when it is met. There is that seasonal nature, but the idea under Option 2 is if you did exceed it, you would – at least in the first year then you wouldn't be reducing. You would be closing part of the year.

MR. ROBSON: But again I'm trying to figure out which part of the year you close would have a very differential impact on a different part of the region.

DR. CRABTREE: Well, if MRIP stays on the same two-month lag it is on now, we would find out that we exceeded it sometime in the spring of the following year. Unless you specify something else, the shortening of the season would be at the end of the year. It couldn't be at the beginning of the year because you wouldn't even have the data then. It seems to me it would need to be the end of the year.

MR. GEIGER: We talked we've about the difficulty of in-season monitoring in the recreational fishery and the variability in MRFSS landings, especially for an in-season adjustment. It would seem to me appropriate because of when the fish are there and when they're not there that you want to possibly look at when the overage occurred and possibly shorten the period of time during the same period the following year when that overage occurred in an effort to curtail landings because that would presumably be the same period of time in which you could either exceed it again or you get the most bang for your buck in really getting a reduction that you're looking for.

DR. CRABTREE: And we're not talking an in-season adjustment here; this is an adjustment the next year. If in one year the ACL was reached on September 1 and now we're in the next year and we're looking back and said, well, they went over, they caught it on September 1, then what we're going to do is publish a notice in the Federal Register saying, okay, for this year the fishery closes on September 1.

Then I'm going to come in here to you as the council say, hey, they're closing on September 1, you need to take a framework action and reduce the bag limit or make some other adjustment. Otherwise, next year they're probably going to go over it again and you don't want that to happen. That is kind of how it would work; the fishery would just close on the date that we saw them go over in the previous year, I think.

MR. HARTIG: Well, the reduction in bag limits would impact everybody equally, so that is what you were looking for.

MR. ROBSON: And that is our preferred.

MR. HARTIG: Right.

MR. GEIGER: Yes, but it wouldn't necessarily get you there though, Ben, if the fish aren't there. You could reduce the bag limits and if the fish aren't caught between that September and December period, you've closed the fishery but what are you going to get? If the high landings that put you over occurred in the period between May and June, for example, or May and July, it would make sense the following year to me to look at some type of a partial closure during that period so that you got the reductions in landings that you were looking for subsequent to being over the previous year. No? That may be a hard thing for the Service to do.

DR. CRABTREE: Well, I think my personal preference with this would be – given the bag limit is ten, would be if they run over we're going to reduce the bag limit. My worry is if they go way over we could end up with a really low bag limit, but if that happened I guess you could take some sort of action to put a fixed seasonal closure or something in at that point. I think the fishermen would object less to a bag limit reduction than they would to a closure unless the bag limit gets down to like one or two fish. Hopefully, it wouldn't happen.

MR. GEIGER: I agree with that. I think that's right.

MR. SWATZEL: Anymore discussion about accountability measures? If not, we will move to the management measure section.

MR. WAUGH: In your Attachment 1 this starts on PDF Page 15. The no action alternative is show there. We already talked the recreational bag limit at ten per person per day with a boat limit of 60; headboats it is ten per person; a minimum size limit of 20 inches fork length off Florida and Georgia; and we've got allowable gear specifications.

The AP recommendation is staying with Option 1. Option 2 would prohibit bag limit sales from for-hire vessels. Option 3 would establish minimum size limits off North Carolina and South Carolina. Option 4 would establish minimum size limits in the New England and Mid-Atlantic areas. Option 5 looks at increasing the minimum size limits to 22 or 24 inches.

Option 6 would reduce the boat limit. Option 7 would examine harvest by powerheads and evaluate whether it should continue to be allowed. Option 8 is look at a series of trip limits on the commercial fishery. These are alternatives that have been suggested throughout the scoping process, and we would hope we could whittle this down some.

MR. HARTIG: I'll start by making a **motion to remove Option 7**, examine harvest by powerheads and evaluate whether it should be continued because that has got to be a very low, low harvest. I'm sorry, I'm going on.

MR. SWATZEL: We've got a second by George. Discussion? Ben.

MR. HARTIG: It is a very, very, very low level of landings and I don't think it is going to get anywhere.

MR. SWATZEL: Any other discussion? We have a motion and a second. Any discussion about the motion? Any opposition to the motion? Hearing none, **the motion is approved**. Any other thoughts about the options? Roy.

DR. CRABTREE: Well, just to thin them down; is there any interest in minimum size limits off North Carolina, South Carolina or –

DR. CHEUVRONT: No.

DR. CRABTREE: – north of North Carolina? Are you going to make a motion?

DR. CHEUVRONT: I was still processing the last one, but, yes, I was getting ready to make that motion, if that is all right.

MR. SWATZEL: Go right ahead.

DR. CHEUVRONT: I would like to make the **motion to move Alternative 3 to the considered but rejected alternatives**. I don't know that we're going to gain anything management-wise that is going to help improve this stock to do this. At least we don't think off in North Carolina, but I see a South Carolina hand going up.

MR. SWATZEL: Well, let me see if we get a second first.

MR. HARTIG: I will second it for discussion.

MR. SWATZEL: All right, seconded for discussion. Robert.

MR. BOYLES: We've talked about this with some of our constituents in South Carolina. A number of our guys are very interested – I shouldn't say "very" – they would entertain some proposals and some discussions to look at establishing a minimum size. This is coming from a number of folks who I think have been concerned about the large-scale recreational harvest of peanut dolphins.

I would like to see it stay in at a minimum at least off of South Carolina. This is before my time on the council, but my understanding of the reason the minimum was not maintained off of the Carolinas because at the time South Carolina had its own in-state measure. That measure has been challenged in court and has been overturned. I think for the purposes of public discourse I would like to see the idea of a minimum size retaining off of South Carolina at a minimum.

DR. CHEUVRONT: Then maybe what we could do is modify that option and drop "establish minimum size limits off of South Carolina" and that would satisfy everybody.

MR. SWATZEL: Well, we need to dispose of the motion that we have up there right now. Do you want to withdraw that motion?

DR. CHEUVRONT: **I would withdraw the motion to remove Alternative 3 altogether.**

MR. SWATZEL: Is that okay with the seconder and the rest of the committee? Okay, the **motion is withdrawn.** Do you want to start over?

DR. CHEUVRONT: Yes. I would like to make the **motion that we revise Option 3 to establish a minimum size limit off of South Carolina.**

MR. SWATZEL: We have a motion; is there a second?

MR. HARTIG: Well, I'm going to second it for discussion.

MR. ROBSON: I have a question, I guess, for the fishery in North Carolina. Are the landings predominantly pier-based and land-based harvests of small fish or is there an open-water harvest?

DR. CHEUVRONT: The vast majority of it is open water. We actually have a short season that lasts for only a couple of weeks, usually in the early fall September time where the smaller dolphin do actually come in close enough that people can catch them off of fishing piers. For us, this is an access issue because we have plenty of people who would never ever be able to catch a dolphin otherwise because they just don't have the access to get into a boat and catch it in the open water.

This is a traditional thing that has always been going on in North Carolina. Lots of times it is the only way children are ever able to catch these fish, and so we feel pretty strongly since this is not a – if there was an issue with the stock, we would be among the first to say let's go ahead and

restrict this, but there doesn't appear to be any problems with the stock, and we would really like to keep this fishery open.

MR. SWATZEL: Any other discussion of the motion? Gregg.

MR. WAUGH: And in terms of looking at what size limit, it would be to consider the same 20-inch limit that we have in Florida and Georgia.

MR. BOYLES: I would just move for a consistent size limit. Is Option 5 still in? I mean, there is a discussion about increasing the minimum size, so I don't think we're talking about doing something specific for South Carolina.

MR. SWATZEL: Any other discussion of the motion? Any opposition to the motion? Hearing none, **the motion is approved.** Any other discussion about the management measure options? Any desire to change any other ones? I guess we've finished that discussion.

MR. WAUGH: I thought I heard Mr. Munden offer some guidance that the Mid-Atlantic and New England probably wouldn't be interested in a size limit. I wonder if we could move that to the appendix.

MR. MUNDEN: I've heard no discussion on size limits for the Mid-Atlantic or New England.

MR. GEIGER: I would make a **motion that we move Option 4 to the considered but rejected portion of the document.**

MR. SWATZEL: Second by Ben Hartig. Any discussion? Robert.

MR. BOYLES: David just leaned over and said do we not want to hear what the public might have to say about this one. It's a highly migratory species; we share management. I don't feel strongly, but I would be curious to see what kind of public reaction we would get. I've heard a lot from our anglers in South Carolina concerned about the long-term health of the dolphin fishery.

MR. GEIGER: Well, I guess we could hear from the public, but how do you go about forcing – can we force a size limit on the northeast?

MR. BOYLES: I think it would be healthy for us to consider all the options. To answer your question, George, no, I can't see us forcing either the Mid-Atlantic or New England, but I think if we brought forth to them some concerns on behalf of the constituents, I think those folks would – I know they would be interested in hearing it. Now whether they decided to do anything about it is their business, of course.

MR. SWATZEL: Okay, anymore discussion on the motion? Any opposition to the motion? **I see two in opposition. The motion is approved.** It looks like we're now ready to get into wahoo. Gregg.

MR. WAUGH: The information on wahoo starts on PDF Page 17. You can see that the catches in headboat and commercial are extremely low. Recreational has been variable with a peak in 2008 or 2007 and has declined since, and 2009 is preliminary. We have got the MSY options as for dolphin. This MSY proxy is for the Atlantic, the U.S. Caribbean and Gulf of Mexico. We made it not an action item for dolphin and we may want to consider the same for wahoo.

MR. SWATZEL: Do you want to treat this like we did dolphin; any action? No action?

MR. WAUGH: So then this would not be an action item.

DR. CRABTREE: I would think we would treat most all of these things for wahoo the same as we did with dolphin. I don't think there is any difference in the situation; is there, Gregg?

MR. WAUGH: No, other than the numbers recommended are much lower.

DR. CRABTREE: **So can we just make a motion to treat the MSY reference points, status determination criteria the same way we treated dolphin?**

MR. SWATZEL: Okay, we have a motion; second by Ben Hartig. Any discussion? Any opposition? **Then the motion is approved.**

MR. WAUGH: So that would get us over to allocations, and we have no allocations and we have no allocations for wahoo. Alternative 2 would use the years 1999-2008. It comes out to be 5 percent commercial and 95 percent recreational. Alternative 3 using the years 2006-2008 are 4 percent commercial and 96 percent recreational. So in terms of total landings, here is what your total landings look like from 1999, 1.5 million pounds; variable through 2007; and then down in 2008.

Alternative 4 – and this would be using instead of the 1986 forward it would be 1999-2008 and using – there is a recent period, the 2006-2008, you come out 5 percent commercial and 95 percent recreational; the exact number as Alternative 2. Alternative 5, looking across the same years; across the three sectors, 5 percent commercial, 0.4 percent for-hire and 94.9 percent private recreational; and then 50/50 in Alternative 6.

MR. BOYLES: Gregg, remind me why the '99 rather than '86 as a starting date for the time series.

MR. WAUGH: We just had the issues with getting accurate and more recent data, and this came out after the AP meeting. The data set that we have for both dolphin and wahoo are 1999-2008. The 2009 figures are preliminary.

MR. BOYLES: I make a **motion, Mr. Chairman, that we select Alternative 4 as preferred.**

MR. GEIGER: Second.

MR. SWATZEL: We have a second. Any discussion? Any opposition. Robert, go ahead.

MR. BOYLES: Of course, with 1999 as the beginning year of the time series.

MR. SWATZEL: Any opposition to the motion? Hearing none, **the motion is approved**. Is there a desire to get rid of Alternative 6? Do I hear a motion?

MR. BOYLES: I would make that **motion to move Alternative 6 to the considered but rejected**.

MR. SWATZEL: Motion by Robert Boyles; second by David Cupka. Any discussion? Hearing none, **that motion is also approved**.

MR. WAUGH: The next item is your ACL. The ACL was set at 826,000 pounds, and we may want to just remove this last sentence for wahoo; or, if by your previous motion we just track all the dolphin changes, then that would work as well.

MR. SWATZEL: Is the consensus of the committee simply to track the dolphin changes? Then we will do that.

MR. WAUGH: And does that apply for the ACT actions as well; do we want to just track those?

MR. SWATZEL: Is the committee okay with that?

MR. WAUGH: Let me call your attention to the numbers for the PSEs for wahoo. They're higher than dolphin, which you would expect. They're caught more rarely. The top of PDF Page 26, so range from a low in 2006 of 11.1 up to 17.7 in '04, and then we just use the five-year average. We would do the same for accountability measures. We would track the accountability measure changes that you recommended for dolphin and we would track those for wahoo as well.

MR. SWATZEL: Everybody okay with that? Okay.

MR. WAUGH: Then the final actions are management changes for wahoo. What is in place now is a 500-pound commercial trip limit; the recreational bag limit of 2, and we have allowable gear. Should we look at any alternatives?

MR. SWATZEL: Anybody have any thoughts about other options there? Gregg.

MR. WAUGH: I was just going to say perhaps when we bring this back and we do have the actual numbers, we'll look and if it does appear that the recreational catches under the existing management measures will exceed the ACT, then we'll just put together a suite of alternatives for you to look at.

MR. GEIGER: Mr. Chairman, could we include boat limits in that?

MR. SWATZEL: Any other thoughts about that? Okay, I think we're about at the end. Is that it? Any other business to come before the Dolphin Wahoo Committee? Hearing none, we're adjourned.

MR. HARRIS: Thank you, Tom. Let's take a 15-minute break.

(Whereupon a recess was taken.)

EXECUTIVE FINANCE COMMITTEE

The Joint Executive Finance Committee of the Whole of the South Atlantic Fishery Management Council convened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, June 10, 2010, and was called to order at 3:40 o'clock p.m. by Chairman Duane Harris.

MR. HARRIS: Okay, let's reconvene and take up the Executive/Finance Committee, which is Tab 6 I believe in your briefing book. The first item is the approval of the agenda. There is not a lot on the agenda, but does anybody wish to make any changes for add anything to the agenda?

MR. MAHOOD: Under other business, there is an Attachment 2 in your briefing book. We are going to go over our upcoming schedule for sometime out in the future, 2010 and 2011, and kind of get a feel from the council if we're on the right track. Now, a number of things have changed, and Gregg is going to go over those. That is one addition and I believe you had two additions, Mr. Chairman.

MR. HARRIS: Well, I think one of those two additions has been resolved, and that was the prioritization of the catch shares program with respect to golden crab. The other one is the question of the boundary issue between the Gulf and the South Atlantic Council. If there are no objections, that will constitute our agenda. Do I see any objection to the agenda? Seeing none, the agenda is approved.

The next item is the minutes of the March 2010 meeting. Are there any additions, corrections or deletions to those? Seeing none, is there any objection to approving the minutes of the March meeting? Seeing none, the meeting minutes are approved. The next item is a status report on the CY 2010 Council Budget. Bob.

MR. MAHOOD: It is behind Attachment 1 under the Executive/Finance Committee Tab. If you've had a chance to look at and have any questions, I'll certainly take those. We're in pretty good shape. We ended up having the total of about \$3.865 million this year for operations. I think Mike just told me we have all of our money in except one additional pot of money that I'll talk about in just minute. It took a while.

It kind of trickles in throughout the year, but I think we have it probably quicker than we did last year. With that, Mr. Chairman, unless some has got some specific questions, we're on track. If

you look in the percentage spent category, you'll see that we're pretty much on track for this time of the year. We're in good shape.

MR. HARRIS: Questions for Bob regarding the budget? Seeing none, one more item.

MR. MAHOOD: One more item that doesn't show on here, we will be hosting the National SSC Meeting this year in October; and to do that, the National Marine Fisheries Service will give us \$100,000 to conduct that meeting. I think there is going to be a number things addressed by the eight SSCs around the country that have been pertinent to the discussion here today, trying to work on some of these issues, especially things like data-poor stocks and how do we deal with them, how do we develop the control rules.

What amazes me is you've actually got some of these councils that have all the data in the world that still feel like they have data-poor stocks. They just don't know what data-poor stocks are. Well, anyway, that will be an addition. Mike and John's staff are working on putting this together, and we're going to try to make it a very productive session this year. I think there has been a lot accomplished the previous two years, and we expect that to continue. That is it on the budget, Mr. Chairman.

MR. HARRIS: All right, the next item is the report on the CCC meeting or is the Regional Operations Agreement; what would you like to –

MR. MAHOOD: The CCC meeting.

MR. HARRIS: Okay, we'll talk about the CCC meeting that just concluded in Anchorage. I thought it was a good meeting. It kind of followed the meeting in Washington several months previous, and I don't think we really learned a whole lot more at this meeting than we heard in Washington.

Eric Schwaab did attend the meeting and was there the entire time. I would say that the North Pacific Council did an excellent job hosting it. I'll ask David if he has anything to add and then Bob and then Phil.

MR. CUPKA: Mr. Chairman, just two things very quickly. First is that our council will host the CCC meeting next year in Charleston probably sometime in early May or late April or whenever. We're still working on hotel arrangements, but we will be hosting that meeting next year. One of the few things that showed any progress that came out of this meeting was – as some of you are aware when the Magnuson Act was reauthorized, it formally recognized the CCC in the Act. At the meeting this year we finished up some draft terms of reference for the Council Coordination Committee.

This deals with things like membership and organization and rules of orders, meetings, agendas, executive sessions, minutes and public participation. It spells out in a much more formal way how the CCC is going to operate, so that was good to try and get those finalized. That is all I would add, Mr. Chairman.

MR. MAHOOD: I think it was a pretty good meeting. The councils had a lot of good interchange. The way these meetings are conducted, the first day the councils are separate from the NMFS Leadership Group. We then come together in joint session and conduct the rest of the meeting that way.

I would like to say we missed Bonnie and Roy. Phil was there and he did a job of being there, but the one place we really missed Roy and the one thing I was most disappointed about is – there were a number of items. We thought there would be a lot final guidance in several areas. One dealt with the SSCs. Nothing new has been done sine January. One dealt with the ACLs; nothing has happened.

There was really nobody there like Roy to lead that conversation from the NMFS side of it. Even though the councils had a lot of questions and we had a good session amongst ourselves, there just wasn't that component on the NMFS side to really give us some guidance that we really could have used at this point in time. We're hoping that will move forward.

The reason Roy and Bonnie weren't there is because of the oil spill activities, and that was a shame. Other than that, I think it was a good meeting. It is always good when the NMFS staff and council staffs get together and have these types of discussions. The other thing that makes these meetings much more pleasant now is everybody seems to have plenty of money.

Back when there wasn't enough money to go around, they weren't quite as simpatico as they are these days. Hopefully, the one coming up in Charleston, we'll put on a good meeting and some of these things will come to fruition on these final rules and this type of thing prior to that time. That's all I have, Mr. Chairman.

MR. HARRIS: Phil, did you have anything you wanted to add?

MR. STEELE: Not much, but just to remind you of the magic number that you got from the Pacific being 22 stock assessments per year.

MR. HARRIS: Yes, the magic number that we got from the Pacific was 22 stock assessments per year.

DR. CHEUVRONT: How many people do they have to do it?

MR. HARRIS: I have no idea, but they get 22.

MR. MAHOOD: The one thing you've got to remember – and Duane hit on this a little earlier – you come to the east side of the country and you've got one science center that covers the New England Council and the Mid-Atlantic Council. You've got one science center that covers the Caribbean, Gulf and South Atlantic. That is five councils, two science centers. They've got six science centers. Out on the west coast you've got three councils and four science centers. Now figure that one out.

MR. TEEHAN: Mr. Chairman, of those 22 stock assessments, aren't 15 of those rockfish?

MR. HARRIS: Different species of rockfish, yes. I talked about this the other day. One of the most impressive presentations we heard was from the Pacific Council on how they were under the impression that one of the species of rockfish was severely overfished and ended up working with the fishing community who argued that and got some really sophisticated acoustic equipment, put it on fishing boats and went out there and determined that those rockfish stocks were in much, much better shape than anybody ever imagined.

That was very impressive and you see what you can do when you've got the right mix of people and equipment and the cooperation of the fishing community, and they obviously had that in this project. Bob, anything else about that? How about the Regional Operations Agreement; did you want to talk about that?

MR. MAHOOD: That would be next. If you'll turn to Attachment 2 under the Executive/Finance, PDF Page 62, one thing I would like to say is we send the Regional Operating Agreement out to all the council members, but a lot goes into that back and forth between our staff and the regional office staff.

We all sit down and we agree on what we're going to try to do and the timelines on doing it. I know Gregg and Phil and Jack and a number of the folks get together back and forth. The different teams have to be involved in it, all the players on the different teams, looking at their times. As you can see, it has developed into a fairly good little manual there.

It gives us some direction and I hope it gives the councils a good idea of what their folks are about both at the regional level and the staff level. What Gregg would like to go over is this is kind of what we lay out as our timing. As I was going through it earlier in this meeting and looking at it, I see that we're already – we're doing pretty good on a couple of things, but we're falling behind on others. In the interim I think we've had some additional things added at this meeting, so Gregg will go through that and try to get your input on the track he wants to be on and maybe what some of the priorities are and some of the timelines that may need to change.

MR. WAUGH: The first grouping are items that have a statutory deadline of 2010. We've finished 17B. That was submitted on March 30th. 17A, we gave final approval here, and our intention was to submit that by the end of the month. However, you all have added a new alternative that is going to require new economic analyses.

That is going to require a bit of rewriting to the document and editing. We figure it is a high probability this document may go into a lawsuit, and so it will get extra scrutiny before it gets submitted. I would imagine it will be August before that document gets completed and submitted.

So now instead of after this meeting be able to focus the team and staff efforts on the other items, other actions, other documents, we're going to have to devote a month or so or more of time to

revising 17A, so that is going to negatively impact our other actions. Those are the two items with a 2010 statutory deadline, and I would assume that 17A is our number one priority from you all.

MR. HARRIS: That is a pretty safe assumption.

MR. WAUGH: Okay. Then we go to 2011 deadlines. I'll run through them first with some changes and then we'll come back and get your sort of guidance on how we proceed with this. Snapper Grouper Amendment 18 went out to one round of public hearings back in November of 2009. We anticipate approving this for another round of public hearings in September of this year.

Whether we can get that completed and done prior to the December, Red Munden indicated they would like to have a public hearing in conjunction with their December meeting in Virginia, which is the week after ours, so perhaps that would slide then to continuing public input and getting final approval at our March 2011 meeting and then looking at the complete document either in March or June of 2011 and submitting the document April or July of 2011.

The second item with a 2011 deadline is the Comprehensive Ecosystem-Based Amendment 2, which we will be talking about later today. Right now the intent is to approve that for public hearings in December, do public hearings January/February, review actions in March, final approval for formal review in June.

Then we come to two joint amendments with the Gulf Council. Our Mackerel Committee met jointly with the Gulf on Tuesday. The schedule for this item is slightly different in terms of when the council reviews and approves for public hearing. We will still do it at our September meeting. There is quite a bit of work to be done on that document to get it ready for approval in September.

Then the Gulf would anticipate they would approve at their October 25-28 meeting in Baton Rouge. We would do public hearings in the November and December time period; and then review public hearing input at our December meeting and the Gulf's February 2011 meeting; final approval at our March 2011 meeting and the Gulf's April 2011 meeting and sending that in April.

The other joint amendment with the Gulf has a SEDAR update ongoing now. We had our Spiny Lobster Joint APs in on Monday and the committee. We're looking to review the document and approve for public hearings, us in December 2010 and the Gulf in February 2011; doing the public hearings in April 2011 after the fishing season ends; review public comments at both councils in June; and then final review and approval for submittal in August for Gulf and September for us; and submitting in September 2011.

You can see we're starting to get near the end of 2011. Then the biggest item to meet this 2011 deadline is the Comprehensive ACL Amendment, which obviously has a lot in it. It isn't just

asking the economists to do analyses for snapper grouper, which is a large item, but it is snapper grouper plus all of our other FMPs. This is going to require a lot of work.

The anticipated schedule is to approve for public hearings in December 2010; do public hearings in January and February of 2011; review comments in March; review the complete document and approve for formal review in June and send to the secretary in June. Given the complexity of this document, I would fully anticipate that sliding a month, such that we're giving you final approval in September.

Now, I'll stop there because these others have no statutory deadline. However, there is a new amendment. We got the letter on red grouper at this meeting, so we have an Amendment 23 dealing with red grouper and you added black grouper to that. We have, under the new Magnuson Act, two years to implement an amendment to end overfishing.

That clock started when we got the letter at this meeting, so June 2010 we have 18 months for us to finish it and sent it to NMFS so that they have six months to implement it. That means we have to take final action in December of 2011. In this schedule I just outlined to you we have to squeeze another amendment in there that establishes the rebuilding plan for red grouper.

I'll stop there, and this doesn't get into any of these other items nor does it get into the new framework that you talked about. I don't know if we need to prioritize any of these because all of them have a December 2011 deadline. Now, whether that can be achieved or not is pretty questionable. There is a lot of analyses, a lot of work, a lot of hearings there.

As you heard, too, it is perhaps unfortunate timing, but we've got to hold a National SSC Meeting and the Council Chairmen's Meeting. Again, I don't know if you want to discuss any of this now because, honestly, my recommendation at this stage is that we focus our staff and NMFS resources in meeting all of these 2011 statutory deadlines before we devote much staff time to any of these other items.

MR. HARRIS: Comments or questions for Gregg? Bill.

MR. TEEHAN: Mr. Chairman, I guess this question would be for Roy. It sounds like you all have a fairly ambitious schedule for December 2011 and I imagine the Gulf Council will be the same. I also imagine, knowing human nature, that most of the other councils in the nation will be turning their stuff in late or at the last minute. Roy, do you anticipate any sort of backlog on all these ACLs and so forth being due by the end of the fishing year and we're assuming 2011? What is going to be that status or situation; do you know?

DR. CRABTREE: I expect you to get them done on time.

MR. TEEHAN: Okay, you got that one; now what is the reality of the situation?

DR. CRABTREE: We'll do the best we can to get them done, Bill, but obviously it is a lot of work and it is a challenge.

MR. HARRIS: Other comments or questions? Well, my suggestion is we do have to focus on the statutory deadline items that are on our plate. If that means sliding some of these other items, they're going to have to slide. I don't see any way we can squeeze both the council staff and the NOAA Fisheries staff that work on these things any more than they're already being squeezed.

I would just say we have to be practical with respect to all this and maybe as we make some decisions with respect to moving some things out of the FMPs and giving perhaps some items to the state of Florida to deal with, maybe that will lessen some of the workload, but it is certainly not going to lessen the bulk of it. It might give us a 5 percent break, but that is probably all it would give us. Unless I hear anything different, I think we've got to move forward with the statutory deadline stuff. Brian.

DR. CHEUVRONT: I agree with that, Duane, but some of the stuff, for example, like meeting planning and all that that we've got coming up next year, you can't wait until you've got the statutory stuff done. You're going to have to have some time to spend on that. We have a couple of things under the non-statutory deadline that perhaps there is some work that can be done, and I was sort of thinking along the lines of the Golden Crab Amendment and Snapper Grouper Amendment 21.

That is the Comprehensive Catch Shares Trip Limits Amendments. Among the non-statutory things, in my mind those are probably two of the most important things that we need to get moving on. Assuming that there may be time to do some other non-statutorily driven stuff, I think it probably wouldn't hurt to give council some indication of what our preferences are for some of these non-statutory things, understanding that they take a back seat to meeting our statutory requirements.

MR. WAUGH: And we do have some assistance. Mark was here this week, and he has been tasked to work with us out of HQ. We do have some assistance to work on catch shares. The golden crab one would not be as involved as something like the one for comprehensive catch shares. That is something that we can work on.

As we take more of our economist's time on that, that shifts more of the burden on the NMFS economists. They're fully loaded as well. All of this assumes that oil doesn't come around the corner in Florida. We will take that direction to work as we have time on the Golden Crab Amendment 5 and Snapper Grouper Amendment 21, which is the Comprehensive Catch Shares Amendment.

MR. HARRIS: Other comments and direction to staff with respect to this issue?

MR. MAHOOD: I think what we maybe need to do is – and this goes on. We have an interchange with the regional office. Maybe before the September meeting we can sit down with Phil and Roy and myself, maybe, and Gregg; and if not, at least at Phil and Gregg's level and sit down and really try to lay things out relative to what resources we have.

When Gregg says when the oil comes around the corner, I know that the staff down there – and certainly we lost Roy at the CCC meeting because of the oil spill in the Gulf. I don't know if that is going to get any better anytime soon, so there may be some other things that draw resources from the regional office and science centers.

Maybe we can get together and look at kind of where we are and what we've got to do and get it fleshed out. Also, we've got one vacant position that we'll be hiring for. As a matter of fact, I probably should announce it. Dale Theiling from our SEDAR staff is leaving the end of June; and Kari Fenske, who is one of our staff scientists under John, she is going to take Dale's position on the SEDAR staff. Kari's position will be open and we will looking at getting somebody in there.

Also, we still have a vacant – if you looked at the budget, I was surprised nobody asked me why we had about a hundred thousand that we didn't have obligated for anything. As you recall, we talked about kind of holding on to that money to see what happens with budgets in the next couple of years. We have that capability of bringing on another staff person.

The last direction we got I think from the council was that we may want to look at filling the cultural anthropologist's position, which could be a key position in helping develop some of these actions we're taking. I think you still just have one cultural anthropologist at the region or do you have two now? You have two now. That is something else when we talk to the regional office we can look at; and if that is not the appropriate level; we may need another economist or something like that, then that is something that we can also put on the table at look at doing.

MR. GEIGER: Well, we've got money; why don't they bring in Party's Are Us to plan the Triple C meeting and bring that to fruition?

MR. HARRIS: I think in all likelihood it could involve a meeting planner to assist with that, but I have to let them make the decision based on the amount of money that is available. Phil.

MR. STEELE: Just a couple of things. We are in the midst of hiring another anthropologist. We only have one, by the way, and we're going to get another one here sometime in the next three or four months as soon as Work Force Management clears the package. Also, probably later on this year, because we've assumed the duties of writing the regulations for the South Atlantic, I'll probably add a junior regulation writer to the system.

As you know, once the plan and amendments are all done, that really starts a lot of my staff's work again in addition to the IPTs. I don't know if Roy is going to brief you or how much on the oil spill. We've kind of got it down to a system with the emergency rule and the kind of a framework action that we've done where we examine the data that we get on a daily basis and one makes a decision on whether or not we move the lines that adjust the oil spill.

If and when it comes around the corner, then we'll probably do the same thing. It is a system; we've got it down, but it is 24/7, seven days a week. It is something we have to look at. The

man is on staff and we'll just deal with it as we see fit. I do have some extra staff coming on board and it should help a little bit with these things. We'll get it done.

MR. WAUGH: I don't want to trigger a debate over the pros and cons of a cultural anthropologist on staff, but the realities are we have to do fishery impact statements and social impact assessments. Those are rigorous analyses. We are impacting the fishing sectors tremendously; and to do these cumulative impact analyses is no easy task.

I'm in the position of having to argue with Phil and Phil's staff to try and get them to cover all the social impact analyses and that is not fair. I mean, if there is concern of putting someone in a position long term, then at least let's hire someone on a contractual basis to work with us for a year or two to do these analyses. Quite frankly, those sections are not as strong as they could be and as they need to be.

MR. HARRIS: Well, I understand that and I think everybody on the council understands that, but the question is going to be where is the money going to come from, do we have the money, what do we give up if we do that? Whether we bring somebody on board on a permanent basis or on a contractual basis, let's look at that. Why don't you all just kind of analyze that and come back to us in September with a recommendation. Would that work, Bob? Okay, anything else on this issue.

Okay, the last item is the one other business item that we haven't talked about yet and that is the boundary line issue between the Gulf Council and the South Atlantic Council. I know Mark had some things to talk about with respect to that, but, Roy, did you want to open that discussion or would you like congress to open that discussion?

DR. CRABTREE: Well, I'll open it. We certainly have a problem down in the Keys, and I never thought it was fair to the folks down there. It is the largest fishing area in Florida and one of the largest in the country. I've just never been happy with the jurisdictional situation. Some time back I asked the attorneys if we could change that. I guess it is unclear to me still whether we can change or not. Bob says no, but I wouldn't mind exploring it a little more. I have never really gone anywhere with it because I wouldn't even attempt it unless both councils were supportive of doing it.

MS. SMIT-BRUNELLO: We had an intern look into it, and she produced a document that I believe Mike McLemore reviewed. I think I saw it, too. It has been a couple of years. My recollection is that the decision was it probably couldn't be done, but I would be glad to look at that again and look at seeing whether we could do it if that is what you want.

Right now the Magnuson Act states that you have authority over fisheries in the Atlantic Ocean seaward of the states of North Carolina, South Carolina, Georgia and Florida. My thinking is the Atlantic Ocean off of the east coast of Florida is your boundary that is seaward. The Gulf is the same except it is in the Gulf of Mexico seaward of those Gulf states. I would be glad to look at it if you would like me to a little further and get a more definitive statement.

MR. TEEHAN: Mr. Chairman, we've broached this with the Gulf Council at our last meeting and there seemed to be some interest amongst the council members. Of course, this is a Florida issue so they tend to defer to the Florida constituent. On the council levels and on the state level, we have the same problem with Monroe County.

Grouper is an excellent example of Gulf federal regulations and South Atlantic federal regulations. They're all governed by which side of the bridge you're on, and it is very difficult for enforcement and anglers to understand that. I think we would support some sort of a change, be it toward Monroe County/Collier Line, which would be the Gulf side, or Monroe/Dade or whatever works out I think is something that we certainly are willing discuss.

I will defer to Mark because I know he has got comments. However, I don't think we've really adequately run this up a flag pole to the people who live in Monroe Country, and I think that would be a very important group of constituents to get some comment back. For example, somebody correct me if I'm wrong, but I don't believe MRFSS even takes data in Monroe County because of the confusion of where those fish were caught. Something should be done.

MR. ROBSON: Bill hit a number of key points. Number one, this is important to Florida because it has been a historical point of confusion for fishermen, for our enforcement officers, for data collectors and data analysts for years and years. I don't know whether recreational data – how exactly it is reported, but quite honestly it is a mess down in the Keys and in Monroe County because of this split jurisdictional issue.

Bill is also correct that this is not something that we have discussed much at all with the fishermen and the community down there, and that is certainly something that our agency would want to do. I also don't have a strong feeling as to whether or not it would be better for Monroe County to be considered Atlantic waters for federal management purposes or Gulf waters.

My understanding of the process is that if the state of Florida – and I think Monica may be able to – I don't know if is somewhere in the Magnuson Act, but I believe the process is for a request for a change in a council boundary can come from a state; is that correct?

MS. SMIT-BRUNELLO: I have no idea, but I will find out. The changes in council boundaries, I don't really think it is addressed in the Magnuson Act, but maybe it is. Bob might be correcting me.

MR. ROBSON: I think it is.

MR. TEEHAN: I think it is the governor of the state request that the Secretary of Commerce make the change; does that sound familiar?

DR. CRABTREE: I agree with Monica; I don't think there is anything in the Act about that. Monica is right on what the statute says, and in the regulations we spell it out. The question is really where is the demarcation between the Gulf of Mexico and the Atlantic Ocean? Well, does that necessarily have to be U.S. 1 running through the Keys or could it be redefined as

somewhere else? That is the question. I have argued that, yes, it could be redefined somewhere else. There is nothing magical about U.S. 1, that that has to be it. I don't know if I'll prevail on that.

MS. SMIT-BRUNELLO: We need to look at what established that boundary, too. It is not established, I don't believe, by the Magnuson Act. I don't know how the demarcation between what is Gulf and what is South Atlantic in terms of the actual water part. I don't know how that got established, but we'll find out.

MR. HARRIS: I think David knows the answer to that and he is next up.

MR. CUPKA: Yes, I'm really telling my age now, but I remember when this issue came up when the councils were first formed and I was going to South Atlantic Council meetings. The Act does say that we have responsibility for stocks in the Atlantic. The real question is where does the Atlantic stop and the Gulf start?

MS. SMIT-BRUNELLO: That is what I meant.

MR. CUPKA: And it is not spelled out in law, I don't think, of the Magnuson Act, but they did go to a federal law that spells out where the Atlantic stops and the Gulf starts, and it seems to me, as I recall, it was based on some federal law that was used for purposes of oil and gas development. That's how it ended up where it is now, but the real question is – you know, we clearly have responsibility for the Atlantic, but the question is where does the Atlantic start and stop. It has nothing to do with the U.S. 1, I don't believe, but that's the way it came about. It seems to me that –

DR. CRABTREE: I think right now the boundary traces the line where it shifts between three miles and nine mile state waters on Florida. There was a big argument over this, and I think there were threatened lawsuits and things, which tells me there were different opinions about it, and there was some discretion involved. I think we just need to find out whether this is something that is set in stone or is it something that could be changed through rulemaking. I have asked that, but I haven't gotten a definitive answer.

MR. CUPKA: The way it was settled I think – at least the story I always heard was that it was very contentious. I don't know that there was ever actually a lawsuit. There was talk about having lawsuits. At the time we had a member of the South Atlantic Council, Jay Roy Duggan, who was good friends with the Attorney General of the United States, and they were playing golf one day and Jay Roy suggested to him that they use that law to separate the Atlantic and Gulf, and that's how it came about. I don't think there was ever actually any kind of lawsuit, but there were threats of lawsuits, but it got settled before it got to that point.

MR. SMIT-BRUNELLO: I think there was a general counsel opinion written on it, too, that I've seen. It's probably on parchment with the quill and stuff, but we will dust it off and see if we can find it.

DR. CHEUVRONT: Most of the points I wanted to make were made by Bill and I think David at some point on what they were saying, but the only thing I am going to leave with here is that any decision to change this is bigger than just the councils. It is going to affect data collections, it is going to affect all kinds of stuff; and so I think before we would consider doing that, I think we would probably need to assess how some of those things would need to change as well to accommodate such a change.

MR. HARRIS: Well, you're right, Brian, it also would change some of our fishery management plans; like golden crab where we've been working with the fishermen for a long, long time, and I don't know that they're catching any golden crab in the Gulf; and if all of a sudden we shifted the boundary over to the east coast somewhere, to put the Florida Keys in the Gulf of Mexico Boundary, they would be responsible for a lot of that golden crab fishery. They certainly don't have the tradition. There are just a lot of questions. Mark.

MR. ROBSON: Well, what would happen to get this thing started? If the state of Florida sent a letter to both councils requesting that this be examined for possible consideration, that means some work would have to get done to evaluate this based on all those things you were just talking about, but would that be sufficient and could that get a good, detailed analysis completed based on a letter like that?

DR. CRABTREE: Yes, I think if you sent a letter to Chairman Harris and Chairman Shipp and myself expressing the state of Florida's interest in this, that might help get this going.

MR. ROBSON: And I guess that letter, of course, would be – we would want to be transparent with the public and so the implication would be that a review and consideration of this issue with both councils and NOAA Fisheries would also involve some level of public involvement and participation in the discussion.

DR. CRABTREE: Well, under any circumstances, if this change were to be made, it would have to go through a proposed rulemaking and there would be public comments on it and all those types of things. I would guess that the councils could hold hearings on it.

MR. HARRIS: Now that I've let everybody have their way, I'm going to let Bob tell you what we need to do.

MR. MAHOOD: I researched this a little bit when it first came up. Basically, it is going to take congress to change it. You have to amend the Magnuson Act. You can't just reach an agreement where the boundary set by the congress was. I think we would have to go back – I've got a book that has the intent of the legislation going way back to 1976.

I would like to see the report that was done on that. It is interesting when you look at the definition of the Gulf of Mexico. It says the Gulf of Mexico is an arm of the Atlantic Ocean, so maybe we should be managing the Gulf, but we don't want it anymore; it is polluted. I think Roy is right about how they picked the lines.

It says it is an arm of the Atlantic Ocean in Southeast North America bordering on eastern Mexico; the southeast United States and Cuba. It connects with the Atlantic Ocean through the Straits of Florida and with the Caribbean Sea through the Yucatan Peninsula. I suspect what they did, Roy – and I'm not sure where the nine-limit line starts. Does it start on that side of Key West? I suspect you're right; they probably took that line and that was the demarcation line that they used to demarcate the Gulf of Mexico and the South Atlantic.

DR. CRABTREE: I think it is actually out in the Tortugas. Where are you reading that from, by the way?

MR. MAHOOD: Well, it is Answers.com, but it is very similar to what I've seen. I think I have an easier fix for Mark. Now, the problem Florida is having are regulations on one side of the bridge are different than regulations on the other side of the bridge. Why don't we form – in part of your letter for changing the boundary – form an ad hoc committee of the two councils to sit down and have compatible regulations in the Florida Keys.

To me that is a much easier fix than trying to change a boundary, because I don't think you're going to get our council to agree to that. I'm not going to let them as long as I'm here because we fought those battles. Early on there were actually lawyers hired and that is why there is language in the Magnuson Act telling the councils they will have to get permission from NOAA General Counsel to hire an attorney.

MR. TEEHAN: Bob, I have a solution for you. Why don't we give you the Gulf for now as a trial basis; and when you get it cleaned up, we'll take it back.

MR. MAHOOD: On several occasions, I think going as far back as when Ben was on the council, we talked about getting together and doing something as simple as having compatible regulations in that area. I don't know why we have not ever done that.

MR. ROBSON: Well, that is absolutely what I would love to see, but I think the reality is and given the rapid changes in regulations we have seen in the last two years and are likely to continue to see as we're constantly rebuilding and trying to adjust management regulations, that is going to be almost impossible. It has been very frustrating for the state of Florida.

It is very frustrating for the fishermen down there to have to try to figure out which set of federal regulations they've got to comply with, and they're not consistent. Shallow-water grouper this year and last year was a very good example of that, and it has a direct bearing on the people fishing down there in Monroe County. I think it would be great if we could make sure it always happens, that that group is always working toward consistency, but it doesn't seem to be that feasible to me.

MR. HARRIS: Any discussion on this issue? Mark, you can certainly write a letter, if you would like, and if that gets the ball rolling – I suspect the answer that we're going to receive from the attorneys is essentially what we've heard here today, but I can't predict what the attorneys would do.

Nonetheless, I think it is an important issue, and it certainly is not something that we would take lightly even making some request to change a boundary line. I think as Bob said it would be a lot easier if we could try to come up with compatible regulations in the Keys. But if we don't begin working on that soon; it is like a lot of other things, it will get moved to the back burner and never see the light of day. Maybe a letter, as Roy suggested, would be appropriate and you might want to put something in there about compatible regulations and some kind of ad hoc working group, I don't know, whatever you want to do.

DR. CRABTREE: And just as the last word, personally I think it would be easier to change the law than to get the Gulf and the South Atlantic to come to agreement on compatible regulations.

MR. HARRIS: That might have been true in the past, Roy, but we've got this blood brother relationship now with the Gulf. Okay, is there anything else to come before the Executive/Finance Committee? Okay, this committee is adjourned.

(Whereupon, the meeting was adjourned at 4:30 o'clock p.m., June 10, 2010.)

ECOSYSTEM-BASED MANAGEMENT COMMITTEE

DR. CHEUVRONT: **We're moving right along to the Ecosystem-Based Management Council Session.** The first order of business is the approval of the agenda. You all have that in front of you. Any changes or additions to the agenda? Seeing none, the agenda will be approved. We need approval of the March 2010 Ecosystem-Based Management Committee Minutes. Are there any changes to the minutes? Seeing none, the minutes will stand approved.

We have several items on our agenda. We have the CE-BA 2 Amendment to talk about, Comprehensive ACL. We have invasive species, and we have a presentation under invasive species. We have some updates on activities that are going to happen, and there are maybe one or two other issues that need to be discussed. The first item that we're going to deal with right now is CE-BA 2. We had SSC recommendations for octocorals. George.

MR. GEIGER: Dr. Chevront, if I might, we received numerous and cogent input in our public hearing the other night concerning the octocoral issue. We received a very well-put-together letter from Dr. Feddern concerning octocorals. **I think it would be prudent to remove octocorals from this plan and transfer responsibility for octocorals to the state of Florida, and I make that as a motion.**

MR. ROBSON: Second.

DR. CHEUVRONT: Seconded by Mark Robson. Any discussion on the motion?

MR. HARRIS: Yes, I think we need some discussion to kind of build the record. We've heard a lot of really good presentations and public comments on this issue. It seems to me, based on what I've heard, the state of Florida is perfectly capable of managing this fishery and has been

essentially doing so for a long time. I support the motion. I think it helps the council. It takes one thing off of our plate. Florida is already doing it and has been doing it for a long time, so I'm in favor of that motion.

MR. GEIGER: Mr. Chairman, assuming that Mark seconded the motion, Florida is prepared to take responsibility for it willingly, so I think it is prudent that we do it.

MR. ROBSON: Yes, that is correct.

DR. LANEY: Well, Brian, the only question I guess I would have is what happens – do we have octocorals north of Cape Canaveral, and so what happens to those in the present regulations, which I think covers those as well.

DR. CHEUVRONT: That is a very good point. Roger.

MR. PUGLIESE: That was one of the points that I was going to raise. Right now the present regulations limit – the fishery actually operates and is allowed to operate south of Cape Canaveral. There is a prohibition north. Then we have prohibitions of octocorals within in, say, like the Deep-Water Coral HAPCs. Two of the species are still prohibited, basically the sea fans.

If those provisions can all be factored into that, then it would retain the existing coral conservation under the Coral Plan of octocorals north of Cape Canaveral and in other regulated areas. That is a question really kind of for Monica if that type of transfer can have a bounded area.

DR. CHEUVRONT: Okay, Mark, is your comment related to what Roger was saying?

MR. ROBSON: A question for Roger; are you referring to federal rules regarding take of coral; could you clarify?

MR. PUGLIESE: Present federal rules limit harvest to the area south of Cape Canaveral in federal waters. There is no harvest north of Cape Canaveral of octocorals, so the entire fishery exists in Florida from federal waters into state waters. That is the existing, and then we have some specific prohibitions in the areas like the Deep-Water HAPCs. We specifically prohibited any octocoral take in those areas, also. That's where we are with the present regulations. We do have those two prohibited sea fan under federal regulations, too.

MR. HARRIS: So, Brian, the question then becomes if we do what this action proposes to do, do those regulations north of Cape Canaveral go away or do they remain in place. We haven't done away with the Coral Plan; have we?

MS. SMIT-BRUNELLO: The question is if you remove octocorals from the Coral FMP what happens to the regulations?

MR. HARRIS: North of Cape Canaveral.

MS. SMIT-BRUNELLO: Well, if you don't manage octocoral, then I would think that we would dispose of those regulations because how can you regulate something you don't manage indirectly, in that fashion. There could be some way perhaps for some gear regulation or something like that on species you don't manage, but that is kind of a little far flung, but maybe.

MR. ROBSON: Well, Jessica McCawley from our staff is most familiar with our state program. If there was no federal plan and if there was – 95 percent of the harvest of octocorals is in state waters, anyway. I don't know how much of that is north of Cape Canaveral or where it is currently closed, but I would say zero. If there was no federal plan and it was important to provide some consistency in the previous federal management, we could create a state rule that would prohibit harvest north of that line also, and it would apply to federal waters if there is not a federal management plan off of Florida.

DR. CHEUVRONT: And that would be fine for Florida, but what about Georgia, South Carolina and North Carolina? Okay, Charlie.

MR. PHILLIPS: That was my point. I'm assuming it is doable, give Florida jurisdiction south of the Cape, keep the Coral Plan and just have no harvest of coral under a Coral Plan.

DR. CHEUVRONT: That's certainly an option. Bob.

MR. MAHOOD: Well, I was just going to comment on the motion. I wonder if you could remove octocorals occurring in Florida from the Coral FMP and allow the state of Florida to manage octocorals in Florida, and then that shouldn't change anything north of Florida.

MS. SMIT-BRUNELLO: So maybe what we ought to do, if you want to do this, is look at the various alternatives and come up with what happens if so we can give you some analysis behind this kind of proposal.

DR. CHEUVRONT: I think that is a good idea, Monica. I've got Wilson next, and then, George, you may or may not want to modify your motion.

MR. GEIGER: Bob covered my point and I was going to suggest modifying the motion.

DR. LANEY: Well, Mark touched on the point I was going to make, which is I guess you could, if you transferred the management of octocorals within Florida to the state the Florida, then that leaves the regulations in place from the Florida/Georgia Line northward. Roger's institutional memory is better than mine on this point, but if I recall there was quite a bit of discussion during the years when this was being developed in conjunction with the Habitat and Environmental Protection Advisory Panel when there was a lot of discussion about the fact that like corals, octocorals constitute habitat, but the provisions were put into place to allow the harvest to continue in Florida where I think the growing season is a good bit different, growth rates may be different.

There was a desire to provide protection for those species north of Cape Canaveral and personally I think the Habitat and Environmental Protection Advisory Panel would like to see those protections stay in place, and certainly Florida could handle that, I think, just by keeping a prohibition in place north of Cape Canaveral. I think it is a good idea to have legal do an analysis of it and then bring it back to us for further consideration and then scope it out before you pass a motion that does something you don't necessarily want it to do without you having full knowledge of what all the unintended consequences might be.

MR. HARRIS: Mark, do you have the wherewithal to manage the deep-sea coral resources that are protected under CE-BA 1, and what does that do to CE-BA 1 and those deep-sea coral resources off the state of Florida? I think those are the kinds of questions that we need some answers to. I agree with Wilson; we probably need some answers before we make a final decision on this.

DR. CRABTREE: I'll offer a Plan B if this doesn't work out, and that is to simply say we already have an ACL for octocorals. It's 50,000; it is a quota; it's already in place; no action is required. That is my view is you don't have to do anything on octocorals. You already have an ACL.

MR. GEIGER: I would withdraw the motion in lieu of Dr. Crabtree's Plan B; a much simpler process.

MR. WAUGH: Remember, that 50,000 colonies is for the South Atlantic and the Gulf, and we now have a separate South Atlantic FMP.

MS. BROUWER: Yes, however, the Gulf has requested that the South Atlantic Council consider managing octocorals throughout their range.

DR. CRABTREE: And I think Mr. Teehan would concur; I think that would be no problem with the Gulf and that would solve that portion of this problem. How long has this quota been in place, more than a decade? It has been there longer than I have been around, and there is no apparent evidence of any problems. I think we can make a good case that things are in good shape, and I see no reason to make a change with it at this time. I would still like to ask Monica to explore all the ins and outs of this discussion and we can come back to it. Otherwise, I would simply just explain it and leave alone.

DR. CHEUVRONT: So it sounds like, from what Roy is saying, is that we're going to need a motion or two here; one to establish our ACL, but then is simply our request to general counsel to study this; is that enough or does the council need to make a motion requesting?

MS. SMIT-BRUNELLO: That's enough.

DR. CHEUVRONT: Okay, Mark, did you have something you wanted to say here?

MR. ROBSON: Only to reemphasize I think what I've said before in past meetings; this is a highly regulated fishery in Florida and 95 percent of the landings are out of state waters. It is a limited entry program where you have to have an endorsement to harvest. I think it is 167 or something like that participants in the fishery.

Again, I don't know of any octocoral landings north of the Cape Canaveral Line. It is a Gulf and Atlantic fishery, but as has been pointed out – correct me if I'm wrong, Bill, but did the letter from the Gulf Council also – did we get a letter as a state agency requesting or did that just go to the South Atlantic Council for them to manage the fishery?

MR. TEEHAN: First off, I would like to say I thought Roy doesn't speak for me, but, yes, the Gulf Council is interested in turning the octocoral fishery or at least removing its Coral Plan and giving it to the state of Florida. My question I guess would be does this require a letter exchange between the two councils as to what their intents are and to NOAA?

MR. HARRIS: I'll respond to Bill's question. I think it absolutely does. Anything that we do here like this has got to be documented for the future, so there is going to have to be some kind of written correspondence or plan amendments or whatever it takes so that everybody knows what was done and when it was done and why it was done. I think it is premature to remove octocorals from the plan right now until we know a little bit more about it. I actually like Roy's suggestion right now and establish that ACL of 50,000 colonies and move on.

DR. CHEUVRONT: Well, we have a motion that the motion maker has said he wants to withdraw, but we've not gone any further than that to make sure that it is okay with everybody else to withdraw that motion. Is there any objection to withdrawing that motion? Roy

DR. CRABTREE: The only stickler with my idea is the SSC Report, and I think you're going to have to go back to the SSC and tell them they've provided inadequate rationale. It is not clear to me that they applied a control rule or what they did with this or how they came up to these conclusions.

I think we're going to have to go back to them and express that we want to stay where we are at 50,000 and go along with it, but right now we've got a problem because we've got an overfishing level from them. Maybe we can get the center to engage into this thing, but we're going to have to resolve that issue somehow.

MR. MAHOOD: You were there, Brian. I know because I was sitting in my office listening to the proceedings on my computer, and I started hearing this loud voice and I started paying attention. It was Brian's take on what they were doing on octocorals, and you got a little upset. What were they doing?

DR. CHEUVRONT: No, I got kind of pissed off because they tried to apply what they were using as their data-poor control rules starting from an ABC of zero and counting back up. Their data-poor control rule starts – you have penalties. If it is an ecosystem species, whack, that part

is taken away from you; maximum, you can go up to a 75 percent, so automatically you lose 20 percent because you're an ecosystem species, and it's all this.

They ended up with like I think 20 percent of their ABC, which the ABC was 75 percent of the median of landings of the last ten years. Well, the problem is that this is not species-driven fishery. It is demand driven. Although they've never gotten close to that 50,000 colonies, it was just getting very, very bizarre.

I tried to explain some things to them and I tried to point out there was some data that they could look at, which they did not do. I mean they just applied the rule and that's the way they went. They started from the bottom and they ended up with like less than 1,500 colonies allowed in the federal harvest.

If you think about it in an average weekend in the summer or during the season, recreational boat strikes are going to kill more octocorals than could be harvested in an entire year from what they were going to allow. It just did not make sense to me. I tried to express some of the frustration and frankly I was told this is none of your business, this is the SSC's doing.

MR. HARRIS: Brian, I understand what Roy is saying. The SSC is responsible for giving us a number. My fear is that we go back to the SSC, and especially if we tell them we want them to set at 50,000, first of all, we're meddling in their business. They're certainly going to see it that way, and they're going to go about doing whatever they want to do, and we're going to end up right back here again with the same kind of situation with these folks having an ACL that is much, much lower than what we'd like to see it set at. I don't know what the answer is.

DR. PONWITH: Well, if the council does management and the SSC does science to advise the council, I do science and I'm certainly willing, as the science center, to take a look at this situation and take a look at the information that is available, hear what was said in the public testimony that we have, and provide some input to the SSC from the science center from the science angle to revisit this issue.

DR. CHEUVRONT: I think part of the thing that made it particularly difficult with the SSC is there was nobody there who understood anything about corals at all, any kind of corals, gorgonians, anything. At one point I had to explain to them this is not like the Great Barrier Reef you're talking about here. If you look in the record, I actually said that.

I said this is an organism that will regenerate in three to four years, and you can go and harvest these things and come back two weeks later and you really can't even tell where you were before. Part of the frustration was simply that they applied their rule without adequate consideration I think of some of the metadata that was provided to them as well as their data-poor control rule did not adequately account for a species like wreckfish that is managed under an ITQ or a species like gorgonians that are harvested as a result of demand and not availability. That made it very difficult to apply the rule that they had, but that is what they continued to do, so that was a bit frustrating. Charlie.

MR. PHILLIPS: Roy, didn't we reject the data-poor ABC rule from the SSC; and if we did that, then that would mean we would also reject their number, and doesn't the council have the option of choosing our level of risk and we choose it according to Dr. Feddern's letter. Isn't that where we're going basically?

DR. CRABTREE: Yes, we have basically rejected the control rule for not following the guidelines, and I think we can do that here. The real issue is the overfishing level and not the ABC so much. Their overfishing level is less than our 50,000 corals, and it is based on median landings. To the best of my knowledge, since we've never hit the quota before, if you use median landings, it is going to be less than that.

The issue is the OFL; and I think to deal with that, we either need to get the center to tell us, no, the SSC's – and I'll just tell you my read on what the SSC gave us is it is wholly inadequate to support the decision they made. I would tell you not to take action based on what they've given you because I would be worried we would be subject to a charge of arbitrary and capricious based on some of these things. We need to beef up this record. The center I think can play into this and the SSC can play in it, but I'm not that concerned about the ABC. It is the OFL that causes me the concerns.

MR. ROBSON: I'm trying to understand the concern of my partner states. Has there been any octocoral – have there been any octocoral landings outside of Florida? What is the concern about removing octocorals from the Coral FMP? I understand we would keep the Coral FMP, but what is the concern about removing octocoral as a federally managed species in that plan?

DR. CHEUVRONT: I think the issue there is that the plan regarding octocorals prohibits harvest north of Cape Canaveral, and we would need to have that provision remain in there.

MR. ROBSON: And we could do that under our rules and apply those rules to federal waters.

DR. CHEUVRONT: Just in Florida; you can't do it for Georgia, South Carolina and North Carolina from Florida. You can't manage fisheries for the other states.

MR. ROBSON: And is the prohibition on harvest of all coral north of Cape Canaveral or just octocoral?

DR. CHEUVRONT: Octocorals. Well, I don't think there is any harvest of any, but if we're just turning over octocorals to Florida we would have to have a statement in there, I would think, about octocorals from states north of Florida. Wilson.

DR. LANEY: Mr. Chairman, if I remember correctly – and Roger can correct me if I'm wrong – we listed all the species, right or did we just list genera. If you remove those genera from the plan, the concern is still the same, you eliminate those regulations that cover those species for those federal waters north of Cape Canaveral.

MS. BROUWER: Just to illustrate, there is an EFP request that you guys were going to be talking about on Friday to harvest octocorals off of North Carolina. The octocorals are there; they're not being harvested. There is really no demand in that area, but the potential I suppose could be there. Another thing I wanted to remind you or explain to you is the recommendation from the SSC, I applied their recommendation to the combined landings, South Atlantic and Gulf, for the time series they recommended, which was from 2000-2009; and using their recommendation, that puts the OFL at 43,429 colonies. That is pretty close to the 50,000 colonies for OFL.

Now, the SSC recommended for the ABC to be 35 percent of that, which, of course, substantially reduces it, but just so that you keep that in mind as far as the SSC recommendations. If octocorals do become managed under the South Atlantic Council's jurisdiction throughout their range, then perhaps the SSC recommendation would not be that far off.

MR. BOYLES: Monica, there is no provision for partial delegation like south of 28 degrees north?

MS. SMIT-BRUNELLO: You don't have to delegate all the measures in a plan. You can delegate part of a plan. We look into that, too, and see how realistic it is.

MR. HARRIS: Just as a followup to Mark's question, Mark, all of the artificial reefs off the coast of Georgia have octocorals as well as the natural live bottom areas, and we're not really interested in seeing somebody go out there and just cherry-pick those areas. I think that is the reason we want to continue to prohibit the harvest of octocorals north of the Florida/Georgia Boundary perhaps. We've got special management zones, too, but I think there is a way to figure this out and do what you want to do. Let's just give it some time to figure it out.

MR. WAUGH: This is more related to spiny lobster, but if we can delegate part of a plan, then perhaps we can solve our spiny lobster issue and just delegate all management of the spiny lobster fishery in Florida, all aspects of it to the state of Florida. I think Florida will take it if we delegate all aspects to them. What they don't want is a partial. That would keep the import prohibition in place, and then they could manage the Florida – okay, sorry.

MR. HAYMANS: I was going to pass because I was just mentioning that there are special management zones you can't collect that are reefs, anyway.

MR. TEEHAN: To Gregg's point, what we don't want is something delegated to us that is still under Magnuson constraints. Now I don't know whether – and I guess this would be for further legal research – whether if you state specifically that you're giving the portion of the stock that is in or off of Florida to Florida for management, whether that serves our purposes and gets us out of the Magnuson or whether essentially there still is a federal plan and a council that we participate in, whether we're still held to that. That is the question.

MR. PUGLIESE: Just one quick comment. In listening to the SSC and I think some of the application of all those percentages and reductions came from the fact that when they put that in

relationship to some of the other species they were looking at, the bottom line with that was that these weren't even being harvested or reported at species levels. They were reported as colors.

Some of that type of thing I think fed right into that idea of uncertainty there. That has been an issue that has been raised a number of times at the advisory panel is that in tracking this, you're really are just tracking at a different level where you are in other fisheries where you have down to individual species, and you actually know what is coming out. I remember very specifically having that raised by Jenny Wheaton back when she was with FWC about that as well as an uncertain amount of, say, medical harvest areas. There is enough uncertainty and I think that got brought up to a great degree into why they started kind of chipping away at those numbers.

DR. CHEUVRONT: You're absolutely right, Roger, there was actually a discussion that because they could not differentiate between the species, that there was a discussion of potential localized depletion of specific species. There was a concern about that even though we tried to explain how that localized depletion may be within one square mile, but that was enough for them to be concerned. Roy.

DR. CRABTREE: And localized depletion is a concern, but it is a concern the council ought to deal with. Again, I think that is the SSC starting to step into management's turf. They can advise you on that, but they're to take the overfishing level and deal with uncertainty and risk. Again, I think you have discretion over that.

DR. CHEUVRONT: Okay, we need to go back to a motion that was made a while ago, and that was the motion that we had up there to remove the octocorals from the Coral FMP and allow the state of Florida to manage octocorals. George, who was the maker of that motion, has offered to withdraw the motion at this time while we have legal counsel figure out what is possible and what needs to be done. Before we go on, I would like to find out does anybody object to the withdrawal of this motion at this time? Okay, I have Duane and then Mark.

MR. HARRIS: Mr. Chairman, I would change to "remove octocorals from the plan" to evaluate the option of removing those corals from the plan and ask legal counsel to evaluate the various options that we might have to do this. I don't want to just drop it; but to move us off dead center with this issue, if we can evaluate that, change that motion perhaps to put that word in there, then it keeps it on the table.

MR. GEIGER: I would accept that as a friendly amendment to state "evaluate the removal of octocorals from the Coral FMP and allow the state of Florida to manage octocorals." How is that?

DR. CHEUVRONT: That's fine. Mark, you were the seconder of that; are you okay with that?

MR. ROBSON: Yes.

DR. CHEUVRONT: Is there a parliamentary issue here? Roy.

DR. CRABTREE: And if Monica can report back to us or give us something maybe to go in the briefing book because we need to get this resolved between now and the next meeting, for sure.

DR. CHEUVRONT: Okay, I think we have some direction. I'll go ahead and read the motion that we have now: "evaluate the removal of octocorals from the Coral FMP and allow the state of Florida to manage octocorals." Is there anymore discussion on this motion? Rita.

MS. MERRITT: Just a point of clarification; earlier it was mentioned that perhaps that should specify at the end of it "managing octocorals for Florida" or off the state of Florida, to specify that it didn't go outside of the state of Florida.

DR. CHEUVRONT: I understand what you're saying. Okay, somebody else has to come up with the modification of the motion.

MS. MERRITT: So, is the proper parliamentary procedure to amend –

DR. CHEUVRONT: Offer a friendly amendment.

MS. MERRITT: Offer a friendly amendment, all right. I'll offer a friendly amendment to add to the end of this motion the words "off the state of Florida".

DR. CRABTREE: That may be something they come to, but my interest is in removing them from the plan completely. I'm unconvinced that there is any realistic probability of a fishery developing north of Florida, and so I'm not sold that there is a problem there. I think that is part of what Monica would look at, so I don't really feel like that change is needed. I think Monica understands what we want to look at.

MS. SMIT-BRUNELLO: I do.

DR. CHEUVRONT: So, if "off of Florida" is on there; would that change any of the direction that is given to Monica because we've got a friendly amendment up here.

MS. SMIT-BRUNELLO: We will look at it whether you put in "off of Florida" or not, and we will look at the various options, so it's all right, you don't need to change it.

MS. MERRITT: Okay, then do I need to withdraw the friendly amendment?

DR. CHEUVRONT: It was never seconded so we could let it die for lack of a second.

DR. CRABTREE: I call the question.

DR. CHEUVRONT: Thank you. The motion is to evaluate the removal of octocorals from the Coral FMP and allow the state of Florida to manage octocorals. Okay, is there any opposition to this motion? **Seeing none, the motion carries.** That was all before we got to actually what is on our agenda. Let's go back and look at this in light of our agenda.

We've actually already had a discussion of some of the SSC recommendations. I think we might just skip over that. We have given committee discussion and guidance to staff on what needs to be done here. Is there anything else that we feel needs to happen or, Myra, is there anything else that we need to cover?

MS. BROUWER: I'll need guidance on other actions in CE-BA 2, but as far as octocorals, I'm good.

DR. CHEUVRONT: Okay, can you then lead us through some of the other actions.

MS. BROUWER: Okay, this discussion would take care of Actions 1 through 5 and put us into Action 6, which is to modify the existing live rock aquaculture program to allow harvest of octocorals. The considerations are many. This is not something that marine life harvesters have supported. They maintain that octocorals cannot really be aquacultured and so the recommendation would be remove the entire action to the considered but rejected.

DR. CHEUVRONT: Can we get some help to figure where we are and which document. Is this still all in Attachment 1?

MS. BROUWER: It is not an attachment. It is just the actions to be projected for CE-BA 2. It should be in there.

MR. HARRIS: Mr. Chairman, looking at the Ecosystem-Based Management Tab 7, I don't see a CE-BA 2 document, so I don't know if we –

DR. CHEUVRONT: Exactly and I think that is what Myra is working out right now with Gregg to project those alternatives. We may not have copies of that document that she is going to have him project. John just reminded me of something here that is related to all the stuff that we were just talking about.

If we're serious about wanting to consider and evaluate the removal of octocorals, do we need to send this back to the SSC at this time or do we want to wait until we get the opinion about what we can do before we send it back to the SSC. If we are going to move this to allow Florida to manage octocorals off of Florida, then the SSC doesn't need to get involved. The question is do we want to not send it to the SSC at this point until we hear back from legal counsel on this or do we want to send it back, anyway, and stir things up a bit? Anybody care to comment on that one.

MR. CARMICHAEL: I think I would comment you have rejected the data-poor ABC control rule, so you don't have the ABC, so the question is the OFL. There are some questions about that and Bonnie mentioned they may be able to look at that – I think we've talked about that some – we might be able to look at corals a bit more, so the question then is that something you would like to add to the SSC's plate for a possible meeting prior to the September council meeting or is this something that you see that perhaps they could take up at their scheduled meeting in November? If there is going to be some evaluation of the data for coral, that is going

to require some work from the science center, and remembering golden crab and black sea bass and red snapper and oil coming around the corner.

DR. CHEUVRONT: And if we do make that decision in September, would we want to run any of these ideas by the APs and get their opinion on this? Whether we do or not, I'm just throwing that out there. Duane.

MR. HARRIS: We said we don't have an OFL recommendation, but we do based on what Myra said. If you look in that first tab under the ecosystem management and look on Page 13 to 15, there is an OFL for federal and state waters combined for the South Atlantic and Gulf combined. I don't know where that number came from. It says it came from the SSC, but it certainly was not clear in their report, was it? The number of 43, 323 colonies, Myra, where did that number come from; was that from the SSC? Was it in their report?

MS. BROUWER: Yes, it was.

MR. HARRIS: Okay, I didn't see that but I see it in the slide show, so it is not as if we don't have an OFL recommendation from them. The question is based on this, do we want to send it back to them? I don't know that we get a whole lot if we send it back to them if we've got that many colonies recommended as an OFL.

MR. CARMICHAEL: What you get depends on what they get to consider. Their discussions were that they did not have a lot of information. They had some anecdotal information but not any type of cohesive evaluation. If perhaps the science center can tap into some of the coral expertise around the region and maybe find someone who can do some evaluation of that data, that may take a little more time perhaps to do that. We do understand there are various coral experts within the universities and in other places who may be able to make a better stab at it.

MR. HARRIS: To that point, Mr. Chairman – and Bob reminded me – we do have an OFL but their recommendation for ABC was what was giving us tremendous heartburn, and that was, what, 35 percent of the OFL. Maybe it does have to go back to the SSC for an ABC determination, and maybe not?

DR. CRABTREE: Well, I think you can choose an ABC control rule that sets ABC equal to OFL in this if you can make a justification of it. We can deal with that. The problem is if the OFL is not going to work for you as the council, then I think you need to go back to them. What they will do with it, I think John is right, it depends on what other information we can provide them.

MR. ROBSON: This may be something for the review of this whole situation with Monica and looking at what all the options are. It just popped into my head, so I'll say it. The Gulf of Mexico Fishery Management Council has asked if Florida is interested in taking over all responsibility for octocoral, so we could do that. There wouldn't be a federal plan in the Gulf, but there would be in the Atlantic, and that is a possibility as well that needs to be looked at.

MR. HARRIS: Mr. Chairman, if the 43,323 colonies doesn't give us heartburn right now and Roy is right we can set ABC, we can do our own control rule where ABC is equal to OFL, then it almost seems like that would be a good placeholder for right now until we can get this additional information and then make an informed decision as to whether we want to give management authority for the entire coral plan to the state of Florida.

I still have heartburn over those deep-water corals and all that effort. There is not harvest there, but there is certainly protection there. I don't know that the state of Florida can afford them the same amount of protection that perhaps a federal fishery management plan affords them.

DR. CHEUVRONT: Yes, I understand what you're saying, Duane. Actually I think we could pretty much justify setting ABC equal to OFL here. Didn't we do something very similar in shrimp that was considered an annual crop? The reasoning why we could do it here I would think is because this is a demand-driven fishery and not an availability fishery. I think we might be able to justify it that way. Duane.

MR. HARRIS: Mr. Chairman, let me just make sure that I'm correct in this. There has never been this amount of colonies of octocoral harvested combined in the South Atlantic and Gulf waters; is that true?

DR. CHEUVRONT: Let's get clarification on that. Okay, Gregg is showing the landings from 2000-2009, and it looks like it probably approached that, if it didn't exceed it, in 2006.

MR. WAUGH: Those aren't totals. This is part of what Myra was going to cover in her presentation, but that is Atlantic, that is Gulf – that is Atlantic state; that is Gulf state, Atlantic federal and Gulf federal. When you add those together, that certainly is going to be above 40,000.

MR. CARMICHAEL: The SSC recommendation is for a median, so in half of the years you were over it.

DR. CRABTREE: And the trouble is if you go over it, then you're going to get letter from the Fisheries Service saying you're overfishing octocorals.

DR. CHEUVRONT: Yes, we're kind of in a Catch-22 here. Duane.

MR. HARRIS: Well, it almost appears that it is over 50,000 colonies.

DR. CRABTREE: No.

MR. HARRIS: Never?

DR. CHEUVRONT: The 50,000 colonies is federal only, correct, so we never get close to that in the federal, so we haven't done anything –

MR. HARRIS: So all we're really talking about is 43,000 in the South Atlantic and Gulf federal waters? Well, this says federal and state combined OFL is recommended at 43,000, which is way too low if that is the case. Okay, never mind, I'm glad we got that on the table.

DR. CHEUVRONT: So it sounds like we do need to send this back to the SSC because their federal waters only OFL is less than 5,000 colonies. Duane.

MR. HARRIS: I think we have really jumped the gun here. Myra is supposed to make her presentation before we got into this discussion, and that might have helped us and avoided some of this discussion. Is it too late now?

DR. CHEUVRONT: No, I think we need just to back up a bit and let Myra do her thing.

MR. WAUGH: I think with the octocoral issue, if we could, if you guys want to send it back – I think we've talked about everything, haven't we, Myra; so if we just want to send it back to the SSC, send it back to the SSC and then we can pick up with the other item.

MR. HARRIS: Mr. Chairman, I don't want to send it back to the SSC unless Bonnie is going to be intimately involved and we get some of the coral experts perhaps from the state of Florida involved in this as well.

DR. CHEUVRONT: Would that be possible to happen if there was an SSC meeting scheduled sometime in August?

DR. PONWITH: So you would be looking for the background work to be done and to have the materials to the SSC prior to August?

DR. CHEUVRONT: Yes, I don't think there has been a date selected for a potential SSC meeting, but I've just heard August was what people are thinking about.

DR. PONWITH: The timing will influence the amount of background work we will be able to supply, but I will make a commitment that we will do what we can to get what we can to them to be able to inform their decision.

DR. CHEUVRONT: Okay, thank you. It sounds like, John, we would probably like to try to get this on there if we can get some data from the science center.

MS. BROUWER: If we can back to the other actions in CE-BA 2 that we just need some guidance on. Action 6 is still in the document and that is to modify the existing live rock aquaculture program to allow harvest of octocorals. There are a number of considerations and recommendations that the Coral AP made at their September 2009 meeting. Those are up on the screen.

Basically, it is an idea that doesn't seem very feasible. The Coral AP mentioned that if this were to happen, there would need to be an initial seed from wild stock because recruitment would not

be adequate in order to get the production that is needed to make this a sustainable harvest. I guess the council needs to decide whether this action should remain in the document or not.

DR. CHEUVRONT: Okay, thank you. This action is up on the screen here for those who were trying to figure out where it is. You don't have this in the document. It sounds like this might be one of those actions that has been recommended to us probably really can't be done, so we might want to entertain a motion to get rid of this action altogether from the document or move it to the rejected appendix. Duane.

MR. HARRIS: Mr. Chairman, I think that is what Myra recommended earlier when she first started, and I **would move that we remove Action 6 from the considered actions and put it in the appendix.**

DR. CHEUVRONT: All right, the motion was made by Duane Harris; seconded by Robert Boyles to move Action 6 to the considered but rejected appendix. Is there any discussion on this motion? Any objection to the motion? **Seeing none, the motion carries.** By my count, since we started Tuesday afternoon with snapper grouper, that was Motion Number 100, because I've been keeping track of all the motions and numbering them as we go along. Moving right along, Myra.

MS. BROUWER: Okay, based on the discussions that we've had so far, then I would need guidance on whether another action needs to be included in the document for the South Atlantic Council to assume management of octocorals throughout their range. I'm not quite sure how this is going to be approached from the Gulf Council.

MR. TEEHAN: I think the Gulf Council was prepared to remove octocorals from their Coral FMP; is that the question?

MS. BROUWER: Right, I'm looking for guidance on whether that action needs to be included in the document. If the South Atlantic Council wants to consider adopting management of octocorals throughout their range, is that an action that needs now to be added to CE-BA 2?

DR. CHEUVRONT: And it sounds like maybe you're suggesting that it might be needed?

MS. BROUWER: Right.

MR. TEEHAN: I would agree with your suggestion.

DR. CHEUVRONT: Okay, does anybody want to make a motion? Mark.

MR. ROBSON: I would like to make a **motion to add a new action to evaluate the South Atlantic Fishery Management Council extending the fishery management unit for octocorals throughout the Gulf of Mexico Fishery Management Council Area of Jurisdiction.**

DR. CHEUVRONT: Okay, the motion is made by Mark; do I have a second? Seconded by Ben. Is there any discussion of the motion? Mark.

MR. ROBSON: Again, just so I'm sure we're clear on this, did the Gulf of Mexico Council ask or suggest this or did it just suggest turning over the fishery to the state of Florida?

MR. TEEHAN: Well, the letter that was sent to the South Atlantic from the Gulf just mentioned those three finfish species, but the Gulf of Mexico – and David might want to weigh in on this because he has been a constant liaison over with us – the alternatives that we're looking at in our management actions, 2.1.1, Alternative 3, is to delegate management of octocorals to the South Atlantic Fishery Management Council. The alternative just before that is to delegate it to the state of Florida. Both of those are on the table at this point. Does that answer your question, Mark? Okay.

MR. CUPKA: Yes, that was my recollection. They talked about giving us authority; and when they passed the motion, for some reason the motion to write the letter to us they didn't include it, but they talked like they were certainly willing to do that.

DR. CHEUVRONT: Bill, maybe you can add to your to-do list for next week to ask them to send us a letter to request that.

MR. TEEHAN: I will do that.

DR. CHEUVRONT: Okay, any other discussion on this motion? Any objection to the motion? **Seeing none, the motion carries.** Myra.

MS. BROUWER: The only remaining action that I'm going to need some guidance on is pertaining to allowing harvest of orange cup coral, but I want to hold off on that until we receive a presentation from Dr. Shearer, who is here from Georgia Tech to do that. I'm not sure, Mr. Chairman, whether you want to proceed with that presentation or take care of the next agenda item, which I believe was sargassum.

DR. CHEUVRONT: As long as you don't forget this, we'll come back to it later. Let's go ahead and take care of the sargassum first, if that's fine, and then we'll take care of the presentation. I believe Roger is going to handle sargassum.

MR. PUGLIESE: Okay, I wanted to bring forward the recommendations of the SSC and also kind of weave it into where this originally came from. The action under the original CE-BA was to look at the harvest of sargassum and consider the prohibition. Subsequently it was transferred into the ACL Amendment to consider, essentially using this mechanism to accomplish what the council wanted to do.

What I wanted to walk through is just quickly touch on a couple of highlights of the fishery management plan and the actions of relative pelagic sargassum. The existing regulations essentially limit the harvest area to a hundred miles offshore of North Carolina and north of 34

degrees. It also has the seasonal limitation of July through October. We did establish a 5,000 pound wet weight limit.

DR. CHEUVRONT: I just wanted to let folks know that if you're trying to find this document, it is Attachment 5, and we are on Page 2 of that document.

MR. PUGLIESE: And also following from that, I did want to identify that since the time of the Sargassum Habitat Plan implementation, there has been a pretty significant amount of research done; basically just reinforcing the information we have on the value of sargassum habitats, its connection to many species and just highlighting some of the work that Steve Ross and Tara Casazza had provided.

That document has I think previously been provided to the council. It is on our website. It really does build the importance or the connection of these species. I think in their work they had collected over 19,000 fish and identified probably 80 additional species that were utilizing it. One of the biggest outcomes of that was connecting the movement patterns of species, juveniles from offshore/inshore and then ultimately into estuarine systems, so building that big connectivity of sargassum as the vehicle for transport of everything from red porgy to many of the species that are in our management plan.

In addition, there has been even more work more recently trying to look at quantifying distribution of sargassum, beginning to use some of the greater technologies for satellite monitoring. One of the efforts was showing that there was – ultimately showing there is actually limited or less distribution than originally thought in the Gulf of Mexico, working into the South Atlantic region, but that is ongoing and at a scale that is still not down to the level that would capture things such as small floating mats and things like that. That is an ongoing effort.

In the original plan, one thing that was done or a couple of things that were done, it did, in order to meet the information relative to the biology of sargassum, established a maximum sustainable yield of 220 million pounds wet weight. It established an overfishing level with ultimately the minimum stock size threshold being about 55,115,000 pounds; and then to track what the limitation on harvest was, established an optimum yield of 5,000 pounds wet weight.

Now, following up on that, there has not been removal or landings of sargassum. The last one occurred in 1997. The last 13 years there has been no harvest and no reported landings of sargassum in the South Atlantic region. The SSC deliberated on sargassum and acknowledged the fact that there not been any harvest. They had no landing values for sargassum at the time.

Even though they were not, as Roy has indicated, supposed to be integrating some of the discussion on management, they acknowledged that the council had originally discussed managing sargassum as habitat and to some degree had essentially, with no harvest being identified in recent terms and the fact that the council was managing as habitat, had identified an OFL of zero, an ABC of zero, and then essentially opened the door that if the council did desire to establish an ABC that would allow harvest, that they would reassess that or readdress it in the

future. That's a brief review of where the SSC had gotten to the point where they created these recommendations for pelagic sargassum habitat.

DR. CRABTREE: Well, you as the council can decide to set your ABC as zero and not allow a fishery for this, but there is no basis for the OFL recommendation as far as I can see from the SSC. The report gives absolutely no justification. Clearly, if the fishery is not existing and is closed or no one is fishing, then you can't use average landings as the basis for a proxy, it seems to me, for MSY.

They apparently just gave no credence to the FMP, which indicates that a very high level would be the OFL. I think just to make the record clear, this is probably one we need to ask the SSC to revisit, but I think you can pretty easily make a case that you don't want to allow harvest of sargassum and set an ABC of zero, but you need to give your own rationale and not base it on the overfishing level of zero.

DR. CHEUVRONT: Right, I get what you're saying here, so is direction to John enough to get this back before the SSC or do we need a motion for that?

MR. PUGLIESE: We do have an overfishing level; can we use the one that is in the FMP as the OFL and then really let the council determine what they want to do relative to the action that would be included in the document.

DR. CRABTREE: I think you could. Clearly, if you're going to set an ABC of zero, you're not going to exceed anyone's overfishing level. I just think we don't want to have a number that has no basis as part of our record, and that would be the only concern.

MR. CARMICHAEL: I think this is another one where we would need to request some evaluation of sargassum. If they apply what they used for determining OFL and landings are zero over the period, so then the OFL just falls out as zero, but there is the other information that could be considered and perhaps – you know, one option you guys could have would be to just use the MSY you have in place.

DR. CRABTREE: And that would be fine with me. In that case I think what you would need is to ask the SSC to simply withdraw their OFL and to say they're okay with us using what is in the FMP. I don't think we need anymore from them at that point. I certainly don't see any benefit in generating a whole lot of work by any one to try and come up with a number here. I would be comfortable if they would pull this back and say, okay, we'll just rely on what is already in the FMP and moving forward.

DR. CHEUVRONT: Okay, so, John, you're okay with that?

MR. CARMICHAEL: Yes, I am.

MR. PUGLIESE: I guess really to that, then, the only other thing then is the actual action within the council document that identifies the council's position relative to harvest of pelagic

sargassum, because we do have those existing provisions. This was brought forward as a mechanism to provide the council an avenue to essentially prohibit sargassum harvest and had recommended over the last three habitat advisory panel meetings, line item recommendations to the council; just to clarify within this document the council's management actions.

DR. CHEUVRONT: Right, but I think it might actually be technically getting the cart before the horse if we say that we don't want any harvest of pelagic sargassum until we actually get the levels from the SSC. If they're going to consider it in August, we could just make that statement in September. I think that would probably work. Is everybody okay with that? Anybody have heartburn with that idea? All right, that's fine. Okay, anything else on sargassum?

All right, thank you, Roger. The next thing we have is a presentation by Tonya Shearer on invasive coral species in South Florida and the Florida Keys National Marine Sanctuary. Thank you, Tonya, for coming and enlightening us because this has been a topic we have talked about at several of our last committee meetings, and there has been a lot of interest in this.

DR. SHEARER: Thank you for having me. I'm so glad to talk about it because it has been a while since anyone has been interested in this. I've been observing this for many years and no one seemed to care about it until the last couple of years. I am a research scientist at Georgia Tech. I have been noticing all this orange cup coral on some of our sites where we have been doing some sampling for some other studies.

I became interested in it just because of the abundance of it. At a time when all the other scleractinian corals are dying off, this one is becoming more and more abundant. For those of you that don't know, I'll try to be as brief as possible, this is an Indo-Pacific Coral from that has passed through the Panama Canal in the early 1900s.

It is azooxanthellate, meaning it doesn't have any algae associated with it and a symbiotic relationship. One of the issues with *Tubastraea* is that it produces both sexual and asexual larvae. There are high levels of local recruitment. This is a site in South Florida called the C-One Wreck. On a ceiling of the wreck there is a lot of bit corals, but then there are hundreds and hundreds of tiny, tiny little colonies here as well.

There are high local recruitment and widespread larval dispersal, and what happens is that larval dispersal has allowed it to enter the Caribbean. It was first found over in Puerto Rico around the 1940s and then it spread over the next several decades, and it has only recently been found in Florida in the late 1900s, and probably 2002 is when it became more abundant.

We do have it all the way over near the Flower Gardens and it is all along the oil platforms in the Gulf of Mexico. This species has some significant competitive abilities that have allowed it to become dominant in some areas. It is highly prolific. It reproduces at a very small colony size; so even a colony that has two polyps is able to reproduce to some extent.

It is hermaphroditic so there are some female-only colonies and there are some male and female colonies. It can also produce asexual larvae so there doesn't even need to be another colony

around. One larvae shows up at a site, it grows to reproductive age, produces an asexual larvae and that just proliferates that population without a mate with it.

There are chemical compounds or secondary compounds that are produced by this coral. When I do my collections of the coral, if I touch it with my bare hands, within the next couple of days my hands will be swollen and red, and I think it has to do with the toxicity of these toxins that it produces. It has been demonstrated to kill coral tissue in Brazil.

When a *Tubastraea* colony is near a native colony, it will damage the boundary, the neighboring tissue of the colony that is next to it. The chemicals themselves will kill the larvae of other native coral species. The *Tubastraea* larvae themselves are immune to that toxicity. They can survive and settle in the presence of that chemical, but other coral species are unable to settle, and it kills them.

It turns out there is no natural predators that we know of in the Caribbean. In the Indo-Pacific the natural predator is a gastropod, and the species is not in the Caribbean. There was study that just came out earlier this year that demonstrates the toxins or the chemicals that are produced by this coral are deterrents to fish predators in the Caribbean, so not many if any fish will eat this species.

Here are some examples of what the *Tubastraea* colony can do to a native – this is a Brazilian coral. Here is the *Tubastraea* colony and around the boundary where that coral was, all that tissue is now dead. Here is another example of *Tubastraea coccinea*, and all of this area has died back; and, again, down here all this area has died back. When it settles near a native Caribbean or Brazilian species, it will cause partial mortality, potentially full mortality if the colonies are small enough.

There have been efforts to remove orange cup coral in Brazil. They actually had a really big project where they took villagers out to the reef areas. They collected the colonies and removed the tissue and made them into souvenirs, so it was a means of these villages making some money while trying to protect their reefs.

I know the Flower Gardens National Marine Sanctuary has made some efforts to remove orange cup coral from some of the natural habitats they have there. Stetson Bank, which is a bank that is near the Flower Gardens themselves, they have removed over 40 colonies in one year from the natural substrate.

The Flower Gardens has a very large larval population around it because of all of the oil platforms. Two months ago if you went diving on the oil platforms, there would be lots of *Tubastraea* there, and so there is lots of larvae in the water around there, so at some point they were going to settle on the natural habitat, and they have.

They haven't proliferated yet but that is partially because they were removing the colonies as they saw them. Here are some competitive interactions that I've seen in Florida. This is a

Tubastraea and here is a single polyp juvenile. The organism around it – I think that is a sponge – was killed all around it, and that polyp is probably only a few months old.

This is becoming more obvious to me is the potential implications on bivalves. Here is a picture on some wreck, and there is this large Tubastraea colony on some bivalve here. I didn't really think much of it at the time until – well, there was video there but now you're not going to see it – until I went to this Ancient Mariner Wreck in South Florida in April of this year.

Usually I can't see the bottom of the wrecks that we are working off of because it is too deep and we're not allowed to dive below a certain level on the ships that we're on. This wreck is much more shallow. Here is the bottom of the wreck; and when I looked down, I could see Tubastraea colonies littering the sand.

Now, they won't colonize sand; so when we checked it out, it turns out they're colonizing the bivalves that are on the wrecks. My hypothesis is that they're becoming large enough on the bivalves that they may be interfering with their efficient feeding. Eventually the bivalves will die. I'm not sure if it is due to the presence of Tubastraea or not, but they become so heavy that these shells will break off once the bivalve is dead, and then it just falls down to the bottom of the sea floor.

These can be transported in any big storm; any of these can be picked up and just transported wherever the currents will take them. The more I think about it and when I collect, when I touch the colonies it moves, and it because they're on bivalves. Now I can't quantify that, but it may be a significant contribution to some bivalve mortality there.

This is new. We just kind of realized this a couple of months ago. This was a big problem. Here is a colony that I just picked up off the bottom and it is on a bivalve shell, and it totally covered the entire opening there over the top. The competitive characteristics have led to a widespread distribution throughout the Caribbean.

They live in both shallow and deep habitats. From I've been told, out on the oil platforms Tubastraea coccinea has been observed as deep as 230 feet depth. One concern in the Florida Keys or one question I have been asked is are there populations of the species that are deeper than we can see. My answer is probably yes, but I don't have any documentation of that at this time.

This species, although in Florida we only see it on artificial substrates so far, wherever it is in the Caribbean, it is on both artificial and natural substrate. I think there has been a little complacency in Florida that, oh, it is only on artificial substrate, but here is a picture in Bonaire. These are all Tubastraea colonies, and they're right up against Montastrea annularis. Now, in this photo I can't tell if there has been any interaction. It is too far away.

We have the intention of going out to some of these sites to see if there are interactions that are leading to mortality of native corals. This one is in Bonaire. You can see it is in shallow water, just a few feet deep, and it is right out in the open. People think of this as a coral that kind of

hides under ledges or in caves, but it can exist very happily out in the middle of a shallow reef habitat.

This is also pretty common now in Northern Bahamas, which is probably the closest source of larvae that we have in Florida. Not only do these characteristics of the species – they like the widespread distribution but also really large population sizes. This is the Duane and you can't see it very well here, but every one of these little round areas, these raised areas is a colony. There are thousands of colonies on the Duane, and this is in Key Largo. This was taken in 2008. I have some video of this as well and some other pictures. This is a picture that I found off the internet because I could see the colonies a little bit better. This is at a hundred-foot depth. This is down to about 120-foot depth. There is almost, I would say, a hundred percent coverage here to several meters back away from the bow on both the starboard and the port side of that ship, and then all of a sudden there is none.

There is some patchy distribution of the species. You don't find it on horizontal surfaces. It won't be on the deck. It will be on the railings; it will be on the vertical surfaces. Here is another picture underneath with some of these structures. There are just hundreds and hundreds of colonies that will lie in these structures, all different sizes, juveniles to large colonies, large colonies being maybe 20 to 25 centimeters at the maximum diameter.

We've done some surveys with the EPA. Between the EPA and some photos that I've seen from recreational divers, the Tubastraea is present in at least 31 sites, from Key Largo north in South Florida. Everywhere we have looked for it we've found it in this area. We've looked in the Lower Keys and the Dry Tortugas area and we haven't found it yet, so I don't know if that's a function of its actual distribution or that we haven't really sampled it as much as we've sampled up in the Upper Keys and South Florida.

I've had the opportunity to measure a lot of colonies on some of these different wrecks. The size distribution varies across wrecks. The Duane is the one where it had all those thousands of colonies. They have the largest colonies there. This dotted line that goes across is approximately the size where these colonies become reproductive, so every location has a significant or a fairly significant number of reproductive individuals; and there is, again, significant differences between sites.

This is just when you break down those size classes, the black is the smaller size class, less than five centimeters; not as many juveniles in these larger – obviously, the maximum diameter, but it will show you there are some large colonies at all of the wrecks. We have measured density at some of the wrecks; only two. Density is hard to measure with the quadrat method at some of the locations because of the surfaces of the wrecks.

They're not as flat as we'd like them to be. Here the Miami Mitigation Reef, there is a limestone boulder mitigation reef, the Port of Miami, and it is on that. That is not a steel structure; that is actually limestone boulders where this species does live. It tends to live underneath the boulders at the moment I think because of high sedimentation rates. They can't survive very well on the

surfaces of the boulders, but that is the closest we've come to natural substrate, and there are hundreds of colonies there.

We can't do the quadrats for that type of habitat because they're underneath and we can't get up into it, but we did do some surveys on the Duane and the Spiegel Grove. This is number of colonies per meter square, and I'll tell you that this is an underestimate of the actual density. EPA regulations did not allow us to dive below a hundred-foot depth, and so all of these quadrats were taken on structure above a hundred feet.

When I showed you that picture, there was almost a hundred percent coverage of *Tubastraea* there. None of that surface was included in these surveys, so I would guess that this estimate is going to be much higher if we were able to sample that as well. But, still, we have an average of 20 colonies per meter square. It was all the way up to 40 in some quadrats.

The Spiegel Grove, which is not as old – it was deployed in 2002 – it has probably less than one colony per meter squared there. Coverage, we were getting an average of 10 percent coverage on the Duane. That's just surface area. You don't find that with any other scleractinian coral in the Caribbean. I don't even know if you have 10 percent coverage when you calculate all of the native corals in Florida. The Spiegel Grove was very low of the overall coverage

I do genetic analysis and my interest is in the genetic diversity of the *Tubastraea* as well as potential sources; where did it come from, where is it going, and what level of clonal structure is there? We know they can produce asexually; how is their asexual reproduction contributing to the population growth? This is the total. Each one of these colors is a different clone. This is a genetic method that I use to categorize individuals.

Most populations are dominated by a single clone. The sample size is really small on some of these, but so far two sites only have one clone. This is demonstrating that there is pretty low genetic diversity across the sites in Florida. That can be good and it can be bad. Genetic theory suggests that if you have high levels of genetic diversity you have a higher ability to adapt to new environments; so you have low genetic diversity, they may not be able to adapt as quickly to settle on natural substrate.

That is one running hypothesis. Whether that holds out or not is unknown. We do see that Florida is dominated by a clone, and I don't know if that dominance is due to an ability for that clone to proliferate more than others or if they can all proliferate equally and that just happens to be more larval input from the initial source.

Tubastraea coccinea is widely distributed on artificial structures, although I don't expect it to remain on artificial structures in South Florida and the Upper Keys. Population sizes have increased dramatically since it was first documented in 2002 or the late 1900s. I spoke with the two scientists that wrote the initial paper describing the species in Florida, and they were astounded when I showed them pictures and told them of the population sizes I was looking at because it was significantly different.

They only found a few colonies when they there and we were finding hundreds of thousands of colonies. Genetic diversity is low, and I'm expecting that certain clones may have higher rates of asexual reproductive success leading to that domination of that single clone. Potential ecological impacts; we haven't had a chance yet to study this fully, but my expectation, due to the mortality of native colonies due to the presence of *Tubastraea*, is that there will decreased biodiversity at sites where *Tubastraea* is present; with increases of at least partial mortality of native species.

I expect there to be lower levels of native coral recruitment there because we know that the chemicals produced by the species inhibit native larval recruitment. We already know that this species is numerically and spatially dominant to all of the other – even if you combined all of the native coral species together at a site, the *Tubastraea* dominates overall.

We're interested in also looking at coral disease implications, so one issue with corals in the Caribbean is the increasing incidents and prevalence of coral diseases, and we're interested to know if this species can carry these pathogens with them and spread disease even more to populations just because of their large population sizes; or, if they're resistant to Caribbean disease, whether or not they can actually act as a pathogen sink.

If those toxins can kill the pathogens, then maybe there will not be as much disease spread to the native populations, but we're looking into that or we're trying to look into that. We just found out last week that the extracts from *Tubastraea* kill a pathogen that is associated with an algal disease, so we're going to look into that a little bit more.

There has been a general thought that this species prefers artificial substrates, and that hasn't been demonstrated yet, and we're hoping to do some experiments to determine if the larvae preferentially settle on artificial substrates or if they have lower mortality rates or if they can out-compete only on artificial substrates; because when you place an artificial substrate into the ocean, that becomes a novel habitat for both native species and these non-indigenous species.

The hypothesis is that *Tubastraea* is just a really, really good weedy competitor, and it will out-compete anything that is there just because it is a novel environment to both native and introduced species. I think with time we'll see that it does show up on a natural substrate. It might already be there, and we just haven't been able to see it yet. Lots of acknowledgments. I'll be glad to answer questions.

In our research, if you have specific things that you want to know about the species, please let me know because we're continually or trying to continually go out to look at it; and if there are certain things that you need to know, certain questions you want asked, please let me know, and we'll do everything we can to try to get those questions answered for you.

DR. CHEUVRONT: Thank you, Tonya, very much. That was very, very enlightening. Now, if there is just some way you can figure out to get lionfish to eat these things, we will be in great shape – eat them and die. Bob, do you have a comment or question?

MR. MAHOOD: Is there anything good about them?

DR. SHEARER: The divers love to take pictures of them, and that was an issue we had with getting permits is that they don't want to take them – they don't want us to take a lot of the – at the time they didn't know, really, that they were so abundant, but they said that the divers like to take pictures and we don't want to ruin that experience for divers. That was the Florida Keys Sanctuary telling me that.

MR. HARTIG: It was pretty much associated with Bob's question. Have these corals been evaluated for biomedical possibilities?

DR. SHEARER: Part of a project that I'm involved in is through drug discovery. We've been looking at red algae from Fiji. They have all the bioassays available at Georgia Tech. A couple of weeks ago they took the extracts from this species, ran it through, did not see any inhibition of human microbial disease, but there are also some other tests that they're going to do, anti-malarial, anti-HIV with the extracts. Then we're also going to test some coral disease pathogens. But because it is so toxic, there has got to be something great in there, but that is what we're hoping.

DR. CHEUVRONT: We're just hoping it is going to kill the right things. Wilson.

DR. LANEY: Thank you for the presentation, Tonya. A couple of questions for you; one, you mentioned that in Brazil I guess they had tried some at least localized removal efforts. How successful were those for the long run? Did it rapidly recolonize the sites so it is sort of a futile effort to try and remove? Question two is what about disbursal? I know it is as far north already as Gray's Reef National Marine Sanctuary off Georgia. Has anybody looked at the potential for it to spread even further beyond where it is already colonized?

DR. SHEARER: In Brazil they have not made it very public what has happened with the project, so there is no scientific paperwork coming out of that. I don't know that it has been successful in eliminating or locally eliminating the species. I think it would be very, very, very difficult to eliminate the species now that it is established because of all the potential populations.

Even if you tried to remove it from all of Florida, there is going to be deep populations in the Bahamas that are going to reseed it. I don't know if it has been successful. Now, in the Flower Gardens they removed it from neighboring reef habitats, and they only have one colony that I know of or that they know of between the two Flower Garden Banks.

I think it is on the east bank. There isn't any on the west bank. On Stetson I know they were removing it, and I don't know if they've continued. They said it was really hard because sometimes it gets in these cracks and crevices and they can't get the whole thing, so it is not a simple removal process. What was the second question, disbursal?

DR. LANEY: Yes, what is the potential for it to continue spreading geographically?

DR. SHEARER: Greg McFall has told me that he thinks it is at Gray's Reef. I haven't gone out there yet and he hasn't sent me a picture yet. I don't see any reason for it not to spread. There is really nothing controlling it. It is going to be deep and it is going to be widespread. I don't know how deep it can get, but it is at least 200/230 feet.

One issue that we've been talking about is whether the artificial reef program is providing corridors for the spread of the species, and so the artificial reef program – the Florida Fish and Wildlife, two of their people came out with us on our last trip, and now they are actively interested in evaluating whether or not they should be allowing steel-hulled ships to be deployed as artificial wrecks in case they are promoting the spread of the species.

DR. CHEUVRONT: I guess no good deed goes unpunished. Duane.

MR. HARRIS: Just a comment; Tonya, it is good to have you here, but I'm just a little bit miffed that I was not included in the acknowledgments after I donated my coast guard cutter to the state of Florida so that orange cup coral could grow all over it.

MR. HAYMANS: And I was just going to say if you're going to blame the artificial reefs, then you've got to blame the Nancy Foster, its bilge water which sits over Gray's Reef and everywhere else. It is going to be the spreader, too, so stop the Nancy Foster.

DR. CHEUVRONT: Okay, do we have any questions or comments for Tonya? Paul.

MR. RAYMOND: Myra, refresh my memory; do we list all the stony corals under the FMP?

MS. BROUWER: No, and that is what we need to talk about is whether it would be possible to remove this one species from the FMU in order to allow for some kind of a control mechanism. This is something the marine life harvesters came to the council and requested for them to be allowed to harvest it because it is, from what I understand, a very pretty coral and it is popular in the aquarium trade. We don't have a listing of all the species, no.

MR. RAYMOND: So we basically would bust anybody who harvested this right now? It is totally protected in federal waters.

MS. BROUWER: Right now it is.

DR. SHEARER: It is very hard to me to get a permit to collect any small samples of it.

DR. WILSON: Well, to that point, Mr. Chairman, then one of the things that we discussed I think before – I can't remember whether it was in council session or in the Habitat and Environmental Protection Advisory Panel – was whether or not if you did allow someone to legally collect it, what is the likelihood that you would damage your native reef habitats by having folks out there chipping off orange cup coral colonies; and what is the potential that as they collected those, they would break them apart and then all you do is just facilitate dispersion.

DR. CHEUVRONT: Those are all very good points. Tonya.

DR. SHEARER: I don't think they would survive well broken apart. They have very soft shells. I can break it off with my dive knife. They seem to be – if they dropped on just the sand, it will probably kill parts of them is what we've seen when we've seen it on the shells. It is fairly simple to get them off the substrate.

It depends on how you consider your artificial reefs. Some places don't consider them as much as they consider their natural substrate; so if they break something on a wreck, then it is not the end of the world is the way I've seen some management deal with the wrecks. I think you could remove a significant amount and it will grow back very quickly. It will recolonize within months. These guys can reproduce multiple months a year. I just don't know how much damage the divers would do. There are not a whole lot of other corals living on there, anyway, at this point. If you go to the Duane, it is dominated by this species.

MS. BROUWER: I wanted to just go ahead and remind the council that back in December of 2009 we had the discussion, and we proposed that perhaps Florida would allow removal of the species in state waters. They were approached by the marine life harvesters with that request to allow that, and Florida, after having some discussions, decided not to allow harvest of this species due to potential law enforcement issues.

This is the dilemma that we were in when we were discussing this back in December and why it was sort of tabled for discussion at a later date. The issue is does the council go ahead and remove it from the FMU and allow it to be harvested and how does Florida feel about issuing concurrent regulations to go allow with what the council would like to do?

DR. CHEUVRONT: Okay, what is happening now is we're away from Tonya's presentation and into a discussion of some management things. If there are no more questions for Tonya, thank you for coming.

DR. SHEARER: Let me just say one more thing. There is some indication that this species may be important to juvenile reef fish because it creates structure where there was no structure before. A study wasn't too rigorous, but it was indicating that there is some juvenile fish that are associated with it for protection. I don't know how that changed the little tiny reef fish, but that might be something to consider if you're going to wipe an area clean and how is that going to affect the juvenile fish in that area. I haven't seen it myself so I don't know, but that has been out there.

DR. CHEUVRONT: Well, thank you very much, Tonya, we appreciate your coming and doing the presentation for us. Okay, the last question because we need to wrap this up.

MR. ROBSON: Tonya, I appreciate the presentation. I apologize, I stepped out briefly for some of it and I may have missed something. Did you describe or can you describe briefly – it is an Indo-Pacific native; does it have any kind of similarities in terms of growth form and spread rates or anything that is similar to what we're seeing outside of its normal range?

DR. SHEARER: As far as other corals, do you mean?

MR. ROBSON: Well, in terms of how is it behaving here in the Atlantic as opposed to what it would normally be looking like in its native range?

DR. SHEARER: There is not a lot of information on the species because it is not very obvious in its native range. It is found under ledges and in cave areas. It tends to live in areas that are dark because it doesn't have the symbiotic algae, so it can live in habitats that typical scleractinian corals live in. It seems to be just a very inconspicuous species not abundant, but there can be local abundances.

DR. CHEUVRONT: Okay, that is it. We're running late here so we're going to continue; I'm sorry. Myra, can you lead us into the next thing, please.

MS. BROUWER: The next item that I would need guidance on is whether the action to potentially remove the species from the FMU and allow harvest should remain in CE-BA 2.

DR. CHEUVRONT: So what is your pleasure on this one? We're hearing pros and cons on allowing this and not allowing it. Duane.

MR. HARRIS: Well, is this harvest part of the marine life trade – is that what you're suggesting – or are you harvesting it to kill it? What are we being asked for?

MS. BROUWER: The request came from the Coral AP to remove the species from the FMU so it could be harvested. Now, there may be enforcement issues with that, and that is where Florida comes in. From what I understand, there is a demand for this species in the aquarium trade, and that is why the request was made to the council.

MR. HARRIS: Well, I would make a **motion that we do remove this species from the Coral FMP and allow for harvest**. I have an idea the state of Florida is going to have a large influence on whether this gets done or not, but that is my motion.

DR. CHEUVRONT: We have a motion to remove the *Tubastraea coccinea* species from the Coral FMP and allow harvest. The motion was made by Duane Harris; do we have a second to the motion? Seconded by Charlie. Any discussion on the motion? Mark.

MR. ROBSON: From a federal waters perspective, I don't know if I would support this motion or not. I can tell you that the concern that we had in state waters was one of we don't allow harvest of any scleractinians. This is one, so it would be still prohibited in state waters unless we were to change our rule.

The concern was expressed primarily from an enforcement point of view was that because there is potentially – you know, they could be harvesting other native forms of scleractinians once the door is open to remove these orange cups, and that could present a problem. The enforcement is

it is very difficult for an officer on the water in a boat to tell what corals he or she is looking at. I think that was one of the primary concerns. If you had additional questions about our rules or our program, I do have Jessica McCawley here who is very familiar with our review of the rules and can answer questions.

DR. CHEUVRONT: Okay, any other council members want to weigh in on this? Paul.

MR. RAYMOND: The law now is really clear with hard corals in federal waters as it is in state waters. You can't take it. There is not a lot of education that we have to do with our enforcement partners, whether it be a JEA marine patrol officer or the coast guard or an agent. Not only that, you have to educate the public that this is the one hard coral that could be removed.

Bonnie had a good point. This has nothing to do with law enforcement, but when you allow the collection of something like that, you may want to think about that may actually accelerate the distribution of it because folks tend to collect and then dump them when they're tired of it in their aquarium.

DR. LANEY: The only point I was going to make, Mr. Chairman, is I think we had this discussion before, and we didn't make that motion for that very reason was because of law enforcement issue.

MR. ROBSON: The unfortunate pattern appears to be this is a horse that has left the barn, and I don't know what kind of – if it is a matter of allowing harvest for a marine life collection, that is one issue. If there is any thought that allowing harvest is somehow going to enhance control, I think that would be naïve on our part to think that at this point.

DR. CHEUVRONT: Okay, we have got the motion in front of us. Roger.

MR. PUGLIESE: I didn't want to get too far in the middle of it, but I think this has gone around a lot of time. With removing it from the Coral FMP, then there would not be any regulatory action on this so anybody could essentially go offshore and harvest. That is assuming you didn't have a transfer forwarded to the state of Florida. It would be I would assume open to anybody to harvest and possess without permits or anything.

MR. RAYMOND: Yes, that was my thought exactly. Maybe it is better to leave it on there and then you just allow the removal only with a permit or collection permit or a scientific permit.

MR. HARRIS: **Well, with this discussion I'll withdraw the motion,** Mr. Chairman.

DR. CHEUVRONT: Okay, the motion maker has requested to withdraw the motion; is that okay with everybody else? I see no objection to withdrawing the motion. Is there any other discussion on this topic? I think what we might want to consider now, then, is that this action is in CE-BA 2 right now, so we **might want to entertain a motion to remove this action out of CE-BA 2.**

MR. HARRIS: So moved, Mr. Chairman.

MR. CUPKA: Second.

DR. CHEUVRONT: Okay, the motion was made by Chairman Harris and seconded by Mr. Cupka. The motion reads “remove this action from CE-BA 2”. Any discussion on this motion? Seeing none, is there any opposition to this motion? **The motion carries.** That takes care of CE-BA 2.

MS. BROUWER: The next item on the agenda is to discuss the Draft Invasive Species Policy, which is Attachment 4, I believe. There is also an attachment that details the comments that were received from the Habitat and the Coral AP. If you recall at the last meeting, the guidance we received was to let the Coral and Habitat AP take a look at the draft policy and give us their recommendations and make edits to it as appropriate.

There were several general comments. They did recommend to remove the orange cup coral from the list of prohibitive stony corals and point out that it is an invasive species of concern. This is pointed out in the draft policy. There was a general comment made that the draft policy was too fish and coral centric and there was too much emphasis placed on Florida species.

The Coral and Habitat AP members stated that there were many other invasive issues occurring in other southeastern states that could impact habitat, and they have made recommendations to include, for instance, two species of mangroves, a species of macroalga, a species of cyanobacteria that also seem to be causing problems.

Rather than go through all these individual comments, my suggestion would be to perhaps split the policy into two and make one that would be specific for estuarine species and one that would concentrate mainly on marine species. As it is right now, it is pretty much a grab bag of many different issues.

There were also some specific edits that were made regarding lionfish. For example, diseases from introduced Asian Tiger Shrimp – anyway, I don’t want to take the time to go through the entire thing. Basically, I just wanted to bring it to your attention and perhaps get guidance to continue to work on it and perhaps split it into two different policies that can be made more specific.

DR. CHEUVRONT: Are you looking for a motion to do anything like that?

MS. BROUWER: Yes, please.

MR. HARRIS: Mr. Chairman, I’ll move to do what Myra suggested and I will let her word the motion.

DR. CHEUVRONT: Okay, the **motion that we have right now is to direct staff to split the policy into a marine and estuarine statement, making editorial changes and to bring that back at the September meeting.** Is that what the motion maker intended?

MR. HARRIS: Yes, sir.

DR. CHEUVRONT: All right, Ben seconded the motion. Discussion on the motion? Any opposition to the motion? **Seeing none, the motion carries.**

MS. BROUWER: Also, for the record I have a statement here that Ron Lukens submitted. He is the Chair of the Gulf and South Atlantic Regional Panel on Aquatic Nuisance Species. I'm just going to read two of the items on his statement for the record. The Gulf and South Atlantic Panel agreed to establish a working group to develop a discussion paper on orange cup coral to provide more scientific information to the council on this species.

They strongly recommend that NOAA Fisheries encourage other fishery management councils to address non-native and invasive species either through the development of policy statements like the draft being considered by the South Atlantic Council or some other appropriate mechanism.;

DR. CHEUVRONT: The thing we have got is we have some updates, and Myra has a couple here. For the sake of time, which we are quickly running out, if we could make these as short as possible, we would really appreciate it.

MS. BROUWER: Okay, the first update I have is the meeting of the Marine Protected Areas Federal Advisory Committee, which met in Charleston in April. During that time there was a lot of discussion of the role of the MPA System in regards to climate change and coastal marine spatial planning as well as cultural heritage.

The South Atlantic Council does have sites that are eligible to be nominated to the National System of MPAs. That list includes the Oculina HAPC, but interestingly not the Deep-Water MPAs. I'm not sure why. The benefits of being a part of that system would include the opportunity to be part of a broader network of protected area programs that provides a framework for linkages, coordination on issues of common interest and eligibility for funding and technical assistance.

There is a council process for nomination. It spells out the public comment process and coordination with the National Marine Fisheries Service. They were not yet sure of the timing of the next round of nominations. The Mid-Atlantic Council and NOAA Fisheries have nominated four sites that will go into the Federal Register for public comment in June.

These are the first council sites to be nominated. The next round will likely be in the fall of 2010 or spring 2011, depending on interest and timing from nominating agencies. This is something for the council to just sort of keep in the back of their mind, whether the council would like some of their MPAs to be included and nominated for that national system. Are there any questions on that?

Moving on to deep-water coral research activities, there has been already a good bit of activity this year. There are four cruises schedule for 2010. One took place in April. It was aboard the new vessel Pisces. They did take samples of Lophelia up to 400 meters. The Southwest Fishery Science Center was sponsoring or coordinating the effort.

There were some issues with currents and so they did not get to do everything they intended to do. Another cruise that took place recently was in conjunction with the National Marine Fisheries Service, Andy David. They sampled some of the shelf-edge MPA sites off North Florida and South Carolina. They did a fish characterization, and John Reed is doing the benthic habitat characterization.

One salient point is that they did see several lionfish on almost every single dive during that time. There is a research cruise planned aboard the Ron Brown that will take place in November of this year. There is a slot being saved for a council representative; so if anybody wants to go out to sea for a couple of weeks aboard the Ron Brown, there is a spot for somebody to do that. Unfortunately, it is right before the December council meeting.

MR. TEEHAN: Where are they going?

MS. BROUWER: They are going to be mainly off of Florida, moving up from the Florida Keys, I believe. The council will likely be involved in education and outreach activities, perhaps doing some work on our website. There has been talk of hosting a port day in Charleston, also in conjunction with that cruise.

There is also a research cruise that is being led by the Dutch that will take place in May. Most of the work will be in the HAPCs off North Carolina, but if there is time there are other areas that will be explored. ENCW is building a lander that is going to be deployed during that cruise. The Dutch landers that are currently deployed off North Carolina will be retrieved.

The Dutch are interested in placing landers in the South Atlantic along the entire length of the Gulf Stream, so there has been two ship time requests that have been submitted to the Cooperative Institute; six to eight days in 2012 and the same in 2013. Then, finally, Steve Ross has submitted a proposal to the Pew Fellowship Program.

His proposal would assess what has been done in the South Atlantic to conserve deep-water corals and maybe explore areas that would qualify for greater protection. Also, MCBi has developed a model to predict distribution of deep-water corals and work on refining this model was included in the proposal, as well as production of a documentary for PBS. That is the report that I have.

DR. CHEUVRONT: Thank you, Myra. Does anybody have any questions quickly for Myra? We can entertain one or two questions but probably no more than that. Okay, Bob.

MR. MAHOOD: Just one quick comment; we had hoped to talk a little bit more about the marine protected area nomination process. First the councils were kind of resistant to that program, and now more councils are getting involved in it. I think at a future meeting we may bring that forth to you to start some consideration and think about whether we want to be involved in that program or not.

DR. CHEUVRONT: Yes, that is a good point, Bob. I believe North Carolina has a few things that have gotten into the designation. We were a little bit wary at first, fearing that somehow we were going to end up with more regulations on some of our state sites, and we have been pretty much assured that is not going to be the case. Once we kind of got over that hurdle, we were in much better shape. I think it is really more of a catalog than anything else. In my mind at this point that is not a bad thing. Okay, Roger, you have got a couple of quick updates, too, right?

MR. PUGLIESE: Yes, I will be brief. I wanted to at least touch on a couple activities that are ongoing. First of all, the continued development of the South Atlantic Landscape Conservation Cooperative; there was a workshop held in Charleston back in April. This initiated kind of a kickoff of that entire effort, building from an interagency task force group that was kind of building the structure.

It provided the opportunity to have input on governance structure, on highlights, on priorities and movement and brought everybody up to speed in terms of some of the pretty significant commitments of the U.S. Fish and Wildlife and USGS in terms of really moving this forward. This entire effort really was a spin-off and a move forward on the services move toward having a climate strategy. There are a lot of resources being put forward. Right now a new director is going to come on line, I guess, in July.

We will have the first full-time director of the Cooperative. Again, I had mentioned earlier in some of my comments that this is one of the first in the country, so really it is an opportunity to structure where this can go. The footprint that was discussed was really from up in the top of the state systems, all the way off into the marine system and to the EEZ.

The opportunity to have some collaboration and understanding how this will provide input on our understandings of estuarine habitats, nearshore/offshore habitats relative to river systems, relative to a lot on the landscape scale is going to be a real opportunity. Fish and Wildlife has committed, I think, \$1.5 million to fund projects already through that.

There has actually been the initial review of those projects in the southeast. A subsequent review process will be developed to expand with anticipated additional resources going. USGS has committed I think three to four million dollars a year to this effort in the southeast. That is kind of the stage of where we are at. Again, the refinement of governance structure, strategy is all underway at this time so that is just a quick point that there is a very good opportunity for pretty significant collaboration with a lot of real potential science-based support from a multiple agency and other partners in the southeast region.

The other area I wanted to touch on was the Southeast Coastal Ocean Observing Regional Association efforts. We had a board of directors' meeting and a member meeting recently. It was the time right after the beginning of the oil spill in the Gulf of Mexico. In that session we had actually provided breakout sessions for ecosystems, for working waterfronts.

A number of the major targeted, highlighted priorities for the Association under the ecosystem fisheries was highlighted and had a fairly significant presentation from George Sedberry on the interconnectivity of species in the southeast region and understanding how we can expand our knowledge on observing capabilities, technologies and ways to move forward.

The Association received a fairly significant increase in resources and funding in 2010 and is anticipating potentially even a greater expansion in 2011 and beyond. We're in the process of having a five-year funding support developed. There was a decision by the group and by the membership that this year there will be a unified process to bring together all of the different aspects of the priorities under a strategic plan and fund them as one package.

Everything is going to be funneled through – before it was funded through individual groups submitting proposals for modeling, for impacts on estuarine habitats – different things were all funded separately. This is all going to be bundled under one effort, and to support it there has been an expert review panel selected; one of which the member is – Colonel Lautenbacher is now a member of SECOORA, an acting member, and has also been selected for the expert review panel as one of the members.

The intent is to really provide something that meets these high priority needs that are identified in a developed, more recent five-year plan that the Association is already working on. What this is really doing is it has raised fisheries to the front end. With the oil spill, it is even emphasizing the importance even greater about the assets that are available for ocean observing as well as for beginning to move into utilizing biological monitoring, et cetera.

What was kicked off right from the beginning – and I have been funneling some of these different pieces of information as they have been developed by the Association – is coordination with all the partners, facilitating and providing these to NOAA, to the ones that are really looking at the comprehensive view of the footprint in the Gulf of Mexico and monitoring the movement of oil, monitoring or putting the assets in the water to provide a characterization of the system and what is going to happen in the future.

In addition to that, the group is putting together or has put together a proposal to monitor the sub-surface oil. Right now there is no effort to really – well, there is initiated effort, but there is no combined effort, and it was going to bring together all the assets of the Association and partners to really get a handle on where the oil beyond the surface is moving in the Gulf of Mexico and hopefully beyond and understanding at least if it moves into the South Atlantic and into our region.

An Ad Hoc Oil Spill Committee has been developed by the board with the intent to take this even a step further and the South Atlantic is going to be expanded in the way we do this. This

will provide the opportunity to really look at what assets are available for us on our side to be able to see how they can be able at least be in the right coordination level to understand what is going to happen in the future with regard to the South Atlantic, also.

That has been a fairly significant effort by SECOORA and I think it is going to really provide the opportunity to look at expansion of this program and how important those types of information-gathering components are. The last major area was the discussion on the South Atlantic Alliance, real brief, is still continuing to move forward in terms of development of their action plans.

It is in the review. The individual area components and technical groups have provided input on what the action plan is going to encompass. We're in that stage where the executive planning team will be providing input, and then this will be sent ultimately to the executive committee or the governors for approval, which will push this forward and then hopefully this is ultimately going to provide resources and then the coordination that we can see this link into a lot of these other opportunities.

I think one of the discussions we have been having is then also especially with the case we've got moving forward with the oil, there is an opportunity to maybe engage the Alliance even early in the process here with states and with other groups such as SECOORA to maybe get some unified efforts and review in view of what is going on.

That is the status of those three major areas. I think that one thing that Brian wanted to at least touch on was alluding to some of the other things I had talked about, oil and preparedness for what may be coming for the South Atlantic region and opportunity for the council to begin to stage ourselves or be in a position to understand what may be coming or what we need to do in cooperation with the states and other partners. That's it.

DR. CHEUVRONT: Great, thank you, Roger. Anybody have a quick question for Roger?

DR. LANEY: Not a question, Mr. Chairman, just a quick comment. One is that the interim SALCC coordinator is going to be Laurel Barnhill, who is a colleague of Robert's. He is based at Columbia, South Carolina. The second comment is that the North Carolina Wildlife Resources Commission has graciously agreed to host a couple of the SALCC positions, so they're going to be based in Raleigh, located in the WRC building on Centennial Campus at NC State University. The first coordinator will be Ken McDermond. He was a deputy regional director for the Fish and Wildlife Service in Region 8 in California, who will be reporting for duty July the 6th.

DR. CHEUVRONT: Okay, Mr. Chairman, that ends the business the Ecosystem-Based Management. Do we need a task and timing? Okay, yes, we've actually got one activity that we're going to recess until morning and wait to do. All the other business is completed.

MR. HARRIS: Thank you, Brian. Myra has already talked with me about that. Here is what we're going to do. Tomorrow morning we've going to begin at 8:00 a.m.. We're going to be in

closed session for the SSC Selection Committee. That will take probably about an hour, so members of the public just plan on kind of being out here. I'm thinking an hour, but it could be a little bit less. Following that, we're going to go right into mackerel and finish mackerel. Then following that we'll get this last presentation that Myra has and then we'll go into the rest of our agenda.

(Whereupon, the meeting was recessed at 6:45 o'clock p.m., June 10, 2010.)

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JUNE 11, 2010

FRIDAY MORNING SESSION

COMMITTEE REPORTS

The South Atlantic Fishery Management Council reconvened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, Friday morning, June 11, 2010, and was called to order at 8:00 o'clock a.m. by Chairman Duane Harris.

(Whereupon, the SSC Selection Committee Closed Session was held.)

MR. HARRIS: We're going to go back to the Mackerel Committee as a Committee of the Whole and finish up the Mackerel Committee deliberations and receive the Mackerel Committee Report. Then we will go to SEDAR and then SOPPs, Spiny Lobster, et cetera. George.

MR. GEIGER: **Mr. Chairman, the Mackerel Committee Report** is 27 pages long, and we have some work to do within those 27 pages, but we're going to try and get through this as expeditiously as possible. The Joint South Atlantic/Gulf of Mexico Mackerel Committees met on June 8th. We had members here from the Gulf and the South Atlantic.

We discussed under other business the King Mackerel Catch Share Program, public hearing dates and locations, the Atlantic King Mackerel Quota and the quota combinations in the Gulf. In regard to motions made by the joint committees, each of the committees conducted their individual discussions of action items and took votes.

I will only concern this committee with the actions taken by the South Atlantic Committee. All the actions taken by the Gulf are contained, however, in the Mackerel Committee Report. **Under management alternatives, Action 1, modifications to the fishery management unit, the South Atlantic Committee moved to remove the Alternatives 2 and 3 from Action 1 and move them to the considered but rejected appendix. That was approved by the South Atlantic Committee and on behalf of the committee, I so move.** Is there any discussion? Seeing none, **that motion is approved.**

The South Atlantic Committee also made a **motion to add the individual alternatives or options to remove the individual species that are currently listed in the management unit for data collection purposes. On behalf of the committee, I so move.** Is there any discussion? Any object to that motion? Seeing none, **that motion is approved.**

The South Atlantic Committee also **moved any of those species currently listed in the management unit for data collection purposes, before they are added to the plan, should be assessed by a SEDAR assessment.** On behalf of the committee, I so move. Is there any discussion? Any objection to that motion? Seeing none, **that motion carries.**

Action 2 was to modify the framework procedures. The South Atlantic Committee moved to select Alternative 4 (Appendix C) as our preferred motion, which was withdrawn. **The South Atlantic Committee also made a motion to approve the range of alternatives, and on behalf of the committee I so move.** Is there any discussion? Any objection to that motion? **Seeing none, that motion is approved.**

Action 3 was the discussion to establish separate Atlantic and Gulf Migratory Groups of Cobia. **The South Atlantic Committee made a motion to approve the range of alternatives, and on behalf of the committee I so move.** Is there any discussion? Any objection to that motion? **Seeing that motion is approved.**

From Page 4 through 8 in the Mackerel Report are issues that concerned the Gulf Committee only, and I will leave that to your private reading so we don't have to go through those particular items. Are there any questions about any of those Gulf issues? Seeing none, we will move on. Page 9 in the report concerns Action 13 and to specify MSY, MSST, MFMT, OFL, ABC, OY, ACL and all those levels for Atlantic Migratory Group King Mackerel.

The South Atlantic Committee made a **motion to accept these alternatives, which were approved by committee, with direction to look at combining Alternatives 4 and 5. On behalf of the committee I so move.** Is there any discussion? Is there any objection to the motion? **Seeing none, that motion carries.**

The South Atlantic Committee also made a **motion to adopt the alternatives under 4.13.4, and that was approved by committee. On behalf of the committee I so move.** Is there any discussion? Any objection to that motion? **Seeing none, that motion carries.**

The South Atlantic Committee made a motion to adopt the alternatives under 4.13.5 but move Alternative 2 or 4 to the considered but rejected appendix. Is there any discussion of that motion? Is there any objection to that motion? **Seeing none, that motion carries.**

Under 4.13.6, annual catch targets, the South Atlantic Committee made a motion to accept the alternatives for the commercial sector ACT. Is there any discussion concerning that motion? Is there any objection to that motion? **Seeing none, that motion carries.**

The South Atlantic Committee made a motion to accept the four alternatives for the recreational sector ACT. Is there is any discussion of those alternatives? Are there any objections to those alternatives? Seeing none, that motion carries.

Moving along to Action 14 to specify accountability measures (AMs) for Atlantic Migratory Group King Mackerel. The South Atlantic Committee made a motion to modify Alternative 7 to prohibit bag limit and tournament sales of Atlantic Migratory Group King Mackerel. **That was subdivided into a substitute motion, and that substitute motion, which became the main motion, was to split the motion into two alternatives; one, to prohibit tournament sales if they are counted against the commercial quota; and, two, prohibit bag limit sales. The substitute motion was approved and became the main motion. That was approved by committee, and on behalf of the committee I so move.** Is there any discussion of that motion? Any objection to that motion? **Seeing none, that motion is approved.**

The South Atlantic Committee also made a motion under that same section to accept the alternatives as modified for accountability measures. On behalf of the committee I so move. Is there discussion of that motion? Any objection to that motion? **Seeing none, that motion carries.**

The committee also made a motion to add a new alternative that would allow rollover of underages or 100 percent and of 50 percent not to exceed ABC. On behalf of the committee I so move. Is there any discussion of that motion? Any objection to that motion? **Seeing none, that motion carries.**

The next action we discussed was Action 4.15.2, overfishing levels. This was with regard to Spanish mackerel. The committee made a motion that OFL equal unknown. It was approved by committee and on behalf of the committee I so move. Is there any discussion of that motion? Any objection to that motion? **Seeing none, that motion carries.**

Mr. Chairman, that completes the portion of the mackerel agenda that was completed in the Joint Mackerel Committee, and we're now moving on to issues that remain unresolved as part of the committee actions that are on the agenda.

The first order of business is 4.15.4, optimum yield. Gregg, can you give us the point in the document? If everybody has a mackerel report in front of them, it is on Page 16. All the remaining actions for Spanish mackerel are conveniently located on Page 16.

MR. ROBSON: This is the committee report?

MR. GEIGER: This is the committee report or you can go back to the mackerel document if so desire. That would be Attachment 4. It is just as easy to work off the committee report, Gregg.

MR. WAUGH: Yes, for our purposes here the committee report would work well.

MR. GEIGER: Okay, so let's do that for continuity purposes. The first thing we're going to discuss is 4.15.3, and the first order of business is to discuss the allowable biological catch control rule and the ABC itself. We've got a range of alternatives that are identified. We have an option to pick a preferred if we so desire. Dr. Cheuvront.

DR. CHEUVRONT: For the sake of consistency and trying to move things along, I would like to make a **motion that we accept Alternative 4B as our preferred and that is ABC equals 75 percent of OFL.**

MR. GEIGER: Do we have a second? Second by Chairman Harris. Any discussion on that motion?

DR. CRABTREE: I have a question; we're in a Committee of the Whole now?

MR. GEIGER: We are in a Committee of the Whole. Ben.

MR. HARTIG: Just a general comment; is it appropriate to talk about Spanish right here now?

MR. GEIGER: We are dealing with Spanish mackerel.

MR. HARTIG: Okay, I wanted to make sure. In Spanish mackerel – we have used less and less efficient gear over time – the landings really don't have a whole lot to do with the population. The other thing I'm going to say is that another thing we have to think about; in assessments where we don't have the biomass estimates; how are we going to deal with that long term?

Are we going to go back to landings in each one of the assessments to see those levels from the SSC? I think there is a much better to do it with mackerels. If you go back in the history of the fishery and look where it crashed, you may be able to get an OFL based on those things. There are certainly other ways to look at it than just using recent landings to develop an OFL. That is what I'll about that.

MR. GEIGER: Okay, thank you, we have a motion on the floor with a second. Is there any other discussion? Seeing no other discussion, is there any objection to this motion? Seeing none, **that motion carries.** The next order of business is 4.15.4, optimum yield. We have a complete range of alternatives. Any desire to choose a preferred?

MR. WAUGH: The main thing we need right now is to agree to the alternatives. If you're not ready to do preferreds, that is fine. If we just get the range of alternatives, we will work the document up and bring it back to you in September and you can pick preferreds there.

DR. CHEUVRONT: I think as long as you can get Alternatives 1 through 6 all considered, that would be fine. I don't know if we any additional direction for that, I'm happy with that.

MR. GEIGER: And you will make that in the form of a motion, sir.

DR. CHEUVRONT: **I would like to make a motion that we include Alternatives 1 through 6 for consideration.**

MR. GEIGER: Seconded by Chairman Harris. Okay, we have a motion and a second. Is there any discussion? Yes, Ben.

MR. HARTIG: Just for my edification, how did we get to be able to use those numbers?

MR. WAUGH: If you remember, the assessment calculated these values. The review panel expressed concern about using the biomass-based parameters and the SSC concurred. We use these at some risk.

MR. HARTIG: If we've put this before the AP and we already have at one time and they came up with a lower number; that's no problem?

MR. WAUGH: The AP's recommendation to us is a recommendation for the council to consider along with this information.

MR. GEIGER: Any other discussion? We have a motion and a second. Is there any objection to this motion? **Seeing none, that motion carries.** 4.15.5, annual catch limits on Page 16, continued over to Page 17. That is all on Page 16, excuse me. We have three alternatives. Is this a complete suite or would you like to see something like an addition ACL equals ABC of 75 percent of OFL as a suggestion; just one additional alternative that is within the range of reason, I think. Again, we're not looking for a preferred. We don't have to have a preferred. All we need is an approved range of alternatives. Dr. Cheuvront.

DR. CHEUVRONT: I'm not sure what is an appropriate range of management uncertainty – to allow management uncertainty to guide us to choose this ACL. Ben, do you know? Is there something happening here that we potentially might not be capturing that could cause us to overfish on Spanish?

MR. HARTIG: No.

DR. CHEUVRONT: So you would agree that we could set – we have already got ACL equals ABC, which means no management uncertainty, so maybe step it down like 95, 85, 75 percent of ABC as the range of alternatives.

MR. HARTIG: Yes, that would be good.

DR. CHEUVRONT: Okay, I'll make **that motion to accept Alternatives 1 through 3 for annual catch limits for Spanish mackerel with the direction to include subalternatives under Alternative 3 as ACL equals 75 percent of ABC, 85 percent of ABC and 95 percent of ABC.**

MR. GEIGER: We've got a second by Chairman Harris. That came pretty quickly; let's wait until he gets it up to make sure we have an accurate motion. The motion is to include Alternatives 1 through 3 for consideration with subalternatives for ACL equal to 75 percent, 85 percent and 95 percent of ABC. Dr. Cheuvront, is that correct?

DR. CHEUVRONT: That is correct.

MR. GEIGER: We have a motion and a second; is there any discussion? Any objection to that motion? Seeing none, **that motion carries.** 4.15.6, annual catch targets; we have a commercial sector ACT. The next one is a recreational sector ACT. Basically, they mirror the ACTs that we established in other fisheries. If you desire to have ACTs established for this fishery, this is a range of alternatives. Mr. Harris.

MR. HARRIS: Mr. Chairman, I **move that we accept Alternatives 1 through 4 as annual catch targets.**

MR. GEIGER: For both the recreational and commercial sector?

MR. HARRIS: Yes, I will include that both.

MR. GEIGER: Mr. Hartig seconds. Any discussion? Seeing none, is there any objection? Seeing none, **that motion carries.** 4.16, specify accountability measures for Atlantic Migratory Group Spanish Mackerel. Again, if you have a desire for a preferred, we have traditionally been able to pick from a number of the alternatives that are identified in the total suite of alternatives. If you desire to pick a preferred alternative; if not, approve for a range as being acceptable? All right, seeing as how there are so many, maybe there is an option here that we can possible remove some of these. Why don't we just take them one by one, Gregg, and talk about them quickly.

MR. WAUGH: Alternative 1 is status quo. Alternative 2 would have the AMs to prohibit harvest, possession and retention when the quota is – and we will add for all of these “projected to be met”. For the recreational sector we would reduce the length of the following season, so we've kept those. For others, just track the others. I would presume we would keep that one.

MR. GEIGER: Okay, as we're going here, can we can a motion to delete items if you see them and you don't want them, and then we will move on to the next one.

MR. WAUGH: And here where we get into others – and this is a little bit of a mix of management measures. We don't have a separate category for management measures. They're all just shown under accountability. I'll just call your attention to the bottom where we have got paybacks. Do we want to keep commercial and recreational paybacks, the same type of alternatives we have had for others? Maybe we can talk about that and then come back to the management measures.

MR. GEIGER: Any desire to change or make additions to those suite of alternatives? Ben.

MR. HARTIG: We don't have a preferred? Okay.

MR. GEIGER: Would you like to make one?

MR. HARTIG: Well, the AP suggested **reducing the bag limit rather than reducing the length of the following fishing year, and I would make that as our preferred.**

MR. GEIGER: Dr. Chevront seconds. We have a motion and a second to reduce the bag limit in lieu of shortening the subsequent fishing year. Is there any discussion of that motion?

DR. CHEUVRONT: It looks like Subalternative 3A has been deleted. I think Subalternative 3C is probably untenable. I'm happier with 3B than I am with 3C. I just don't know how 3C could be enforced. What I'm trying to do is to look at – I guess what I would like to do, Ben, if that is all right, is I would like to make Subalternative 3B the actual preferred, so I would like to modify the motion if we could do that and then see if in a subsequent motion we get can rid of some of these subalternatives because I think they might not be very workable or desirable.

MR. GEIGER: All right, that becomes a substitute motion and is there any objection to the substitute motion? Seeing none, the substitute motion now becomes the main motion, and could you restate it, please.

DR. CHEUVRONT: Yes, I would like to make **the motion that we make Subalternative 3B under the accountability measures a preferred alternative.**

MR. GEIGER: Okay, that now becomes the main motion and we have a second. Is there any discussion of that becoming our preferred? Dr. Chevront, would you reread the motion, please.

DR. CHEUVRONT: The **motion that is up right now is to make Subalternative 3B under accountability measures our preferred.**

MR. GEIGER: And there was a second; Ben, any issues with that? No discussion? Any objection? Seeing no objection, **that motion carries.** We're still looking at the suite of alternatives to see if we can eliminate any that you don't believe will make the cut. Rita.

MS. MERRITT: **I would like to see Alternative 4 also as a preferred. That would be to prohibit bag limit sales of Atlantic Migratory Group Spanish Mackerel.**

MR. GEIGER: We have an additional preferred; is there a second? Ben Hartig seconds. Any discussion? Seeing none, is there any objection to that becoming a preferred? **The motion carries. Dr. Chevront.**

DR. CHEUVRONT: I would like to back up to Alternative 3 for a second, if we can. I would like to make a **motion to remove Subalternatives 3C through 3E and send them to the considered but rejected appendix.**

MR. GEIGER: We have a motion; is there a second? Second by Mr. Hartig. The motion is to move Subalternatives 3C through 3E to the considered but rejected portion of the documents. Any discussion? Any objection to that motion? Seeing none, **that motion carries**. Anything else on this, folks? Okay, we're going to move along. 4.17, specify MSY, MSST, MFMT, allocations, ACT levels for Atlantic Migratory Group Cobia, Page 21 of the Mackerel Report. The first action, 4.17.1, MSY, and here we have not been provided – yes, Brian.

DR. CHEUVRONT: Is there enough direction or a template that we could follow from our previous MSY alternatives that we could give direction to just follow the same template?

MR. GEIGER: Yes.

MR. WAUGH: Yes, I think so because these are all unknown so we will indicate the council shows them as unknown.

DR. CHEUVRONT: **Okay, I would like to make a motion that we incorporate a range of alternatives for MSY for cobia that are similar to the ones that we have used for king and Spanish mackerel.**

MR. GEIGER: We've got a motion; is there a second? Second by Mr. Hartig. Any discussion of the motion?

MR. WAUGH: We don't have that information for these values.

DR. CHEUVRONT: So we don't have any kind of proxy for MSY?

MR. WAUGH: No, nothing; nothing has been done on Atlantic –

DR. CHEUVRONT: **So then I will withdraw the motion.**

DR. CHEUVRONT: Is that okay with the seconder?

MR. HARTIG: Yes.

MR. WAUGH: And I think our only choice at this state is to indicate that we have ways that we would calculate it and when that information becomes available, then we'll plug those in, but we'll just have to indicate that they're unknown.

MR. GEIGER: 17.2, overfishing level, and there is a brief paragraph there that talks about that and at the end it says, "Therefore, OFL is equal to 857,714 pounds." Is everybody satisfied with the way that was calculated? Dr. Chevront.

DR. CHEUVRONT: I would sure like to have some other alternatives because correct me if I'm wrong, we have nothing on cobia so we have no indication whether there is any overfishing or it

is an overfished status; but using the SSC control rule, we're taking the median of the landings in previous years. I think we need to, at a minimum, include an alternative that would be the maximum of landings from the last ten years. **I will make a motion that we include an alternative for OFL that sets OFL at the maximum annual landings for the period 1986-2008.**

MR. GEIGER: Okay, we have a motion; second by Mr. Robson. Any discussion of that motion? Mr. Hartig.

MR. HARTIG: The only question I have, George, is the 1986-2008; is that a standard timeframe that is used for any particular reason?

MR. WAUGH: We have used that for snapper grouper. We have the data for that time period. It is Table 18 in your attachment, so we have that information.

MR. HARTIG: Well, let me give a little discussion on the biology of the species. The species are very fast growing and very similar to dolphin in some ways in its life history. I don't have a problem with trying to set landings at the highest level for OFL, but that is the biological part of it.

DR. CRABTREE: So we don't have anything from the SSC right now in terms of an OFL or we do?

DR. CHEUVRONT: They did; they gave us the median value of that same timeframe.

DR. CRABTREE: Well, I think what you have got to do with this is go back to the SSC and ask them if they would reconsider. I don't think we can just set an OFL that is higher than the OFL they've given us without some kind of justification.

MR. HARRIS: Mr. Chairman, can we not include it as an alternative? We're not picking it as a preferred. We're just putting it in there as an alternative right now; and if the SSC happens to agree, it is at least there already; I don't know.

DR. CRABTREE: I guess you can include it as an alternative. It is just understand that if the SSC says it is a lower level, it is a problem.

DR. CHEUVRONT: Is it inappropriate for us to ask the SSC to consider this as an OFL?

MS. SMIT-BRUNELLO: It seems to me that is what you want to do. I think that it is not a good idea to have OFL alternatives. I just don't think that's appropriate. If you want to ask the SSC to consider it, I'm not sure how you convey that to them. Maybe you just leave it in here and it can be reworded later. I guess it is the council's choice.

DR. CHEUVRONT: I would like to take a stab at modifying – John, do you want to say something first?

MR. CARMICHAEL: I think I agree with Monica. It is kind of hard to have it in for an individual species when we have accepted for many, many species OFL based on median landings and accepted the SSC's reasoning for that. Now, perhaps if the council wished the SSC to consider OFLs across the board at something set at the maximum of annual landings as sort of a comprehensive thing to look for many species, that might be a better approach to get maximum landings considered. Picking and choosing for individual species would seem to be to create a record that is based not necessarily on the science or the information.

MS. SMIT-BRUNELLO: Well, I guess that brings me to an issue that has been nagging me the whole meeting, and that is that the SSC chose the median landings for a set number of years and used those years for every single species. In going through the minutes of the SSC meeting in trying to build a record and those sorts of things, I'm not sure whether – I'm not a scientist – I'm not sure from an administrative record point and support for that particular way to go about it is – I am not certain that there is support in the record right now, which is only based on the SSC minutes, for choosing that time period for every species that they looked at.

It seems that some might say that was just – I don't know whether it was an arbitrary time period, but it was certainly a time period. It would seem to me you would want to look at each species – look at the time period for each species, which could vary from species to species. This has been nagging me so I think that if you would want them to look at that for every species, that's fine; it may be appropriate for some species and not for others. I don't know, that's just my thoughts. It has just been nagging me so this is a good time to bring it up.

DR. PONWITH: To that point, I don't see a problem with setting an approach for evaluating OFL in these circumstances that is a consistent approach for coming up with kind of a default position on how OFL is arrived at. I also think it is highly appropriate where information is available to then test the appropriateness of using that default.

That would be done by looking at the life history of the species to say are there unique attributes of the life history of the species that would justify a departure from the default. To Monica's point, for the years that were selected as the time series, is there a wrinkle in that time series that would justify using an offset time series that would be more appropriate; some environmental phenomena, some market phenomenon that would render the default time series as less appropriate than some other. I would think it would be appropriate for the council, if they have knowledge that for one given species, either a life history feature or some related to the setting of this, or the time series that was selected, to ask the SSC to revisit it in the context of that information.

DR. CRABTREE: I'm in the same boat as Monica. I think the record we have provided in this SSC Report is questionable on a whole lot of fronts, and we need to do something to shore that up.

DR. CHEUVRONT: I think based on this discussion and I see that John was taking some notes on some of this, **I would like to go ahead and withdraw my motion**. I think we need to have more discussion with the SSC on how to apply landings' data.

MR. GEIGER: And I got a signal from the seconder that is okay. Is there any objection to withdrawing the motion? Seeing none, **the motion is withdrawn**. Charlie.

MR. PHILLIPS: And it may need to come up under other business – I'm not sure where – but at some point I'd like for to make a motion or get on the record that we'd like the SSC to look at something other than landings equaling OFL because it keeps putting us in this bind. We need to give them some direction as to giving us some other formulas, something else that fits our needs, because what we've hasn't done it.

MR. SWATZEL: I'm just pointing out that the SSC used the time series of 1994-1997 for dolphin. I'm not exactly sure why but they went back in time and used the 1990s.

MR. HARRIS: Mr. Chairman, going back to what Bonnie said with respect to evaluating what an appropriate OFL is for a species like cobia, we're talking about a time series of landings, but then we're talking about application of life history aspects. I don't see how you get back to choosing a different time series of landings based on life history aspects. That's what I thought I heard you say, but it we're using landings, then how do we then take a time series of landings, get a median value for OFL and then apply life history aspects to it? I'll have to ask Bonnie to clarify that.

DR. PONWITH: The time series, again, if you're trying to do something in an expedited way, taking a default time series and using that as a point of departure, evaluating is this time series appropriate for this fishery, not for the fish but for the fishery, was it a time where the fishery was conducted in a way that was stable or was there a pronounced change in methodology in the way the fish was harvested or a pronounced change in the market demand for the fish.

That would be the way you would evaluate the appropriateness of the time series as a proxy for OFL. Secondly, you would look at the life history of the fish to determine the question that was raised earlier and that is, is the median or mean harvest within that time series the most appropriate measure or is something other than that, like was suggested the maximum more appropriate, so the life history would be looking at what statistic within that time series of landings you would be looking at.

MR. GEIGER: Okay, John, are you comfortable with where we're at?

MR. CARMICHAEL: I believe so. I think we would to ask that the SSC consider further the recommendations for OFL, and that consideration should be given to the appropriateness of the time series when OFL is to be determined based on landings, and they might consider things like regulations, the fishery, economics, life history characteristics of the fish. They should also consider whether within the time series for each individual stock whether the median, the mean, the max or some other statistical measure is the most appropriate proxy for OFL in that period.

MR. GEIGER: Charlie, does that take care of your earlier issue?

MR. PHILLIPS: Yes, and there are still other things. They can put CPUE and spawning stock ratios, but, yes, it is the spirit of where I want to go.

MR. GEIGER: All right, talk to John if you have anymore.

MR. CARMICHAEL: So evaluate other information also where it may be available for fish such as CPUE, maybe historical monitoring surveys, life history studies, things of that nature that might shed some insight.

MR. GEIGER: Okay, thank you, all, moving along –

MR. HARTIG: George, don't go too quick; there is something really important to John. What we're going to is an OFL control rule, basically. That is exactly what we're setting up from what John said and everything else. I think that is very, very appropriate to deal with all the data-poor species we have. I think that would be an excellent way to deal with exactly what Bonnie has brought before us; have an OFL control rule where we bring all these things to the table that has been mentioned by John and Charlie and everyone else. **I think that is an excellent way to move, and I would move that the SSC develop an OFL control rule.**

MR. GEIGER: Okay, we have a motion to have the SSC develop an OFL control rule. Second by Mr. Phillips.

MR. HARRIS: Just to add to that, that includes all of the elements that both Bonnie and John and Charlie have put on the table because I think those are the critical elements that are going to get us perhaps where we think this should take us.

MR. GEIGER: Okay, that's all part of the discussion if that is okay with the motion maker.

MR. HARTIG: Yes.

DR. CHEUVRONT: I see that Gregg has it up there, an OFL control rule for data-poor species, but the motion maker didn't say that explicitly and I would like for him to confirm that is what he intended, that we don't need an OFL rule for assessed species.

MR. HARTIG: Yes, that is my intent.

MR. GEIGER: Okay, any other discussion? The motion is request the SSC develop an OFL control rule for data-poor species, including all the discussion that went on subsequently or prior. No other discussion? Is there any objection to the motion? Seeing no objection, **that motion carries.**

4.17.3, Page 21, allowable biological catch control rule and ABC. Again, we have a complete suite of alternatives. I think we can give direction to staff to ensure that they're consistent with other decisions that we made during this meeting for other species. Is there anybody who has any additions that would like to see included? Chairman Harris.

MR. HARRIS: No, I'm just wondering if the way Alternative 2 is written, whether that is one that we need to reject because it says "ABC based on SSC's data-poor ABC control rule," and we have pretty much rejected their ABC data-poor control rule. Does that one still need to be in there?

MR. GEIGER: That is an excellent point. For the others, we have moved that to the considered but rejection, and I'll take that as a –

MR. HARRIS: I would **move that we take Alternative 2 and move it to the considered but rejected alternatives.**

MR. GEIGER: Okay, we've got a motion; is there a second? Second by Mr. Phillips. Any discussion? Is there any objection to that motion? **Seeing none, that motion carries.** Any other discussions concerning the control rule. **We would like to get a motion for accepting the suite of alternatives here.**

MR. HARRIS: **So move, Mr. Chairman, that we all the other suite of alternatives.**

MR. GEIGER: We have a second by Mr. Phillips. Any discussion? Is there any objection to that to that motion? Seeing none, **that motion carries**, and, of course, that is with staff guidance to ensure that it consistent with the others from other species. Okay, the next order of business is optimum yield, 4.17.4. That would be on Page 23 of the report.

MR. WAUGH: Maybe we want to add an alternative because we don't have the yield at those fishing mortality rates for 2, 3 and 4. We really can't fill those in and maybe we want OY equals ABC or ACL.

DR. CRABTREE: Did we do ACT on this one? I **would move that we add alternatives for OY equal ACL, OY equal ACT.**

MR. GEIGER: We have a motion; is there a second? Second by Chairman Harris. Any discussion of that motion? I'm not trying to rush you all, but have you had a chance to look at it? Okay, is there any objection to that motion? **Seeing none, that motion carries.**

MR. WAUGH: Since we don't have values for Alternatives 2 through 4, we'll just move those to the considered but rejected appendix.

MR. GEIGER: Thank you. The next section, 4.17.5, allocations, again remaining on Page 23.

MR. WAUGH: This is a standard suite of alternatives. There is a table showing the catches, and this is in your Attachment 4. This table will need to be updated, but you can see that over time the commercial catches have ranged somewhere around 6.2 percent in 2003 to a high of 24 percent in '95; the recreational from a high of about 94 percent in 2003 to a low of 76 percent.

MR. GEIGER: And, again, this is the standard suite of allocation alternatives. We have chosen preferreds in other fisheries. Mr. Boyles.

MR. BOYLES: Mr. Chairman, I would make a **motion that we select Alternative 3 as the preferred.**

MR. GEIGER: Okay, is there a second? Second by Chairman Harris. Discussion?

MR. HARTIG: Just that it is based on the allocation formula that we have been consistently using?

MR. GEIGER: Yes, sir. Okay, is there any objection to that motion? **Seeing none, that motion carries.** Okay, there is an opportunity here to delete an alternative. Chairman Harris.

MR. HARRIS: Mr. Chairman, I would **move that we move Alternative 5 to the considered but rejected appendix.**

MR. GEIGER: Second by Mr. Cupka. Any discussion? Any objection to that motion? Seeing none, **that motion carries.** 4.17.6, annual catch limits, ACLs.

MR. WAUGH: And these will be calculated – right, we passed a motion before that already addressed this.

DR. CHEUVRONT: That was under Spanish mackerel. **I make the motion to include ACL Alternatives 1 through 3 for cobia with subalternatives for ACL equal to 75, 85 and 95 percent of ABC.**

MR. GEIGER: We've got a motion; is there a second? Mr. Hartig seconds. Is there discussion? There being no discussion, is there any objection to the motion? Seeing none, **that motion carries.** 4.17.7, annual catch targets; and here again we've got ACTs for the commercial and the recreational sectors that mirror previous species that we have done in the coastal pelagics. **The motion is to accept the commercial and the recreations suite of alternatives for annual catch targets.**

MR. HARTIG: Thank you very much; so move.

MR. GEIGER: We've got a second by Chairman Harris. Is there any discussion? Is there any objection to that motion? Seeing none, **that motion carries.**

MR. WAUGH: Okay, for accountability measures and including the management measures as well, what we have in place now is a 33-inch fork length that applies to both recreational and commercial, and there is a two per person boat limit. Florida state regulations only allow one per person. There is a one-day possession limit; must be landed with heads and fins intact; charter/headboats require a permit.

Alternative 2 would track the commercial fishery and close it. Alternative 3 would track the commercial and close it. The recreational, if it is exceeded, publish a notice to reduce the length of the following season; standard from before; and then at the end we've got payback alternatives. Then we've got options to look at reducing the bag limit and setting a spawning season closure.

MR. HARTIG: Gregg, if you want to be correct on the Florida statement, it is one for recreational but two for commercial.

MR. PHILLIPS: **I would like to make a motion that we make Alternative 5 the preferred.**

MR. GEIGER: There is a motion to make Alternative 5 our preferred; is there a second? Chairman Harris seconds. Is there any discussion? Is there any objection to making 5 our preferred alternative? Seeing none, **that motion carries.** Monica.

MS. SMIT-BRUNELLO: Just for clarification, maybe it is a bag limit the way it is specified now, but it is two per person per day regardless of whether – and this applies to commercial or recreational. So, Charlie, your idea on Alternative 5, when you would prohibit bag limit sales, you're assuming that there is going to be a commercial allocation setup and a recreational allocation. Okay.

MR. GEIGER: We've got one last thing to do here and that is accept the entire suite of alternatives. Do we have a motion?

MR. BOYLES: Mr. Chairman, I would make a **motion that we accept these suite of alternatives for 18.**

MR. GEIGER: Second by Chairman Harris. Is there any discussion? Any objection to that motion? Seeing none, **that motion carries.** Mr. Chairman, that completes the coastal pelagics agenda's business. We covered other business. I guess it would be correct to ask if any other business has become up between now and when we discussed other business before. Is there any other business to come before the committee? Seeing none, we're adjourned.

MR. HARRIS: Thank you, Mr. Chairman, great job. Let's move right into the Spiny Lobster Committee.

SPINY LOBSTER COMMITTEE

MR. ROBSON: I'm going to restrict my report to the summary of the actions taken by the South Atlantic Committee during the Joint Atlantic/Gulf of Mexico Spiny Lobster Advisory Panel and Committee Meeting on Monday. The first action that was considered was – and this is in regards to the draft amendment we're working on – the first action would be to delegate management of the Spiny Lobster FMP to the Florida Fish and Wildlife Conservation Commission.

There was a motion that the South Atlantic Fishery Management Council Committee moved Action 1, which is to delegate management of the Spiny Lobster FMP to the Florida Fish and Wildlife Conservation Commission, moving that the action to the considered but rejected appendix. That motion was approved without objection. I'm trying to determine whether or not I need to go ahead and recommend that motion.

I want to have some discussion and that is why I was trying to debate. On behalf of the committee, I so move. Is there any discussion on the motion? I do have a comment I want to make to the motion. I was trying to get my thoughts collected here, I'm sorry. Regarding that motion, I want to make clear, if it wasn't made clear enough at the committee meeting in the discussions we had about the delegation issue for the state of Florida; that at this point the staff's recommendation from the state of Florida would be that if there was not a federal management plan for spiny lobster, the staff recommendation right now to the commission would be to accept responsibility for managing the spiny lobster fishery.

We are primarily the lead agency for managing right now. I want to make clear that the council understands that if there was a mechanism to not have the federal management plan, Florida would, in all likelihood, be able to step up and manage that fishery. The key issue is only regarding the issue of controlling imports.

If there were some mechanism to do that in the absence of a South Atlantic or Gulf Council plan, we would certainly be willing to look at that responsibility for managing an unmanaged federal fishery. I don't know if there are any other comments on that, but I just wanted to go on the record of stating that if there is any option to do that, we would certainly like to explore it.

MS. SMIT-BRUNELLO: I will take that as a strong request that our office examine that one more time to determine – because I've reported back to you that we did not think that there was a way to keep the import rule that applied to the Continental United States if you withdrew the plan. I would be happy to examine that again and perhaps invite some others from NOAA GC to take a look at it.

MR. ROBSON: That would be good; thank you.

MR. ROBSON: Monica, how does the Lacey Act enter into that part of the import of shorts into the United States? Can that be used to deal with that situation? Mark and I have talked about that, and we don't know about it, frankly, but it just came up.

MS. SMIT-BRUNELLO: Well, Paul talked about it the other day, and I would be glad to let him talk about it again. I could bring that information back to you as well. You can use the Lacey Act in violations of state law and some other kinds of laws, but I believe there is a restriction on using it for Magnuson Act kind of violations. If Paul wants to speak to that, that's fine.

MR. RAYMOND: The main issue on that is on the imports you have to use the violations of underlying foreign law. Florida law doesn't come into the equation because the product won't come into Florida. All the illegal importers – and there are a lot of them – are going to skirt the state of Florida because Florida has a strong possession law now.

These big container ships that come in with undersized lobsters in the tens of thousands of shorts from Brazil, Honduras, Nicaragua and the Bahamas, they typically go up into New England, up into New York, Philadelphia and that area and then are distributed throughout the country. To use the Lacey Act, we would have rely on Honduran Law, Nicaraguan Law, Bahamian Law. They have laws but they're not the same.

We have to rely on their testimony and their laws. When you get to court on these cases, their laws tend to dissolve quite a bit because you're going after some powerful individuals who have a lot of influence in those countries. They have laws on their books, but they dissolve when you get to trial. You're not using the part of the Lacey Act where you're using state-underlying law because the state law is not being violated because the product is never entering.

MR. ROBSON: But, again, I just wanted to be clear about that in case there was any confusion. In the absence of a federal management plan, the state of Florida would be certainly willing to step up and manage that fishery to the extent that we could and address any of those kinds of concerns that may not be possible.

Again, the committee made a motion to move Action 1 to the considered but rejected appendix. On behalf of the committee I so move. Is there any further discussion on the motion? Any objection to the motion? **That motion is approved.**

Under Action 2, the other species listed in the Spiny Lobster Fishery Management Plan, the South Atlantic Committee moved to select Alternative 3 as its preferred alternative, and that alternative was to list other species in the Spiny Lobster FMP as ecosystem component species. That motion was approved by the committee; and on behalf of the committee I so move. Is there any discussion of the motion? Any objection to the motion? **That motion is approved.**

Related to Action 3, which is to modify the current definitions of MSY, OY, the overfishing threshold and the overfished threshold for Caribbean Spiny Lobster, the South Atlantic Committee moved Alternative 2.3.4, Alternative 2, which was to adopt the Gulf Council overfished threshold definition for the South Atlantic.

The Gulf of Mexico definition; the proxy for the minimum stock size threshold of 15 percent transitional SPR, with the additional modification to the static SPR – the South

Atlantic Committee moved that to the considered but rejected appendix, and that motion was approved by the South Atlantic Committee. On behalf of the committee I so move. Is there any discussion on that motion? Any objection to the motion? The motion passes.

Moving on to Action 4; that was to establish sector allocations for Caribbean Spiny Lobster in state and federal waters from North Carolina through Texas. There was a South Atlantic Committee motion to add an Alternative 7 and that new alternative was to not subdivide the commercial allocation. That motion was approved by the South Atlantic Committee and on behalf of the committee I so move. Is there any discussion on the motion? Any objection? That motion carries.

With regard to Action 5, there was only direction by the South Atlantic Committee. Action 5 was address allowable biological catch control rule, ABC levels, annual catch limits, and annual catch targets for Caribbean Spiny Lobster. With regard to the ABC control rule, the South Atlantic Committee directed staff to look at combining Alternatives 4 and 5.

Those two alternatives were to establish an ABC Control Rule where ABC equals a percentage of OFL; and also to establish an ABC Control Rule where ABC equals a percentage of the yield at the maximum fishing mortality threshold. The direction to staff was to combine those and consider a data-poor control rule after it is presented. There was no motion in that regard.

With regard to setting annual catch targets for Caribbean Spiny Lobster, there was a South Atlantic Committee motion; however, that motion failed. I will briefly indicate the motion was to make Alternative 4 our preferred, which was setting ACTs for each sector and gear type based on allocations from Action 4. That was to make Alternative 4 our preferred; and that motion failed by the South Atlantic Committee.

There were a couple of other actions that were discussed by the two APs, and there was no follow-up discussion by the committees. I will just briefly mention those. Action 6, accountability measures by sector, the South Atlantic AP chose Alternative as their preferred, and that was approved by the South Atlantic AP. Again, there was no committee discussion.

Action 7, develop or update a framework procedure, we really never discussed that by either the APs or the council committees due to time constraints. Action 8 was discussed by the APs, and that action was to modify the regulations regarding possession and handling of short Caribbean Spiny Lobsters as undersized attractants. Again, there was no council committee action on that.

The South Atlantic AP selected Alternative 2 as their preferred, and that was to prohibit the possession and use of undersized Caribbean Spiny Lobsters as attractants. Under Action 9, modify the tailing requirements for Caribbean Spiny Lobster for vessels that obtain a tailing permit; again, the council committee did not take that issue up.

The South Atlantic Advisory Panel selected Alternative 2 to be their preferred alternative or recommended that as the preferred alternative to the council committee. That Alternative 2 was

to eliminate the tail-separation permit for all vessels fishing for Caribbean Spiny Lobster in the Gulf and South Atlantic waters of the EEZ. Mr. Chairman, that concludes my report.

MR. HARRIS: Thank you, Mark; are there questions for Mark regarding spiny lobster? Seeing none, I appreciate the job that you and the advisory panel and your committee did, as well as the Gulf Spiny Lobster Committee.

SEDAR COMMITTEE

The SEDAR Committee of the Whole of the South Atlantic Fishery Management Council convened in the Ballroom of the Renaissance Orlando Airport Hotel, Orlando, Florida, June 11, 2010, and was called to order at 10:40 o'clock a.m. by Chairman Duane Harris.

MR. HARRIS: The first item is the approval of the agenda. Any objection to approving the agenda? Seeing none, the agenda is approved. Approval of the minutes of the last meeting; is there any objection to approval of the minutes? Seeing none, the minutes are approved. The next item is SEDAR approvals; that is Attachment 1 under Tab 8, and, John Carmichael, I will turn it over to you for an overview.

MR. CARMICHAEL: We have some additional appointments for the Goliath grouper assessment and review workshop and the spiny lobster assessment workshop and review workshop. Recall Goliath and the spiny lobster are being reviewed within the same week and the same place, so there is some overlap in these individuals.

These are appointments from the SSC to fill some vacancies and some needs that we had identified. From Attachment 1, the SAFMC SEDAR Administrative Update, for Goliath grouper assessment workshop, the participant that has agreed is Anne Lange. For the review we have Matt Cieri and Carolyn Belcher; and as the review panel chair we have Luiz Barbieri. We need those appointments and note that some may be impacted by what you've done at the SSC Selection Committee. Would you like to take Goliath and then spiny lobster, perhaps?

MR. HARRIS: Yes, go ahead.

MR. CARMICHAEL: Okay, so we'll need motions for those appointments; appointment to the assessment workshop and review; and you can break those up if so choose.

DR. CHEUVRONT: I would like to make a **motion that we appoint Anne Lange to the assessment shop, Carolyn Belcher to the review workshop and assign Luiz Barbieri as the review panel chair for SEDAR 23, Goliath grouper.**

MR. HARRIS: Second by Robert Boyles. Discussion of the motion? Is there objection to the motion? **That motion is approved.**

MR. CARMICHAEL: Okay, the next is the Spiny Lobster Update. For the assessment workshop we have Anne Lange; and for the review workshop we have Matt Cieri, Carolyn

Belcher and Luiz Barbieri. Now, remember of this is an ad hoc subcommittee meeting with a subcommittee of the Gulf.

MR. CUPKA: I would **move that we appoint Anne Lange to the assessment workshop; and Carolyn Belcher and Luiz Barbieri as review panelists.**

MR. HARRIS: Second by Ben. Discussion of the motion? Is there objection to the motion? Seeing none, **that motion is approved.** Back to you, John.

MR. CARMICHAEL: Those are the appointments that we needed to do. Also in this document you have some updates on some appointments that were made and replacements that were brought in for the data workshop of SEDAR 24 just for your information. There have some slight modifications to various schedules of projects that are underway.

We have provided those for your review, but I don't believe there is a specific need for a motion to approve these. It is just to keep you informed of what has been going on. There was a slight change in the timing of the Spiny Lobster Update; the assessment workshop, to deal with when their fishery was occurring down there, which was worked out with Florida. I just want to bring that to your attention. That is the administrative issues for SEDAR.

There was one other thing that was brought up and I'm not sure where this stands. There was a lot of discussion of Nelson Ehrhardt as a potential participant in spiny lobster. He has not been appointed so I just wanted to bring that to your attention. Either you or the Gulf could perhaps consider appointing him or you could direct to see if he is interested and available. He was mentioned as having a lot of research involvement, and he may be someone worth considering.

MR. HARRIS: Is there any discussion on what John just said about Nelson Ehrhardt; is there any desire to have staff follow up and see if he is available; and if he is, appoint him to that workshop?

MR. BOYLES: Mr. Chairman, I will make that in the form of a motion.

MR. HARRIS: Is there a second to the motion? Second by Ben. Discussion of the motion?

MR. BOYLES: **The motion was to have staff contact Nelson Ehrhardt to determine his interest and availability to participate in spiny lobster; and if so, to appoint him.**

MR. HARRIS: That motion was seconded. David, did you have discussion?

MR. CUPKA: Well, I just was going to ask – I just thought he was going to make the first part and have staff see if he is interested. Given the timing, I wasn't sure if we would have time to come back for an appointment if he said yes, but I guess this would be contingent upon his availability and agreement to serve.

MR. HARRIS: Okay, you've heard the motion. Is there any objection to the motion? Seeing none, **that motion is approved.**

MR. CARMICHAEL: The final action is a followup from our last meeting. We have discussed the need to track conflicts of interest or at least identify and begun working on a form that would disclose potential conflicts of interest. We probably need some more time to get this, I would think. A form like this can have sensitivities associated with it.

Some of the issues we will need to decide are what becomes of those forms and where are they submitted, who evaluates them, what do you do if a potential conflict is observed, and who would decide what really constitutes a significant conflict. I think this is a developing issue and certainly an issue that can be discussed at the SEDAR Steering Committee as well. I think, just to open it up, if anybody has had an opportunity to get in that and have some further direction to staff, we would welcome it, and then we can hold this on the agenda for a later meeting.

MR. HARRIS: You have heard the recommendation; is there any objection to proceeding as John has recommended? Okay, seeing none, then that is the direction to staff. Did you have anything else; is there any other business?

MR. CARMICHAEL: Yes, sir, I did. One thing we will have to do is the SEDAR Steering Committee Meeting will be meeting via conference call in about two weeks, in late June. The issue they're going to discuss is the schedule of assessments for 2011. Their meeting was scheduled to be with the CCC, as we discussed, did not happen.

The South Atlantic should be prepared with some recommendations to the steering committee for things that should be assessed in 2011. My advice is that we consider a number of update assessments based on the fact that we've pushed some updates back that were scheduled for this year so that we could deal with a number of benchmark assessments; on the top of that list, of course, being red snapper.

What comes to my mind and most immediately is golden tile, which the terminal year of that assessment was 2002. Red porgy has been updated once. The terminal year of that update is 2004. Snowy grouper was on the update list for this year and was bumped. Its terminal year is 2002. Gag has a terminal year of 2004. The other issue we've heard a lot about is golden crab as something that may deserve some attention, but that may be dependent upon what the science center is able to put before the SSC based on the information that we have.

MR. HARRIS: Is there any desire to provide some recommendations to the SEDAR Steering Committee? Brian.

DR. CHEUVRONT: Before we do that, I would like to get a clarification. I believe black sea bass is scheduled for 2011; is that correct?

MR. CARMICHAEL: Black sea bass is scheduled to start this year. We had a communication from the team at the science center just before this meeting that they're in a position now to start

talking about the scheduling. They're interested in getting the data scoping call held for that probably in July if we can, so we're ready to get moving on black sea bass, with hopes of having it to you perhaps by March of 2011.

DR. CHEUVRONT: So that doesn't need to be included in any of this because that is going to go ahead, anyway, right?

MR. CARMICHAEL: That is correct; that is already on the schedule and would not need to be included here.

MR. HARTIG: Well, I would **move that we make golden tilefish a high priority for an update assessment.**

MS. MERRITT: I agree with Ben; the Golden Tile AP or Workgroup were pretty adamant about getting an assessment, as well as the workgroup of the Wreckfish AP. If I'm not mistaken, John, is the wreckfish scheduled like in 2013?

MR. CARMICHAEL: There is a wreckfish on the schedule now and it is around 2013.

DR. CHEUVRONT: John, you gave us the list of five species; golden tilefish, red porgy, snowy grouper, gag and golden crab. Is it possible that we could get all of these done?

MR. CARMICHAEL: Well, golden crab would not be an update because there hasn't been a SEDAR assessment conducted of that, but the other four are all updates. We have discussed in the past about being able to do as many as four updates in a single year. I think Bonnie will speak up if they think that is more than they can handle at this point, but that has been our working maximum.

DR. PONWITH: What I need to do is go back and consult in terms of those species and the availability of leads for each of those updates. I will go back and consult; and by the time we have the SEDAR Steering Committee – in advance of the SEDAR Steering Committee, I will give you feedback to guide that discussion.

MR. HARRIS: If there is no desire to make any changes based on the discussion we have had, then the SEDAR Steering Committee will go forth with those four updates and discuss golden crab and where we stand with that and see what could possibly happen with golden crab. Any other discussion on that issue? John.

MR. CARMICHAEL: I expect wreckfish, also – I just called up the SEDAR schedule and wreckfish is scheduled for 2013; golden crab was scheduled for 2015, so obviously we want to get on those sooner. Just FYI, for 2012 the plan is that we do the coastal migratory pelagics, cobia, king and Spanish mackerel, so we would like to do all of those together as an FMP unit in 2012, so that is your long-term plan.

MR. HARRIS: Remind us of the date of the SEDAR Steering Committee conference call.

MR. CARMICHAEL: June 21st.

MR. HAYMANS: Just for my information, is there any issue with a council member attending the review workshop, the SEDAR 24 review workshop in the audience?

MR. HARRIS: Is there any issue with that?

MR. HAYMANS: Well, is that okay?

MR. HARRIS: Sure, that's okay. If it is a paid council member, we have to assign you to that, but if you're a state agency person, yes, you're certainly welcome to attend.

MR. CARMICHAEL: SEDAR reviews like all meetings are public meetings and anyone is welcome to attend. If you want reimbursement from the council or travel expenses, well, then, that is an issue to take up.

MR. HARRIS: Okay, okay is there any other business to come before the SEDAR Committee, John?

MR. CARMICHAEL: No, sir, that is all we have for today.

MR. HARRIS: Any other business on behalf of the council? Do we need a timing-and-task motion; I don't think we do. Okay, then the SEDAR Committee is adjourned.

SOPPs COMMITTEE

MR. HARRIS: Any other business on behalf of the council? Do we need a timing-and-task motion; I don't think we do. Okay, then the SEDAR Committee is adjourned. Next is the SOPPs Committee, Bob. Is there any objection to approving the agenda of the SOPPs Committee? Seeing none, the agenda is approved. Any objection to approving the minutes of the SOPPs Committee? Seeing none, the SOPPs Committee minutes are approved.

MR. MAHOOD: Mr. Chairman, there is one attachment in the SOPPs, which basically has some recommendations from staff for changes. Since we failed to get any direction and a final rule at the CCC Meeting, I would recommend that we just forego any action at this council session because we're going to have to come back.

Anybody has any comments after looking at that, just please contact me and I'll be glad to answer questions or entertain any changes that we many want to include ourselves. Again, it is kind of a moot point until we get some direction from the National Marine Fisheries Service and a final rule.

MR. HARRIS: And it has never been a moot point before; this is kind of an ongoing moot point. Anyway, maybe some day in the future we will get some direction, but I wouldn't hold your breath. No other action items to come before the SOPPs Committee, then the SOPPS Committee is adjourned. Okay, I think we're into the committee reports. Roy, are you ready with the SSC Selection Committee Report?

SSC SELECTION COMMITTEE REPORT

DR. CRABTREE: The SSC Selection Committee met this morning and approved a number of motions. **The first motion was to approve the responsibilities for the SSC as drafted and I so move.** Is there any discussion of the motion? Any objection. Seeing none, **the motion passes.** The committee then reappointed two SSC members and these were Motions 2 and 3. The committee **moves to reappoint SSC members Dr. Luiz Barbieri and Jeffrey Buckel.** Is there any discussion of the motion? Any objection to the motion? Seeing none the **motion is approved.**

The committee passed a **motion to draft a letter thanking Dr. Matt Cieri for his service, and I so move.** Any discussion of the motion? Any objection? **So moved.** The committee then **moved to appoint new members to the SSC, and these include Dr. Jim Berkson, Dr. Steven Cadrin, Dr. Churchill Grimes, Dr. John Hoenig, Dr. George Sedberry and Dr. Eric Johnson, and I so move.** Is there is any discussion? Any objection? Seeing none, **the motion passes.**

The committee then **moved to appoint Dr. Jason Murray to the Socio-Economic Subpanel, and I so move.** Any discussion? Any objection? **Motion approved.** The committee **moved to convene the SSC prior to the September meeting to discuss the ABC Control Rule for Data-Poor Species and other matters as appropriate. I so move.** Any discussion? Any objection? Seeing none, **motion approved.**

There were a number of things that the committee agreed on. One was that staff would remove the terms of current-serving SSC members and adjust new appointees and re-appointees in terms of the length of their appointments to that schedule. This was so that we didn't have a large number of members come up for reappointment at the same time. John is going to do that and then contact the chairman and myself for approval.

Then there was a consensus on capturing some of Dr. Cheuvront's comments pursuant to direction to the SSC prior to meetings. Council liaison should sit at the table at SSC meetings; to send a letter to Dr. Williams thanking him for his service on the SSC. I believe that covers everything, Mr. Chairman, and concludes my report.

MR. HARRIS: Thank you, Dr. Crabtree. Are there questions about the SSC Report? I think everybody was in here this morning and participated in the discussion and heard that. Moving right along, the next item is review and develop recommendations on experimental fishing permits as necessary. I believe we do have one. Jack McGovern.

EFP REQUESTS

DR. McGOVERN: We have one EFP request from Don DeMaria who is a member of the Snapper Grouper Advisory Panel. He has requested an EFP to collect gorgonians belonging to the genus *Thesia* for cancer research. He has been contracted to do this work with Dr. Pat. Collin from the National Cancer Institute.

He intends to collect a maximum of 11 pounds of gorgonians by hand using scuba gear off of North Carolina in 60 to 100 feet of water. The collections will be made during July. He is going to be doing the sampling from a vessel owned by Jim Attack, who is a member of the Spiny Lobster AP. This request was sent to the council this week by e-mail.

MR. CUPKA: Mr. Chairman, I would like to make **motion that we recommend to the RA that he approve the application.**

MR. HARRIS: George Geiger seconds the motion for a recommendation to the RA that he approve this request. Is there discussion of the motion? Is there objection to the motion? Seeing none, **that motion is approved.** The next item on the agenda is status reports. Dr. Crabtree.

STATUS REPORTS

DR. CRABTREE: Well, let me start by saying that there will be no change to the Gulf of Mexico Fishery Closure again today, which is good. I believe we sent a new memo on the status of the quotas for the snapper grouper species and mackerel this week, and I think Mike distributed that earlier.

The June 2009 to May 2010 quota for black sea bass was met on December 20th. Black sea bass reopened on June 1st. The January to June 2010 quota for vermilion snapper was met on March 19th, and it will reopen on July 1st. The golden tilefish quota was met on April 12th and it will reopen on January 1st. CE-BA 1 was approved by the Secretary of Commerce on June 2nd. The final rule package is in Washington and should publish soon. The 17B proposed rule package is still under review in the region, but hopefully we'll get those comment periods started very soon.

I want to discuss briefly the oil spill protocol for closing areas. We published a rule in the Federal Register some weeks ago that set up a procedure to allow us to make modifications to areas which would be closed for fishing on the basis of oil. The rule was set up in a way that allows us to do that just through notice to the public rather than going back through the Federal Register.

The way we have been doing this in the Gulf of Mexico is we review the trajectories and where oil has been seen each morning and then usually around noon we post any changes to the map on our website. We also send out an electronic fishery bulleting out to our list of concerned people; and depending on the extensiveness of the modification, we may do a press release.

We also have NOAA Weather Radio put out that there has been a change and give the coordinates. That is done at noon and then those changes become effective at 6:00 o'clock, so fishermen have six hours' notice. Now, when we did the rule to set this procedure up, we modified the regulations for the Gulf of Mexico but also the South Atlantic and in the Caribbean; so that if oil were to come around the Florida Straits and enter the South Atlantic jurisdictional waters, we already have the rulemaking set up to go ahead and close areas to fishing in the South Atlantic area just as we have in the Gulf.

Now, when we make these changes, my procedure is to call all of the state directors initially when we first start it and thereafter if a closure affects any particular state I will call that state director as well as constituents and leaders of charterboat boats and those types of things. I would also call the chairman of the council and Bob, so you'll be given heads up if anything should happen.

At this point we have closed at one time right up to the beginning of the South Atlantic Council's jurisdiction in the Florida Straits. We then, two or three days later, reopened that area and moved it back. There is some indication of some oil that may be moving a little bit south again in the 72-hour trajectory, so we're continuing to watch all that.

Now, we have on several occasions reopened areas that were previous closed, but in all of those cases we reopened because we subsequently determined that there was never any oil there. Sometimes we close areas based on projection that oil is moving that way and is expected to be there within 48 or 72 hours. Well, sometimes those projections are wrong and the oil never gets there. If that happens, we reopen.

Now, if an area is covered with oil or has oil and the oil then recedes, there is a different protocol. Before we can reopen an area that we believe did have oil on it, we have to go out and sample fish and shellfish and determine that the levels of hydrocarbons and things are at acceptable levels. If that is done, then that area can be opened.

We have, at this point, not reopened any areas based on that kind of testing, but we are in the process of testing samples and collecting samples, and I'm hopeful that we will be able to open some areas. There have been areas that I was planning and thought we would reopen, but then the oil moved back into them, anyway, and it was moot whether the samples tested clean or not clean at that point.

That is part of the problem particularly in the Panhandle of Florida and Alabama and Mississippi area. The oil tends to move back and forth depending on which way the wind is blowing. I think that basically covers; so if you have any questions, I'll try to answer them.

MR. HARRIS: Questions for Dr. Crabtree on the oil spill? Charlie.

MR. PHILLIPS: Roy, assuming that some oil comes around in the Gulf Stream, it is 700 or 800 feet or whatever it happens to be, and the Gulf Stream is going to be moving stuff through it pretty fast and you have to go – we close it and then it passes through; how long does it take to

do that analysis on some fish, because we're obviously not going to do any shellfish in the Gulf Stream.

DR. CRABTREE: It takes around a week to ten days to analyze the samples and get the results back. The testing they do – the first part of it is they actually have a panel of trained sniffers. Apparently the human nose is very sensitive to hydrocarbons, and so that is the first test. If that panel – I believe if four out of ten smell hydrocarbons, then it fails and that's it.

If they don't smell any, then there is a series of chemical tests that are done on it. Now, in a case like that – and the situation you're talking about is somewhat comparable to what we've done in the portions of the loop currents, so it is all deep water and the main fisheries out there are highly migratory species.

We've had discussions of potentially contracting with a longline vessel for something like that to go out on a charterboat and go out and try to catch some tuna or something or some dolphin. We're working on that, but that would be the protocol, but the real thing would be how long would it take us to get a vessel out there and take samples. It is a problem when you get into the Gulf Stream and the currents are moving very quickly.

DR. CHEUVRONT: Roy, I've trying to find out – and I've talked to other folks from the states and I've talked with Roger, but I haven't had a chance to talk to anybody from NMFS. Has anybody been doing any baseline hydrocarbon testing for the South Atlantic? I'm asking partially because the state of North Carolina – the Division of Marine Fisheries has been tasked to lead this for our state, and we're just trying to figure out what is available in terms of baseline data because we have none.

DR. PONWITH: We are doing a significant amount of baseline sampling in the Gulf of Mexico. We're doing that on the federal side and collaborating quite closely with the states on the collection of those baseline samples as well. Of course, we're frantically sampling in the areas of highest risk of inundation next and have been working from those areas outward as such have not made it around the corner into the South Atlantic.

That said, opening discussions with the folks in the South Atlantic states to talk about what methodologies we're using, talk about chain of custody and about what type of strategies we might use to do coverage in the event that having baseline samples would be advantageous is certainly a prudent thing.

DR. CHEUVRONT: Well, one of my concerns about this is that oil does get into the Gulf Stream, it is going to move much faster than it did in the Gulf, and we would have probably a matter of days if it does appear in the Gulf Stream before it is going to appear even off of North Carolina. I'm asking if there is any indication that this is going to go around, please work as quickly as possible because a lot of us have a lot depending on this.

MR. BOYLES: Mr. Chairman, a couple of things; the palmettos off of Florida right now – and, Bonnie, I'd look for guidance. We have had our staffs on lookout just for any kind of visible

evidence of oil, but we are not very familiar with sampling tissues for hydrocarbons. I have no idea how hydrocarbons metabolize in tissue; but particularly from a damage assessment perspective, in keeping what Brian was saying, can you direct us to someone or a team of folks so that we can deal with sampling methods as well as preservation of specimens as well as chain of custody issues?

DR. PONWITH: What I will do is get appropriate people for chain of custody, for sample handling for PAHs and also strategy in terms of the level and resolution of geographic coverage for that and pull together a conference call and talk to you about it so we can be poised to move on this and you're aware of what the requirements are. I will take that as an action to pull a conference call together.

MR. BOYLES: Just to that, if you could, because literally the palmetto is off of Florida right now so as quickly as we could get that, at least the baseline information would put a lot of us at ease, I think, Bonnie, so thank you.

MR. HARRIS: Going back to what Roy said earlier with the smell test and the taste test, too, when we had the oil spill in the Savannah River in 1986, that was the way we determined whether to open that river back up to fishing was by smelling and tasting product out of the river. We were told at that time that was the most sophisticated available. Okay, Roy, does that complete your report?

DR. CRABTREE: Yes, sir.

MR. HARRIS: The Southeast Fisheries Science Center, Dr. Ponwith.

SEFSC REPORT

DR. PONWITH: The report on advancements in the expand annual stock assessments, the improvements to stock assessments was largely covered in the presentation on the addition of the fishery-independent sampling in the South Atlantic and the augmentation of staff, the report that was given during the committee meeting on the augmentation of staff to the stock assessment and the data management group, as well as improvements that are being made in the recreational area via the addition of pilot tests on the electronic logbook sampling.

With your agreement, I would defer to the materials that were left in the committee meeting for those and move directly into the report on the status of recreational catches in the South Atlantic. What I'm going to do is go through a series of graphs that show the harvest of different species and then we'll go consecutively from the graph to a table that shows those catches. If you have any questions on this, just stop me.

First of all, we've got the black sea bass recreational landings trends with the latest information on the 2008 and 2009 catch. You can see that the black sea bass recreational landings again dropped somewhat from the landings of prior year. These are the actual numbers with 2008 and 2009 on the bottom line.

For gag grouper landings, again the 2009 recreational landings dropped significantly from the 2008 levels. That was largely due to a significant drop in the private boat landings. Here is the table. Snowy grouper landings' trend, the landings of snowy grouper are up in 2009, and that is attributable to an increase in the private boat landings. You can see here on the table that is an increase from the 2008 of about 16,005 to an increase up to 77,000.

Mutton snapper recreational landings are down from 2008, and again we saw a decrease in the private recreational landings. On the table you will see that those numbers dropped from 508,000 to 382,000. Red snapper landings increased in 2009, and we saw increases in each of the recreational sectors. You can see here that the recreational landings increased from a level of 809,000 to 1,019,000.

Yellowtail snapper landings dropped. Again, this is largely attributable to drops in the private boat sector. In terms of numbers that decline was from a level in 2008 of 353,000 down to 244,000. For vermilion we had a slight increase in the landings. In terms of numbers that is going from 527,000 to 562,000.

Red porgy landings are down from 2008. You can see a decline in the headboat landings in the yellow there and also a slight decrease in the private boat landings. In terms of numbers this dropped from 142,000 to 95,000, about 96,000. Recreational landings of golden tilefish are up somewhat from 2009 – yes, I guess bigger than somewhat – from 9,000 to 54,000.

DR. CHEUVRONT: Do you know where that increase in landings is coming from because there didn't use to be a recreational fishery much off of North Carolina, and I'm hearing that there is a significant recreational fishery now.

DR. PONWITH: And I can't answer that off the top of my head, but I'll take that question back from the council and get back to you with an answer. Landings in dolphin are down slightly from 2008, and that goes from 8.2 million to 7.5 million. Greater amberjack, recreational landings are up in 2008, and again you can see that is attributable to an increase in both the private boat and the charterboat landings. That increased from a million to about 1.2 million. King mackerel landings are up slightly, attributable to an increase in charterboat landings. You can see that is up from 2008 levels of 3.5 to about 3.9.

Spanish mackerel landings are down from 2008 levels; from a landing level in 2008 of roughly 2 million down to 1.8. Wahoo landings are up slightly and that is from a 2008 level of 666,000 to 796,000. That closes this portion of the report, Mr. Chairman.

MR. HARRIS: Questions for Dr. Ponwith with respect to that portion of the report? Seeing none, proceed.

DR. PONWITH: Again, I would defer to the materials supplied during the Snapper Grouper Committee Report on the remaining updates unless you wish to see those again.

MR. HARRIS: Any desire to see those again? Seeing none, before you leave, does that complete your report? I have a question. The SSC had requested some information before their last meeting from the science center and some of that information was not provided to them. Can you tell us why?

DR. PONWITH: I would have to know what specific request because we get quite a few of them. I would have to know which specific request you're referring to so that I could answer with more precision.

MR. HARRIS: Well, I think you can assume that question is going to come up in the future if there are requests made for data and it is not provided. John could probably tell us what was requested that we did not receive. John, can you do that.

MR. CARMICHAEL: I think it is referring to the memo that requested landings for all managed species prior to the April meeting. We received some information, but there were some species that were not included. I know what comes to mind were things like rock shrimp, golden crab, wahoo. There were some issues with, say, king mackerel in dealing with the fishing year.

It wasn't complete, and it looked like in the commercial set there were some species that may not have been included that from other distributions we've had, we've had the landings, so there were some problems with the SSC. What they ended up using was a comprehensive set that has been developed through the regional office, which I know the science center has contributed significantly to in developing their medians. I think that was the primary issue was just getting the complete landings available for the SSC.

DR. PONWITH: Okay, Mr. Chairman, what I'll do is I'll look into this. The approach that I use when a letter comes in from the SSC or from the council requesting something is to get an immediate assessment of whether the request is something that is executable. If it is executable, the expectation is that we would get that out as requested and by the proposed deadline.

If it isn't executable, the approach would be to get a memo back to the requester as early as possible letting them know what portion is executable, what portion isn't and with an explanation of why and with an explanation of an alternative deadline so that can be worked out. In some cases requests are made where the data don't exist, and you shouldn't have to wait until the deadline to find out that the data don't exist. You should know that right up front. Any departure from that protocol, knowing about that is an important feedback loop so that I can refine the process and make sure that those requests are being tended to.

MR. HARRIS: Thank you. I have asked John to prepare a letter for my signature to go to you to say exactly what was requested, when it was received, what wasn't requested, what the explanation was, because I want to close this loop. I don't feel good about us requesting data from the science center and not receiving it without what I would consider to be a really, really good explanation. I'm not so sure that good explanation exists right now. Other comments or questions for Bonnie? Thank you, Bonnie.

The next item on the agenda is agency and liaison reports. I was going to call on Bill Teehan to begin with and tell us what the Gulf Council has been doing other than worrying about an oil spill. Gulf of Mexico Fishery Management Council liaison, Bill Teehan. Thank you for being here this week, Bill, enjoyed having you.

AGENCY AND LIAISON REPORTS

MR. TEEHAN: Thank you, Mr. Chairman, I've always enjoyed coming over here. The water is cleaner. Just a couple of things; one difference that I have noted is that we do talk about our SOPPs at every meeting, almost continuously. We're going to have a meeting next week in Gulfport, Mississippi, the 14th to through 16th. In fact, I'm just going to go home from here, clean my clothes, pack up and then go to Gulfport on Sunday.

We have a number of administrative things that we're doing. Only one that really matters to you all would be the ad hoc mackerel limited access privilege program advisory panel. We had some discussion on that earlier in the week here. We need at least two seats from the South Atlantic, and I'm unclear as to whether anybody was nominated from the committee meeting that was here, but we will be discussing that on Monday morning.

We will have our usual SEDAR administrative policies. The biggest things that we're doing right now are obviously gag and red grouper. It will be Reef Fish Amendment 32. Gag grouper is overfished and undergoing overfishing, so we really have to look hard and long at that fishery. Before the oil incident in the Gulf, the projected management and alternatives that we were going to have for gag look pretty draconian, as it were, very similar to what you all are looking at with red snapper here where the release bycatch mortality or the release mortality could be as high as what the TAC was going to be.

We have not gotten to looking at specific alternatives yet. We will be looking at a document and hopefully picking alternatives for gag grouper and red grouper for public hearing at this meeting next week. Because of the timing of the management plan and when we think we will get the full plan in place and the fact that we need to have something in place to address the overfishing in gag by January, we will also be asking for an interim rule or at least a discussion on an interim rule for gag that will likely, as it stands now -- we have already got a recreational closure of February and March in the Gulf.

The interim rule, as it stands now, we will likely just ask for an extension of that closure January, February, March and April so that we can have time to finish the permanent amendment. One other thing that we're looking at as far as reef fish is concerned in the Gulf is the amberjack fishery, which is undergoing a rebuilding plan now and is under -- for recreational and commercial, the AMs consist of in-season closures.

The last fishing season both the commercial and the recreational sectors overran their quotas and were closed in season sometime around October. The recreational had actually overrun in August, but they were closed down in October. The fishing season for greater amberjack generally is the 1st of January through the 31st of December the following year. Because of the

overages and because of the projections that the recreational sector will go over in a lot less time than 12 months, this year we're looking at a very abbreviated season.

As a response, most of the northern charter industry has asked the council to revisit the opening date of greater amberjack and move it back further in the year from January 1st to sometime in the spring, so that they would not be overrun and closed before the spring season so that they could be still fishing on amberjack in the summer and the fall when red snapper will be closed.

We're looking at that also, but both gag and greater amberjack are in the preliminary stages and I can't really give you much more information on it than that. The other committees and things that we're looking at, reef fish obviously will be the major one with those issues. I suspect that the hour that they have put on the agenda to discuss oil will be extended quite a bit because we will be right there on the beach and be able to see the oil as it washes up.

We will discuss the lobster issue, also, and probably send comments that Mr. Robson put forth today about the willingness of the state to take over the fishery if the FMP is repealed. Unless anybody has got any questions, I think that is about all I've got for you.

MR. HARRIS: Thank you, Bill. Are there any questions for Bill? NOAA GC, Monica, do you have anything else.

MS. SMIT-BRUNELLO: Nothing more than all of the things I've brought up this week.

MR. HARRIS: Thank you very much, and I think we've put a lot on your plate. I appreciate your willingness to help us with those things.

MS. SMIT-BRUNELLO: Well, our new attorney is working on things as we speak. I should say Mara. She is no longer new. She is past the six months.

MR. HARRIS: NOAA Fisheries Law Enforcement Law Enforcement, Paul Raymond.

MR. RAYMOND: Most of you I know. I used to attend these things a lot more about ten years ago. I'm the field supervisor for the South Atlantic agents, which is seven agents between Ft. Pierce and the Virginia border. I sent the quarterly law enforcement report through Kim, and I believe she sent it out to you folks.

I did want to highlight a couple of cases. Several years ago we met with the Department of Justice on this falsely labeling basa issue that turns into Florida grouper. Since it is so widespread, our focus with them was to identify some major importers and exporters in that issue and to aggressively go after some of the larger folks who brought it into the country and to leave the wholesale/retail issues up to the states since they are literally in thousands of folks who are mislabeling Vietnamese farm-raised basa into Florida wild-caught species or U.S. wild-caught species.

Those cases are coming to fruition now. Two of them have been indicted and sentenced and serving jail terms; one in Virginia and one in the Panhandle area in Florida. In the last quarter we had three individuals that were indicted in Florida who were responsible for bringing in over half a million pounds of Vietnamese basa, which is a pangassius species that doesn't look anything like grouper or sole, obviously.

They were also bringing in Lake Victorian perch and then selling them as – in the southeast they sell it as snapper and grouper. If you're from the northeast, they'll sell it as sole or flounder. It really depends on what the public is buying. The significance of this, if it is not obvious, is sheer consumer fraud, obviously. You're taking a cheap one or two dollars a pound fish and cheating the consumer out of it.

It also has carcinogenic material in it if it is pond-raised, and we've found malachite green a lot of the product, which is zero tolerance in the U.S.. so it has got health issues, obviously. Then the common one that it is cheating the domestic fishermen that is legitimately trying to market his fish, and it is driving that price down because they're flooding the market with a cheap product that is not what it purports to be.

These three individuals were indicted last month, and they will likely plea out. They were very blatant. They were even bringing in Lake Victorian perch and selling that as grouper in the hundreds of thousands of pounds. They will likely serve three to five years for conspiracy to violate laws.

We also had continuations of the casita cases down in the Keys. It wasn't just one or two individuals doing this. The Dryfords were convicted several months ago, but now the domino effect is occurring and Jeff Redowski and the agents down in Miami and the Keys, as well as the state and the Fish and Wildlife Service, have worked this operation with the U.S. Attorneys Office down there.

Two more individuals were recently sentenced in the last quarter and received a year and a day so they got felony convictions for federal conspiracy charges for conspiring to violate the Sanctuary laws down there and putting those casitas. They lost their vehicles, they lost their boats. There are conditions in there that they have to go back in there and remove the artificial habitat. There are more coming. Without saying a whole lot, there are more coming.

There have been our standard Magnuson Act cases that we have had. We had a nice striped bass case off of North Carolina in the last quarter where there were significant complaints that commercial, recreational and charter folks were blatantly abusing the striped bass prohibitions up off that coastline.

Since the state remains open, it created a law enforcement loophole for us and we did a pulse operation and caught a trawler – one of probably many that were doing it but caught a trawler with over a thousand pounds of striped bass on board in federal waters as well as some charter fishermen and some recreational fishermen.

There was a significant tilefish case off of South Carolina for overages of the tilefish and about seven red snapper cases primarily in Florida, primarily sport anglers, have been conducted and those are over at our general counsel or will soon be there, as well as some vermilion snapper cases. In that report we try to put our news releases in the back, and I hope you read this because there is some really good work being done out there by the state and federal law enforcement agencies. I think that's all I have unless there are questions.

MR. HARRIS: Thank you, Paul. Doug.

MR. HAYMANS: Paul, there has been some discussion this past two weeks, I guess, about what enforcement may send up the line for prosecution in the closed area. Can you share anything about is there a level of egregiousness that has to happen before you forward a case and maybe what might get prosecuted up the line.

MR. RAYMOND: Specifically to closed areas?

MR. HAYMANS: Specifically to the number of fish that would have to be harvested in a closed area before it gets pushed up the line.

MR. RAYMOND: I will have to refer to GCEL for that; are they here? Our cases, unless it is handled on scene with officer discretion or with written warnings, we will typically forward our cases to the general counsel and let them make that determination.

MR. HARRIS: Thank you, Paul, and thank you for the great work that you all do. I know it is a tough, tough job, and I know you have some help out there with some state agents and other federal agency folks, and I appreciate everything that all of you do. We couldn't do it without you. We get accused all the time of passing regulations that are unenforceable, but, you know, some of this gets done. When it gets done, as long as it is publicized, the word gets out and I think we have less likely violators as a result of that. All right, U.S. Coast Guard, Brian, your last meeting, your last report. We've have enjoyed having you and look forward to seeing you again when we can treat right at the next meeting.

LT. SULLIVAN: Thank you, Mr. Chairman; it has been a privilege working with the council and council staff and everybody for the last three years, and I have really enjoyed it. I hope to get back to Miami and do the same job in the next two or three years. I just have three quick things.

First, this past May we had a change a command. We have a new district commander. I sent Bob the bio for the new district commander. He has been in District VII before so he has kind of got an idea of what goes on in our area. We're really lucky to get somebody who knows what is going on in the area.

We really didn't have that many cases in the past three months. We just had a couple in Key West where vessels for-hire didn't have their permit. We sent up the violations to NOAA GCEL and then the owners of the vessels got the permits within 30 days, so they disposed of the cases.

Then Station Ponce Inlet had a snapper grouper case which they forwarded up as well as a written warning.

One thing I think that is interesting is the coast guard has been working closely with customs and border patrol, and we're coming up with an unmanned aerial vehicle for maritime domain awareness. It has been working off the east coast of Florida right now. I have been trying really hard to get them to work out at Oculina Bank and take pictures of everybody that is out there. I have been working really hard with it. Rick and I have been working with the program manager to try to get fisheries enforcement on their plate for that as well. It is in the test stages now.

Like I said, it is a cooperative with the CBP, but that is one of the main things I'm trying to get out of it in the next two or three years is to get fisheries enforcement involved in it. They can take pictures of a handgun on the deck at 18,000 feet so they can do a lot of interesting things with it. We're exploring the ways we can use it in closed areas and HAPCs and things like that. With that, if there are any questions for me.

MR. HARRIS: Thank you; are there questions for Brian? Do you want to introduce Rick more time?

LT. SULLIVAN: Yes, my replacement is Lt. Rick Mock. Everybody has seen him throughout the week. He has been in the office with me for three years now, so he kind of knows what I do, and I think you'll see any drop-off in any coast guard service that you will get. I think he will enjoy the job as well.

MR. HARRIS: Thank you, Brian, it has been a pleasure having you. Rick, we look forward to working with you. Okay, U.S. Fish and Wildlife Service, Wilson.

DR. LANEY: I think everybody has my written report, which I sent to everyone early this morning. I will mention a very few things. Obviously, the Fish and Wildlife Service is very much wrapped up in the oil spill as well; mostly from the standpoint of collecting birds and getting those to contractors for cleaning.

If you have got specific questions, I'll be happy to answer those. I think we have about 370 personnel now who have been moved into the Gulf from other areas and yours truly may be joining them at some point in the not too distant future here. The only other thing I'll mention is that if you haven't seen an operational eelway, I think Dominion Generation now has some information on their website.

Since they began operation of the eelway at Roanoke Rapids Dam this spring, they have passed well over a quarter million eels. The eels showed up in such numbers they overwhelmed the design capacity of the eelway. It was designed for 5 to 7,000 eels a day and we wound up getting 80,000 in one day, and we had some serious issues there with mortality just because the holding tank was too small and the flow-through was too low.

They have been great to work with us and their engineers to redesign that system and improve the holding capacity there. It is really a terrific facility. It is the first eelway in the southeast. If you get a chance, if you're in the neighborhood of Roanoke Rapids, we would be happy to set something up. You can call Dominion Generation. Bob Graham's contact information is in the report.

Unless anybody has specific questions, those are the big things. I will mention – and Robert may want to say more about this – the Atlantic Coastal Fish Habitat Partnership funded their first two projects this year, one of those being another eelway on Goose Creek in South Carolina. We're working in collaboration with South Carolina DNR on that project.

MR. HARRIS: Thank you, Wilson; are there questions for Dr. Laney? I do have one question. Is eelway in Webster's is that a new word that they will adopt this year?

DR. LANEY: I'm not sure. I think the technical language in the FERC, the Federal Power Act, probably fishway is probably the legal term. Monica may be able to tell me that, but we routinely use the term "eelway" in the profession because the facilities that you have to design for eels are so different than what you use for everything else. They're very specifically constructed for that species so we just routinely call them eelways.

MR. HARRIS: Thank you; I was kind of kidding you.

MS. SMIT-BRUNELLO: Like a fishway but it is an eelway.

MR. HARRIS: Yes, I know, but I want to make sure it's in Webster's. North Carolina, Brian.

DR. CHEUVRONT: Mr. Chairman, I'll keep this brief. We still have all of our budget woes. We have to come up with \$800 million in our state budget. The Division of Marine Fisheries lost three appropriated positions as a result of the latest round added on to what we had before. Fortunately, I was able to work with our federal assistance stuff and we were able to redefine two of the positions and get them moved on to federal aid projects, so we were able to use federal funding.

Something was done for the third position, but I can't remember what it was. They're no longer funded with state funds, but I think the bodies are still there and working for us. Our problem is now – of course, our budgets are so bad that is all that is left to cut and we're losing more people. Just to let you all know, you probably heard that North Carolina went out of compliance on weakfish with the ASMFC.

Our commission met and they were told what was going to happen to them as a result of that and they went back into compliance. You also probably heard that we had a lawsuit regarding sea turtles and settlement has been reached on that while we are developing a Section 10 percent to cover the entire state.

The last thing is I received an e-mail this morning that a Florida resident commercial fisherman showed up in one of our license offices to buy a land-or-sell license as a result of Snapper Grouper Amendment 17A. It is the first one and we're going to keep track of that to see how many fishermen are migrating at least into North Carolina as a result of some of the actions from this council.

MR. HARRIS: Thank you, Dr. Chevront. Are there questions for Brian? South Carolina, Robert.

MR. BOYLES: Brian, I'll take your three positions and raise you eight. We continue to be beleaguered by a very dire financial situation. Going into the fiscal year starting 1 July, the Marine Division will be down 42 percent in appropriated funds. Last count we have lost 11 staff in the last year that will not be replaced. In addition, four of our five shellfish staff have retired with no hope for replacement. It's a real struggle; I don't mind telling you.

All is not lost. We did have some action in the General Assembly to be compliant with our weakfish management plan as well, so we saw some legislative action to reduce our weakfish possession limit to be consistent with the ASMFC Interstate Fishery Management Plan for Weakfish.

We continue to work with the science center and NOAA Fisheries to enhance the fishery-independent sampling, which has certainly I think helped us with respect to just the body count available to us to do the work. I am exceptionally proud of the staff, that they continue to do so much more with so much less. I think we've got a billion-dollar budget problem in South Carolina next year, so it is going to get far, far worse.

But, let me not rain on the parade. There is some good news. We have seen this year enhanced interest in saltwater recreational fishing. With license sales through the end of May, we have surpassed 200,000 recreational licenses sold, so there still is a strong interest in our marine resources in South Carolina. Our legislature just approved and we will be selling effective July 1 a multiyear license available for folks to buy a license that will be good for three years. I'll end on that positive note, Mr. Chairman.

MR. HARRIS: Thank you, Robert. Wilson.

DR. LANEY: Robert, are those multiyear licenses going to be available for out-of-state residents as well?

MR. BOYLES: Wilson, I think it's both resident and – excuse me, I believe it is just resident licenses. I can verify that and let you know.

MR. HARRIS: Okay, Georgia, Doug Haymans.

MR. HAYMANS: Thank you for alerting me to the fact that we had state updates to give, but I think I can do that. Since 2008 – I'll up one on Robert here – we have had a 45 percent state budget cut in our funds, but with the loss of no employees.

MR. BOYLES: 42 percent is just this year.

MR. HAYMANS: Okay, our state budget cuts, we did absorb in our state monies the artificial reef programs and our water quality monitoring programs in our administrative budget. We have been able to manage fine with that. We have had some leadership changes at CRD since the March meeting.

Pat Geer has been named our chief of marine fisheries, assuming the role that Spud had before being elevated to director. I was named special assistant to the director, whatever you want to make out of that. It is the equivalent position but I'm basically the policy analyst for CRD, handling all of our legislative and rulemaking agenda as well as special projects that come along.

I'll just say that we've talked about limited entry for our shrimp fishery for a long time. We have a fairly new commissioner who the first thing out of his – well, the first thing he asked us about was does this mean that we're going to get more pressure on the Georgia coast, so that has increased the impetus for us to start looking at limited entry in the shrimp fishery in Georgia. I'll leave it there.

MR. HARRIS: Thank you, Doug. Are there question for Doug? Robert.

MR. BOYLES: Just a clarification, since I took over the Marine Division, our budget has been reduced 80.4 percent.

MR. HARRIS: I don't know how many motions we're up to, but if we can get a few more we might break a new record.

DR. CHEUVRONT: We're going to be approaching probably 175 motions by the time we stop.

MR. HARRIS: Is that going to be a new record, Bob?

MR. MAHOOD: I don't know.

MR. HARRIS: We'll have to check that out because there is competition going on between the councils. Florida, Mark.

MR. ROBSON: Mr. Chairman, we have been, as an agency, pretty heavily involved in the oil spill, of course. One of the roles that we have been able to really help the state of Florida on has been through our Research Institute and the staff out of St. Pete. They have, as many of you know, a very excellent GIS-type mapping capability, and that has been used both at the federal level and at the state emergency operations center in conjunction with all the other agencies that

are involved in this mess in the Gulf to help define critical resources along our coast and also to map oil – actually mapping the oil as it gets near coastal areas.

Those resources were used quite heavily to aid in planning and prepositioning booming and all of the things that needed to be done along the Upper Panhandle Coast of Florida. We're also heavily engaged in cooperating with NOAA Fisheries and other partners, universities. Lots of other folks are involved in quite a bit of sampling effort.

There has been a lot of pre-impact sampling that has already been done in the Gulf of Mexico, both water sampling for hydrocarbon baseline type sampling for baseline hydrocarbons as well as tissue samples. Again, NOAA has been involved in that, of course, and is really the lead in handling all that sampling effort, but the Institute staff has been out there.

There are a number of different research vessels from the state to federal level to the University of South Florida and other universities that are involved in some of that pre-impact baseline sampling, which is going to be critical in looking at damages as well as how we're going to reopen some of these areas that have closed once we clear them of oil.

That research capability is going to exist throughout the state, the Keys and, of course, if it is necessary in the South Atlantic as well. We're just hoping, of course, that we won't have to deal with it anymore than we already have in the Gulf of Mexico. We are also talking a lot to fishermen in Florida. In the event that you other states do have to deal with an oil spill like this, of course, one of the main things we're dealing with is dissatisfaction with the process that is in place with BP Oil for claims, making claims for losses. It is not just fishermen, of course. It is everybody; it's tourism; it's hotels and all of that.

It has been difficult for people to understand and enter into that claims process. Of course, there is a lot of economic damages that are occurring. In Florida's case, unlike the terrible situation in Louisiana and Mississippi where they have had real actual impacts along the coastline, Florida so far has been lucky because we haven't actually had very much, if any, oil that has reached our shores. It is getting very close.

The economic impacts of the spill have been wide ranging in the state because of just the mere perception that our waters and our coastlines are contaminated. You will encounter that immediately. As soon as the discussion starts – and hopefully it won't, but as soon as any discussion starts about the possible impacts of oil along U.S. coastlines, there is an economic effect in just the perception.

The media tends to heighten that perception that everything is just completely covered with oil and contaminated. We have different parts of our charter and commercial industries that have already reported as much as 30, 40, 50 percent drops in either pricing or bookings, a variety of things related to perceptions of contamination or problems with the oil spill. It is definitely all-consuming in our state and we're trying to deal with it as best we can. That's really all I have to report at this time.

MR. HARRIS: Thank you, Mark. Any questions for Mark? We're down to other business. Under other business, I want to apologize to Myra for forgetting her report that she was going to give today that was under the Ecosystem Committee, so we'll get that report at our September meeting.

I'll tell you something that happened in the hall. A couple of days ago, Jim Busse came up to me and said I insulted him because I cut him off after three minutes during the public hearing. I going to tell you that I never intend to insult anybody; and if you ever think that I do insult someone, please let me know.

I tried to cut everybody off at three minutes. I'd let them go a little bit, maybe 15 seconds longer, but then I'd tell them their time was up. He did feel like he was insulted because I cut him off. Of course, I think he was insulted because I wouldn't grant the other guy his three minutes and let Jim have it. Nonetheless, if you ever see me insult somebody like that, please let me know because I don't intend to do that. I want to make that part of the record.

We have got a lot on our plate and council staff and NOAA Fisheries staff have done an unbelievable job getting us the information we needed on which to base the decisions that we've made, so I just have special praise and thanks to the staffs that put this stuff together for this council to deal with.

Thank you all very much from Bob and Roy on down the chain to everybody and Bonnie and Monica and everybody that is involved. I appreciate that. That's all I have under other business. Bob, did you have anything to add? Just upcoming meetings; everybody knows when they are and we will see you in September in Charleston. Bob.

MR. MAHOOD: Have a couple of fun facts to end the end. Since 1986 – January of '86 is when I came on board – we have had 109 meetings. We have met in 28 different cities. The number one city is Charleston at 31, Jekyll Island, 12; Key West/Atlantic Beach, 8 times, and we're going to change that next year because we're going to meet in Key West.

I was surprised when I started looking of 28 different cities. We're actually going to add another city next year because we're going to meet in Raleigh for the first time. Anyway, our September meeting will be in Charleston at the Marriott this year; December in New Bern, North Carolina; and then March 2011, Sea Palms in St. Simons; June 2011, Key West Marriott Beachside; September 2011, Charleston Marriott; December 2011, Holiday Inn Brownstone, Raleigh. Be thinking of 2012. Believe it or not, it is tough to book a hotel. You've got to book them a year ahead or you can't get it done. That's all I have, Mr. Chairman.

MR. HARRIS: Thank you, Bob. I'm going to ask Mark to do something that he forgot to do and that is introduce his staff.

MR. ROBSON: Anyway, we have had a couple of staff here that actually work in Bill Teehan's section, and it's Jessica McCawley and Aaron Podey. They have been back there and doing a lot

of double duty all week helping with the oil spill stuff as well as trying to learn and understand this process of the South Atlantic Council. You might see them again at other meetings.

MR. HARRIS: Thank you, Mark. Welcome; we're glad to have you. Is there any other business to come before this council? Wilson, last word.

DR. LANEY: Duane, no other business but I did forget to mention that we got a 16-foot sawfish in the Indian River Lagoon. I sent pictures to the staff. If any of the council members want to see those, I'll be happy to send those to them.

MR. HARRIS: Any other business? We stand adjourned.

(Whereupon, the meeting was adjourned at 12:01 o'clock p.m., June 11, 2010.)

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Certified By: _____ Date: _____

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July 10, 2010

INDEX OF MOTIONS

AMENDMENT 17A

PAGE 49: Motion to change the preferred alternative to Alternative 1, changing from the 40 percent SPR proxy to 30 percent SPR proxy. Motion carried on Page 54.

PAGE 66: Motion to change the preferred alternative to Alternative 9 to use Frebuild for the OY estimator. Motion carried on Page 66.

PAGE 67: Motion for selecting Subalternative 9A, ACL based on landings. Motion carried on Page 67.

PAGE 70: Motion to look at closed area scenarios based on an 85 percent compliance rate. Motion carried on Page 72.

PAGE 74: Motion to change the preferred alternative for the management actions to Alternative 2. Motion failed on Page 76.

PAGE 77: Motion to adopt the new number three alternative in Attachment 14A. Motion carried on Page 79.

PAGE 79: Motion to reconsider the previous motion on the compliance rate of 85 percent. Motion carried on Page 79.

PAGE 79: Substitute motion to consider only scenarios assuming compliance rates of less than 90 percent. Motion carried on Page 80.

PAGE 81: Motion to make Alternative 5 to allow black sea bass pot fishing as a preferred alternative. Motion carried on Page 82.

PAGE 86: Motion to remove the term “non-set” from Alternatives 2 and 3. Motion carried on Page 86.

PAGE 88: Motion to modify the language in Alternative 2 to read sampling would include deployment of gear such as Chevron traps, cameras and hook and line at randomly selected stations in a manner to be determined by the Southeast Fisheries Science Center in consultation with the council. Motion carried on Page 90.

PAGE 92: Motion to approve Amendment 17A to submit to the Secretary of Commerce. Motion carried on Page 98.

PAGE 99: Motion to allow the council chairman to deem the amendment complete for review by the secretary. Motion carried on Page 99.

PAGE 99: Motion is approve the proposed rule for Amendment 17A and allow the staff to make changes based on actions taken by the council. Motion carried on Page 100.

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PAGE 100: Motion to allow the council chairman to deem the proposed rule complete for review by the secretary. Motion carried on Page 100.

AMENDMENT 18

PAGE 114: Motion to modify Preferred Alternative 3 regarding EFH and EFH-HAPC, to change the wording to say “designate EFH for snapper grouper species in the northern extension using the Mid-Atlantic Fishery Management Council designations as proxies where appropriate”. Motion carried on Page 114.

PAGE 120: Motion to remove from Alternative 2 the changing of the start date to August 1. Motion carried on Page 120.

PAGE 120: Motion to remove the percentage allocations among the two gear types from Alternative 2. Motion carried on Page 121.

PAGE 122: Motion to receive a golden tilefish longline endorsement the individual must have a total of 2,000 pounds, GW, golden tilefish caught with longline gear between 2006-2008. Motion carried on Page 122.

PAGE 124: Motion to add Action 4 as outlined below. Action 4 is to allow transferability of golden tilefish endorsements. The intent of Action 4 is the endorsement is separate from the commercial permit. Direct staff to develop two sets of alternatives where commercial is just unlimited and where a commercial is unlimited and the trip limited. Motion carried on Page 125.

PAGE 127: Motion to remove Action 6, golden tilefish fishing limits. Motion withdrawn on Page 127.

PAGE 128: Motion to add a new alternative to read “limit tag distribution to black sea bass pot fishermen with valid federal commercial snapper grouper permits that landed at least one pound of black sea bass caught with pot gear by the control date of 12/31/09.” Motion carried on Page 130.

PAGE 131: Motion to remove Alternative 7 and 8 to the considered but rejected appendix. Motion withdrawn on Page 132.

PAGE 132: Motion to change the dates in Alternatives 7 and 8 to 12/31/09. Motion carried on Page 132.

PAGE 133: Motion to remove Alternative 2 as the preferred alternative. Motion withdrawn on Page 134.

PAGE 134: Motion to reconsider the motion to add a new alternative to read “limit tag distribution to black sea bass pot fishermen with valid federal commercial snapper grouper permits that landed at least one pound of black sea bass caught with pot gear by the control date of 12/31/09.” Motion carried on Page 134.

INDEX OF MOTIONS (CONTINUED)

PAGE 134: Motion to amend the motion that would say, “limit tag distribution to black sea bass pot fishermen with valid federal commercial snapper grouper permits that landed at least one pound of black sea bass caught with pot gear by the date of 12/31/09.” Motion carried on Page 134.

PAGE 136: Motion to include an alternative to Action 10 to implement the ACCSP Reporting Module. Motion carried on Page 136.

PAGE 136: Motion to add an alternative to the action to implement the ACCSP Reporting Module for the for-hire sector. Motion carried on Page 137.

PAGE 137: Motion to include this action in this amendment to change the black sea bass fishing year. Motion carried on Page 138.

PAGE 139: Motion to add an Action 12 into Amendment 18 looking at a spawning season closure. Motion carried on Page 140.

AMENDMENT 20

PAGE 143: Motion to include new Alternatives 6 and 7 under the reapportionment of the ITQ Shares Section into the options paper. Motion carried on Page 144.

PAGE 149: Motion to add a new alternative for a new control date, if needed, whereby fishermen would need landings to qualify. Motion carried on Page 149.

PAGE 151: Motion to direct staff to add the alternatives from the workgroup in the Amendment 20 options paper. Motion carried on Page 152.

PAGE 153: Motion to include another option to consider whether or not to remove wreckfish from the aggregate bag limit. Motion carried on Page 153.

COMPREHENSIVE ACL AMENDMENT

PAGE 155: Motion to select Alternative 5A as a preferred alternative for an action to remove species from the FMU. Motion carried on Page 156.

PAGE 155: Motion to select Alternative 4 as a preferred alternative under the ACL Amendment. Motion carried on Page 145.

PAGE 157: Motion to establish Alternative 5 as a preferred alternative. Motion carried on Page 158.

PAGE 163: Motion to reject the SSC ABC Control Rule for data-poor species and move it to the considered but rejected appendix. Motion carried on Page 164.

INDEX OF MOTIONS (CONTINUED)

PAGE 165: Motion that the council direct the SSC to consider the following guidance when considering an alternative control rule for unassessed stocks: determination of species as ecosystem components and increasing of buffers about OFL for such circumstances is beyond the scope of assessment uncertainty and should therefore not be part of an ABC Control Rule. The Council believes that stock status is an outcome and not an assessment uncertainty appropriate to consider in an ABC Control Rule. The council recommends that the SSC configure the data-poor control rule to provide a reduction downward from OFL as described in the guidelines and does not believe it is appropriate to start at an assumption that ABC equals zero. The council recommends that the SSC consider a tiered approach that differentiates between levels of data deficiency and takes into consideration sources of information beyond landing streams that may include but are not limited to prior assessments, effort trends, survey and monitoring trends. Moreover, the council recommends that the SSC review, compare and contrast and comment on the utility of the analytical approaches for developing ABCs in data-poor situations and for unassessed stocks that were provided for consideration at the April 2010 meeting (such as the DCAC and Cooper approaches); the alternative ABC control rules developed by the council and included in current draft amendments; and the proposed data-poor control rule developed at the April 2010 meeting. The SSC should comment on which of these approaches is most robust to unknown information and most appropriate for use in deriving ABC from OFL. Motion carried on Page 167.

PAGE 171: Motion to establish an ABC Control Rule for data-poor, no P-star analysis, snapper grouper species where ABC equals 75 percent of OFL, except wreckfish. Motion carried on Page 172.

PAGE 173: Motion to make Alternative 2 the preferred alternative. Motion carried on Page 173.

PAGE 174: Motion to remove greater amberjack trip limits from the Comprehensive ACL Amendment and initiate a framework action to address trip limits for greater amberjack, vermillion snapper, black sea bass and gag grouper. Motion carried on Page 176.

PAGE 176: Motion to move the red grouper rebuilding plan and associated measures into a separate stand-alone amendment. Motion carried on Page 176.

PAGE 177: Motion to accept Alternative 2 under maximum sustainable yield as the preferred alternative. Motion carried on Page 177.

PAGE 177: Motion to make Alternative 4 as the preferred rebuilding schedule. Motion withdrawn on Page 179.

PAGE 180: Motion to make Alternative 2 the preferred for the allocation formula. Motion carried on Page 180.

PAGE 181: Motion that Alternative 4 under the recreational sector is the preferred alternative.

INDEX OF MOTIONS (CONTINUED)

PAGE 181: Substitution motion to select Alternative 4 and Alternative 6 as accountability measures in the recreational sector for red grouper. Motion carried on Page 183.

PAGE 183: Motion to add to Alternative 6, “The Regional Administrator shall publish a notice to close the recreational fishery when the ACL is projected to be met and reduce the ACL for the following year by the amount of the overage.” Motion carried on Page 184.

PAGE 184: Motion to select Alternative 2 and Alternative 3 as preferred for commercial accountability measures. Motion carried on Page 185.

PAGE 186: Motion to select a P-star of 33 percent as the risk of overfishing for black grouper. Motion carried on Page 187.

PAGE 187: Motion to accept the five-year ABC levels from the Gulf of Mexico Fishery Management Council and applying a P-star of 33 percent. Motion carries on Page 188.

PAGE 188: Motion to put in an alternative which is to adopt the control rule used by the Gulf Council SSC and establish that as the preferred alternative. Motion carried on Page 188.

PAGE 190: Motion to adopt Alternative 2 on allocations for black grouper as the preferred alternative. Motion carried on Page 190.

PAGE 190: Motion to adopt by reference the same suite of accountability measures as approved for red grouper. Motion carried on Page 191.

PAGE 191: Motion to propose to the Gulf Council, in a letter, the Sector Allocation Alternative 2 of the South Atlantic Fishery Management Council be used to allocate black grouper between council jurisdictions. Motion carried on Page 192.

PAGE 193: Motion to include black grouper management measures into the same amendment as red grouper. Motion carried on Page 193.

PAGE 194: Motion to make Alternative 3 the preferred alternative for MSY. Motion carried on Page 194.

PAGE 194: Motion to add a new alternative for MSY based on a letter from Joe Powers, Acting Southeastern Fisheries Science Center Director. Motion carried on Page 195.

PAGE 196: Motion to remove Alternative 5. Motion carried on Page 196.

PAGE 196: Motion to select Alternative 1 as the preferred alternative. Motion withdrawn on Page 197.

PAGE 198: Motion to set the overfishing limit equal to MSY and the allowable biological catch equal to 75 percent of the OFL for wreckfish. Motion carried on Page 199.

INDEX OF MOTIONS (CONTINUED)

PAGE 202: Motion to add Alternative 11 to implement a spawning season closure for the recreational fishery that is compatible with the current one for the commercial sector. Motion carried on Page 203.

PAGE 204: Motion to reconsider motion to add Alternative 11 to implement a spawning season closure for the recreational fishery that is compatible with the current one for the commercial sector. Motion not voted on.

PAGE 204: Motion to not include Alternative 11 in the document. Motion carried on Page 204.

PAGE 205: Under the management measures for the recreational sector, motion to remove Alternative 6 through 10 and move them to the considered but rejected portion of the document. Motion carried on Page 205.

PAGE 208: Motion to move the whole action with respect to shrimp from the Comprehensive ACL Amendment. Motion carried on Page 210.

PAGE 213: Motion to accept the offer of the Gulf of Mexico Fishery Management Council to manage mutton snapper, yellowtail snapper and Nassau grouper throughout their range. Motion withdrawn on Page 215.

PAGE 223: Motion to allow the pot fishery to remain open until all but 100,000 pounds of the commercial quota is projected to be harvested and then close the pot fishery; reopen the pot fishery on January 1 until the commercial quota is projected to be harvested. The hook-and-line fishery would remain open until the commercial quota is projected to be harvested. If there is more than 100,000 pounds of the commercial quota remaining by December 31st, there would be no closure of the pot fishery until the quota is projected to be met. Motion carried on Page 224.

PAGE 225: Motion to add black sea bass Alternatives 1, 2, 3 and 5 to the framework document; and as a note we would add Alternatives 4 and 6 into the framework document if they are not already included in Amendment 18. Motion carried on Page 225.

PAGE 226: Motion to amend vermilion snapper Subalternative 3A to establish a 750 pound gutted weight, 833 pound whole weight; and reduce to 250 pounds gutted weight when 75 percent of the quota is projected to be met. That is an amendment to Subalternative 3A. Is there any discuss. Motion carried on Page 228.

PAGE 228: Motion to add Vermilion Snapper Alternatives 1 through 5 to the framework document. Motion carried on Page 228.

PAGE 229: Motion to include Trip Limit Alternatives 1 through 3A for gag in the framework document. Motion carried on Page 229.

PAGE 232: Motion to add the sea turtle handling and release gear requirement modification alternatives to the framework amendment. Motion carries on Page 233.

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PAGE 246: Motion to move Actions 1 through 4 to the Comprehensive ACL Amendment. Motion carried on Page 246.

PAGE 247: Motion to remove Alternative 4 under Action 3. Motion carried on Page 247.

PAGE 247: Motion to remove the 336,905 pounds from Action 4, Alternative 2, and just leave it as ACL equals ABC. Motion carried on Page 248.

PAGE 248: Motion to make golden crab catch shares as the number one priority for the South Atlantic Fishery Management Council in developing a catch share program. Motion carried on Page 249.

DOLPHIN WAHOO MOTIONS

PAGE 250: Motion to not include MSY as an action item and remove it from the document. Motion carried on Page 250.

PAGE 251: Motion to withdraw the MFMT as the measure of overfishing and indicate in the document to use the OFL as the measure of overfishing. Motion carried on Page 251.

PAGE 252: Motion to specify ABC at 85 percent of the OFL for dolphin as Alternative 6C in the document. Motion carried on Page 253.

PAGE 253: Motion to move Option 4 to the considered but rejected portion of the document. Motion carried on Page 253.

PAGE 253: Motion is adopt Alternative 2, OY equals ABC, as the preferred alternative. Motion carried on Page 254.

PAGE 255: Motion to use Alternative 4 as the preferred alternative. Motion carried on Page 257.

PAGE 257: Motion to move Alternative 6 to the considered but rejected appendix. Motion carried on Page 258.

PAGE 258: Motion to remove Options 2, 3 and 4 from the document. Motion carried on Page 258.

PAGE 258: Motion on Option 5 to remove the sentence that says "This equals the ABC recommended by the SSC." Motion carried on Page 258.

PAGE 259: Motion to set Alternative 1 for the commercial sector as the preferred ACT for dolphin. Motion carried on Page 259.

INDEX OF MOTIONS (CONTINUED)

PAGE 259: Motion to make Alternative 4 the preferred alternative with a five-year average using the years 2005-2009. Motion carried on Page 261.

PAGE 261: Motion that Option 3 be the preferred alternative. Motion carried on Page 262.

PAGE 263: Motion to remove Alternatives 4 and 5 under the accountability measures to the considered but rejected appendix. Motion carried on Page 263.

PAGE 265: Motion to remove Option 7, examine harvest by powerheads and evaluate whether it should be continued. Motion carried on Page 265.

PAGE 265: Motion to move Alternative 3 to the considered but rejected alternatives. Motion withdrawn on Page 266.

PAGE 266: Motion to revise Option 3 to establish a minimum size limit off of South Carolina. Motion carried on Page 267.

PAGE 267: Motion to move Option 4 to the considered but rejected portion of the document. Motion carried on Page 267.

PAGE 268: Motion to treat the MSY reference points and status determination criteria the same as dolphin? Motion carried on Page 268.

PAGE 268: Motion to select Alternative 4 as the preferred alternative. Motion carried on Page 269.

PAGE 269: Motion to move Alternative 6 to the considered but rejected appendix. Motion carried on Page 269.

ECOSYSTEM-BASED MANAGEMENT COMMITTEE MOTIONS

PAGE 283: Motion to remove octocorals from the plan and transfer responsibility for octocorals to the state of Florida.

MOTION CHANGED ON PAGE 291 TO READ: Motion to evaluate the removal of octocorals from the Coral FMP and allow the state of Florida to manage octocorals. Motion carried on Page 292.

PAGE 297: Motion to move Action 6 to the considered but rejected appendix. Motion carried on Page 297.

PAGE 297: Motion to add a new action to evaluate the South Atlantic Fishery Management Council extending the fishery management unit for octocorals throughout the Gulf of Mexico Fishery Management Council Area of Jurisdiction. Motion carries on Page 298.

INDEX OF MOTIONS (CONTINUED)

PAGE 310: Motion to remove the *Tubastraea coccinea* species from the Coral FMP and allow harvest. Motion withdrawn on Page 311.

PAGE 311: Motion to remove the orange cup coral action from CE-BA 2. Motion carried on Page 312.

PAGE 313: Motion to direct staff to split the policy into a marine and estuarine statement, making editorial changes and to bring it back at the September meeting. Motion carried on Page 313.

MACKEREL COMMITTEE MOTIONS

PAGE 318: Motion to remove the Alternatives 2 and 3 from Action 1 and move them to the considered but rejected appendix. Motion carried on Page 318.

PAGE 319: Motion to add the individual alternatives or options to remove the individual species that are currently listed in the management unit for data collection purposes. Motion carried on Page 319.

PAGE 319: Motion that any of those species currently listed in the management unit for data collection purposes, before they are added to the plan, should be assessed by a SEDAR assessment. Motion carried on Page 319.

PAGE 319: Motion to approve the range of alternatives. Motion carried on Page 319.

PAGE 319: Motion to accept these alternatives, which were approved by committee, with direction to look at combining Alternatives 4 and 5. Motion carried on Page 319.

PAGE 319: Motion to adopt the alternatives under 4.13.4. Motion carried on Page 319.

PAGE 319: Motion to accept the alternatives for the commercial sector ACT. Motion carried on Page 319.

PAGE 320: Motion to accept the four alternatives for the recreational sector ACT. Motion carried on Page 320.

PAGE 320: Motion to split into two alternatives; one, to prohibit tournament sales if they are counted against the commercial quota; and, two, prohibit bag limit sales. Motion carried on Page 320.

PAGE 320: Motion to accept the alternatives as modified for accountability measures. Motion carried on Page 320.

PAGE 320: Motion to add a new alternative that would allow rollover of underages or 100 percent and of 50 percent not to exceed ABC. Motion carried on Page 320.

INDEX OF MOTIONS (CONTINUED)

PAGE 320: Motion that OFL equal unknown. Motion carried on Page 320.

PAGE 321: Motion to accept Alternative 4B as the preferred and that is ABC equals 75 percent of OFL. Motion carried on Page 321.

PAGE 322: Motion to include Alternatives 1 through 6 for consideration. Motion carried on Page 322.

PAGE 322: Motion to include Alternatives 1 through 3 for consideration with subalternatives for ACL equal to 75 percent, 85 percent and 95 percent of ABC. Motion carried on Page 323.

PAGE 323: Motion to accept Alternatives 1 through 4 as annual catch targets for both the recreational and commercial sector? Motion carried on Page 323.

PAGE 324: Motion reduce the bag limit in lieu of shortening the subsequent fishing year.

PAGE 324, SUBSTITUTE MOTION: Motion to make Subalternative 3B under the accountability measures a preferred alternative. Motion carried on Page 324.

PAGE 324: Motion to make Alternative 4 a preferred alternative, to prohibit bag limit sales of Atlantic Migratory Group Spanish Mackerel. Motion carried on Page 324.

PAGE 324: Motion to remove Subalternatives 3C through 3E under Alternative 3 and moved to the considered but rejected appendix. Motion carried on Page 325.

PAGE 325: Motion to incorporate a range of alternatives for MSY for cobia that are similar to the ones that were used for king and Spanish mackerel. Motion withdrawn on Page 325.

PAGE 326: Motion to include an alternative for OFL that sets OFL at the maximum annual landings for the period 1986-2008. Motion withdrawn on Page 328.

PAGE 329: Motion that the SSC develop an OFL control rule for data-poor species. Motion carried on Page 329.

PAGE 330: Motion to take Alternative 2 and move it to the considered but rejected alternatives. Motion carried on Page 330.

PAGE 330: Motion to consider all the other suite of alternatives. Motion carried on Page 330.

PAGE 330: Motion to add alternatives for OY equal ACL, OY equal ACT. Motion carried on Page 330.

PAGE 331: Motion to select Alternative 3 as the preferred. Motion carried on Page 331.

PAGE 331: Motion to move Alternative 5 to the considered but rejected appendix. Motion carried on Page 331.

INDEX OF MOTIONS (CONTINUED)

PAGE 331: Motion to include ACL Alternatives 1 through 3 for cobia with subalternatives for ACL equal to 75, 85 and 95 percent of ABC. Motion carried on Page 331.

PAGE 331: Motion to accept the commercial and the recreations suite of alternatives for annual catch targets. Motion carried on Page 331.

PAGE 332: Motion to make Alternative 5 the preferred alternative. Motion carried on Page 332.

PAGE 332: Motion to accept the suite of alternatives for Amendment 18. Motion carried on Page 332.

SPINY LOBSTER COMMITTEE

PAGE 333: Motion to move Action 1, which is to delegate management of the Spiny Lobster FMP to the Florida Fish and Wildlife Conservation Commission, to the considered but rejected appendix. Motion carried on Page 334.

PAGE 334: Under Action 2, move to select Alternative 3 as the preferred alternative. Motion carried on Page 334.

PAGE 335: Motion to move Alternative 2.3.4, Alternative 2, to the considered but rejected appendix. Motion carried on Page 335.

PAGE 335: Under Action 4, add Alternative 7 to not subdivide the commercial allocation. Motion carried on Page 335.

SEDAR COMMITTEE MOTIONS

PAGE 336: Motion to appoint Anne Lange to the assessment shop, Carolyn Belcher to the review workshop; and assign Luiz Barbieri as the review panel chair for SEDAR 23, Goliath grouper. Motion carried on Page 336.

PAGE 337: Motion to appoint Anne Lange to the assessment workshop and Carolyn Belcher and Luiz Barbieri as review panelists. Motion carried on Page 337.

PAGE 337: Motion to have staff contact Nelson Earhart to determine his interest and availability to participate in spiny lobster; and if so, to appoint him. Motion carried on Page 338.

SSC SELECTION COMMITTEE MOTIONS

PAGE 341: Motion to approve the responsibilities for the SSC as drafted. Motion carried on Page 341.

PAGE 341: Motion to reappoint SSC members Dr. Luiz Barbieri and Jeffrey Buckel. Motion carried on Page 341.

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PAGE 341: Motion to draft a letter thanking Dr. Matt Cieri for his service. Motion carried on Page 341.

PAGE 341: Motion to appoint new members to the SSC, and these include Dr. Jim Berkson, Dr. Steven Cadrin, Dr. Churchill Grimes, Dr. John Hoenig, Dr. George Sedberry and Dr. Eric Johnson. Motion carried on Page 341.

PAGE 341: Motion to appoint Dr. Jason Murray to the Socio-Economic Subpanel. Motion carried on Page 341.

PAGE 341: Motion to convene the SSC prior to the September meeting to discuss the ABC Control Rule for Data-Poor Species and other matters as appropriate. Motion carried on Page 341.

PAGE 341: Motion to recommend to the RA that he approve the Don DeMaria EFP application. Motion carried on Page 341.

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2009 - 2010 Council Membership

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PLEASE SIGN IN

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

Council Session
Orlando, FL
Thursday, June 10, 2010

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