

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

COUNCIL SESSION

**Jekyll Island Club Hotel
Jekyll Island, GA**

March 3-5, 2010

DRAFT MINUTES

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Additional Observers and Participants Attached

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The South Atlantic Fishery Management Council convened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Wednesday afternoon, March 3, 2010, and was called to order at 4:03 o'clock p.m. by Chairman Duane Harris.

MR. HARRIS: I'm going to call to order the March 2010 meeting of the South Atlantic Fishery Management Council and welcome, first of all by way of introduction – he is not new to the council, but Bob Gill is the liaison from the Gulf of Mexico Fishery Management Council; and Red Munden, the liaison from the Mid-Atlantic Fishery Management Council. I want to welcome Doug Haymans. This is his first council meeting as Spud Woodward's designee from the state of Georgia. Doug, welcome, we're glad to have you. I appreciate you being here and I appreciate Spud designating you in his absence. At this time let's call the roll starting with Vince.

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

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

MR. RED MUNDEN: Red Munden, Mid-Atlantic Council.

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

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

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

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

LT. GRIS: Lieutenant Charlie Gris, Coast Guard 7th District.

MR. GILL: Bob Gill, Gulf Council liaison.

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

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

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.

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

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

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

DR. PONWITH: Bonnie Ponwith, NOAA Fisheries Service.

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

DR. CRABTREE: Roy Crabtree, NOAA Fisheries.

MR. STEELE: Phil Steele, NOAA Fisheries.

MR. HARRIS: Tom, do you want to introduce yourself.

MR. SWATZEL: Tom Swatzel, South Carolina.

MR. HARRIS: The next item is the adoption of the agenda. If you will allow me some latitude to move things around as we need to try to get us through this meeting; is there any objection to adopting the agenda with that caveat? Seeing none, the agenda is adopted. The next item is the approval of the December 2009 meeting minutes. Are there any additions or corrections to those minutes? Seeing none, is there any objection to adopting those minutes? Seeing none, the minutes are adopted.

(Whereupon, a presentation was made to Ms. Susan Shipman, former council member from Georgia.)

MR. HARRIS: Okay, at this time I'm going to turn the meeting over to Chairman Mac Currin, chairman of the Snapper Grouper Committee. We're going to convene the Committee of the Whole and take up snapper grouper as a Committee of the Whole. We will go until probably 5:15 or so and then we'll break for Dr. Crabtree's and my session.

MR. CURRIN: Thank you, Mr. Chairman. We will convene the Snapper Committee as a Committee of the Whole. We need to approve our agenda if as usual you will allow me some latitude. I don't think we'll need too much. It is pretty straightforward at this meeting. If there are no objections to approving the agenda, it will stand approved.

You all have copies of the minutes from our December '09 meeting. Any corrections, additions or changes to the minutes from December? With no objection, then those minutes will stand approved as well. We had, if you recall at our last meeting, a request for the Southeast Fisheries Science Center for some additional projections on red snapper. They have completed those and I think Bonnie is going to walk us through those and highlight the findings from their work.

DR. PONWITH: I've got a presentation up, and what I would do as a preface to the presentation is read through the preface information that is included in the actual projections in your briefing book because it has kind of the background information on how this fits with the past projections, what the assumptions are with these projections and some of the caveats in terms of the value of the projections as you go out in time.

With that I'll just go straight into the projections. We were asked to generate some projections of spawning stock biomass, recruitment, landings, discards and the probability of stock recovery from 2010 to T_{max} under a very high recruitment scenario, and I'm going to reiterate what very high recruitment is in the next slide so hold that thought.

What we did was generated several scenarios and that is fishing mortality for rebuilding, the maximum fishing rate that allows us a 50 percent probability of rebuilding to the F-30 percent proxy by the start of 2042. The second scenario is a fishing mortality rate of 65 percent of F-30; 75 percent of F-30; 85 percent of F-30; F-30; and then also for comparison an F-45. If you go to the next slide, the very high recruitment in this case was to assume that the recruitment in 2006 was equal to the maximum level predicted by the stock assessment between the years of '74 through 2006.

In that suite of projections or in that suite of predicted levels, the maximum occurred in 1984, and you see what that projection was. That is the basis for this. The reason I'm encouraging you to read through the caveats is the precise recruitment for each of those years is unknown – or for 2006. We're generating these projections based on an assumption of very high – how we quantify very high remains to be seen at this point, so I just want to highlight that.

If you go to the next slide, this is a comparison of what the different parameters we've got are, using the F-40 percent proxy versus the F-30 percent proxy. If you take a look under the spawning stock biomass at *msy*, all of the graphs that I show you in the future are going to be baselined or the goal that we're shooting for is that 6025 line, so that line you'll see repeated in each of the slides that follow as the threshold that we're aiming for.

This slide just shows under the F-30 percent a probability curve and that is the probability that the spawning stock biomass achieves the proxy for a spawning stock biomass *msy* with a fishing mortality of zero. You'll see that crosses over the line in 2021. This is a series of slides then with those scenarios.

The first slide is the projection with the fishing mortality rate set at *F_{rebuild}*. Basically the premise regarding the rebuilding timeframe – and the original report is on Page 1 – and the premise is that the stock recovery is expected to begin in 2022, and therefore T_{min}, the minimum time is 11 years. If you add the mean generation time of 20 years to that, that gives you a T_{max} of 31 years, and that's how we end up with the recovery predicted to begin in 2042, so that is where the years come from.

Now, these are the projections at varying levels of fishing mortality based on the F-30, so this one is a fishing mortality of 65 percent of F-30. It crosses over the target line in 2026. You will see in the corner of each of these slides the corresponding slide in the actual report that we gave you, so you can look in the context and see the full set of headers.

The next slide is the projection for fishing mortality of 75 percent of F-30, and you'll see that the crossover year for this one is 2028. The next projection is for 85 percent of F-30, and the crossover date for this is projected to be 2031. Then, finally, the fishing mortality at F-30, and basically this one never crosses the line. It asymptotes out and falls just below the target..

Then, finally, the last slide is a projection at fishing mortality of F-45 percent for comparison. The year that would cross over – I see we're missing our baseline there – is in 2025. That is the last slide. I guess some of the points that they were eager to raise in the report is that, of course, a projection, the earlier years have the higher level of precision.

The farther you go out in a projection like this, the lower the precision that you've got, and so that was among some of the other points that they wanted to raise. I guess at this point I would open it to questions.

MR. CURRIN: Thank you, Bonnie, very much for the presentation but also for you and your staff getting this done in a timely manner. Question for Bonnie or comments on these projections that were requested at our last meeting? No questions; no comments? All right, thank you, Bonnie. We will move on with our agenda, then, and our next item is findings and recommendations of the Fishery Independent Workshop. This was mentioned in earlier committee meeting, I guess.

MR. CARMICHAEL: I'll just give you guys a little update on the workshop. If you remember, there was discussion about this fall. I think it might have been the June or September meetings when the issue got put out there and said we need to look at an independent monitoring program in response to the actions you have on the table that would potentially close large areas of the bottom to snapper grouper fishing, which means in the case of the stock assessment we rely very heavily on the fishery-dependent data, things like the headboat survey, CPUE from that; recreational fisheries, CPUE; even commercial CPUEs.

Those types of data sources would be lost if there is no fishing going on out there for these species; so recognizing that the council said, "You know, you guys need to come up with an independent monitoring program of some sort, look into what that would take, consider what something like that might cost so that the council can be prepared to have some provisions for that in place when the actions go in" and perhaps include some of this stuff in the amendment that you're looking at.

In response to that in November of 2009 a joint workshop was put together by the South Atlantic Council and the Southeast Fisheries Science Center devoted toward designing basically from the ground up an independent monitoring program in the South Atlantic. We have some independent sampling. We have the program run through South Carolina DNR that provides the surveys under MARMAP, which has rather limited range.

That has been one of the issues that has been raised in most of the assessment over the years, but for the species it covers that's a great program. It also gave us some insight into the types of gears and things that would work and what might be caught in different areas. The goal of this workshop wasn't just to build on existing programs.

It was to look at it from a fresh start on what would it take to really monitor these resources adequately. It was a very good workshop; it was attended. There were a number of federal agency representatives from obviously around the South Atlantic but also from the laboratories in the Gulf Region, where there are a number of people with the agency that have a lot of

experience conducting surveys of snapper grouper resources; great representation from the MARMAP people, who have the hands-on experience here in the South Atlantic; some people from the state of Florida, which has conducted a number of different surveys; and people experienced with things like video surveys and other gears they're deploying for capturing species like this.

There were also a lot of fishermen involved as well, which is very helpful to get an idea of what lives where, what types of gears work in different areas, what types of seasonality you're dealing with. Everyone was broken up essentially in this workshop. After we spent a little time talking about general techniques and some presentations on things that are done in the Gulf Region and what MARMAP does and some discussion on sampling intensities and statistical design issues, we broke all the participants out after that into a number of different groups; one looking at life history, which is getting at the seasonality and availability, the geographical range of species; another group looking at statistical design issues, what types of design things should be considered, what type of design is necessary for a program of this nature, but also a deeper look at sort of the gear and logistic side, talking about different gears, looking into what has worked in other areas and what might be promising for the challenge in this region; getting something together.

Once those groups had done their work, everyone came together and kind of synthesized a number of recommendations which got at the core of a program. Throughout this the scientists and those participating weren't told that you have X number of dollars, do what you can with that. They were told not to consider how many dollars they may or may not get, but to think about designing a program that would actually work and what they thought was an appropriate level of sampling and the types of gears to be used that would solve the problem.

But with that said, they didn't really approach it with a blind eye to the financial side of things because that is a reality and they know that obviously resources aren't going to be limited. The plan of the group was a modular approach to the sampling, and they essentially broke up both across a depth range, working from nearshore to offshore, and then across a geographical range, looking at the range of the coast.

They looked at different stages of the fish and what things might be found where and came up with basically a modular program. The core of the program is covering sort of the central coast, the shelf area from Central Florida up to, say, Cape Hatteras. That was viewed as the core area where the bulk of the species are found and a lot of snapper grouper species are located and you can get a good picture on a lot of things starting there; and the core sampling approach being tied to video surveys, which have proven very effective in the Gulf Region, the number of video surveys going there.

Also the MARMAP Program began using video and they've shown some good promise. That would be the core. It would be deployment of video cameras. It's a very effective gear and it doesn't have the capture biases that a lot of the capture gears have. You also have a need to capture some fish both to validate what your video is seeing, to verify your species ID's, to get structures for determining age and things of that nature.

The videos would be combined with different capture gears. The challenge in this area is that no one really knows exactly what the best capture gears are necessarily, and there is no one capture gear that is best for all species and all areas. The initial proposal would come forth as a way of looking at a number of different capture gears, look at different longlines, different bandit type lines and stuff and looking at pot gears and things of that nature and also looking at some different pots than what MARMAP has standardized over a number of years, because there might be some more developments in gears over recent years that we can advantage of.

That is the core program that they came up with. Then a group got together and came up with some cost estimates. I know some of that information has been forwarded to the agency, which Bonnie will talk a little bit about, some of the implementation of this that might be able to get started pretty soon, when I finish up with this part here.

One of the things that they noted was that the beauty of the modular approach is that if you get a certain amount of money you can sort of decide what are the priority things you need to do, what can you do to get the biggest bang for your buck, but if you get additional resources you can expand it and do more things.

Some of the areas that obviously expansion could work would be perhaps sampling the far offshore fisheries where things like wreckfish exist, because that takes specialized gear and specialized efforts that usually equates to a much higher cost. If the resources are available, that's something that could be added.

There are also some species in the snapper grouper complex that have some estuarine-related and estuarine-dependent life stages. There are different sampling strategies to be employed there and different realities, but obviously because you're not encountering as many species your return is not as great, so that was another section that was recognized as potentially being important but identified as sort of another tier level of sampling within this.

Where we stand now is the preliminary report has been drafted. It details all of this and contains the recommendations of the group. It was just this week cleared by kind of the group leaders and the organizing committee and will be going out to the full participants for one final round of comments probably tomorrow. They'll have two weeks and then the editors and the organizers of the workshop will get together and incorporate their comments, and the plan is to have a final report available by April 1st. With that, I'll see if there are any questions.

MR. BOYLES: John, I'm assuming that there was some extensive discussion about how labor intensive the video sampling is. We've got a little bit of experience with that with our staff. It sounds like a really cool job to sit and watch hours and hours and hours of video, but that is literally I think what it entails. I'm assuming that folks are fairly well aware of how numbing that process can be.

MR. CARMICHAEL: They were. There was a lot of discussion when they got down to the nuts and bolts of budgeting and the logistics of it and the personnel required to do that. To do that work and the other time-consuming phase of it is handling all the aging structures that could

potentially come in, considering that we'd be targeting a heck of a lot more species than we necessarily get now. Additional positions were a big part of it.

MR. ROBSON: Pardon me, John, you may have said this, but is the fishery-independent program you're talking about; is it primarily focused on federal waters' sampling or is this going to be a combination of the state and federal partnership development?

MR. CARMICHAEL: It's focused on the snapper grouper species, so they didn't consider it from a distance from shore aspects so it could include some sampling in the state waters with the different modes. There was a lot of discussion about the need to cooperate with the states. That's another feature of a modular approach is there may be some aspects of the sampling; perhaps the estuarine-dependent species' sampling that could be handled by the states.

There was a good representation of all jurisdictions there and a lot of interest in cooperating as much as possible, as well as interest on something I didn't acknowledge was paying close attention to aspects of this that could be handled through cooperative research work. A lot of the initial work and gear development and certainly mapping and things to identify sites, which recognized as one of the biggest concerns is knowing exactly where to fish and where to put the gear, because we know these snapper species aren't randomly distributed out there, so there was a lot of interest in including the cooperative aspects, especially early on as we try to get the bugs worked out and the program working.

MR. HARRIS: John I know some of the fishermen are concerned that some of their recommendations during this workshop; they didn't believe they were taken to heart; questions about the use of traps to catch red snapper; questions about the proposed use of longline gear; and the type of leaders and hook size that were used; and I just wonder – the other question I have is have we considered a way to involve the fishermen in the sampling effort.

A lot of these folks are going to be out there with not a whole lot to do if this closure goes into effect. If we can provide any kind of relief to them by having them involved in collecting fish in some form or fashion, I'd certainly like to see us do that. I guess it's a generic question. Those concerns have been raised and how are they going to be addressed?

MR. CARMICHAEL: There were some concerns raised along those lines, and I think it became apparent to the people there that when you have a lot of people from a wide range, as our coast represents, and a lot of different species and a lot of different types of habitat to fish in, that there are different techniques that are applied in different areas and people don't always configure their gear exactly the same in Florida as they do off North Carolina.

I think to some extent that's part of it. The group recognized that there are a lot of different ways of configuring gear and that can really affect what you ultimately end up catching. That is why at this point the group wasn't comfortable in being that prescriptive in terms of how gears are deployed and that's so that they're always deployed the same way.

There was a lot geographical gradation built into the general modes, but I think that's an opportunity to bring some of that stuff in. The kind of overall vision is that due to the range and

you need to account for seasonality of these fisheries; you can't just let a vessel start in the Keys and having it work its way north and do an adequate job of sampling this resource is there would have to be up to perhaps four different areas along the coast where vessels are working just for logistics and just to be able to cover seasonally if you cover the full area.

That would open an opportunity for perhaps in one area with a different mixture of species and different habitat conditions and the gears may be configured slightly different. We think that there is a great opportunity to work with fishermen in solving a lot of those questions. The scientists, quite honestly, recognize that they don't know because we haven't done this kind of work in this region. Getting out there and getting a handle on what works and what doesn't is a really big part of it.

MR. HARRIS: Well, just a suggestion that to the maximum extent possible, we need the fishermen to buy into this independent sampling program. Whatever we do, if the fishermen don't believe it's going to work and don't believe the data that comes from it, we've lost a tremendous opportunity here.

MR. CARMICHAEL: And we did have a lot of discussion because, honestly, some of the fishermen that were there at the workshop had the impression that it was going to be more geared toward what will be done through cooperative research and not the strictly independent as the focus was. There was a lot of discussion about what fishermen could do and the fact that they have vessels and if these rules go through quite a few will be not working as they have worked in the past, and what could they do in terms of running these surveys and doing the kind of work that needs to be done.

The group talked about that and one of the things that was recognized is to get a good signal on these fish you have to be very consistent in how you fish. We all know with an independent survey it is not necessarily about fishing the most effective way based on the general conditions at the time you're there, but it is about being consistent.

There were some discussions with the fishermen about saying if we have different vessels and different individuals deploying the gear from month to month or year to year, we're going to lose a lot of the consistency, and that there may be a possibility to do that, but the fishermen might need to commit to doing it more than, well, I'll do it this year and three other guys will do it the next year and the year after that several other guys will do it, because then there would be a very big concern that what you think is a signal is actually just much greater random noise brought into the system because you have different people making the observations.

In this discussion the group noted what became in the northeast to known as "trawlgate", where they had a slight difference in the lengths of the marks on cables, on a survey vessel run through the Northeast Center that a lot of the fishermen claimed was responsible for leading to differences in the surveys and that the survey was biased because the gear wasn't fishing right.

They recognized that, well, if something like a slight difference in the yardage marks on the cable, on different drums of a boat were enough to cause the entire survey into question, then certainly having different suites of vessels running it year to year and entirely different crews on

board year to year is certainly going to have a big impact on our resources, as patchy as they are and as variable as they are from area to area. The intent is there but I think logistically it is an enormous challenge.

MR. GEIGER: John, I apologize if I missed it, but did we have members of our Snapper Grouper AP serve on this?

MR. CARMICHAEL: Yes.

MR. GEIGER: Was Don DeMaria there specifically?

MR. CARMICHAEL: I'm trying to recall if Don was there. Robert, do you remember, or, Kenny, do you remember if Don was there; I can't recall? I don't think so.

MR. CURRIN: Other questions for John? Wilson.

DR. LANEY: Not a question, Mac, but a comment. John, this one was about a very efficient piece of sampling gear that sits in the lower Cape Fear River, which I think we've talked about before, and that is the Brunswick Steam Electric Plant. Years ago when Chuck Manooch was doing the growth curves for a lot of the groupers, he was having problems getting young of year and he just happened to casually mention it to me one time, and I said, "Oh, well, shoot, we'll get you some." We got literally gallons of mostly blacks and gags but also reds, yellowedge, a few snowies, so there is that facility still sitting there. Just in case you might have to fill in with specimens from some other sampling device, that might be a good place to start.

MR. CARMICHAEL: They identified resources like that and then there is a survey that is done off a bridge there at Harker's Island in Beaufort that actually ends up getting a couple of those same species as well and thinking of some pretty cost-effective ways perhaps to get at some juvenile indices of a handful of species if we can efforts like that going in a lot of different areas.

MR. CURRIN: Other questions for John? John, thank you, and I have one comment. I want to thank you and the group that put this on for doing what you could to help explain to the fishermen a very difficult concept to understand, and that is the difference in the goals of a scientific sampling program and someone who is trying to catch as many fish and the biggest fish that they can to make the most money that they can.

It is a difference I think and an appreciation for that difference is very difficult sometimes to get across. The only question I have at this point is how many different modules did you guys derive and at this point can you make a stab at guessing how many would it be reasonable to assume could be implemented as a sampling protocol. And then a third part of that question; is that going to be adequate/usable to replace what we've lost in the fishery?

MR. CARMICHAEL: Well, I think the general modes and areas that were covered is basically nine areas, nine modes of this thing that you're talking about. When you consider you have the southern area; the Keys; the central-wide shelf area, which is Central Florida up to Hatteras; and then you have the above Hatteras area; and then you have the nearshore, you have the basic shelf

area; and then you have beyond the shelf, so you have three depth ranges and you have three latitude ranges, which gives you nine.

Then you can bring in some specialized things if you wanted to get at some perhaps specialized fisheries or specialized areas, but the core is nine, with the recognition that it's sort of that shelf and over that central area that has obviously the biggest area, but also a lot of the species and is the area that stands to lose a lot of the ongoing dependent effort if these closures go into place, so that emerged as perhaps the most critical area where the first efforts need to go in.

I guess one other thing, just as a final note that came afterwards, we might have done some good because there is interest in the Gulf Region of having something similar done down in their neck of the woods to look at the same thing, so we might have set something off here.

MR. PHILLIPS: John, since you're going to be having new data streams coming in, is this going to change models from assessments to benchmarks now?

MR. CARMICHAEL: Yes, that's good question, Charlie. Actually we discussed that at the SEDAR Steering Committee; and said that if something like this actually does get going and we do get the resources to pull off a sampling program like this, then, yes, we would have new data sources coming in and we would want to be doing benchmarks of species once this data are available and we can start using it.

The Steering Committee and I think the Council, also through the SEDAR Committee here, has got an eye toward doing a number of updates in the next year, perhaps two years, so that we're in place to do a bunch of benchmarks with this new data set when it is available. It will change the assessments, for sure. It will change the input data, which will justify doing benchmarks.

MR. CURRIN: John, how many years of sampling would you envision being necessary before you can start talking about changing models and that sort of thing, roughly three as the minimum?

MR. CARMICHAEL: It is really hard to answer something like that. If you have got point that is here, if you've got two, well, if it goes up or down you might think you have something, but then if you get three and maybe it goes back, I think you have to really take a moment and consider how variable this kind of stuff might be, and it will take a couple of years. Probably no one is going to comment to anything more than that until they actually see some of the data and see what we actually get.

DR. PONWITH: To that point, if you're looking at an index of abundance you would certainly want to accumulate multiple years, and the number of years that you would say was adequate I think depends on the precision of those data points. There is another flavor of fishery-independent data that could be special studies like a focused study on age distribution or something like that that could be used immediately.

MR. CURRIN: All right, anything else for John? Thank you very much and we look forward to receiving that report and delving through it and hoping that it will get us off on the right foot. All right, Bonnie, you've got some comments now after John's presentation here?

DR. PONWITH: Yes, I do, thank you, Mr. Chairman. I have been asked to discuss a little bit about fishery-independent sampling and fishery-dependent sampling. There have been some recent developments that have pretty dramatically changed the landscape on those programs. First of all, I would like to add my thanks to the SEDAR Steering Committee to the SEDAR effort that hosted that workshop on the fishery-independent sampling.

We got that going immediately when we realized how valuable it was going to be to start discussing how we would monitor the change in the fishery based on proposed regulations coming on the horizon. I just think it was an invaluable opportunity to look at different ways we could improve the type of collections that we're got right now and incorporate input from the industry and from the states and our federal colleagues in other parts of the region.

While I'm on the subject, I'd also like to say a word of thanks for the special topics workshop that was held last week dealing with uncertainty. I think that this is going to be a product that will inform not just the Southeast region but the entire nation and all of the SSCs around the country.

We had representatives from around the country join us for that, and it focused on how to handle uncertainty analytically in the stock assessment process; and then, secondarily, how to communicate that uncertainty as we're handing science products over the fence to the management side. This is to the credit of the SEDAR group, and it is just a good, good thing that we're doing here with this group.

The good news is that in the FY-10 budgeting process the South Atlantic Region received \$1.5 million to put towards fishery-independent sampling in the South Atlantic area. This is coming directly to the Southeast Fisheries Science Center. In addition to those resources I got funding to hire some additional stock assessment scientists, some people to improve our through-put on age sampling and biological sampling in the area and then some support positions.

This is very good news and I guess, again, I say a word of thanks to the fisheries management council for your full support and endorsement for the importance of the fishery-independent sampling as a way to improve the quality of the science; and particularly to Chairman Harris for his excellent testimony in front of congress. I think that made a very strong point for the importance of this work.

We received the budget allocation the 15th of January and have been working very hard to come up with spend plans for this year. What I'd like to do and the philosophy that I've established in working with staff on this is to break this into two pieces. My ultimate goal is to 10 or 20 years from now be able to break our arms patting ourselves on the back because we were so wise in the way we set up these long-term fishery-independent indices of abundance because we hit a slam-dunk on those; that we had done the proper work and consulting sampling experts in terms of the statistical power we would get in taking different approaches; that we had consulted the industry

to get their input on the best gears and the most important habitats to sample various life history stages of the species of interest; and did a good job incorporating that into creating the best possible long-term sampling plan.

The hazard of not doing that careful work is that partway down the line you might realize you've headed down into a box canyon or a blind alley and have to make adjustments to that sampling program and that creates a blip in the signal, and it becomes very difficult to tease out whether that blip is actually a change in the population or whether that blip is caused exclusively because of the change in the methodologies.

It pays to work really closely together to set that up to be right the very first time around. To that end, I'm creating a parallel effort in 2010. One is to create some in-the-water get started right away projects to gather some fishery-independent data that we do know we need and focus those on shorter-term projects that will feed in and cog nicely with the longer-term project.

At the same time, and parallel with that, we'll be doing the more refined work of looking at what we've learned from the workshop in November, taking critique that we're getting from our scientists and members of the industry to refine those ideas and piece together the combinations of those modules that make the most sense for the resource increases that we've gotten; and put those long-term sampling programs in place if possible beginning in 2010, but certainly beginning in 2011.

That is going to be the approach that we're taking with the fishery-independent data. We will have a lot more biological samples coming in from this effort, and that will go a long way to answer the question or address the hypothesis that the fishery-dependent data age distribution differs from the age distribution of data that we would have gotten via fishery-independent. That is going to be a very important question, and a lot of our work this year will be focused on that. I guess what I'd like to do at this point is break and see if there are any questions.

MR. HARRIS: Thank you, Bonnie, I appreciate your comments. I know you've had a long discussion with Captain Nelson, and I know that one of his major concerns is that we've missed these large red snapper in deep water areas. Is there any way we'll be able to do some sampling in those areas between now and when this benchmark assessment for red snapper is done so we can confirm the presence of those fish in those areas?

DR. PONWITH: I can say that is certainly a hypothesis that we're eager to test is to get out into those deeper waters and consult with the experts fishing in those areas, most likely the people who used to bottom longline fish before the ban of that gear, get their input on the best way to configure that sampling, both in terms of the gear and the locations and do some sampling.

It is going to be very difficult to get those efforts put into place, get the sampling done and get the samples processed in time to be incorporated into this benchmark, but I can say that we are trying to set up the benchmark assessment so that we run scenarios within the benchmark that maintains the flexibility to incorporate new information as late as possible; in other words, to run sensitivity of analyses of what would happen if the age distribution of the fishery-independent

data were X. By doing that, that would allow us some flexibilities to incorporate results from those efforts as late as possible.

MR. HARRIS: So that is the sensitivity run for the model, but I'm talking about – and that doesn't confirm whether they're actually there or not. If there is any way we could hire some fishermen and simply go out with them on their boats and have us demonstrate that those fish are actually there in those areas, it could certainly help me to believe whether that's true or not. I don't have any reason not to believe it, but I'd like it to be confirmed or rejected, I guess. I would encourage us to try to do that.

DR. LANEY: I probably should have asked this question of John earlier, Bonnie, but I'll ask of it you, too. Given that you may be doing some sampling in state waters; are you all going to be working up all the organisms that you catch? I know the focus here is on snapper grouper, but will you be working up everything else as well?

I say that from two perspectives. One is wondering whether or not there may be some data generated that might be useful to ASMFC in the management of their species; and the second from the perspective of the fact that we're all trying to move toward ecosystem-based management.

DR. PONWITH: I would say that the overarching philosophy is to be as comprehensive as we possibly can be. The details of that are to be determined, but, absolutely, we can't afford to be a one-trick pony here.

MR. HARTIG: Just a short comment to Duane's concerns; we had a meeting at lunch with some fishermen and talked about this fishery independent and how to get this information as quick as we can. Basically, you're probably have to go with a longline because the fish that exist in those depth ranges aren't the schooling fish, and they're not really targeted by most fishermen.

You're going to have to develop a different kind of gear, which we used to allow in those areas and did use to produce these bigger gags and red snapper, to be able to catch these fish because they're not concentrated. They're spread out. Once these fish get to these older ages, a lot of times they do move offshore and become independent. It is not as easy as it sounds to go out with fishermen right away and find if those fish are there. Also, we wanted something to feed into the long-term stuff that we're going to do, so it wouldn't be done for nothing, this money just wasn't wasted. It is going to take some time, unfortunately. I'd like to have the answer tomorrow like you, but I don't think we're going to be able to get it.

MR. CURRIN: Other questions for Bonnie? Bonnie, I just want to thank you personally and on behalf of the committee and the council for being as dogged as you've been in pursuing the funds to address the needs that we've all realized for so many, many years. I don't say that because we've won the fight by any means, but we've begun the fight.

Your persistence and the persistence of the folks around this table and, most importantly, the persistence of these people sitting in the audience right now and the attention that you all have focused on this to help congress and those who control the purse strings to understand the needs

that exists here and have existed for a long time will go a long ways toward helping solve some the problems that we've got. Thank you very much for that and keep up the good work. We will recess this committee at this point and begin our deliberations of Amendment 17A in the morning. Mr. Chairman, I'll turn it back over to you.

MR. HARRIS: Thank you, Mac. Following the informal question-and-answer session, we're going to have a formal public comment time for anything on the agenda. We will get started at 8:00 o'clock in the morning.

The Snapper Grouper Committee of the Whole of the South Atlantic Fishery Management Council reconvened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Thursday morning, March 4, 2010, and was called to order at 8:00 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: All right, let's reconvene the Snapper Grouper Committee as a Committee of the Whole. We're going to jump right into Amendment 17A. We've got a couple of actions where we currently do not have preferred alternatives. We want to make sure we get that done, but we're going to go through all the actions and alternatives and give everybody one more chance to look at those at this meeting. Rick, I'll turn it over to you, and I think we're in Attachment 7, the primary document for Amendment 17A; 02/16/10.

MR. DeVICTOR: Okay, first a few comments. As you may be well aware of, the DEIS was filed last Friday, the 26th. What happens when that is filed, the next week it publishes in the Federal Register, so the DEIS is set to publish tomorrow. That starts the 45-day comment period.

MR. ROBSON: And just so it's clear, that is going to publish with all of the preferred alternatives that we've already selected as of the December meeting.

MR. DeVICTOR: That's correct, and that is the document that you have in your briefing book. That document is the same document that was filed except for one change, and that is that rejected alternative was added to the one that was filed. That is not reflected in your document. Jack actually found that we forgot to put the lottery alternative in there that you put to the rejected alternatives appendix, Appendix A. You did that in December. That is in the one that was filed, but that is not in your briefing book. That's the only difference between the document and the briefing book and the one that was filed.

MR. ROBSON: Just to follow up; the fact that is publishing tomorrow with the preferred alternatives that we've selected to date doesn't limit us or preclude us in any way from changing or doing something different to the preferred alternatives at this meeting or in June. I want to make sure that's understood, too.

MR. CURRIN: That's my understanding; we can change them up until we file the document once it's approved for the Secretary. I'm not even sure that we couldn't go in and request something be done after that. Monica.

MS. SMIT-BRUNELLO: Yes, and you'll have the comments in June as well, and you'll have to look at those and consider those. When you said it is published with the preferred alternatives, it is published with all the alternatives that are in the document. Like Rick said, the whole document is out there for public review and that contains the suite of alternatives; the ones that you've designated as preferred but then all the other ones that are associated with that action.

MR. MAHOOD: Well, one further thing is, Mark, if there are substantial changes, then Monica would have to make a determination on whether it needed to have a supplemental DEIS to go with the document.

MS. SMIT-BRUNELLO: Right, if the council were to choose some alternatives or some action that was different and didn't – actually, different is okay as long as it falls within the range of the alternatives; and if it doesn't fall within the range, then we'll have to take a hard look at it and see whether we should go out with a supplemental DEIS, which would have its own 45-day comment period. That is a determination, like Bob said, to be made after reviewing you've done.

MR. DeVICTOR: The plan is to go through the alternatives like we normally do. We do want to point out some changes, and Gregg is going to project that on the screen up here, changes that were made to the document from the December briefing book version to the one that was filed. It is reflected here but we normally show track changes, but we don't show track changes, so we just wanted to make sure you're comfortable with those. First, I will point out that we're starting on Page 196. Again, this is Attachment 7, PDF Page 196.

MR. CURRIN: All right, has everybody got it; is everybody with us? It's Amendment 17A, the 02/16/10 version under Attachment 7, and it's PDF Page 196 of 416. Gregg has the changes that he wants to point out as we go through here in a separate document on the screen.

MR. DeVICTOR: You've seen these alternatives before. You have status quo which uses F 30 percent SPR as an Fmsy proxy; and then your current preferred alternative, which is Alternative 2 which uses F 40 percent SPR as the proxy. Again, that is the recommendation from the SEDAR and SSC as reflected in Footnote 4. Now, what I'd like to do is show what changes were made.

Again, you don't have this document up here, and we can pass this around if you want it. These changes were made are reflected and what is in front of you; it was made before it got filed. Okay, we like to show you what was changed through red-line strikeout, but that wasn't done in this case.

One change was made to status quo. My recommendation would be to use no action throughout the document. Also, "for all stocks" was taken out of the no action alternative. I think that is a good change to do. "Defined in Alternative 2" was changed to "recommended". I think that is a good change.

One change that I think that staff has problems with is the change from "Fmsy" to "F 40 percent SPR". You can see in the wording up there. That is the intent as we think it is as staff is that we don't want to be locked into a specific value; that if it gets changed, the proxy recommendations

to say “F 20” or “F 50”, we don’t have to go back through and do another action. We think that we should keep it broad and keep at Fmsy.

DR. CRABTREE: Explain that again.

MR. DeVICTOR: The wording as we had it in 16 and such was just to say msy and Fmsy are defined by the most recent SSC/SEDAR. A change was made to put in the specific value of F 40 percent, so we feel that would lock you into that value. If a recommendation came back from a SEDAR assessment that it should be F 50, that you would have to go out and do an additional action to change that value, so we want to keep it broad where it doesn’t lock you into a specific value.

DR. CRABTREE: So, in that case, though, the council would basically be giving up their ability to choose the proxy, which is the responsibility of this council, and they would essentially be delegating that to the SEDAR or the SSC and accepting whatever came out of it, which I think you all ought to think long and hard about given the discussion we’ve had on this.

MR. CURRIN: Well, we’ve had a lot of discussions tending one direction and discussions and opinions tending exactly towards what the staff is suggesting here as well, Roy. There is, in my mind at least, a question of whether that value is a scientific value derived by an analysis of the SSC, the scientists that we rely upon for advice, or whether that is something that the council should pick and choose based on I’m not sure what.

DR. CRABTREE: And I understand that we’ve had that discussion. If we had an actual, reliable estimate of msy and Fmsy, I would agree with you that is a scientific calculation and it is what it is. In this case we don’t, so let me read to you what the ACL guidelines say about this. It says, “Management measures and reference points to implement National Standard 1 must be based on the best scientific information available. When data are insufficient to estimate reference points directly, councils should develop reasonable proxies to the extent possible. SSCs should advise their councils regarding the best scientific information available.”

It is clear from the guidelines that councils are to put these proxies in place with the advice of their SSC, and that is the situation we’re in right now is the data is insufficient to estimate the reference point. It is your responsibility to select the proxy. I’ve got a couple of just editorial comments on this, Rick, just in terms of wording.

Why does it say “msy” and “msy proxy alternatives”? There is no msy and we’re not talking about msy. We’re talking about proxy and nothing more, msy proxy; so where it says “msy value”, that is not the value for msy. That is the value of the proxy, so I would take that reference – I think anytime we talk about msy in this document we need to be clear when the msy value is unknown we have a proxy.

MR. ROBSON: This discussion concerns me a little bit. I know we’ve had this debate several times, but the fact is I think there is still some confusion about what this council is required to do with regards to the Magnuson Act and the recommendations of the SSC and what we have a responsibility to do as a council in terms of setting this kind of a goal.

I think there has been confusion about it. We don't necessarily want to go against the SSC's recommendation, but the 30 percent and 40 percent proxy for msy is a council decision, and it does have a bearing on what kind of management actions we can or should take. It does involve a level of risk and risk acceptance or risk aversion, but that's something, again, that the council has to take up.

Looking back, I hadn't heard the reference that Roy just gave as far as what the council's responsibility for the msy proxy is, but again just to be clear I want to make sure we all understand. The Magnuson Act, the one provision that says we have to do something according to the SSC is we are obligated to set our annual catch limit based on fishing level recommendations – or not to exceed the fishing level recommendations of the SSC.

That is distinct and different, as I understand it, from what we're talking about here with deciding on the 30 percent versus the 40 percent msy proxy. **If it's all right with you, Mr. Chairman, I'd like to go ahead and make a motion for purposes of further discussion on this issue, just to make sure that we've really had another good discussion about it, to change our preferred alternative to the – to go back to Alternative 1, leaving it at the F 30 percent SPR proxy.**

MR. CURRIN: Okay, there is a motion –

MR. HARTIG: Second.

MR. CURRIN: – by Mark to change our preferred alternative regarding msy proxy to select status quo, which is a F 30 percent SPR, and there is a second by Ben Hartig. Discussion.

MR. HARRIS: A question probably for Roy; I want to make sure I understand this correctly. I believe the Gulf Council selected F 30 as their proxy for red snapper; is that correct?

DR. CRABTREE: No, the proxy used in the Gulf is F 26 percent SPR, and that is the SPR equivalent or the fishing mortality rate that maximizes yield in the Gulf of Mexico fishery. Now, in the South Atlantic fishery there was an actual estimate of Fmsy or essentially Fmax in this case – it would be very close – and that corresponded to roughly a 28 percent SPR.

The two assessments – there are differences in selectivities and there is shrimp trawl bycatch in the Gulf and all those things are true, but nonetheless the two assessments are estimating fairly similar SPR numbers that maximize the yield. The Gulf assessment used 26 percent and that was used in the update that was completed at the end of last year and that the council just take based on.

MR. HARRIS: Well, thanks for that. I'm confused. I know that our SSC recommended F 40 percent and I know it was based on some more recent information and science on the subject, but we keep going back and forth between F 30 and F40 here. My sense is F 30 is going to result in less onerous regulations if we choose F 30, and obviously I'd rather be less onerous than more

onerous, but I want to recover the stock, too. What is the risk in going with F 30 versus F 40? Where does this all fall out and what does it mean, I guess, is the question?

MR. CURRIN: I think Gregg is going to hit on that to try to answer your question, Duane, but if you remember from Bonnie's presentation yesterday one of the risks that you run or that you accept by using an F 30 percent SPR is the risk that you may not recover the stock, if you remember one of the curves that she threw up.

You're right, our SSC this time gave us the 40 percent as a recommendation, but it is not something that popped up. If you go back and look at all the analysis on red snapper from the early nineties, a previous SSC, maybe two or three before, also recommended 40 percent. This is not something that just came up to change.

It was 30 percent in the previous amendment, but the recommendations from the scientific community for close to 20 years have been F 40 percent as a proxy for SPR. Bonnie pointed out in the projections that she provided and I think on Page 2 that the projections in this report are based on using F 30 percent as a proxy for Fmsy. Scientific literature indicates that F 30 percent generally exceeds Fmsy. She illustrated that in the graph; for this reason F 30 percent may be considered a risk-prone proxy for red snapper. Gregg, did you have something else?

MR. WAUGH: Just to point out in addition it is not just the SSC that recommended that 40 percent SPR; it was the SEDAR Review Panel that recommended that F 40 percent proxy be used. Just a question for Monica, because in reading the guidelines, it is not always clear where the council makes a decision or where the SSC makes a recommendation that basically binds the council or sets a top end for a value that the council can specify.

Monica, is it the correct interpretation of the guidelines that if we get an msy, a real msy, an Fmsy from the SEDAR and SSC, the council is bound by that, but if the uncertainty is so great that they can't provide us an Fmsy but give us a proxy, which is the best available scientific estimate of the Fmsy, that then the council isn't bound by that, but the council can vote to specify what the proxy is?

MS. SMIT-BRUNELLO: Well, here is what the guidelines say – and Mark was right in what the council gets from – the SSC gives you lots of information and you're supposed to consider it. The one thing that you can't exceed when you're developing your ACLs is the fishing level recommendation given to you by the SSC.

The National Standard 1 Guidelines, in discussing msy, state the following: "When data are insufficient to estimate msy directly, councils should adopt other measures of reproductive potential based on the best scientific information available that can serve as reasonable proxies for msy, Fmsy and Bmsy to the extent possible," so it is a council decision and you have to, of course, base that on the best scientific information that you've got. It is a judgment call for you to make but it is obviously based on your scientific information, so, yes, it is your decision to make for the msy proxy – for msy, sorry.

MR. CURRIN: Thank you. Mark, did you have something to that point because I had a list of people?

MR. ROBSON: Well, I want to come back to the risk question, but you have other people in the queue. We come back to that.

MR. CURRIN: I'll put you down, then, and we'll get back to you as soon as I can. Charlie.

MR. PHILLIPS: Mark went where I was wanting to go, and I think it's probably the logical and the right thing to do to go back to 30 until we get our new benchmark for a number of reasons, which I think almost everybody pretty much understands, so I'll keep it short.

DR. CHEUVRONT: Well, Charlie, I have to disagree with you because one of those reasons is not based on your best science that you have been advised. Both the SSC and the SEDAR Review Panel, which is the best available science we have on this, have recommended 40 percent SPR.

The thing that scares me the most about this, as difficult as this is going to be, is that if we change this to F 30 percent SPR we can come back in five years and say we screwed up. We have to make it tougher than what we were doing because the stock is not recovering. The best scientific evidence tells us that choosing a 30 percent SPR as a proxy is not our best choice. If we go with F 30 percent SPR, if I'm still on this council and five years from now we come back to this, I will say, "I told you so."

MR. GEIGER: I agree with everything Brian said with the exception of coming back in five years. I'm worried about coming back in nine months when we have a new benchmark stock assessment on red snapper. If we've selected a 30 percent SPR value at this meeting and moving forward with that, and, God forbid, the stock assessment comes back that the stock is not as good as we think it is going to be or the recommendation, even if it is somewhat recovered or improved, that the review panel recommends an F 40 percent proxy for SPR and our SSC then also adjudicates over that recommendation and they come and provide us again a second recommendation for 40 percent SPR and we are in the position where we've approved 17A with a 30 percent SPR and we now have to go back and swallow this mess all over again.

We heard last night in public testimony a very cogent example of how this can be carried forth under the extant 40 percent proxy for SPR. We move forward with 17A with 40 percent as the preferred alternative. In the event when that stock assessment is completed in December, I've been informed by the regional office that we can take rather immediate action in the form of an emergency rule in an effort to ameliorate the regulations that are contained here resulting from a 40 percent proxy and reduce the size of the reduction, if necessary, and also consequently reduce the size of the closed area commensurate with the results of the stock assessment should they prove to be favorable.

However, if we move forward with a 30 percent SPR and the results of the stock assessment come back that again they recommend 40 percent and that stock assessment indicates 40 percent

versus the review, we've got to start all over again, I believe. This is a case of the veterinarian and the taxidermist. You're going to get the cat back, but you can't have it both ways.

I speak against the motion and think that we should be very, very cautious and conservative how we move forward here resultant in a benchmark stock assessment that is going to be available to us in December with a vehicle, as I'm assured by the regional office, which allows us to make immediate changes based on that stock assessment. If that's not the case, Roy, tell us now, please.

DR. CRABTREE: Well, I think we get the stock assessment in December and it shows a different course of action, whether it be things are worse than we thought or things are better than we thought, I think that would be new and unforeseen information and I think you could justify either an emergency or an interim rule.

If the assessment should come out showing that things are better than we thought, meaning the reductions needed are not as great as we thought, I think you could ask for an emergency rule to relief economic hardship. You could, for example, come in and reduce the size of the closed area or whatever else may be appropriate. It wouldn't be immediate but we could push that through as quickly as we can and probably get that done in a relatively short period of time.

MR. GEIGER: Well, the implementation of 17A would not be immediate either.

DR. CRABTREE: Well, just to talk about the timing on 17A, the interim rule will expire on December the 4th; is that correct?

MS. SMIT-BRUNELLO: If it is extended.

DR. CRABTREE: If it is extended, so we need to have – I would like to have a final rule for Amendment 17A published by December 4th to keep the fishery from reopening for a very brief period of time. The closed area would not become effective until 30 days after that, so the closed area would become effective sometime in January.

We meet, I believe, the first week in December. If you asked for an emergency rule then and if, say, we could it done in 60 to 90 days, then the closed area would only be in effect for 30 days or so before it would be reduced down in its extent, but we'd do the best we could to get that done quickly.

MR. GEIGER: So, with all that said, I speak against the motion again. Certainly, I really have a difficult time using the rationalization that we're going to get some type of a short-term, feel-good feeling as a result of less onerous regulations with an F 30 percent SPR when coupled with the potential short- and long-term prospect of possibly having to revisit this and for having made this very, very short-term decision. Those decisions last a long longer than the satisfaction from the immediate result, so I speak against the motion.

MR. ROBSON: I wanted to come back to the question of risk with the 30 percent SPR proxy, and maybe either Bonnie or someone could answer my question. The assumption with the

projections that were provided us in Attachment 2, we've already selected Frebuild as our fishing – that's our preferred for that parameter.

The projection itself tells us that we would have a greater than 50 percent chance of rebuilding the fishery by 2042. Is there a greater risk of that because I think if you go back and did a projection based on the 40 percent you still come up with the same kind of table and you can determine the year in which you have a greater than 50 percent chance of being rebuilt. It may be a different year, but the likelihood of successful rebuilding is still 51 percent in either case; is that correct?

DR. PONWITH: That actually is not quite correct. Because this is a long-lived species, we're not required under Magnuson to rebuild it in ten years. You calculate how long you get to rebuild it based on its life history, so Frebuild is back-calculated using the number of years it would take to rebuild it at zero fishing mortality and then add to that one mean generation time, and that gives you a year.

Then you calculate the fishing mortality rate that can be tolerated to rebuild in that year, and that is defined as Frebuild. That one is calculated. The relevant slide right here I think is a good one, and that is the projection for fishing at the F 30, a fishing mortality rate set at F 30. You'll see that actually doesn't hit the objective line; and coupled with that is the concern that this projection is not only the 30 percent proxy but it is also assuming a very high recruitment – for that 2006 recruitment.

In other words, we don't know what the recruitment for 2006 is. We can make some inferences based on what we're seeing out there in our own sampling and what the fishing community is telling us, and that is that it's a very high recruitment year. Just to remind you, for these projections what we did was set the recruitment at the highest level we've seen it in the last, what, 20 years, which was equal to the recruitment that we saw in 1984. I would view this as a best case scenario.

MR. ROBSON: I'm sorry, I'm a little confused because we've selected Frebuild as our fishing mortality and it's not F 30, so I'm kind of curious to see if there is much of a difference. This is the projection that we would be looking at with our current preferred; is that correct?

MR. CURRIN: With our current preferred.

MR. ROBSON: And the 2042 date as shown here is based on the projection table that tells us by that time we're going to have a greater than 50 percent chance of having a rebuild fishery, and that is kind of the standard, I guess, for all of the projections as I understand how these are built, and you'd have the same thing at F 40 percent. You'd go down the projection table and you have a year that tells you when you've exceeded 50 percent likelihood of having a rebuilt stock, which is your spawning stock biomass exceeding your spawning stock biomass at msy or whatever your goal is. Is that correct?

MR. CURRIN: I can't answer that.

MR. ROBSON: I guess I'm trying to determine how you define the risk. Is it a risk of not ever achieving the rebuilt population? I don't think that's the case.

DR. CRABTREE: I agree with you. Can I respond, Mr. Chairman? I agree with you that I do not believe that is the risk. The risk is what if you're wrong and you've chosen the wrong proxy? The problem we have now is we don't have a spawner-recruit relationship, so we don't know how the recruitment is going to change as the stock size increases, but that is not unique to red snapper.

That's true of virtually every stock we management, Gulf and South Atlantic. I can't think of any case where we have a good spawner-recruit relationship. There is nothing new about that with red snapper. You're choosing a proxy, so the question is what if you choose the wrong proxy? If you choose F 30 percent and later find out that the actual F that maximizes the yield is in fact a lower F than that, then you're going to have to come in and make more reductions in order to end overfishing and rebuild the stock.

You could be in a situation – I guess in theory, as George said, you could be in a situation where you get to the next assessment and find out you've got to do something different. The more likely scenario, though, is you're going to get five or six years down the road and you're going to find out that a lower value of F meaning a higher SPR is closer to the true F that maximizes yield, and now you're going to have to make some adjustments to get back on track. That is the risk.

The risk of choosing F 40 percent is that you could find out at some point that the actual F that maximizes yields really is something closer to F 30 percent. Maybe it will turn out to be F 28 percent or F 26 percent; we don't know. In that case you're going to find out that you closed down much more bottom out there than you needed to, and so you may have created economic harm that you didn't have to and you may have put people out of business when you didn't have to.

On the other hand, you likely will be further along in rebuilding the stock than you otherwise would have, and you would be able to back off at the regulations at that point. It seems to me those are the risks, and I think that's the way it's laid out in the document. Now, the issue of using the very high recruitment scenario I don't think interjects much into it.

It's a single year class that was assumed to be large; and when you look way out in these projections, that really doesn't change things very much. You're going to get a new assessment by the end of this year that will tell you what that recruitment was, anyway, and you'll have to make adjustments based on that, so I don't really think that factors into this all that much. The real risk is if you choose the wrong proxy you're going to have to make an adjustment down the road. Either proxy entails a certain amount of risk.

We have historically used 30 percent in almost all of our fisheries. I believe in the black grouper assessment that has just been completed, they're recommending 30 percent. I believe – and John, if he is here, can correct me – I think in the red grouper assessment they actually estimated Fmsy as something closer to 28 percent.

I don't know of any other stock where we've used 40 percent. It is true that in other parts of the country they have moved towards using F 40 percent, but in the southeast we haven't made that transition. The other thing you ought to think about is how a decision like this is made. Is it appropriate to make decisions like this stock by stock or is it something that ought to be a more regional decision that is made and then we decide we're going to apply it more generally, and that really hasn't happened. I think those are the risks and the things you need to think about when you decide on this one.

MR. CURRIN: Well, in North Carolina we do use F 40 percent for red drum, which has similar life characteristics to red snapper. Mark, did you have anything else? Ben.

MR. HARTIG: I look at this a little bit differently. When I was on the council before and F 40 percent came up and we looked at the long, slow-growing relationship of reef fish, I was the first one to jump on that and I believed that was the way we should manage reef fish. However, looking at red snapper's life history, looking at the extreme growth that occurs in red snapper, looking at the high fecundity at a lower age we have in this stock, the biology of these things; unfortunately after having attended three SEDARs, is lost.

The same type of situation came up in Spanish. When you had a fish that spawns at age one, which red snapper does; has a relatively short life span, which red snapper doesn't, but there were some things that did not make common sense biologically that came out of that assessment. If you look at red snapper – and when I first got into this, red snapper was never one of my species I fished, so I had to go to the assessment and I looked at the assessment.

After I looked at the assessment, I went to the internet to look at the catches that were being made throughout the region on these different vessels that put their catches up on the internet. What do I look at? I look at, well, shoot, look at the sizes. All the sizes are there from your biggest to your smallest with good numbers in between.

The population looks good biologically. The problem is are the ages and I understand that; that when we went from 25 to 50, with that truncated age structure you're going to have to rebuild that fish to be 50 years old, and that is the main problem, but I don't think you should give the flexibility up that you have now to manage it biologically at a 30 percent SPR because I believe that the biology, except for the long age, is much more indicative of what we manage in mackerels, a 30 percent SPR.

That's why I'm coming to the 30 percent; not because it's going to change the regulations, but because I believe the biology of the fish dictates that we should manage it a 30 percent. That's why I'm making that determination.

MR. HARRIS: What is it that drove the SSC and the Review Panel to select F 40 versus F 30? Is it the truncated age structure; did that have anything to do with it? I tend to agree with what Ben said about the biology of the species. Everything I've known about using SPR values, this species, as Ben said other than its 50-year-old age, seems to meet an F 30 percent SPR as opposed to an F 40, so I'd just like to know what it was that the SSC and the Review Panel look

at to make that determination, other than other science that is out there. I mean just with respect to this species in this area, what is it?

MR. CURRIN: Well, I attended some of those discussions that they had several times because we went back to them I think three different times and asked them to look at this again. Their answer was the same in each of those instances. Maybe it was just two different times. I think they did look at the biology of the fish. They did look at other science and other values that were associated with fish with similar life history characteristics. That is my impression and somebody correct me if I'm wrong. John.

MR. CARMICHAEL: The SSC did discuss that in detail, and one of the areas that they discussed is sort of the progression of research in SPR over time and looking at different stocks for which they perhaps manage them over SPR and manage them over Fmsy. The prevailing wisdom that has evolved over time is that higher SPRs are more appropriate.

We've moved from talking about 20 to 30 to talking about 30 to 40. They talked about the relative productivity and talked about the life aspects of the fish and acknowledged that there perhaps is a difference in what the stock is doing between now and what is it expected to be doing at equilibrium, which is something the Review Panel talked about in quite a bit of detail, and that the nature of the stock and its recruitment relationship at its current low abundance could be very different than what it's at and how it responds at equilibrium.

But as you guys will recall, the SSC was not certainly unanimous on this and they had a very long debate, which I think we reviewed in depth here at the committee a year ago, perhaps. There were some pretty heated words on either side and people felt pretty strongly about it, and in the end they stuck with what the Review Panel recommended, which was the 40 percent and largely cited the recent research on the topic and the perceived nature of red snapper and its reproductive capabilities and things of that nature.

I understand what Ben is saying about the pictures, but you've got to understand with red snapper is that length isn't informative about age, and that's one of the challenges with this stock. You can see a range of sizes of fish, but it doesn't necessarily tell you that you do see the same age composition.

It's very similar to red drum, and I think most people in this area are pretty familiar with how that stock responds in terms of size and age. That's why you really have to get the age samples, and we saw that over this past year of getting the age samples and realizing that a lot of those big harvests and a lot of the fishery that occurred last year, the very good fishery, the high landings – as we saw in the age samples we looked at last June and looked at again I guess in September, perhaps, when we got another report it, is that predominantly those fish were four years old and they were from one age class.

MR. HARTIG: I would still argue that biologically the fecundity aspect of a larger fish is not dependent on age once you get past three or four years of spawning. That's the thing that we see in red snapper, that we're seeing six- and seven-year-old fish at 12 to 18 pounds that are highly fecund and contributing significantly to the egg population of that species.

Given that the age is important and we need to keep the age in there for the long-term genetics of the stock, which I certainly support, the fecundity of that fish at size rather than age is probably more important in the assessments.

MR. CARMICHAEL: That is correct, fecundity is tied to size, and we know that the fish, after they've reached that maximum length, they tend to gain a lot of mass; just as we humans do after we reach our maximum height, we gain a lot of mass, and that mass equates to eggs in the female fish, and it is very important.

Ben is right, if you measure a fish that weighs a lot, that fish is contributing a lot of spawning biomass, but you can't then make the leap, though, because you see the lengths you see the ages. While it means a lot to the spawning biomass of the population, you can't draw conclusions about the age structure of the population from that.

The biomass is right and likely these fish are growing – you know, what is going on with the population of this big year class, then they could be in position to really grow fast and to add weight faster because there aren't as many out there to compete with them, so they very well may be adding an awful lot of spawning biomass.

MR. CURRIN: David and then Robert; and unless there is something really important that needs to be said, after that we're going to vote on this motion and try to move on. We're on our first action, folks, but this is a very important one and it is a very important discussion.

MR. CUPKA: I was just going to say I'm not real comfortable with this motion. Obviously, F 40 percent SPR is more conservative; and then looking at some of the other factors we're taking into consideration in regard to these closed areas to rebuild these stocks, some of them aren't quite as conservative, and it might it help to balance some of that and give us a better chance of achieving what we're trying to do in terms of rebuilding this stock. I guess I would probably speak against the motion and look at the more conservative value.

MR. BOYLES: This has been a great discussion. I was simply going to call the question.

MR. CURRIN: All right, no further discussion on this motion, I sense that this may be a relatively tight vote, so I would ask that all in favor of the motion to change the preferred alternative to reflect the F 30 percent proxy raise your hand; I see five in favor. All opposed; I see six opposed, so the motion failed six to five. I'm sorry, any abstentions? I see one abstention. All right, let's move on to our next action in 17A.

MR. DeVICTOR: Well, we just want clarification on the wording of the second alternative. Do we retain the changes that were made before it was filed as shown on the screen.

MR. CURRIN: What are your thoughts about the changes here? Gregg.

MR. WAUGH: And to clarify, I guess in Monica's guidance it was that the council has flexibility in picking the Fmsy proxy, but my understanding is if we get Fmsy and msy from the

SSC, then those are the values the council is bound to use. That's the way you worded this at your last meeting, and it tracks the wording that has been approved in Snapper Amendment 16.

If we leave this wording in here, then we're going to have to come back and this will be an action item for the council to change it. What we've done in 16 and the intent in each of our amendments is to have msy and Fmsy no longer be an action for the council. You've defined that your maximum fishing mortality threshold is Fmsy; and once we get that Fmsy, then we would just update the specific value. We need you to clarify and it would be best if you did it in a motion as to how you want Alternative 2 to read.

MR. CURRIN: Comments or thoughts? Is everybody clear on what Gregg is asking here?

MR. PHILLIPS: Gregg, when do you think you can move away from a proxy on this? Do you have an estimate of when you think that will happen?

MR. WAUGH: I don't. Perhaps we'll get it out of the next stock assessment, we will have to see, but this is not really dealing with the Fmsy proxy. Perhaps in clarifying this you want to add to this alternative to make it clear that if we get an Fmsy proxy, whether that is something the council will choose or not, but the wording of this is dealing more with msy and Fmsy.

MR. CURRIN: The recommendation from Gregg and Rick is that they would like see the 40 percent SPR removed – that is in red there – and to have that simply state Fmsy rather than specify that 40 percent. Mark.

MR. ROBSON: I'm just not sure how transparent that is. I guess you're assuming, then, the next column is where the actual msy value is defined as a proxy.

MR. CURRIN: In this case as a proxy, yes.

MR. ROBSON: I want make sure that the amendment is very clear and transparent about the fact there is no msy determination at this point and we're using a proxy. I'm not sure that reference to msy is really part of the equation.

MR. CURRIN: Well, it does say, if you look at it, the value is either Fmsy or Fmsy proxy if you go down under the second line there that is not showing.

DR. CRABTREE: Well, I think the trouble is statements like msy equals; msy doesn't equal that. We don't know what msy is. The proxy value equals it. I just don't think anywhere in the document we ought to talk about what msy is other than to say we don't know what it is, we have a proxy. The change it seems to me that you're suggesting, Rick, here would essentially delegate selection of the proxy to the SSC and SEDAR and the council would just automatically accept whatever they come up with; is that correct?

MR. WAUGH: No, that's not what we're suggesting because I said what we need to do is clarify what your intent is. The problem is the document was changed – the wording of this alternative was changed after you all voted on it at your last meeting. You've now made the

determination that the Fmsy proxy should be set by the council, so it seems to me you should make that a part of your preferred alternative.

In other words, if we get a true msy and Fmsy out of the December assessment; do you want to have to come back and amend the plan again to put that value in place or do you want to say your preferred is for msy and Fmsy we use the values recommended by the SSC? That's consistent with what you did in Snapper Grouper Amendment 16. However, if we get another proxy for Fmsy, then the council will specify what that proxy is.

MR. CURRIN: Is that clear? Bob.

MR. MAHOOD: Yes, one thing, we're not trying to change things now with this. What we're pointing out is what was changed and filed in the DEIS. What we're showing is what the council approved, it was changed for the DEIS, and we just want to be clear on what the council wants. They're not recommending a change; they're just –

MR. CURRIN: We understand, exactly, you're pointing out a change that was suggested before the DEIS was filed, and this is your opportunity as a committee to say we like that change or we don't like that change. Ben.

MR. HARTIG: The change is fine as long as we still retain the flexibility to revisit that under the guidelines developed.

DR. CRABTREE: Couldn't we just preface this action that these proxies will apply until there is an actual estimate of Fmsy at which time that will be what is used? Then if we actually get one, when we amend or change the plan we would just acknowledge we have that now so the proxies no longer apply.

MR. CURRIN: Rick is nodding his head that makes sense.

DR. CRABTREE: That seems more straightforward. That kind of language is confusing to me to know exactly what that means.

MR. CURRIN: All right, they need some wording; have you got some suggested wording for them, Roy? I think your suggestion was to have it actually before the alternatives, somewhere in the text, or was it?

DR. CRABTREE: Just something to the effect that when and if an assessment provides us with an actual estimate, these proxies will no longer be used. It would just preface the whole action so if we get an estimate of msy at the next assessment and that is what we're going to use, then this action just becomes moot and that estimate then supersedes it.

MR. WAUGH: But that is changing the current definition for msy is the yield produced by Fmsy. What we did in Snapper Grouper Amendment 16 is we changed that to say that msy equals the yield produced by Fmsy; msy and Fmsy are defined by the most recent SEDAR, so you have to change your definition of msy to a formula, and then in the future it isn't an action

item, but we've got to take action to change your msy definition. Right now it is tied to 30 percent.

MR. CURRIN: That's from the old amendment. Remember, that is status quo, so this is different in 17A, and it needs to reflect that change. Do you like the staff's suggestion on the wording that I believe is up there now? Are we okay with that? Heartburn, Roy, with the caveat that it is –

DR. CRABTREE: I just have to see how we explain this. I think to a member of the public that reads that, they're not going to know what in the world we're talking about. It is confusing. If we can explain it properly, then I would be fine with it, so maybe staff can work on some explanatory language that we can look at. I don't know when.

That's the problem with not having committee meetings, but we certainly look at it at the next council meeting. I'm good with the intent, which is the council is going to choose the proxies and once we have an actual estimate that's what we're going to use, but I think this is just quibbling over the wording. I can't, off the top of my head, come up with good wording, but I'm sure we can do that before we finalize this thing.

MR. CURRIN: And, unfortunately, this is not the only place in the document that the public might be confused as well. All right, we can entertain a motion, then, to reflect the language on the board, which would change the language in 17A. Who wants to do that so that we can move on?

MR. HARTIG: I'll make the motion.

MR. CURRIN: Ben's motion is that msy equals the yield produced by Fmsy or the Fmsy proxy. MSY and Fmsy are recommended by the most recent SEDAR/SSC. Fmsy proxies will be specified by the council. Is there a second to the motion? Second by Robert Boyles. Discussion on this motion? Any objection to this motion? I see none; the motion is approved. That's all, right?

MR. DeVICTOR: There is one other. We just want to make you aware, before you move on to the rebuilding schedule action, of the council's conclusion statements; so to make sure that you guys read over that, that is on Page 204 PDF. Typically what we do after we specify the biological impacts, economic, social, administrative, we have a section called council conclusion statements, and in that section we'll state what the recommendations were from the Snapper Grouper AP, Law Enforcement AP and the scientists.

Then we have a justification for the preferred alternative from the council. We have to flesh this out and include the Snapper Grouper AP recommendations and law enforcement, et cetera. I just want to make sure that you're fine with that wording right now. Basically it talks about, in the second sentence, F 40 percent SPR is a more conservative proxy and it was recommended by the SSC and SEDAR.

MR. CURRIN: Is everybody okay with that wording; does everybody feel that it captures the rationale and the discussion we have had to end up with this particular preferred is represented here, the suggestions for changes? It is not the last time you can look at it. This is important so if you have problems let us know. All right, everybody seems to be okay with it, Rick.

MR. DeVICTOR: Okay, the next action is the rebuilding schedule, and this is PDF Page 204, so right underneath the council conclusions of the previous action. You have seen these alternatives before, but I will go through them. You have status quo, do not specify a rebuilding plan or schedule; Alternative 2, which is a 15-year rebuilding time period, so 2010 is Year One; Alternative 3 is 25 years and Alternative 4 is your current preferred alternative, which is 35 years.

MR. CURRIN: Everybody recall this is the maximum rebuilding timeframe allowed under the law. Everybody okay with that?

MR. DeVICTOR: Just a clarification for staff if we could change the status quo to no action alternative throughout the document.

MR. CURRIN: Yes, that was indicated in that first alternative. Any objection to changing status quo throughout the document to state no action? Yes, I'm fine with that. Duane.

MR. HARRIS: We keep hearing from the fishermen that they don't believe that they're going to be allowed to fish on red snapper for 35 years based on this. I just want to put on the record that is not true. As this fishery starts to rebuild, fishing is likely going to be allowed at some level, but it is not going to be closed for 35 years. I just want people to understand that. I don't want that to continue to be out there in the public.

MR. CURRIN: And Roy made those comments I think several times last night.

DR. CRABTREE: And it is out there, and I want to agree with Duane. I envision this as a very short-term situation we're looking at. Red snapper, at least the way we've configured both the Gulf and the South Atlantic assessments has these very high steepnesses, which means you have very high recruitment even at these low stock sizes, which means they grow very rapidly and allowable removals go up.

In the Gulf of Mexico, when we reduced the TACs we turned it around and started increasing the TAC within three years of cutting TAC. I can't say exactly when we can reopen this fishery. I hope we will be able to get to something more definitive on that after the next assessment, but it is difficult for me to imagine this fishery would be closed for more than a few years.

But having said that, I do think we're going to have to look at a new way and some changes as to how we fish for these animals. I think when we get through all of that, that we need to start talking about working on an amendment to do that. I don't know exactly what that is, but clearly reopening the fishery is going to mean we're going to have to find a way to fish more efficiently and with fewer discards. It would be an extraordinarily rare thing where you had a fishery that

you had to actually keep it closed for 30-something-odd years like that, and I just cannot imagine a situation like that occurring.

MR. CURRIN: No, and I would agree with you. I think anybody that looks closely at the projections and the stock recovery projections will see very rapidly the stock rebuilds and no intention by anyone to keep the stock closed until it is totally rebuilt in 30-some-odd years. I'm not sure that point will be taken to heart by some, but that is in fact the case. All right, no desire to change the preferred on the rebuilding timeframe? All right.

MR. DeVICTOR: Okay, changes were not made to the version that was filed so we do not have to go through those, and just to lead you to, again, the council conclusion statements on Page 209. Basically we have language in there indicating that Alternative 4 would have the least restrictive harvest regulation.

We also can add language that through past discussions that the committee had that it would mitigate the effects of 17A and past regulations and all what else that is going on, higher fuel prices and stuff. That has been the discussion that I found that the committee has had in the past. I just want to bring your attention to that section just to make sure you're fine with before we move on.

MR. CURRIN: Take a quick peek, if you would, Page 209. It is actually Page 164 in the hard copy; 209 in the PDF, the bottom of the page, council conclusions, 4.2.1.5. It basically says that we're trying to ameliorate the socio-economic impacts, the rationale that we had for selecting the alternative as our preferred. Everybody okay? All right, let's move on, Rick.

MR. DeVICTOR: The next action is rebuilding strategy and OY, and I recommend that we actually add AMs to that title because that action is going to specify AMs. This is on PDF Page 210. Instead of going through the alternatives, the detailed language of the alternatives, I think Table 4-3 pretty much outlines it pretty well where you can see all the alternatives we have. Three are nine of them.

Alternative 6, 7, 8 and 9 were added because the committee wanted to see the rebuilding at F 30, so we have put those in there, and that is based upon the red snapper rebuilding projections that Bonnie presented last night. You can Alternative 5 is the preferred alternative, and again that is what we call Frebuild. That is 97 percent of F 40 percent SPR.

Now, what this table is showing you, in the second column we say "total killed", but we probably should call that "ACL", because that is what the ACL would be. Your percent cut in harvest that would be required is – or percent reduction in total removals that would be required, and that is Column 3, so you can see how that changes through the various rebuilding projections.

The fourth column that is called "year rebuild" is when you would be expected to rebuild the stock with a 50 percent probability. The last column shows what is your probability that you would rebuild in 35 years, so you can with the preferred alternative there is a 50 percent chance that you would rebuild in 35 years, which is 2044.

One other comment I would like to make, we have these various rebuilding tables that shows the detailed information from the projections. I recommend that we perhaps move that biological effects section directly to the appendix. It is a lot of information there. We have most of that information such as the years that it would be rebuilt in the wording of the alternatives. We also need to talk about AMs, but I think I'll stop here and see if there are any questions on the rebuilding strategies.

MR. CURRIN: Questions on the rebuilding strategy? Alternative 5 is currently the preferred. .

MR. HARRIS: I wasn't sure what you recommended moving. Rick. Speak to that again, please.

MR. DeVICTOR: This is on PDF Page 214. This we've typically included with the alternatives such as in Section 2, and it basically shows the detailed information of how ACL would increase, how the Fs would change when you would get over MSST and such. I just think that takes up a lot of information that we could move somewhere else.

MR. ROBSON: Just a question so I understand it in context to the risk discussion we had; can somebody help me understand why your probabilities of being rebuilt are higher when you're looking at Alternatives 6 through 9 versus our preferred alternative? In the table that shows the actual probabilities of rebuilding by 2044 are higher when you're looking at F 30 percent SPR levels versus the current preferred alternative of Frebuild.

DR. CRABTREE: You're rebuilding to a different target; you're rebuilding to a lower biomass. Bear in mind as I say that, as our SSC has pointed out, out beyond five years these projections are extremely uncertain, and so I would not consider small differences in those probabilities to be very meaningful to us. You will be adjusting along the way as you get new information. We do these kinds of things because we have legal requirements on them, but the reality is when you start projecting out beyond five or ten years makes it extraordinarily uncertain in this case.

MR. CURRIN: Which is the exact reason why we try to have assessments done in a timely manner so that we're not operating under the delusion that what we thought was going to go on five or ten years ago was in fact going on. Okay, the suggestion by the staff to move a large number of tables beginning on about, what, 212, 214 – is everybody okay with that, I presume. I think it will make the document a little cleaner and not break up the text and the meat of it quite so badly. I'm sensing that's fine, Rick and Gregg. Roy.

DR. CRABTREE: And just an editorial comment; Rick, I'm looking at Table 4-3. It says, "summary of the total kill required"; I think that should be "total kill allowed". Actually, the stock would be better off if we didn't kill them.

MR. CURRIN: Yes, that was a good catch.

MR. DeVICTOR: There was one change that was made to the language between what you saw in December in the briefing book and what was filed. Gregg has it up there. There used to be a statement that read for each of these alternatives the ACL, total removals for 2010 would be X whole weight and that change is between the alternatives. I think that is a good change.

This leads into when we get to AMs, and here is a decision that needs to be made by the committee, and this is under Alternative 2 through 9, there are subalternatives. If you go to PDF Page 212, this is where we get into the AMs. Again, this action also specifies AMs. The decision that has to be made – and I believe the committee has talked about this before – is do you want to set ACL equal to zero or do you want to set ACL equal to poundage, certain pounds, and that is why I think we should take it out of the wording in the alternative because the decision would be made actually in the subalternative.

You've talked about there is one camp that is concerned if you do set it equal to a poundage, and if you follow the AM 3 where you would evaluate the size of the closures when dead discards are expected to exceed the ACL, then, again, that's monitored through self-reported data, B-2s and the commercial logbook program. Here you have a decision ACL is equal to zero or a poundage, and then you have AMs under each of those. Those AMs are the same except for the third number, and it changes; where if you have a poundage, the accountability would be to change the size through framework, okay, if you exceed the ACL.

MR. HARRIS: Well, I understand the first one right now, ACL based on landings and ACL would be zero, but it is confusing when you say ACL based on landings and there are no landings allowed; and then you say ACL based on zero, you've got to really think about that before – or at least I had to really think about it before it made sense to me, but it is confusing. I don't know if there is a better way to word it or not.

DR. CRABTREE: And, Rick, the way this is set up, if we specify the ACL as total removals, we're specifying the 2010 total removal estimate out of the projections and holding it at that; correct?

MR. DeVICTOR: Yes, that is correct.

DR. CRABTREE: That means that if the stock recovers you will have to increase the size of the closed area every year because you will go over it because the discards will go up as the stock expands, and so it is a virtual certainty that you're going to go over your ACL and have to come in and take action if you set it up in terms of total removals.

I can also tell you that we've done ACLs in a number of fisheries now, and I don't believe in any fishery in the Gulf or anything we did in 17B, I don't believe we've ever sent an ACL that was total removals. At least I can't think of one where we have done that. They have all been set at the landed catch.

While it might be desirable to be able to set an ACL for total removals and it may well work in some regions, to me to set it in terms of total removals means you have to have intensive observer programs and variable ways to monitor discards on something approaching a timely basis, and we don't have that. You need to be aware that because you're setting the ACL at just a specific level, it almost a sure thing that you're going to exceed it and we're going to be back to looking at these closed areas very quickly.

MR. CURRIN: That's certainly not a very desirable situation. David.

MR. CUPKA: Are you ready for a motion?

MR. CURRIN: Yes, if you're prepared to make one.

MR. CUPKA: Yes, I agree with Roy that we need to select Subalternative 9A as our preferred, and I would so move.

MR. CURRIN: A motion by David to select Subalternative 9A as the preferred. I believe that in essence sets the ACL equal to zero. Second by Charlie. Discussion? Roy.

DR. CRABTREE: I think that is our only practical course of action with what we have. We've got additional funding coming in to do fishery-independent monitoring things. Bonnie, correct me if I'm wrong, I'm not aware of any significant new funding that is going to allow us to substantially increase observer coverage in the snapper grouper fishery and then particularly in the for-hire fisheries and private sectors that would allow us to substantially change how we're monitoring these discards this time; are you?

DR. PONWITH: That is correct, the increase that we got was specifically designated for fishery-independent sampling and knowing the strength of that, and it would be a difficult thing to actually use some of that for fishery-dependent because you might end up with weak programs in each rather than really strengthening the fishery-independent to be able to monitor the recovery of that stock.

DR. CRABTREE: And I think in our current situation the fishery-independent monitoring is appropriately our highest priority. I think that is needed more now than the other. I just don't see how else we're able to do this at this point.

MR. CURRIN: I would agree, Roy, and we had a lot of the same discussion as you recall when we were talking about alternatives for this document and trying to figure out some way that we could allow the commercial fishermen in there and manage that part of the quota or allocation by monitoring their discards. It is just a scary situation when you're trying to use self-reported information or surveys that have a tremendous amount of imprecision.

DR. CRABTREE: And one other point, if I could, Mac, it is quite possible that we will still exceed these ACLs if we don't get compatible regulations in state waters, and it's possible there is going to be some harvest that is going to take place. I think we'll have to deal with that as we come to it.

In the Gulf this has been a significant issue with respect to red snapper, and we've kind of dealt with it by, in some cases, tightening up the regulations in federal waters to account for state harvest. I think it is possible if we had significant takes in state waters we have to revisit the closed area, but I think that's something that we're going to have to work on when it happens.

I think the key thing for right now is to try and cooperate and work with the states to see if we can't get everybody on board with compatible regulations for red snapper. I just think we need to recognize that is an issue that could develop on us in the next couple of years.

MR. CURRIN: Thank you, Roy. George, then David, then Rita, and remember we have this motion on the floor here and we need to – so if it's to the motion we will entertain that discussion, but if not let's go ahead and take care of this and we'll move on. George, did you have something?

MR. GEIGER: I just had a question to Roy's comment.

MR. CURRIN: That's fine, go ahead, that was regarding the motion.

MR. GEIGER: Well, I was going to ask do the state landings that occur during the interim rule period; will that affect ultimately – it will contribute to the total landings, correct, in state waters?

DR. CRABTREE: Well, it will but we don't have an ACL in place for red snapper right now. We just have a closed fishery. Now, to the extent that there are – and I don't know if they are or not because we don't have any numbers yet, but if there are substantial state water landings, then that reduces the effectiveness in the interim rule and the gains we're getting from it, and that could affect the recovery of the stock.

My hope is that we will be able, through the independent monitoring program, to tell whether or not we're making the kind of progress that we hope to make and make adjustments based on that. If you look at the Gulf of Mexico, we've have had a lot problems with overruns and a lot of issues with the states, but nonetheless the management strategy in the end worked, and we did succeed in ending the overfishing. We're just going to have to deal with that one as time goes by. I don't see how we can, in advance, determine what exactly we're going to do in all those situations.

MS. MERRITT: Are you getting ready to change that to 9A, Rick?

MR. CURRIN: No, I think there was some confusion and I think that was David's question as well. David's motion was actually 9A, but I think the intent was that the ACL equal zero and Rick kind of tagged that along with the proper subalternative. David, I presume you're okay with that. I think in your motion you indicated 9A, but in fact the one that reflects your intent is 5A. Okay, with the seconder, Charlie? All right, anything else you want to clarify?

MR. DeVICTOR: Well, yes, how that happened; we used to have under each alternative, for example, 2A and 2B – those were subalternatives – 3A and 3B – those were subalternatives. The team decided to move that out so actually it is Subalternatives 2A to 9A and Subalternatives 2B to 9B. I recommend probably the simplest way to handle this is maybe change to Alternative 10 and 11 or to bring back those subalternatives under each one to possibly clarify it, but I think we have the intent.

MR. CURRIN: All right, Rick, you're going to have to point out some page numbers here, if we can.

MR. DeVICTOR: Okay, it's hard copy 167 and PDF Page 212, so that should actually read "Subalternatives 2A through 9A" and "Subalternatives 2B through 9B". At one time we had this

exact same language under each alternative. For Alternative 2 we had this exact same language, Subalternative 2A, Subalternative 2B, and the same with 3 and 4 and 5.

Well, the team thought it was lengthy to repeat it under each subalternative, so they moved it out to the back, but I think it creates confusion doing that, so perhaps we can move it back underneath each alternative. Your preferred is Alternative 5, and then your preferred by this motion would be Subalternative 5A.

MR. CURRIN: Does everybody understand. If you do recall, at the last meeting we looked at these things and there were all these subalternatives under each one, and I think it would be cleaner if we took all those out and just referred back to them, and this is where we are now, confused again, so maybe to just leave it back and straightforward under each alternative. All right, everybody clear on what we're voting on and where we are? The motion is to specify Alternative 5A as the preferred. That indicates that the ACL will equal zero landings. Is there any objection to that motion? I see none; that motion is approved. All right, Rick.

MR. DeVICTOR: And then again I'll bring your attention to the council conclusion for this action, and it is on PDF Page 244, and really the last sentence of Section 4.2.2.5 gets to the heart of it where Alternative 5, the preferred, is not likely to rebuild the stock in the fastest amount of time compared with the other alternatives considered, but it is expected to rebuild the stock according to the law within the specified timeframe. Again, it mitigates some of the social and economic effects by choosing an Frebuild.

MR. CURRIN: Everybody okay with that language; does that capture the committee and the council's intent and conclusions so far? I'm seeing no indication otherwise. Please take a good look at these and if you have problems or if you can identify any justification or rationale that you feel has been omitted, let the staff know.

MR. DeVICTOR: Moving on to management measures – and before we jump into the maps, there is a summary table which does a really good job of summarizing, and this is PDF Page 278. You recall that alternatives were added in December and we have shown those. Alternative 2, again, is to prohibit the retention, harvest, fishing for and possession of red snapper year around throughout the EEZ, so that is Alternative 2.

Alternative 3, so it is 3A, 3B, 3C and 3D, all are within the four logbook grids, and we can go back to the map again and show you those logbook grids. Alternative 3A would prohibit snapper grouper harvest within the total four grids, and those are commercial logbook grids. Alternative 3B uses a bathymetric closure of 66 to 240; 3C is 98 to 240 within those four grids; and 3D is 98 to 300.

You go to Alternative 4, and those are all the seven blocks. Again, they follow the same, so 4A and 3A match up in the fact that they are the entire logbook grids; 4B again is 66 to 240; 4C is 98 to 240; 4D is 98 to 300. I'll stop here and see if there are any questions before moving on to the attributes of the table.

MR. CUPKA: Rick, I wanted to ask you; our preferred now, 4D, runs out to 300 feet, and I think one of the reasons we did that was because originally we were looking at 240 and 7B, with the deep water stuff, we were looking at starting at 300. What I didn't want to see was a strip between 240 and 300 that would have to be enforced, which would be impossible to be enforced.

Now when we moved ahead with 17B, we've moved the deep water back into 240, is that correct, so now instead of having a strip between 240 and 300 that would be open we've got an overlap there, so what kind of problems would that create if we didn't have a closure here that just went out to 240 to complement that? Would that create problems having that overlap?

MR. DeVICTOR: David is right and we could show this in Appendix G. Again, Appendix G is a more detailed map and so we can show you that strip, but, yes, 17B that was submitted to the Secretary of Commerce begins the deep closure at the 240-foot depth. This preferred alternative, as it stands now, is 300; and then that 240 in 17B was deep water species except golden tilefish. This is all snapper grouper species that goes to 300, so essentially I think what you would be doing is creating a closure 300 foot out – I mean, 300 foot in for snapper grouper.

Actually, you're bringing out that deep water closure a bit more, from 240 to 300. Do you follow what I'm saying? I think you may want the Coast Guard to comment on this about having – on the map you'll be having two separate lines.

MR. WAUGH: The 240 just means – assuming that gets approved 240 feet deeper, you can't fish for, harvest or possess deep water species other than golden tile, so you can be out there fishing for vermilion snapper and just throwing back all your deep water species. It is not a total closure for snapper grouper species, so it is just deep water.

MR. PHILLIPS: Well, Gregg, wouldn't it be just cleaner if we moved it back to 98/240 and it may be a little simpler for the public to understand at the same time and still have everything we want done?

MR. DeVICTOR: And you can see the expected reductions in red snapper removals in the table. They don't change that much between the 98 and 240 and 98 to 300, and part of that is those lines are really pretty close out there.

MR. HARTIG: Just a simple comment; can we change the square kilometers to square miles for the public? Thank you.

MR. CUPKA: I just wanted to point that out. When we get to reconsidering that action, that certainly is something that we ought to think about, no matter what we go ahead with.

MR. CURRIN: Thank you, David. The table is instructive because it does show you that there is not a whole lot of difference as far as the reductions between those two alternatives. Other questions or comments? Charlie.

LT. GRIS: Was there a specific question that you wanted me to comment on there, Rick?

MR. DeVICTOR: If 17B does go through, there is going to be a line for 240; and then with this preferred alternative off the coast of Georgia and Northeast Florida, there would be a line at 300 so there would be some overlap; possible confusion.

MR. CURRIN: And I guess the other side of that coin is would we expect encounters with red snapper between 240 and 300 that might compromise our goal as well because this would, extending to 300, prohibit fishing for and certainly retention of red snapper in that area and outside of 300 under the current alternative you would be allowed to fish, I presume, vermilions. I don't know what else, black-bellied rosefish and golden tiles and whatever. George.

MR. GEIGER: Bonnie, you have the most recent conversations with David Nelson, who is the proponent of this deep water fishery and the large fish being in deep water. Can you refresh us as to how deep he is talking about in regards to these deep animals? Does it encompass that open strip in 300?

DR. PONWITH: I don't remember what the depth was exactly. It was defined by an area that was – I know part of the area that limited it was that it was an area where you got into currents that were strong enough that they precluded harvest by vertical gear.

MR. AMICK: Steve Amick. From the discussions yesterday with the fishermen, they were talking most of the big snapper they were seeing in 210 to 220 feet.

DR. CRABTREE: Based on my experience in the Gulf, the principal reason we moved longline gear out to 50 fathoms was to keep them outside of the red snapper fishery, and that is 300 feet. There are a few out there, but I think Steve is right, that is getting pretty deep.

MR. WAUGH: Just a comment on this table before we move off of it, and you may want to mark this so you can come back to it when you look at the individual alternatives, but depending on your belief in these various scenarios – and I think at the last meeting we were using the range of the scenarios from Scenario 1 to Scenario 6.

The target reduction, based on your previous motions, is 83 percent. You will see that all of the alternatives from 3A through 4D within the range of those scenarios encompass that target reduction of 83 percent.

MR. BOYLES: A question for staff; Gregg or Rick, are there error terms with each calculation at all, any estimates of error on these point estimates?

MR. WAUGH: Well, there is no point estimate – there is no error, but I think that if you use these scenarios from one through six, the real value is somewhere in that range. I think if you read the assumptions that go into those scenarios you can form your opinion about the variations in them. I think that range encompasses the real value.

MR. ROBSON: Where are we at in the discussion? I just had to get up very briefly, and are we at a point of looking all of the closed area options now in terms of whether we still want the preferred that we have?

MR. CURRIN: We are looking at them all. We just want to make sure everybody understands them and they're all kind of concisely put together in this table. We just want to make sure everybody understands what the range is right now, and then we're going to move through and start discussing any desire from the committee to change a preferred alternative for a closure option and that kind of thing. It is just orientation right now to make sure everybody is on the same page. Those scenarios, as you note down there, have a range of assumptions about compliance and about release mortality, and those vary some among the various scenarios as well. Mark.

MR. ROBSON: Well, I wanted to continue the discussion about the 240/300 foot issue and the level of confusion that could create, and I'm not sure what you gain out of that. Looking at 4C and 4D, for example, there is almost no difference in your projected reductions, and yet we would be creating out of two zones three, basically, in terms of regulations that apply. Given what we heard about the law enforcement concerns in enforcing these closed areas, this would seem to be an unnecessary and further complication of enforcement.

MR. CURRIN: Thank you, Charlie; that was a thumbs-up by Charlie and it was a very predictable thumbs-up, I think. All right, everybody okay with the table, everybody understand and you're ready to move on. I just want to make sure everybody didn't have any questions about the various alternatives. Go ahead, Duane.

MR. HARRIS: Mac, just one question; I'm just curious. I was under the impression that 17B started at 300 feet and that was a lot of the rationale for choosing 4D as the preferred alternative. I don't know what happened and why I was confused about that, but that's one of the reasons we selected 4D. Can somebody help me?

MR. CURRIN: Yes, I can help you, I think, because I was confused, too. I thought we had selected 300 in 17B as well, but that was a recommendation from the AP and apparently we did not accept that and make that our preferred, so 17B went through at 240, and this does seem to cause a problem here and we'll get to addressing that very shortly.

MR. DeVICTOR: Now may be a good time just to show again there were changes from the December Briefing Book Version to the one that is in your briefing book right now. Gregg has it on the screen. You do not have this document right now. For all the alternatives "fishing for" was added and "retention" was changed to "possession".

Then just simple changes replaced "or" and put "for a total of" – that's pretty simple – and added a statement and put – we actually added kilometer square, and there is just a note to look at the tables again, so each of these alternatives have a table showing the actual lat/longs to them. Those are the changes and I think they're pretty good changes.

MR. CURRIN: Yes, they seem very reasonable to me. No objection from the committee to accept those changes suggested by the staff? All right, Rick, go ahead.

MR. DeVICTOR: There was a word that was added to the alternatives that are by a depth contour, and there was a term "approximate" I just want to get your thoughts on. This leads us to

which of the maps to choose. Do you want a line that closely follows the depth contour or do you want one that is approximate?

MR. WAUGH: And this is not getting in the issue of how you define the box, but it is what your intent – and your intent is to track a depth contour and then what goes into the regulations, how you specify that, we need to choose that and we need to get your guidance, but some of the wording was added in to change this instead of saying a – you know, you’re tracking the depth contour of 98 feet to 240 to say you’re tracking an approximate depth, and we just don’t think that is appropriate.

You’re talking about a depth contour; the scientific literature is about depth contour; the distribution is all about depth contour, and that is your intent, but to then specify – and this is where we need your action that goes into the regulations what is going to be the coordinates of the box? If you want use a more approximate way of defining that box, that’s fine, but that shouldn’t be in the wording of the alternative.

MR. CURRIN: So you’re suggesting that the word “approximate” was a word that was suggested or added I guess before it was filed, and you’re suggesting that is confusing and want to know whether we would like to take that out or not.

MR. WAUGH: Correct.

MR. CURRIN: Okay, thoughts, feelings, what is your pleasure?

MR. HARRIS: What is expected to be accomplished?

MR. CURRIN: Just in respect to the text in the document is what we’re talking about. The actual maps and the regulations, as they’re written, are going to go in with some sort of set of coordinates, whether that is 240; 19, whatever it is. Otha, did you have a comment?

MR. EASLEY: I don’t have a problem with keeping “approximate” in. I think it would be possibly misleading if folks think it is going to be exactly that depth. I’m pretty sure that is not the intent of the council no matter how close we get to it.

MR. WAUGH: And this is not get into a debate about how we define the boxes. I want to separate that, but I just don’t want to – if we’re getting up and talking to fishermen that we’re doing this around an approximate depth of 98 feet; well, are you doing it at 98 feet or not? It just seems to me it is much more clear and we can explain it better if the wording of your motion says what the depth contour we are targeting.

It is totally separate from then how you define that for that for the regulations, and this is where we get at Otha and law enforcement’s concern. If they want to use fewer waypoints, that’s fine, let’s specify, but leave the wording in the document so it’s clear to the public that we’re talking about a certain depth contour.

MR. CURRIN: Yes, and I agree with Gregg. Brian.

MR. CHEUVRONT: Gregg just answered the question that I was going to ask whether taking the word “approximate” out would somehow force us to choose a very accurate waypoint designation, and so he is assuring us by shaking his head no and by what he just said, that would not be the case.

I agree it would be easier to explain to the public that if we just leave it at 98, and this is basically our target, but obviously even if we tried to do it as accurately as possible, no matter how many waypoints we had we still would never be a hundred percent accurate on it. It’s just going to be the level of precision that we’re going to want later on in determining where that line should be.

MR. GEIGER: And to that point, I guess if you say 98 feet, that implicitly implies 98 feet and that is what we’re trying. This is going to be a decision based on the number of waypoints that we choose because if we go with the recommendation for the least number of waypoints, there is a portion of that contour line that gets lopped off.

The intent is to manage as close to 98 feet as possible, so would the word instead of approximately 98 feet, could we say “as close to 98 feet” or managing as close to 98 feet as possible, because it’s going to depend on how many waypoints you get as to how much of that 98-foot contour you get lopped off.

MR. CURRIN: Yes, it is, and I think the other thing to keep in mind is that the fishermen that are going to be on water are not going to have a copy of Amendment 17A around with them. What is going to be important to them are the waypoints that are published in the regulations and what they get encoded in their GPSs.

I think what we’re talking about here really is just a matter of confusion with the public reading this document. I tend to agree with Gregg. Our intent is, as everyone indicated, get that line as close to 98 feet as we can. What it ultimately ends up being may not be in every case and certainly will not be on 98 feet in every case, but that will be defined and exactly where it is will be defined in the regulations. It makes sense to me to remove that; I think it is confusing.

MR. CUPKA: I was going to say that I think we ought to remove it. I don’t think we need a motion but just instructions to staff.

MR. CURRIN: Is everybody okay with removing that word “approximate”? I think it makes it a little more clear to the public at least in reading this document. It is the clear intent of the council.

MR. DeVICTOR: Okay, I think we have the wording in the alternative. There are a couple of things that we need to talk about again; the two maps, which one do we want to go with, less waypoints or more waypoints. Also, we haven’t been through the spearfishing and black sea bass exemptions and the transit.

MR. CURRIN: Yes, and there may be some discussion or reconsideration of preferred alternatives on this action as well. I think the map issue and the waypoints is really a generic sort

of thing, and that's a decision that we can make before we get into specific changes in alternatives if that's what we want. Let's take ten minutes.

MR. CURRIN: All right, let's get started again. There are a couple of decisions that we've got to make regarding the number of waypoints, how we're going to define these maps. Currently there are two options in there; one with not nearly as many waypoints as the other. Most of you were around yesterday when the Law Enforcement Committee and AP met, and, of course, for many reasons they prefer to have straight lines, fewer waypoints.

It makes their job easier when they're out there. Let's talk about this issue of the set of maps that we're going to use for all of these alternatives; and then if there is some desire to change the preferred alternative, we will get into that as well. A set of those maps are in Appendix G, I believe. There may be some in the document as well, Duane. Give us the first set there, Rick, what page.

MR. DeVICTOR: Okay, if you go to PDF Page 246, that's your first alternative. Now, of course, that one just has one map because that's not up for discussion or debate. Then under each of these alternatives you see the lat/longs, but if you scroll down you'll see that there are two maps and underneath two tables showing the waypoints with these, so you can see the number of waypoints and compare it in that manner.

MR. WAUGH: Just a little more introductory remarks; this has a lot of input from our staff and from the regional office. In your discussing this, I would encourage you to pick one approach or the other. It takes a lot of time to go through and generate this and a lot of time double-checking numbers and so forth. You've heard from the staff, and in the document it lays out the issues with access to fishing and the habitat more closely tracking the bottom contour, which is the panel on the left.

There are a lot of enforcement concerns, ease of enforcement, right on through making cases if the areas are not as complex, and that is what is reflected on the right. I just encourage you to let's pick one approach and not send us back sort of to come up with a third approach because it takes a lot of time and effort to generate this information.

MR. BOYLES: Mr. Chairman, just for discussion purposes and to get us moving along, I would make a motion, if you would like. Based on the comments we've heard in the public as well as from our Law Enforcement AP that we go with Map 2, which I believe is the generalized boundaries; the least number of waypoints.

MR. CURRIN: Okay, Robert's motion is that we go with the set of maps that are formulated from the least number of waypoints; i.e., generalized boundaries. Second by David. Discussion.

MR. GEIGER: Well, I wasn't prepared to talk, but I guess I can. I would be inclined to speak in favor of Robert's motion, recognizing fully that we lose some biological effect by not having – we're including areas of the break especially off of Georgia. But, when you look at the map, we

pick up areas and incorporate areas under the straight lines that are not included under the many-waypoint model.

I don't know, this is a point of compromise and I just believe and am hopeful and based primarily on a hope that we see an improvement to this fishery very quickly and based on comments we heard earlier that we're going to be able to take actions, and I think what we're doing in the actions that we're taking are very, very significant. I think this is one case where they are draconian in effect. I would speak in favor of the least number of waypoints for enforceability, for understanding of the fishing public and getting as much out of this as we possibly can via compromise.

MR. CURRIN: Other discussion on the motion? Just as I guess perhaps a counterpoint to some degree – and I do agree with you, George, I think there is give and take and we lose on one side and gain on the other, and hopefully the habitat loss or inclusion is net wash. I guess the only thing that kind of leads me toward the more well-defined boundary which has the more waypoints is the acknowledgment from the law enforcement folks yesterday that in all practicality they're going to have very few to opportunities to enforce this closed area regardless of how it is defined. That is one thing that would lead me to try to define that area as best we can with more waypoints. Roy.

DR. CRABTREE: Well, I have a little different perspective on that. This is certainly an enforcement challenge, there is no question about that, but I have no doubt that the Coast Guard, NOAA Law Enforcement and our state partners will do everything they can to enforce this. I think we need to give them the tools to do this.

I think I agree with Robert's motion that we ought to use the generalized boundary. I think that will help us when we need to make some cases on this, and I think it would be easier for the public to follow. I think given the challenges of this, we need to, to the extent we can, give these guys the tools they need, which means going with these generalized and fewer waypoints. I support the motion.

MR. ROBSON: I, too, am speaking in favor of the motion I think for all the reasons that have been stated and in particular what we need to do to try to give enforcement all the tools they possibly can have to help manage this area, but also because I think it is going to be inherently simpler for fishermen to understand the area. We're going to have to rely a lot on self-compliance, and I think the simpler we can make it the better.

MR. CURRIN: And that point was not lost to me either, Mark, and the folks in the enforcement committee made that as well. It is not only easier for them, but it is easier for the fishermen.

MR. GEIGER: I neglected to mention the fact that during conversations with Duane, he has a high confidence rate in the fishermen off of Georgia responding in a positive manner to these regulations. Certainly, we've heard from leaders in the fishery like Zack and Steve, who are in the audience, and they understand the criticality of the issue we're dealing with, and I'm sure they will serve as leaders in an effort to try and capture and convey the spirit of this closed area to the fishermen because the primary area does occur off of Georgia and in South Carolina.

MR. CURRIN: And we heard that from a number of fishermen last night, George, that they'd don't desire to go out there and wrangle with these fish when they know they can't keep them and they try to avoid them. Otha.

MR. EASLEY: Mac, you're right on the statement that we can only get out there so often, the state and coast guard; but when we do get out there, we want to make it count, and the straighter lines helps us make it count.

MR. CURRIN: And I appreciate that. Charlie.

LT. GRIS: I just wanted to make sure that the ease of compliance and ease of enforcement remain married, and I think Mark already captured that as well as my other colleague, so that's it.

MR. CURRIN: Thank you. Any further discussion on the motion? Any objection to the motion? I see none; that motion is approved. We're down to one set of maps now, anyway. Do we need any kind of motion to move the other set of maps to the considered but rejected in order to allow you guys to clean it up or can you just clean it up based on that motion?

MR. WAUGH: I think that motion is your direction to put the other maps and the other waypoints into the appendix is good enough.

MR. CURRIN: All right, now we've got the issue of the alternative itself now that we know how we're going to draw the lines. We had some discussion earlier about the overlap from 17B. I detected some desire by the committee to perhaps modify our current preferred alternative. Unless you guys have got something that we need to do before that, we'll move into that. Mark.

MR. ROBSON: Mr. Chairman, I'd like to go ahead and make a motion that we change our preferred alternative to 3C.

MR. CURRIN: Rick, I'm trying to get back to that table. Since we're discussing these, that may be the easiest. It's Table 4-22; it is on PDF Page 278 and that outlines all the alternatives under the various scenarios with the indicated reductions associated – well, to me this kind of puts it all together; so if we're talking about different alternatives, that's for my benefit. If you want to go to the individual tables and maps and the like, then Rick can help us out with that.

MR. CUPKA: I was just going to second Mark's motion for purposes of discussion.

MR. CURRIN: Mark's motion was to change the preferred to 3C.

MR. DeVICTOR: 3C is on PDF Page 251, and, again, it would be the map and the set of waypoints that is generalized.

MR. BOYLES: And that general map is Page 17 of Appendix G.

MR. DeVICTOR: Or it's on Page 252 of the PDF.

MR. CURRIN: Okay, is everybody clear with where we are with the motion that has been seconded by David? Discussion? Duane.

MR. HARRIS: Mr. Chairman, I was looking back – and I can't remember which page it was on that showed the landings from the various states – and you have to recall that Georgia's landings are combined with Northeast Florida's because they're confidential information. When you look at the landings my sense is – and I can't tell you this for sure, but my sense is that the landings in Georgia are certainly no greater than the landings in South Carolina, so you're penalizing Georgia when you're not penalizing South Carolina that has the same amount of landings essentially of red snapper. I'm real sensitive to my friends in South Carolina, but this doesn't include any South Carolina closure at all. I just have a problem with that.

DR. CHEUVRONT: My question goes along with – I'm looking at Table 4-22, and it shows the expected closure percentages, and I realize these are all based on assumptions, but wasn't the closure percentage – the target number is supposed to be 86 number that would achieve –

MR. CURRIN: 83 percent.

DR. CHEUVRONT: It was 83 percent; okay, thank you for the clarification.

MR. CURRIN: And as you note under Alternative 3C, that only Scenario 6 surpasses that value and estimate. It does fall within the range of 63 to 84 percent. Further discussion? George.

MR. GEIGER: Both the chairman and Brian covered mainly what I was going to say. The thing that bothers and why I can't support the motion is that only under one scenario do we achieve the reductions required, and that scenario assumes a hundred percent compliance. I just think that is unreasonable and I cannot vote in good conscience for any of these alternatives that do not meet the required reduction percentage.

MR. HARRIS: Mr. Chairman, I would like to offer a substitute motion that we select 4C as our preferred alternative.

MR. GEIGER: Second.

MR. CURRIN: There is a substitute motion offered by Duane to select Alternative 4C as our preferred and seconded by George Geiger.

MR. HARRIS: To speak to the motion, it does give us at least two opportunities in Scenario 5 and Scenario 6 of achieving the 83 percent mortality that we need to achieve with an 87 percent compliance rate. I don't know whether that's right or not, but it is what it is. That's why I would offer that motion.

DR. CRABTREE: Well, I was just going to advise you there is a connection between what you're doing here and the choice you made on the reference points. If you're going to stay with your preferred of 40 percent, then you need to come up with management measures that get you there.

If you're going to come in and try to find management measures that don't quite get you there, you need to think about your previous choice because they're connected to some extent. If you're going to be conservative here, then don't come in and take a whole different approach as to how conservative you're going to be on the management measures. You need to have some consistency on how you approach this.

MR. CURRIN: Thank you; that's a good point. Gregg.

MR. WAUGH: Here are the landings that we have broken out, and this is from Appendix J that you have in the briefing book material. Table 6 shows commercial landings by state and Georgia and Florida are lumped together for confidentiality reasons; the headboat, the same thing, Georgia and North Florida lumped together; and then MRFSS is by state. Those are the average landings 2001-2006 for the commercial; 2001-2007 for the recreational.

MR. ROBSON: Well, I made my original motion on the basis of again the discussions that we had in December. There is a great deal of uncertainty in any of the scenarios and any of the projections we're making. We only know that the larger the area the greater the likelihood we're going to deal with discard mortality rates.

I'm still comfortable with trying to come up with the smallest possible area, and that's another reason why I was speaking in favor of the 30 percent SPR proxy. I understand that this takes pressure off of South Carolina coastal fisheries, but I'm still trying to figure out a way to minimize the overall impact to the fishermen throughout the South Atlantic region in this closed area that we're debating.

MR. SWATZEL: I want to speak against the substitute motion. The problem that I have with it is that you're gaining about 2 percent concerning the net mortality reduction, but yet you're extending the closed area about 3,000 square miles, which happens to be off South Carolina, for a net gain of 2 percent. It just seems like the cost-benefit ratio is way out of whack there, and I would just urge the committee to ultimately adopt Alternative 3C.

MR. CUPKA: To George's point about compliance there, 3C assumes, under that Scenario 6, a hundred percent compliance, but Scenario 5 is 87 percent compliance, and the 83 falls somewhere between 87 and a hundred. I don't think that scenario requires a hundred percent compliance. We all know that we're not going to get a hundred percent compliance, but, again, we are trying to minimize the impacts to the maximum extent possible and still try and rebuild it.

I share some of Mark's concerns that these numbers aren't exact. They're all kind of soft, to be honest with you, and I think 81 is that much different from 83, particularly in light of going with an F proxy of 40 percent, which is more conservative in that regard, and that's why I was supporting the original motion.

DR. CHEUVRONT: Looking again at Table 4-22, there is a different inequality between the Scenarios 1, 2 and 3 in that assume that there is no impact of Amendment 13C and 16. There have been some analyses that have been done that show that there is probably some impacts.

When you're looking under Scenarios 2 and 3, it is likely that the amount of reduction that you're going to get is actually going to be higher.

Now that doesn't mean that it is going to be better than Scenario 4 – I don't know that it would be better than Scenario 4, but they're all sort of in the same ballpark. There is some degree of uncertainty. I just don't know how I'm going to – I haven't figured this out yet. This is a tough nut to crack here.

DR. CRABTREE: Tom does get at I think an important point, though, that you should understand. The size of the closed area is extremely sensitive to the percent reduction that is required. For example, if you need an 83 percent reduction and you're closing between 98 and 300 feet, you've got to close portions of seven grids and the square mileage is about 9,700 square miles; but if you only needed a 79 percent reduction, you can get away with closing portions of only three grids, and the total square mileage closed is 5,100 square miles.

Just a 4 percent change in the reduction required reduces the size of the closed area by not quite 50 percent but by a substantial amount. The reason is when you get out of that core area off of North Florida and Georgia there, there just aren't many red snapper, so you have to close huge amounts of bottom to pick up that last couple of percent reduction. Small changes in the reductions required can result in big differences in terms of the size of this closed area, and you will have to be aware of that.

MR. CURRIN: Thank you, Roy. Further discussion on this motion that is before us, which is the substitute motion to select Alternative 4C as our preferred? Seeing no discussion, let's vote. All in favor of this motion please raise your hand, I see three; all opposed raise your hand, I see seven. The motion failed.

Now we're back to the original motion, which is to change our preferred to Alternative 3C. Further discussion on this motion? Anything I would say has already been said by some who have offered caution about the consistency or lack thereof of this motion to accomplish the goals to end overfishing on red snapper. It is by far the smallest of the options we have before us, closed areas, but it does give me personally some concern. George.

MR. GEIGER: This may be the cat coming back with glass eyes.

MR. CURRIN: All right, further discussion on this motion. All in favor of this motion raise your hand, I see eight in favor; opposed – the chair would like to oppose this motion as well, so please count my vote – the motion is approved with a vote of eight to four. Our new alternative is 3C with the small number of waypoints.

MR. HARRIS: Mr. Chairman, I have a comment.

MR. MAHOOD: For the record, we have one abstention.

MR. CURRIN: I'm sorry, yes, for the record, one abstention. Duane.

MR. HARRIS: Mr. Chairman, this points out something that I think that is problematic for me and probably for everybody in Georgia, and that is that the landings from Georgia are lumped with Northeast Florida's landings. There is no question that Northeast Florida's landings are far, far, far greater than Georgia's landings.

As you saw from the landings that you could see, we're more comparable with South Carolina and North Carolina in landings even though we may be in the heart of the red snapper fishery. It is a problem for me because we can't tease out Georgia's landings, commercial and headboat landings, because of the confidential nature of the data. I don't know how we get around that, if there ever is a way to get around it, but it is problematic for me and I just want to put that on the record.

MR. CURRIN: I don't know, Duane, it has been problematic for all of us that have asked questions about state-by-state quotas and trying to look at Georgia's landings and we just can't do that. I don't know how we avoid that, but, yes, I have sympathy. Roy.

DR. CRABTREE: Just to point out, though, in the model that we're using to calculate these reductions, the Georgia landings are broken out in that and are handled. The model has confidential data in it and the things aren't lumped out; so if you go into the model and when you look at things, they're treated separately.

MR. PHILLIPS: Well, just for the record, I did abstain on the substitute motion because according to George's cat, just because my cat is dead I didn't want to shoot the neighbor's cat.

MR. CURRIN: We'll try to correct the record there that there was one abstention on the vote on the substitute motion. Gregg.

MR. WAUGH: This issue of confidentiality has been dealt with for quite a while. Those of you who have been involved in ACCSP remember the Operations Committee Group coming forward with a recommendation that we get rid of the confidential aspect of data, and the Operations Committee got its teeth kicked in twice, and so we didn't come back a third time.

Certainly, when the Magnuson Act is up for reauthorization, we could suggest that they make a change such that there is no confidentiality. Obviously, North Carolina is one end of this and they have very high confidentiality. It was an issue as states got their trip ticket programs going to give fishermen the assurance that their data would be confidential. It increases the cost of our data collection programs tremendously.

It increases the complexity of doing analyses and maintaining those data bases tremendously. The additional cost is huge. We have talked in the past – and Bob may recollect this better than I do – of putting in some sort of sunset; you know, that data are confidential for four years, five years, something like that. This is something that's only going to get worse particularly in the southeast. As we lose dealers in states, we're going to have more states that we can't show landings.

MR. O'SHEA: I was wondering if the issue is the small number of reports is triggering the confidentiality; and if the cost then is that those fishermen aren't being treated in a way that they could be otherwise, if there is a mechanism for them to surrender their confidentiality and disclose their landings voluntarily?

MR. CURRIN: My understanding is that they cannot even if they want to, but somebody correct me, that they cannot sign away their confidentiality.

MS. SMIT-BRUNELLO: I was having a slight sidebar; are you talking about a fisherman's ability to waive the confidentiality>

MR. CURRIN: Yes.

MS. SMIT-BRUNELLO: Well, the Magnuson Act has a provision in there that someone could waive the confidentiality or the confidential nature of – here, let me read it to you.

MR. CURRIN: Okay, that would be instructive.

MS. SMIT-BRUNELLO: One of the exceptions to the confidentiality of information has to do when the Secretary has obtained authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection and the release doesn't violate other requirements to the Act, so there is some allowance for waivers. In fact, we're working on that. This will come up I think in our Amendment 20 discussion in the Wreckfish Fishery later today.

DR. PONWITH: The catch with that would be if you had a small number of dealers or individual fishers and if one waived and the other one didn't and you could mathematically by knowing one know the other, you could run into problems that way if you have very small numbers of people reporting.

MR. CURRIN: Which is the case in Georgia, so I guess if one or two or whoever refused to sign, then we'd be still back in the same box. Red.

MR. MUNDEN: Going way, way back, my recollection is that the North Carolina confidentiality policy was the only way that we got our trip ticket through the legislature. They would not have approved it without that policy.

MR. CURRIN: Thank you, Red. All right, we kind of got off topic here a little bit and we need to get back to 17A. This is not totally off topic because the confidentiality does impact what we look at and what we have the ability to look at. Let's get back to actions in 17A, and Rick will ease us along here and make some more progress.

MR. DeVICTOR: Okay, this is still within the same action. This is on PDF Page 266, and it deals with the allowance of harvesting some snapper grouper species with specific gear. So, again, Page 266, Alternative 5, which is the preferred, would allow fishing for or harvest and

possession of snapper grouper species with the exception of red snapper in a closed area if fish were harvested with black sea bass pots with endorsements. That is Preferred Alternative 5.

Six is allow fishing for or harvest and possession of snapper grouper species with the exception of red snapper with bottom longline gear in a closed area. This had to do with golden tilefish. However, you talked about it in December and you felt that it was moot since the current regulations prohibit bottom longline beyond 50 fathoms, which is within 300 feet.

You may only have deep water species and red snapper makes up a very small percentage of the catch on longline trips. I think it was 0.01 percent. That is Alternative 6, which is not a preferred for those reasons. Alternative 7, which is a preferred, would allow fishing for or harvest and possession of snapper grouper species with the exception of red snapper if it is harvested with spearfishing gear. I'll stop there before we get into the transit alternatives.

MR. CURRIN: And there were some strong opinions last night about some of these things, one way or the other. The Law Enforcement AP I think came down on the side that they would rather not see spearfishing at least, that they saw some problems there. They didn't seem to have – correct me if I'm wrong regarding the black sea bass pots; that didn't seem to be as big an issue with them, but that is what I remember.

Desires or comments on the current preferreds to both permit spearfishing in the closed area for a species other than red snapper when they're allowable; and then the other preferred is to allow the use of black sea bass pots with very low bycatch of – little to no bycatch of red snapper within the closed area. Charlie.

MR. PHILLIPS: Okay, I just want to make sure that Alternative 5 does – I guess it would also allow for the transit through the area. I just want to make sure I'm clear.

MR. CURRIN: Yes, we've got some transit provisions and they're going to be next, Charlie. That will be the next thing we're going to talk about. Ben.

MR. HARTIG: I was talking to Robert Johnson yesterday and it really struck home with me. He says if you want to drive a wedge through the recreational community, go ahead and approve this. It goes back to the history of how the South Atlantic has tried to deal with spearfishing and powerheads over time. For the number of people that it would actually allow, I don't know that it's worth the social cost to be able to – you know, what we're going to receive in the end. That is just my opinion.

MR. GEIGER: I wasn't going to scratch the scab off but Ben did and I agree with him. I haven't spoken to one recreational person – and there aren't many who will even speak to me anymore, but the ones who will still speak to me – I don't take any personal glee in that, but the ones who will still speak to me, even those who are primarily spear fishermen, cannot believe that this council is going to allow spearfishing in this closed area, and they feel that once – and I keep hearing them, well, wait until the recreational community finds out about this, and it is something that right now is under the radar.

I have not had one person support this. They just think it's crazy. If you're going to have a closed area, it should be a closed area to everybody. Everybody is responsible for that resource. I even brought up the fact, well, you know, I suggested that we have a prohibition on fishing gear for those, and most of the people think that was a good idea.

Well, if they're going to do that, that's a darned good idea; they're ought to be some type of a compromise and a give and take here. If they're allowed to get in the area, there should be some price to pay or some agreement not to do things. I agree with Ben; I think this is a potential wedge. When it comes out, I think we're going to hear about it and I think it's a bad idea. I was the only one who voted against it the first time and would vote against it again this time if it were brought up as a motion.

MR. MAHOOD: Maybe this question is for Ben since he is closest to the fishery here, but I talked to a couple of fishermen – I think it was the hearing in Jacksonville. We were still looking at spearfishing and they said what would happen is a lot of commercial – there would be a demand for divers to become part of the crew of commercial vessels, and a lot of these boats would go ahead and take on divers. One guy was even saying that the dive schools would have overflows of people that would become trained divers to be able to get into these closed areas with spearfishing. Do you see something like that happening; have you heard anybody talking about that?

MR. HARTIG: Yes, I've heard the talk. How much that will translate into what really happens will remain to be seen if we approve this. The other thing I will tell you about diving, it is the most dangerous thing you can do in fishing. About half the divers I know are deceased in our area from just stupid things happening to them when they're staying on the bottom too long. It is a very, very dangerous way to harvest reef fish in the South Atlantic, the most dangerous.

MR. HARRIS: I know I don't need to remind the council on this, but I'll just put it on the table, anyway. We're trying to protect red snapper here. There is no discard mortality of red snapper by spearfishing because you can avoid red snapper and would avoid red snapper. I've got a lot of friends that are divers, and I hate to restrict them from an area where they can dive.

Your friends I think were primarily commercial fishermen that have died in diving accidents. Most of the fishing off the coast of Georgia is going to be by recreational divers. They're not going to take the chances that the commercial divers have taken over the years because I know some of those guys, too, and I know that they stayed down too long and got bent and came back up and didn't survive it.

I'm not really worried about that. I'm worried about the recreational spear fishermen off the coast of Georgia that would be restricted from the area when there is no really good reason to do it that I can see because they're not going to shoot red snapper. They're going to harvest species that are otherwise legal to harvest.

DR. CRABTREE: I'm a little concerned about what I'm hearing in terms of rationale. I don't know that the fact that it drives a wedge or it is unpopular; to me that is not a rationale for banning spearfishing. Also, the fact there may be some business ventures that develop to do

spearfishing trips and some commercial fishermen may start spearfishing; I think to me that's a good thing because that mitigates some of the economics of this.

If they can do that without creating red snapper bycatch issues, I think that is something that would be good to happen because it keeps some people at work. What did we hear about last night; jobs. There are going to be reductions in fishing mortality across all of the species as a result of this closed area; and if we can find some way to allow occur – now, I do think at the Law Enforcement Panel meeting there were some legitimate issues brought up in terms of enforcement problems this creates, and I think that is a legitimate issue for you to take into account on this. I would caution you not to make your decision just based on this as unpopular and may drive a wedge or something like that because I don't really think that's a valid reason for you to be making decisions.

MR. GEIGER: I was going to bring up the law enforcement aspect of it again. Part of those conversations indicated that we are trying to reduce release mortality and interactions with red snapper. The problem is people have gear on the boats. We heard yesterday in the Law Enforcement Plan from Major Norton of the FWC that if somebody has gear and it's stowed and whatever, they're going to give them the benefit of the doubt.

The conversation that I hear from the people I'm talking to, well, the way to get around this then is just to get a couple of tanks and dive gear and have it on the boat. Therein again you create legal loophole, and the very act of this occurring and however large numbers it occurs has a release on that release mortality that Duane alluded to that we're trying to eliminate.

MR. PHILLIPS: I do have a diver that brings me fish. A lot of the fish are amberjack because he couldn't do grouper and he can't do snapper. If you were to disallow spearfishing, then you're also disallowing amberjack harvest. I agree with Roy; we need to give them whatever we can give them.

You're going to have some bad apples that are not going to comply; I don't care what do, but I think most people are going to comply. To take away spearfishing because you're going to have a few people think it's not fair, but that guy is down there – and he doesn't like diving alone this time of the year because he has had too many great white sharks chasing him around. He is cherry-picking down there; he's working. No, I think we should allow spearfishing. Does it have some difficulties? Of course, it does but everything we're doing here has difficulties.

MR. CURRIN: Well, that's the current preferred and, Mark, I'm going to give you the last word unless there is some desire by the committee to change that preferred we're going to move into the black sea bass pot discussion and make sure everybody is okay with our choice there so far and then to the transit issues. Mark.

MR. ROBSON: Both of my colleagues from Florida I think make very good arguments, but on the other hand I'm also hearing the side of the issue that talks to allowing people to fish legitimately for whatever we can allow them to fish for and still achieve our red snapper objectives. I'm somewhat conflicted about this one, but I'm inclined to leave it as it is.

MR. CURRIN: All right, unless there is a motion change our preferred on this, which currently allows the use spearguns in the closed area to harvest legal fish, we're going to move on talk about black sea bass pots, which currently would be permitted to be used in the closed area. Can somebody remind me; I can't recall what the law enforcement – they had talked about this in August. Do you recall, Otha, what the law enforcement's take on the use of black sea bass pots was in these closed areas?

MR. EASLEY: I don't think it was a big deal. I think it had something to do with the area where they fished, but I can't recall exactly what the AP's thoughts were.

MR. MAHOOD: Otha, correct me if I'm wrong or Karen, whoever, I think that one issue was they would prefer that they bring them back in when they come and go fishing them was one of the issues they brought up, but that wasn't a strong issue. They just said that obviously it would be much more easier to enforce if the vessels brought the traps back in or pots back in.

LT. GRIS: I don't remember if there was a soak time component to the traps or whether we had back and forth or whatever, but I do remember that it was stated that the interaction with black sea bass pots and red snappers was sufficiently low enough that it wouldn't be a big deal.

MR. CURRIN: Yes, and the other thing I think to keep in mind is that most of that pot fishery at least currently occurs north of that closed area. Roy.

DR. CRABTREE: Which is exactly the point I was going to make. Given the change we've made to the preferred alternative, I don't see why we need this exemption because the fishery is north of the closed area. I know there are relatively few interactions with red snapper in the pot fishery, but I think that's in part because the pot fishery occurs where there are very, very few red snapper. I'm not sure that if you put pots out in the heart of red snapper country we won't have interactions with red snapper.

MR. CURRIN: I don't know, but I think Ben is going to say exactly my thoughts, but I'll let him say it.

MR. HARTIG: Well, there are three fishermen in Florida who are fishing black sea bass pots now, one of which caught 10 percent of the quota this year. We may want to leave that in here since that is becoming a big fishery in Florida on fish that have never been fished on before.

DR. CRABTREE: Ben, based on what you know about this, do you think if you put these traps out in North Florida or South Georgia where we know the red snapper are; are we not going to catch red snapper in these pots? I know red snapper will go in the trap.

MR. HARTIG: I don't know that the sea bass pot is of the size that will have very much red snapper bycatch. I don't know that for a fact, and I don't know enough to answer your questions. I'm looking around to see –

DR. CRABTREE: Tony Austin is sitting right behind you, he might know.

MR. CURRIN: Tony, if you can shed some light on this, Tony black sea bass fishes with pots off of North Carolina. Of course, the red snapper populations are relatively low there, but what I've heard, Tony – you correct me if I'm wrong – is up our way there is little to no interaction between pots and red snapper. If that's different, please come up and let us know.

MR. AUSTIN: Tony Austin; I fish out of Morehead and Beaufort in North Carolina; black sea bass pots; 22 years at it down here and then a number of years of New England. If you set black sea bass traps where there is a lot of red snapper, you're going to catch red snapper. Because of the configuration of the trap, you don't get any legal ones. They're all small fish.

The most you get is about 12 to 14-inch fish. They come up alive because I'm not fishing much deeper than 20 fathoms. They do not generally come up with their guts hanging out of their mouth. They're the first thing that goes overboard when I open a trap. I've seen as many as three or four in one trap; and if you're not where they are, you won't catch them. They're what we call site tenacious. In other words, they're in one place and they're not in another.

On the real hard bottom, the places they like, they're there, but as I said with a black sea bass trap you only get the small ones. When we were allowed to fish grouper traps 20 years ago, we used to get 30 or 35 pound red snapper in the grouper traps, but, of course, they can't get in these traps.

MR. CURRIN: Okay, thanks very much, Tony, I appreciate it. Gregg, you had something to add?

MR. WAUGH: Part of our regulations with respect to black sea bass pots limit the percentage of non-black sea bass species that can be in there. If you take a black sea bass pot and start fishing it like a fish trap and your catch composition resembles more of a fish trap, then that would be in violation. I think it is something like 25 percent of the catch can't be other species. That is covered in the existing regulations.

DR. CRABTREE: But that would only be enforceable in terms of what they're landing. If they are catching, as Tony said, small red snapper in these pots, they're going to be throwing them over the side and then we're going to have discard issues.

MR. CURRIN: All right, further discussion on this? Currently our preferred is to permit black sea bass pot use in the closed area. Our new preferred shrunk that closed area some, getting it further away from the heart at least of the black sea bass pot fishery, but understanding that there are fishermen adjacent to the closed area that might be fishing there. Roy.

DR. CRABTREE: Well, I'd make a motion, Mr. Chairman, that Alternative 5 not be selected as the preferred.

MR. CURRIN: Motion by Roy that Alternative 5 not be the preferred alternative in Amendment 17A. Is there a second?

MR. BOYLES: I'll second.

MR. CURRIN: Second by Robert; discussion. Charlie.

MR. PHILLIPS: Well, Tony also said that what he caught was in 20 fathoms and it went back down alive, and he didn't catch that many. Again, if we've got a lot of closed areas and not much for people to do, we need to try to let them do what we can within reason. If we think the little bit of discard that we might catch is going to go back and have a really live rate, then I think maybe that we should go ahead and let them try to keep catching black sea bass.

DR. CRABTREE: Well, Charlie, I don't think that's much different than what we heard from every fisherman in the room last night. We've had countless fishermen tell us that their release mortality rates are very low and the fish they release live. They would be able to fish these pots out to 98 feet. We've heard a lot of testimony that what you catch out to that depth is black sea bass, so they still would be able to fish, it seems to me, and catch fish. I don't know; I'm reluctant on this one.

MR. PHILLIPS: And they can catch some fish in there, but normally when they're going deeper they're looking for bigger fish, they're worth more money; you know, five dollar a pound fish versus two dollar a pound fish.

MR. CURRIN: Yes, we heard some of that last night. Brian.

DR. CHEUVRONT: Yes, and just a quick comment, one of the things that we're also looking at I believe in Amendment 18 is putting some constraints on the black sea bass fishery. I think probably one of the last things we want to do is do anything to encourage new participants in the black sea bass pot fishery.

MR. CURRIN: Okay, are you ready to vote on this motion? The motion is that Alternative 5 not be selected as the preferred in Amendment 17A. All in favor of the motion please raise your hand, that's seven in favor; opposed to the motion, I see four opposed. That motion is approved and Alternative 5 is no longer a preferred alternative of this committee. Are there abstentions? David abstained so that's the only abstention. Let the record that there was one abstention. All right, let's move on to transit issues. I guess that makes it a little bit simpler.

MR. DeVICTOR: The transit issues are right below the current alternatives that you looked at. It starts at Alternative 8. There are three subalternatives. Alternative 8, which is your current preferred, the prohibition on possession does not apply to a person aboard a vessel that is in transit – and we define transit below – with snapper grouper species on board and with the gear stowed. You could have snapper grouper species on board if you are in transit and your gear stowed.

Then there is Subalternative 8B which is basically the same as 8A, but there is no mention of stowing your gear, and 8C only talks about wreckfish; that you may transit with only wreckfish if you are in transit. Again, that looks at what fish are you actually catching seaward of that closure, and that would probably be wreckfish. You have a current preferred alternative which is 8A.

MR. ROBSON: And it is my understanding that this is standard or consistent language with what we've done elsewhere in terms of addressing transit; is that correct?

MR. CURRIN: I believe that is correct, and I believe that it's primarily consistent with the language that is often used in the Gulf as well; is that the case?

MR. DeVICTOR: And with the Deep Water MPAs through Amendment 14.

MR. CURRIN: Everybody okay with where we are here; allowing some transit with gear properly stowed; all that is defined. Charlie.

LT. GRIS: I don't know if it's already implicit here in the definition or not, but the only thing that I would add is that it says "while on a constant heading allowing for safe navigation and the nautical rules of the road", but that might be a given.

MR. CURRIN: Thoughts on Charlie's session. Keep in mind that we are going to allow trolling out there for the mackerel and the like, so that is going to be worm in you guys craw. I know you don't like that, but what are the thoughts about Charlie's suggestion?

LT. GRIS: As a little bit of further discussion, we're pretty good at determining when people are maneuvering to avoid collision, so it shouldn't be a huge issue.

MR. CURRIN: What are your thoughts on the language Charlie suggested? Charlie, you may have to say it again. You probably dream about it at night, but I know you indicated something about being on a constant heading. Go ahead and say it one more time just so I can get it down and we can discuss it further.

LT. GRIS: Yes, sir, I was just talking about while on a constant heading, though allowing for maneuvering for safe navigation and collision avoidance at sea.

DR. CHEUVRONT: If we considered adding the language that Charlie is suggesting, would that then somehow stop trolling for king mackerel in the closed area if the fisherman had prior to going out to that area had stopped and picked up some black sea bass or something?

MR. CURRIN: I'm not sure but I think it might. Gregg.

MR. WAUGH: Brian, I didn't understand all of what you said, but right now for them to fish for mackerel they can't possess any snapper grouper species.

DR. CHEUVRONT: Okay, that was the clarification I needed.

MR. CURRIN: Yes, it is going to require some planning I think on the part of people. If you want to go do both, then you're going to have to time it so that you do it either on the way in or on the way out. Okay, what are your thoughts about adding the language suggested by Charlie for clarification while on a constant heading and allowing for maneuvering and avoiding collisions at sea? Any threats perceived in adding that if that makes you guys' job easier?

MR. ROBSON: Well, I was just going to say I would defer to our law enforcement folks; and if they feel it's something that needs to be clear, then we should look at it.

MR. PHILLIPS: Well, it's probably a non-issue, but occasionally when you're running somewhere, you need to stop the boat and go tend bilge pumps, tend the engine things, and I think the Coast Guard has got enough sense to know when you're actually having to do some necessary maintenance or something. I want it in the record that there are times when you just need to stop and tend to stuff.

MR. CURRIN: I would hope that they would realize that, and I suspect they use a tremendous of discretion. You have personal experience that is acceptable to them at times at least. Okay, are we okay with just a suggestion to staff or do we need a motion to include that language? Gregg.

MR. WAUGH: My only concern is this tracks all our other regulations with respect to transit; so if we add this change here, then I would assume we should go and amend all our other transit language because we're trying to keep all the transit language the same.

MR. CURRIN: I'm not sure it is an indication that we've got to do that at this point, but it may indicate that as we start looking at amendments to these other provisions that we might consider changing those. I do agree with you that consistency is important. Is this a big deal, Charlie? Does this make life much simpler and easier for you guys since we don't have it in any of our other transit language in previous amendments?

LT. GRIS: No, I don't think it's a show stopper. I appreciate the discussion on it; and as I said before, we're pretty good at normally determining what the intent of the voyage is and whatnot. What Charlie was talking before kind of reminded me of almost a force majeure jurisdictional exception kind of thing which we can obviously verify in a boarding to determine whether or not that's a legitimate stop as well. No, I don't think it necessarily needs to put a lot of staff work on yet, and I'm glad for the conversation about it.

MS. SMIT-BRUNELLO: It can be added into the discussion somewhat if that is what you would like. Also, I was thinking that the language "appropriately stowed" maybe between now and the next council meeting, if you think it's appropriate, staff could come up with examples of what that might be because I would think the regulations would have to be a little more definitive than "appropriately stowed". Like Gregg said, this has been brought up in other amendments.

MR. CURRIN: Yes, it's there, a good paragraph with examples and all that, so, yes, I think that discussion is already captured. Everybody is okay then with where we are? It's good to keep that in mind if we start looking at these issues again, if that becomes a necessary addition for transit descriptions, then I think the sense of the committee is that's not a problem with adding that. All right, Rick, let's move on.

MR. DeVICTOR: And once again I just highlight where the council conclusion statements are, and this is PDF Page 314 for the closure alternatives. We will update that section. We will update that with the change to the preferred alternatives and also to the preferred black sea bass alternative in there.

MR. CURRIN: Anything stand out as needing addressing at this point, realizing, of course, that a couple of preferreds have changed and this language is going to change, and they may be coming back to us at some point in the future asking for some additional rationale for perhaps some of those changes, but at this point that's probably all we can do with that until we see some wording on those changes there, Rick.

MR. DeVICTOR: Okay, this is 315 PDF and this is the action that would require the use of circle hooks. Alternative 1 is no action, do not require the use of circle hooks when using hook-and-line gear for snapper grouper species. Alternative 2 would 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. If you recall, that is the southern most bound of the closure alternatives. Alternative 3 is identical to Alternative 2 except that requirement would be throughout the South Atlantic EEZ.

The committee has discussed this at length with the primary intent is to reduce discard mortality of red snapper. There was concern that if you require that regulation throughout the EEZ, you will be affecting yellowtail fisheries, mangrove fishery and gray triggerfish fishery. I think that was your justification for Alternative 2, and that's reflected in the council conclusion.

MR. CURRIN: Discussion. I will note and I may have said to this committee before, but at the public hearing back in the winter in New Bern or last fall, rather, there was charter commercial fisherman type there who made some very interesting comments to me regarding catching triggerfish on circle hooks. He said, "It's not a big deal; anybody wants to learn how to do it, tell them to come and see me."

That's one species that I remember in discussions that we've had about requiring the use of circle hooks where people said you can't catch them, you can't catch a triggerfish on circle hooks, and, of course, the guys that are yellowtail fishing have a hard time not catching the fish necessarily, but getting them off efficiently and quickly so that they can bail them into the boat. Just to inform everybody that apparently that is not a hundred percent problem. Tom.

MR. SWATZEL: Just to echo that, we've switched to circle hooks on our partyboats a couple of years ago, and they're fairly small circle hooks. We don't really encounter any problems with catching triggerfish.

DR. CRABTREE: We required circle hooks in the Gulf of Mexico reef fish fishery three years ago, I think, and I have not heard great complaints from triggerfish fishermen, so they're apparently able to catch them.

MR. CURRIN: All right, currently the preferred is just to require them down to the latitude or the southern end of the closed area as a measure to not harm red snapper. Charlie.

LT. GRIS: Maybe somebody can help me get through a little bit of what I see as an ambiguity here in the language, but it says, "It is unlawful to possess snapper grouper species without possessing non-offset, non-stainless circle hooks." Does that stipulate a particular number that they have to have on board? Does that prohibit any other type of hook on board? What is the

law enforcement officer going to be looking for or not looking for when he goes on board to verify that they're using the right gear there?

MR. CURRIN: I think if you strictly read that, it just says that you've got to have circle hooks on board. It doesn't specify a number. I guess we could do that. I presume that one would satisfy as it is written here. Roy.

DR. CRABTREE: Yes, and certainly we had no intent to prohibit them from having other types of hooks on board the vessel. We could look at how we wrote the Gulf regulations, and I would suggest that we basically follow how those were written.

MR. CURRIN: Yes, I think the intent was to track the Gulf's rule on this and perhaps the rules, when written, might be a little more specific. I think the intent, as I said, is to track the Gulf rules on this. All right, no desire to change the preferred here? Is everybody okay with what we've got? All right, let's move on.

MR. DeVICTOR: Okay, and those council conclusions that I alluded to are on Page 322, so you may just want to take a look at that.

MR. CURRIN: All right, Page 322, take a peek at the council conclusions. Everybody okay with what is there now; sufficient rationale? All right, I don't see any desire to make any changes or offer any suggestions, Rick.

MR. DeVICTOR: Okay, the final action in Amendment 17A is on PDF Page 323. Alternative 2 is your current preferred alternative to establish a fishery-independent monitoring program to track the progress of red snapper. Alternative 3 is to establish a red snapper fishery-dependent monitoring program involving for-hire vessels, and that would be charterboat and headboats.

I just want to bring your attention to again a couple of changes that were made to the December Briefing Book Version and the one that was filed, and it is on the screen here. MRFSS replaced MRIP in the no action alternative. I would think MRIP would be more appropriate to talk about the existing recreational program. That was the only change that was made.

We did have a table in the version that was in the December Briefing Book. The version thought that this alternative should show the details of this fishery-dependent monitoring program where you show how many vessels would be allowed to participate in this program, what their trip limit would be, trips per month and fishing season, the length of it.

I know from talking with SERO that there was concern with filing this document with having a table in there of the alternative but not having the details laid out, so that table was removed from the version that was filed.

MR. HARRIS: Rick, would you go back to the previous one? It seemed to me that what it says there and what you said are different. Are you saying that you've added the Marine Recreational Fisheries Statistics Survey and got rid of MRIP or you are putting MRIP in there in place of the Marine Recreational Fisheries Statistics Survey?

MR. DeVICTOR: This wasn't done by me, but MRIP was in there previously in the version that was –

MR. HARRIS: MRIP was?

MR. DeVICTOR: MRIP was.

MR. HARRIS: And you're saying remove that?

MR. DeVICTOR: I'm not saying that but that is what was done. Yes, I think that we should go back to MRIP.

MR. HARRIS: I do, too. I thought you said something different than what it says up there. Okay, well, we need to make sure that language reflects MRIP is what we intended.

MR. CURRIN: Well, I think the confusion is that there is no MRIP yet; and by the time this amendment is published, it may or may not be there. I don't know the best way to handle it or whether it is a big deal. Monica.

MS. SMIT-BRUNELLO: Well, you've hit the nail on the head, I think, and I think maybe at the June meeting and we see where we are in terms of where MRIP is in its development. I'm sure we could make the status quo alternative consistent with the fact that MRIP will replace MRFSS and all that. I mean we can fix that for the June meeting because eventually that is what will happen. MRIP will replace MRFSS.

MR. CURRIN: If it's acceptable, can we use MRFSS/MRIP. It's a continuum and it's going to move from one to the other at some point. For at least several years, I understand it, there is going to be overlap, so there is going to be an MRIP/MRFSS going on while the new MRIP is going on as a transition or a calibration. I don't know; does that give you guys heartburn to do it that way?

MR. WAUGH: No, I just think we should accurately state what is in place now. If it is just MRFSS in place now, it should just be MRFSS. If it is MRFSS and MRIP, then we should say MRFSS and MRIP. This is describing what is in place now, what is the no action.

MR. CURRIN: Well, clearly, what is in place now is MRFSS; so if that's more accurate as a descriptor, that would be my suggestion as to how we use it. Does that make sense to you?

MR. WAUGH: Yes.

MR. CURRIN: Okay, everybody okay with that? All right, Monica.

MS. SMIT-BRUNELLO: One question I have on all these alternatives, this action, is that I'm not sure how detailed you want to get into all the particulars of the plan because I can foresee down the road where the Center would need to make some changes to the data monitoring plan.

If it was so specified in the amendment as to what all the specifications of that plan were, then you'd almost have to go back and do a plan amendment to change the monitoring plan, and I doubt that is what you would want.

We need to think about giving them – I know you want a plan in place and I think that is a good requirement to have in this amendment, but you need to also think about allowing for sufficient flexibility for the Center to be able to change that without going through a plan amendment process with the council.

MR. CURRIN: Yes, thank you, Monica. I don't think anybody has any problem with that. I think the main problem that I would have and perhaps others around the table is that whatever goes into place needs to be adequate to generate the information that is going to allow us to do future stock assessments in the absence of fisheries-dependent information on red snapper in particular.

DR. CRABTREE: Back to the MRFSS issue, I believe the program now is officially called MRIP, and that is what is there now.

MR. CURRIN: Okay, if that is the way it is, we believe you and we'll put it in there.

DR. CRABTREE: Well, I'm looking at the website and that is what they call it now on the website, so I believe that to be the case.

MR. CURRIN: So if you go on the website you can't even find MRFSS anymore?

DR. CRABTREE: I think you'll find MRIP.

MR. CURRIN: Okay, then I'm easy with that. All right, the current preferred is Alternative 2, which is to establish a fishery-independent monitoring program to track the progress of red snapper. We did get a report from John Carmichael yesterday on the results of the workshop. He described some good work apparently that group did with a series of modes to address this issue as best it can be addressed with money that's available. I don't know what else we need to do at this point, Rick, here. Cross our fingers and move forward. Duane.

MR. HARRIS: Mr. Chairman, as I said yesterday, I just want to remind everyone that we need to establish a program that the fishermen buy into. If we can't do that, we're going to continue down this road of being us being them, and I don't want to do that. I know Bonnie understands that, so I just want to put that on the record is to the maximum extent we can we've got to get the fishermen to buy into this program.

MR. CURRIN: I agree that is important, and it is going to take some time and some education. As I indicated yesterday, I'm delighted that at that workshop there was some attempt to explain to fishermen the difference in their goals as fishermen trying to load a hold and the scientists who were trying to properly sample a population that's distributed over a wide area.

I think that is not an accomplished task, and it's going to be a continuing education process. I think if they appreciate that, then we're closer to our goal of having them buying into the scientific efforts. Further discussion on the monitoring plans? Dr. Crabtree, did you have anything else here before we leave the monitoring program for red snapper and 17A? All right, Gregg.

MR. WAUGH: Just in terms of timing now, because that's the final action here in Amendment 17A, so what will happen now is the DEIS will publish. Our staff will work with the team to revise this document according to your motions here, get the proposed rule drafted. When we get together in June, you all will review the public comments from the DEIS and make any modifications to the document that are necessary based on those DEIS comments. Then the intent, as we understand it, is to give final approval at the June meeting.

MR. CURRIN: That's my understanding as well, Gregg, and I think that's the timeline that we're going to do our best and need to do our best to meet. We did have some discussions and there were questions last night from the fishing public about the lapse in the interim rule and this amendment, and I think that should be the committee and the council's goal to eliminate any sort of lapse in regulations. It's certainly not going to benefit or help the goals that we're trying to accomplish with this amendment if we have a wholesale fishery out there for a short period of time.

MR. WAUGH: And we will revise this document and give it a thorough editing since you won't see it again after June, so this will be in your first briefing book thoroughly edited for you all to give final approval. I would urge everybody, when you get that, to make sure and go through it because our intent then would just to address any changes that you make at the June meeting based on the DEIS comments. We would anticipate a very quick turnaround. Roy has indicated the timing is tight so our intent would be to turn this around very quickly after the June meeting.

MS. SMIT-BRUNELLO: Depending on the date of the first briefing book deadline and then the date of the end of the comment period for the DEIS, the only thing that you might not see in that first edition – and I'm not sure – would be potential responses to comments received under the DEIS. We'll know better I guess when we get closer to that time period, but you would see that at the council meeting, I would think. You just might not have that in your first briefing book; I don't know.

MR. HARRIS: Mr. Chairman, are we about to leave 17A?

MR. CURRIN: We are.

MR. HARRIS: Then it seems to me we need to have a discussion with respect to this benchmark assessment if 17A is likely to go into effect sometime following the benchmark. If the benchmark comes out and it says the situation is better than what we currently have in front of us, what direction or what options do we need to put in this document so that we can reduce some of the impacts of this closed area?

I'm thinking of having the closed area reduced in size, opened several days each week, all the various things that we might want to discuss and have put in this document as options. I don't know whether we do that now or whether we give staff direction to come up with some of those things and bring them to us in June and working with the team or how we do that. I would just like some discussion about that.

DR. CRABTREE: Well, I guess there are a couple of ways we could go on this. One would be to get the assessment in December that would be new and unforeseen information and request an emergency rule. If that's the route we go, I don't know that you have to put anything in this document. You could put in here it is your intent to review this assessment at the December meeting and request emergency action, if appropriate, if you think that gives you more comfort and the public some.

What we would I think need to do, though, we need to give some thought to how to shrink this area. The most likely scenario – and set aside that the assessment comes out worse, and that's a possibility and we'll have to deal with that, but if the assessment comes out somewhat better, then presumably we would want to decrease the size of the closed area.

That's not a straightforward thing, though, because where you decrease it has different impacts on different states and different people, and that's the problem. Now, we could I guess try to do something like we did in vermilion snapper where we put some framework in there that if it comes out this way the RA does that. It's a lot more complicated to do that than it was with vermilion. The second thing of that is – and that is not in the document now and I don't know if Monica would advise us that would need to go out with a supplemental or not.

I can tell you that if the record justifies that when we come in December if you ask for an emergency action to adjust this closed area, we'll move that through the system as quickly as we can. I think it would only require environmental assessments since we've just went through all of this EIS analysis, most likely. We can make it move as quickly as we can. If you want to go the other route, the vermilion snapper route, I think you would have to come up with a lot of specifics at this meeting and we'd have to put that in there.

MS. SMIT-BRUNELLO: To Roy's point, I think if you were to do what was done in Amendment 16 in terms of vermilion snapper where you specified potential actions – well, not potential – actions the RA would have to follow depending on the assessment outcome, then that would be completely different than any other kind of action in this amendment, and I think that would need a supplemental DEIS for public comment; but if that's the way you want to go, then that's the way we would handle it.

MR. CURRIN: The emergency rule procedure certainly is much more appealing to me at this point. Duane.

MR. HARRIS: I'm not talking about a framework. I guess I should have made that clear. What I was talking is having staff begin work on what the options might be so that we don't have to develop all that come December and looking at what other options might be on the table for either shrinking the area, opening up a certain amount of time, opening it up, having it close two

months out of the year, four months out of the year, just the various options that we might want to look at in December so that we have begun to move down that road to some extent so we're not creating that all at the December council meeting.

DR. CRABTREE: Well, I think what staff needs from you, then, is some guidance as to what your priority would be. Would your priority be to shrink this area geographically as much as you can or would your priority be to make the closed area have a seasonal nature to it? If you shrink it, is your priority to shrink it equally in all dimensions or is it to move it further offshore? It would be good if you could give them some direction because we don't want to ask them to – you know, there could be countless permutations of this thing.

MR. CURRIN: Yes, that's good advice. Duane.

MR. HARRIS: To me shrinking the closed area is the most difficult one to accomplish, and it would not be at the top of my list. I would say I'd rather see the closed area open several days a week for fishing, two, three or four days a week or whatever; or, it only be closed certain months out of the year.

We had testimony last night that there are certain months when they catch spawning red snapper within a certain area. I don't remember where the gentleman was from that made that comment, but he says, you know, I think May and June and September and October were the months when they generally catch roed-up red snapper. That may be an option is that we look at having the area closed during the spawning season for red snapper – that's one option – or just several days a week have it closed and have it open other days of the week. I think those are the two that I can think about now, but there may be others, too.

MR. GEIGER: Roy covered part of it, but my question was we used the Dr. Nick Farmer Model in developing the closed areas; would it be possible for Dr. Farmer to begin to look at the suggestions that Duane had in regards to seasonal-type closures and incorporate those types of questions that Duane asked into your model, and we could stay consistent using that type of technology in coming up with the –

DR. CRABTREE: I think that, yes, that is possible. I think what we're going to have to plan on, though, is set aside a fair amount of time at the December council meeting to hash through this and be prepared to really sit here and work through exact alternatives; because when we leave that meeting, we've got to have you vote on this is what we want you to do. That could take us a whole day of sitting here and coming up with new ways and new alternatives, but we can do as much advance work on it as we possibly can.

MR. CURRIN: Yes, I think some seasonality – if he can incorporate some seasonality, you know, monthly, weekly type stuff into that model would be –

DR. CRABTREE: I think to get to the seasonality you're going to have to have a pretty good difference in the new assessment, and we may or may not get that.

MR. CURRIN: I agree. George.

MR. GEIGER: I do not like the idea of waiting until December to hash through this. Do we not have a meeting in September; did I miss the memo? We've got a council meeting in September that we can begin to hash through this stuff. We also have a meeting in June. There is time between now and June to talk about some preliminary issues, maybe one or two and then move on in September and come in with additional as we begin to talk about it.

DR. CRABTREE: We could certainly at the September meeting come in with some alternatives and things we've looked at for you to review; if not at June. We can do that.

MR. CURRIN: And perhaps even by September there might be some indication from the SEDAR process as to how that might work out.

DR. CRABTREE: Well, the assessment workshop will be over by then; and if every run they're looking at tends to go one direction, yes, that might give us some indication, but there is no way of knowing at this point.

MR. CURRIN: But before everybody starts jumping up and smiling, I would remind you that our change today and our preferred alternative is maybe arguably – I'll just drop the "maybe" – arguably on the very, very edge of accomplishing our needed goal in rebuilding this red snapper stock.

DR. CRABTREE: And I agree with that.

MR. CURRIN: I think that is another issue that as we start talking about modifying and liberalizing measures in 17A as it stands right now, that we need to consider as based on the results of this assessment. George.

MR. GEIGER: One final comment, if I may, this is very important stuff that I don't think we can resolve completely at a council meeting. The earlier we can get this information in the briefing book packet, the better it is going to be for all of us. The last minute over-the-transom with a right hook is difficult.

DR. CRABTREE: Just following up on what Mac said, I would again advise you when you exercise the degree of precaution in your choice of reference points you need to make sure that is consistent with the degree of precaution you're willing to apply to the management measures you're putting in place. The worse situation is to have management measures that are simply out of sync with the reference points you've chosen. You need to bear that in mind as we work through this.

MR. CURRIN: I've got a feeling we'll hear that said again before all is said and done. Charlie.

MR. PHILLIPS: Well, I just want to remind the council that if and when this box goes in place it has effectively reallocated grouper and vermilion to South Carolina and North Carolina. The TAC may or may not be caught because most of the vermilion are in that box. The council voted not to have black sea bass pots in the box. That took away a little bit.

They just need to understand that they have reallocated by default. I don't know if you're going to catch the TAC with the box closed; and if you catch the TAC, I don't know if it carries forward or anything like that. Gregg could probably tell me, but we need to understand that we have reallocated a lot of fish.

MR. SWATZEL: I think we would probably all agree in a perfect world the best way that this could be handled is if we could make our final decisions on Amendment 17A after we get the benchmark assessment. I guess my question would be if for some reason we have a scenario in that the council does not agree to move the amendment forward at our June meeting, I guess what is the downside? Couldn't we continue to work on the amendment and actually have a final vote in December? We're talking about a six-month window is the only amount of time that is between the two.

DR. CRABTREE: Well, I think you'd be in violation of the statute at that point, and you'd be subject to litigation, you would be at risk of Secretarial action and I think we would probably be in a position that the fishery is going to reopen in December for some period of time. I don't see delaying as necessary because I think we have other ways to deal with the new assessment. I would advise you strongly not to go down that path; that we need to take action in June.

MR. PHILLIPS: And to that point, I think we're going to be out of compliance, anyway, because I don't think there is any way that Rick can write NEPA that covers all the things that are going to happen when we put the box in; you know, the reallocation of the B-liners, people moving around, as good as they are – they can't write a NEPA that will cover all of that, so we're going to be out of compliance on something no matter how well we try. If we could have the leeway and leave it closed until we had this assessment and we knew exactly where we were, as best we can, and then made a rule; to me that is logical.

Logic doesn't seem to fit sometimes. Maybe we don't have the leeway but to me that would be the logical thing to do, which we would be listened to by a lot of fishermen. Then we could have much better ideas on where the fish were caught for fishing bycatch mortality and what the fishing bycatch mortality really is and a lot of these other questions that we need to answer and hopefully will be answered in this benchmark.

I agree with Tom, if we could get there and just leave it closed and work on this as our absolutely had to go there measure instead of closing it and then trying to back off of it, I think the rest of the management plans this box will affect could very well be offset.

MR. CURRIN: That would make life easier, Charlie, but I'm not sure it is an option under the law. Monica.

MS. SMIT-BRUNELLO: I'm going to just throw my legal two cents in. I absolutely agree with Dr. Crabtree. We're not at June yet, but I would strongly urge you to keep in mind that I'm going to strongly suggest you approve it in June or there is potential litigation as well as Secretarial action. I think you need to stay the course.

DR. CRABTREE: And, Charlie, I hear what your saying, and we'll write the best document we can, but anytime we take action we can't foresee everything that may happen. That's just the realities of the world. I do regard Amendment 17A as a short-term best we can do, but I think – and I guess we'll talk about this at some other point in the committee meeting, but I think we need to talk about other approaches and other ways we can look at things and start looking at our strategy for reopening these fisheries and readdressing this closed area.

The new assessment is part of that. I think when the Center folks get out and start the monitoring we're going to get a lot more spatial information on where fish are that might allow us to pinpoint these areas more. I think some sort of catch share fish tag program ought to be something on the table to look at this. I think we need to forge ahead on that one as quickly as we can, and I think everything ought to be on the table when we do that.

MR. WAUGH: Looking at the workload that you all are suggesting and the need for alternatives in September, if you just step back for a moment, red snapper is going to be big at the June meeting. It is going to be big at the December meeting. Also, at June you will start to see the results from the SSC on our other species, both those that are data rich, more importantly those that are data poor. We have the Comprehensive ACL Amendment that is on a deadline as well.

You're going to be presented with some very difficult choices there as well. We had been thinking of trying to devote more of September to really start getting into that Comprehensive ACL Amendment. Now, it doesn't mean that we can't red snapper, but that's really a time when we have to focus on our Comprehensive ACL Amendment that is going to be addressing all of our other species in between what we see as a huge amount of the agenda both in June and December being devoted to red snapper.

MR. CURRIN: Thanks, Gregg, for a reality check. We do need to keep all that in mind. Roy.

DR. CRABTREE: I agree with Gregg, all that is there is going to take time and there are deadline and we've got to get that done. On the other hand, I intend to take up Monica Medina's offer for assistance to us and headquarter's offers and request that they provide us with additional resources.

If we've got to ask for an emergency council meeting, we can ask them to give us the additional funds it would take to do that and try to make sure that we get the resources brought to bear to help us address some of these things because I don't think – I know we've got to get these things done, but on the other hand I don't think any of us want to tell the public that we're too busy to address this right now, we're going to have to wait a couple of years.

To me that is just not acceptable so we're going to have to figure out a way to make this happen and we'll ask for the resources that we need to do it and hopefully we'll get some of those and can make some progress.

MR. CURRIN: Yes, I think everybody is willing to make that commitment as well, Roy, to the best of our ability. All right, anything else on 17A at this point? I would note, and Duane

pointed it out because I forgot it on my agenda this morning, that Dr. Holiman was scheduled to give us a presentation on the economic impacts.

He was sick, could not attend, and his information, rather than being presented to us, will be incorporated into the document in the future or as soon as possible and presented to the SSC in April. Let's take a break and be back here ready to go at 1:00.

The Snapper Grouper Committee of the Whole of the South Atlantic Fishery Management Council reconvened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Thursday afternoon, March 4, 2010, and was called to order at 1:00 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: We will resume the Snapper Grouper Committee. We're going to move into Amendment 18. Kate is going to talk about some suggestions from the staff for consideration by the committee regarding possibly restructuring 18 to some degree and get your reaction to that. If you feel strongly that there are measures that not mesh with the suggestions, then we can have some conversation about that and consider whether those should be or need to left in Amendment 18. Just kind of take a look at the future based on some of the input and desires that we've heard expressed by some of the council members that may lay out a more cogent plan toward the future. All right, Kate, let's jump into 18.

MS. QUIGLEY: Before we get into the actions and alternatives in Amendment 18, I want to let you know that NMFS staff and council staff got together yesterday and we talked about how to incorporate some of the suggestions and the requests that we heard during the Catch Shares Workshop and the Catch Shares Committee on Monday. What we talked about was a possible amendment reorganization, so I'm going to over some of the ideas that we came up with and see what the council thinks and if some reorganization is something that you would like to see.

We talked about Amendment 18 first with regards to the snowy grouper action. In 17B snowy grouper will no longer be able to be fished due to the deep water closure, so we just assumed that action would probably be removed by the council. That's for you guys to decide and make a motion to do that, but probably be removed for that reason.

We talked about moving the golden tilefish actions and black sea bass actions to a new Amendment 21 where Amendment 21 would incorporate catch share type options that would be compared to trip limits and to endorsements. Amendment 18 would keep the northern expansion action, the EFH action associated with the northern expansion and data improvement action.

I'm just going to go through this so you'll have a full understanding and then we can talk some more. That is all that would remain in Amendment 18. Amendment 20, we would move the wreckfish management reference point, spawning season closure and recreational allocation actions to the Comprehensive ACL Amendment.

We would keep the Wreckfish ITQ changes to the program actions in Amendment 20, and that's to allow any further complications that come down the line we can delay this, but we cannot

delay the implementation of a wreckfish ACL so we would put that into the Comprehensive ACL Amendment so that the Wreckfish ITQ Program Amendment would not be delayed.

MR. GEIGER: And it's just an editorial nitpick, but in the Catch Shares Policy it refers to all IFQ catch shares, LAPPs, ITQs as catch shares. Can we begin to uniformly use the catch shares terminology so that we're not going back and forth?

MS. QUIGLEY: Yes, we can. I was just referring to the Wreckfish ITQ Program because that's what it's officially called in Amendment 5, but I can do with this whatever terminology people are comfortable with, sure. We can do that; we can call it Wreckfish Catch Share Program. The Wreckfish Catch Share Program would remain in Amendment 20.

Then we talked about a possible Amendment 21 with having trip limit actions, effort and participation reduction and endorsement actions, so this would include the black sea bass participation and effort reductions that we talked about in Amendment 18 as well as the golden tilefish endorsement.

Then we talked about catch share action for all quota species except snowy grouper, vermilion, golden tilefish, black sea bass, gag, greater amberjack, red grouper and black grouper. This would include analysis of an ITQ-type catch share, cooperatives type catch share, RFA or regional fishing association type catch shares.

Even those two things, cooperatives and RFAs need to be organized by the fishermen there would still be talk of them in the amendment, and a CDQ or community development quota component type catch shares, all different kinds of catch shares and not just an ITQ, but something for small part-time vessels into that.

We talked about basically just putting all of this catch share stuff or things that would be compared to catch shares into a new Amendment 21. We also talked about Amendment 22 being a long-term red snapper management type amendment. We didn't talk about what alternatives. – of course, actions would be in there, but it would just be reserved for long-term red snapper management.

The purpose of this was to – we talked about previously in the workshop and in the committee that we need to come up with some sort of options paper for some sort of catch share program compared to trip limits and possibly endorsements of vermilion, golden tilefish and black sea bass, so we talked about that.

Now, since we have black sea bass actions in Amendment 18, we have got golden tilefish actions in Amendment 18, we thought, well, why don't we bring that into Amendment 21. We do understand that maybe you want to move those things along a little quicker. Amendment 21 would move those along. Anyway, this is what staff talked about and proposed as a way to move Amendment 18 along. Right now the golden tilefish catch share program is being designed in Amendment 18. It is very nebulous. We don't have actions and alternatives fully fleshed out.

MR. CUPKA: One thing I was hoping that we would at least consider as part of 18 was this request by some of the fishermen to consider changing the fishing year for black sea bass. It seemed like 18 would be the place to do it, but now if we're going to move all those sea bass actions to Amendment 21 it is really going to postpone taking any action.

They could get some much needed relief I think if we did change that fishing year, but I don't know when now that it would be delayed doing that to a later amendment. Not knowing that the council would even do that, but I know several of us were contacted by some of the fishermen and we at least made a commitment to them to bring it up as a possible action, thinking that if we do something, we might be able to do it in 18, and it would possibly get in place in time to give them some help this coming year. I guess if we move all of that to 21, if we did decide to do something, it is not going to give them much relief this next winter season.

MR. WAUGH: If you remember, Amendment 18 has already been out to public hearing, so our hope was to get your guidance at this meeting and then give final approval for Amendment 18 at the June meeting and be done with 18. If we add new items to it, then we have to go back out for more public hearings.

DR. CHEUVRONT: It looks to me like we're trying to group a suite of different – well, it's sort of allocations, but it's sort of trip- limiting things here, and I'm not against that idea. I think it would be a great thing, but I would like for us to consider trying to make this a little more exhaustive in that list, and I would like staff to think a little more about that.

The one that popped to mind for me is I think this would be a really good place for us to have a comparative look at state-by-state and regional allocations as well as a potential management measure. If we don't go through with catch shares for some of these fisheries, some of these other types of allocations might be something that would be worthwhile that we would want to consider for some of these species. We have talked about that. I know North Carolina is very, very interested in the idea of having some other kind of quota management because we can manage a state-wide quota for just North Carolina.

By dropping snowy grouper because that's now covered in 17B, that is where we had initially said we were going to discuss the idea of a state-by-state or regional management for this. I don't want to lose that as a potential item for discussion. If we're going to push it back to 21, I understand that, and that seemed to be the logical place for me.

I was just wondering if there are other types of management measures that similar to this that the council needs to consider that might want to be added to Amendment 21. I know if there are other things. I just wanted to point that out that maybe we should consider some stuff there.

MR. GEIGER: The thing that strikes me first is the number of actions that are included in Amendment 21 and it is looking like Amendment 13 used to look where that broke that down into multiple segments, and 17 as well. Unless under the catch shares we're going to have a template and you're going to have some savings because you're going to apply each of those species into some form of catch shares template, which is going to make it easier, it just seems that is an awfully ambitious amendment based on what I've seen the past. I can see this being

broken down as being too complicated and being divided up as we move down the road, further exacerbating the black sea bass issue and the golden tilefish issue.

MS. MERRITT: I pass, Mr. Chairman, because my items have been covered. However, can we go back to the 18 discussion after we're finished with this?

MR. CURRIN: It is all on the table.

MS. MERRITT: Okay, well, then, back to 18 I would like to go ahead and readdress having the black sea bass request from the fishermen that their season to be changed and whether or not we can do that. I think Gregg said that we couldn't because it has already gone out to public hearing?

MR. WAUGH: No, I just said that Amendment 18 has already gone out to public hearing and that action was not included, and our current timeline was to get your final actions at this meeting for 18 and then bring it back to you in June for final approval to submit it to the Secretary. If we add another alternative to Amendment 18 that hasn't been out to public hearing, then we'll have to go back out to public hearings, and it would slow down Amendment 18.

MR. GEIGER: Are the actions on golden tilefish and black sea bass that complicated that we've got to move them? Why can't they stay where they are and let us move forward with those actions?

MR. CURRIN: That's kind of what we're discussing right now, so let's get everybody's kind of initial reaction and then we'll go back to try to lay out a plan, because I have some problems with it personally.

MR. GEIGER: My initial reaction is to leave sea bass and tilefish where they're at.

MR. CURRIN: Okay, Rita, continue, and, Monica, you've got something to George's point?

MS. SMIT-BRUNELLO: Well, it's actually just something Gregg just mentioned about public hearings. Couldn't you have a public hearing, Gregg, at a council meeting or are you talking about the process that the council developed where they take a number of things out to the public once a year or that one process you were trying?

MR. WAUGH: Well, it would depend on how the council felt on whether they thought a public hearing in Orlando, Florida, in June would suffice for a black sea bass fishing year change. I would suspect not and we would want to have more. More importantly, if you look at the stack of amendments that we have that we're dealing with, if you're adding an action to Amendment 18 now, then we would be hard pressed to give final approval to that amendment in June. We would sort of want your final guidance in June and then it would slide over to September.

MR. HARTIG: To that point.

MS. SMIT-BRUNELLO: I noted in Amendment 17B, which is not yet approved by the Secretary, your framework allows you to make changes to the fishing year, so that's a possibility, too.

MR. CURRIN: Is that what you were going to say, Ben? Yes, and that's an idea I had regarding several of things including the trip limits that might could be looked at through framework.

MR. HARTIG: Certainly, I'd like to see us move ahead with the tilefish stuff and the sea bass things. There is a date certain criteria for setting those endorsements up and we've already gone to public hearing. If we move this back any farther, we're getting farther and farther away from those dates certain.

We have more people getting into the tilefish longline fishery now that are going to be coming to you all and going, you know, I want to stay in this fishery because we haven't taken care of this earlier. The other thing is these are bridges to the LAPP or the catch shares possibly. We need to build these bridges now and stay on task with these so hopefully we'll get to the catch shares in the future.

MR. CURRIN: Yes, and that's kind of how I view the trip limits as well, Ben. We've had problems with vermilion this year, we've had problems with black sea bass with the fisheries closing very early. We've had considerable interest from the industry about some trip limits to try to make those fisheries last longer if we can and address some of the financial concerns that people are affected by when these fisheries close for long periods of time. Duane.

MR. HARRIS: I would just like some sense of the timeline of all these things. What are we looking at if we change these amendments around and add these other amendments. Where are looking at seeking final council approval for these amendments because I can't see voting on this change without knowing what we're doing with respect to timelines.

MR. CURRIN: I suspect that maybe staff can give us a broad guess at what that might look like.

MR. WAUGH: For Amendment 18, our hope was to finish that at this meeting and final approval in June. 17A we would be finished with in June. The one that has a statutory deadline associated with it is the Comprehensive ACL Amendment. That is the one I was talking about this morning that we were hoping to spend time with some in June but then a good bit of September.

Our current timeline for that Comprehensive ACL Amendment has us approving for public hearing at the December meeting and finishing that up at the March meeting and final approval in June 2011. Then we have an issue with Amendment 20 that has the Wreckfish ACL. If we move that into the Comprehensive ACL Amendment, then that takes care of that statutory deadline.

Then the other actions that deal with catch share programs aren't on a statutory deadline and they would fall after the Comprehensive ACL Amendment. We would be looking to approve those

for public hearings sometime early in 2011. There is no timeline associated with them now, but just looking at finishing up the others.

MR. HARRIS: Mr. Chairman, that covers all of these amendments that are up there right now that we were just talking about. We've covered 21, 22 and whatever. If it doesn't that is what I'm kind of looking for is these amendments that you have up there now, I want to see what is in them and when we're looking at addressing those issues.

MR. WAUGH: And I think Kate could elaborate on this, but the idea with just addressing wreckfish in 20 was to work out an outline for an amendment that would then save a lot of time with 21. Realistically for 21 and then 22 is red snapper, I believe, you would be looking at approving those for public hearings – 21 sometime in early 2011 would be the earliest that I could foresee right now. However, depending on the level of assistance we get out of that D.C., that could change this, but it also may require another council meeting.

MR. HARRIS: Well, that's no problem.

MS. SMIT-BRUNELLO: Gregg, I want to make sure I heard you correctly in terms of Amendment 18 as it exists right now. The current schedule has the council approving it in June?

MR. WAUGH: Yes, for 18 now the current schedule is to give approval at this meeting and then review the final document in June.

MR. CUPKA: A question for Monica; maybe you could, if you don't mind, remind us what would be involved in terms of doing a framework action and how long that would take.

MS. SMIT-BRUNELLO: Well, you do not have the 60-day comment period on the amendment because those kinds of framework items have been addressed in an amendment, so you have a shortened review time period there. Then you would have a comment period on a proposed rule; likely 30 days. That's the usual rule comment period. Then you go to final rule.

That doesn't discuss, however, developing the document, and I'm not sure how much more additional work would need to be done in pulling it out of where it is now. If we're talking about, for example, a black sea bass fishing year change, pulling it out of where it is now and putting it into another document and then dealing with that way, but ideally what really takes the time for public comment is at the proposed rule stage.

MR. CUPKA: I don't believe it's a matter of pulling it out because I don't think there is anything in there right now. This issue just came up so I don't know that – there hasn't been any work done on it, really, so you'd be starting from scratch.

MR. CURRIN: Well, David, keep in mind that there was a heck of a lot of work done on it in a previous amendment and some of that analysis and the like would have to be updated. There is likely some boilerplate and the like that might make it relatively easy to pull together or least provide a template for analysis from a previous amendment. Monica.

MS. SMIT-BRUNELLO: But, I should have added a large caveat with that. You can't do a framework to change the fishing year until Amendment 17B has been approved and implemented by the Secretary. That process hasn't really even been started yet.

DR. CRABTREE: Why couldn't we just add the fishing year to Amendment 18, take final action on it in September, and somewhere between now and then go up to the North Carolina/South Carolina line and have a public hearing and then we could have another public hearing in Orlando and we could have one at the Charleston meeting.

I'm not convinced that 18 is going to be ready for final action or at least as ready as we'd like it to be by June, anyway. We took final action on 17B at the last meeting, but we had so many edits and changes after the fact that it is still being edited and all that. It seems to me we could add – if it's just a fishing year change, we could add it into 18 and take final action in September and get all this stuff done.

MR. MAHOOD: I would like to point out the schedule that we're trying to adhere is the one the council put us on; so obviously if the council wants to take a little longer to develop 18 or whatever, that's the council's decision and not the staff.

DR. CHEUVRONT: Given the last couple minutes of conversation we just had, if it does get pushed back to September for approval for Amendment 18, my comment was actually going to be asking staff about the additional burden. I mean why would they suggest pulling golden tilefish and black sea bass out of Amendment 18 in the first place; was it because of the timeliness of trying to be able to get the actions done and get the amendment prepared and so they needed more time for that? I guess I'm not sure what their reasoning was for moving it out and if we wanted to put it back; what kind of a burden was that going to place on folks?

MS. QUIGLEY: You're not really putting it back; you're just not taking it out. That's not a burden at all. The reason for taking out the golden tilefish catch share alternatives was that it has been largely undeveloped, so taking it out would move 18 forward very quickly, more quickly than it would than going through a whole entire catch share program. That was the purpose for taking out the golden tilefish catch share.

The reason for taking out the black sea bass trip limits and participation and the golden tilefish fishing year and endorsement was that in Amendment 21, that being a catch share type amendment, it needs to be compared to something. The thing it would be compared to would be trip limits, endorsements, limits on participation, so we thought, okay, wouldn't that be convenient as long as you didn't want to move it ahead. Now, obviously, we realized that some people want to move some of those things ahead.

DR. CHEUVRONT: To that point, Mac, I think though given some of the urgency that is going on in these two fisheries, like there is more participation going on certainly in black sea bass, that as people are getting pushed out of these other fisheries, I think there are some issues there that this council needs to address sooner rather than later to avoid problems that we're going to face that going to get worse in the future. The derby is going to get worse, and I don't think there is any other way that we can see this fishery headed.

MR. MUNDEN: Going back to the question that Dave Cupka raised as to the length of time it takes for a framework action, the Mid-Atlantic Council framework actions normally take six to nine months.

MR. WAUGH: Just to follow up on something Bob said about the schedule, what I was relaying was the schedule you all have previously approved. Any changes you all want to make is entirely up to you. Also, this idea of rearranging these actions, this isn't something we did on our own. This was a direction from the Catch Shares Committee on Monday.

We were asked to work with the regional staff and put together these suggestions and then surface them here. I don't want you to think we're sort of thinking up ways to divvy and split stuff. This is responding to directions from the council's committees.

MR. CURRIN: Thank you for that very important reminder. All right, we've heard a whole lot and we need to organize this in some way. Let's start with 18. We've got the suggestions as a result of Catch Share Committee actions to try to address the desire to move quickly with a look at some catch share options for the snapper grouper fishery in particular.

This is one way at least the staff has thought of that could be accomplished in a more timely manner than finishing what we've got going on right now and have been moving into that. We know the importance of red snapper and they have acknowledged that by setting up another Amendment 22 to look at that.

I'm hearing some desire from a number of people and I share some of those to move ahead with black sea bass issues. I think Ben would like to see the endorsements at least for golden tile move ahead. The thing I think I mentioned the other day was the possibility of looking at trip limits in the vermilion and the black sea bass fishery through a regulatory amendment, which could move more quickly; as Red indicated in the Mid-Atlantic at least six to nine months, something like that.

To me, Brian, we've got issues in the black sea bass fishery; one with participation, but we've also got issues in the black sea bass fishery and the vermilion this year least. I presume those will continue in the near future regarding seasons ending very, very quickly, which is burdensome and difficult for the fishermen.

I presume that we could move a regulatory amendment fairly quickly to deal with analysis of trip limits for those two fisheries, which would address part of the problem. If the desire of the committee and the council is to keep the black sea bass and golden tile endorsement issues in 18, it looks like perhaps June but maybe September 18 could be approved with those measures in them. They've already been out to public hearing. What is the committee's desire and let's start with 18, understanding all of this on the board here. Duane.

MR. HARRIS: Well, I'm not so sure this does start with 18, but it just occurs to me that it seems that trip limits and fishing year changes need to be somewhat tied together because we might change the fishing year and fix the problem with the derby fishery without having to go to trip

limits, and then trip limits could be considered in the Catch Share Amendment. If we just change the fishing year, I don't know if that is going to change, without looking at numbers, change this derby fishery because it may simply shift it to another area. I think they're somewhat tied together.

MR. CURRIN: Yes, I would agree that is the case. Other thoughts? David.

MR. CUPKA: That's true, Duane, except in the case of black sea bass where the majority of the fishery is right there, I don't think that's going to switch to another area.

MR. HARRIS: But he said 10 percent of the quota off of Florida.

MR. CUPKA: Well, that's true, but the majority of the fishery is right there and is.

MR. CURRIN: Which I think speaks to the need to start looking at the participation and effort limitation in that black sea bass fishery, which is what 18 was supposed to do, at least begin to address that. Kenny Fex from Snapper Grouper AP had a comment.

MR. FEX: Kenny Fex, Snapper Grouper AP. I would like to say that maybe if you split the season on the black sea bass and start half when it starts in June or July, whenever you start it, and then half in January. What would happen then is the black sea bass pot fishermen would go black sea bass fishing; and then the vermilion snapper, like I would go vermilion snapper, so then I wouldn't be getting into his fishing area because I've got my own fishery at the same time. You would be opening both seasons at the same time, so I wouldn't be doing the black sea bass and then I would be doing the vermilion, so that might help that. I've talked with people up north to me that do the black sea bass. They see trip limits as being the thing; and also size limits, bringing it up to 12 inches would be an also thing that would limit the amount of fish brought in with a better quality of fish. I just figured I'd interject on that.

MR. CURRIN: Thank you, Kenny. Keep in mind we did split the vermilion season last year thinking that would help some, and it ended in September after starting in June. I don't know, but there are no trip limits there and perhaps trip limits would help that some. If it extends it by another month or so, I think it would help some people at least and make other people mad. All right, what do we want to include in 18, either leave or add if you want to, and that will by process of elimination perhaps help better define 20, 21 and 22? Roy.

DR. CRABTREE: Well, are we going to go through Amendment 18?

MR. CURRIN: Once we decide right now what the committee's desire is as far as what is going to be in 18.

DR. CRABTREE: Well, wouldn't it make more sense to go Amendment 18 and then talk about what we want to take out and what we want to leave in because I'm not sure everybody here remembers exactly what all is in Amendment 18.

MR. CURRIN: Well, we can do that if that is the desire of the committee. That may help; that's probably a good suggestion, and then we can decide. One thing the staff suggested that makes a lot of sense to me is to take the catch share program for golden tiles out of 18, but we'll get to that as well. All right, with all that as background, that's a good suggestion, Roy. Let's go ahead, Kate, and let's move through 18 and then we'll see how it ends up.

MS. QUIGLEY: Okay, we're looking at Attachment 8 in the Snapper Grouper File, Amendment 18, PDF Page 38. Action 1 extends the Snapper Grouper FMU northward. No wording has changed at all since the last council meeting. I believe the council had a question for Monica about how necessary this action was to take in order to fulfill ACL requirements. I think she has an update for us.

MS. SMIT-BRUNELLO: I've been thinking about this issue and it has kind of really been bothering me. I kind of talked with some of my colleagues about it. I guess what is bothering me is the fact that we have established – this action would extend through all species in the FMP except those you except out, black sea bass, golden tile and scup.

If we use let's say snowy grouper as an example, because we know there are landings now that are occurring off of Virginia. The current – I say current; it is kind of several years old at this point – the current stock assessment for snowy did not account for that fishing mortality either because we didn't know about it, most likely, or because it didn't occur at that time. I'm not sure.

You have the ACL requirements in which you're tasked with really accounting for all fishing mortality. In 17B, at least for the commercial ACL we essentially adopted what was put in place in Amendment 13C in terms of commercial quota and those sorts of things or a commercial ACL. Then a recreational ACL was also established.

That ACL didn't take into account the mortality off of Virginia so the question is how and when do you do that. One way, a long-term solution and maybe it is the best one, is to extend the FMU northward and then at your next stock assessment for a number of these species start to account for all that mortality that you know is going on up there and then I guess set a separate ACL for that piece of the ACL for that section or however you want to do it. I guess that's a little bit maybe downs the road.

The other is another option when I was looking at the National Standard 1 Guidelines is I read through them and I tried to find maybe something that would be an analogous to this situation, and the part I found in the guidelines addressed ACLs for state/federal fisheries. I would like to read to you a little bit:

“For stocks or stock complexes that have harvest in state or territorial waters, FMP and FMP amendments should include an ACL for the overall stocks that may be further divided. For example, the ACL could be divided into a federal/ACL and a state/ACL. However, NMFS recognizes that federal management is limited to the portion of the fishery under the federal authority” – under the council's federal authority really is what they mean.

Then they talk about trying to get with either or the territory's authority or the state's government in terms of matching up compatible regulations and those sorts of things. I guess in wandering through the desert here on the ACL rule I've decided that you do have a little bit of flexibility in terms of when you decide to extend the FMP northward and then account for the additional mortality that you know is going on and maybe you want to wait until you get certain stock assessments that take into account the mortality and then apportion it accordingly.

What I was thinking was that – and I've talked with my colleagues about this and the fact that you should in these regulations for this particular situation I think is really analogous to your present situation where you manage in your area and you don't manage up in Virginia, but you know that there is fishing going on. I'm saying that you could either do it through this amendment or you could address it more long term down the road.

MR. CURRIN: So if I read you correctly, then we would be in a reasonable legal standing if we did not address this extension in this amendment; is that correct?

MS. SMIT-BRUNELLO: That's my read, yes. However, if you want to go ahead with it, that's fine, too. I'm just thinking that you probably don't need to put it in this amendment.

MR. CURRIN: And I thought I heard you say as well that your first option on that, which was kind of a long-term approach to this, that we could extend the unit but not address the apportionment of the ACL to that area until the next stock assessment or did I misread you?

MS. SMIT-BRUNELLO: Well, no, I think that's where I was going. The problem comes in – and this is what has been driving me kind of crazy – is that you know that there is mortality going on so I guess you would just – you wouldn't want to turn a blind eye to that. It is a difficult conundrum, I guess.

MR. HARRIS: So those fish that are caught in Virginia and landed wouldn't be counted against the ACL that we establish in our Comprehensive ACL Amendment or wherever we establish it?

MS. SMIT-BRUNELLO: Well, for snowy grouper, for example –

MR. HARRIS: That's what I'm talking about.

MS. SMIT-BRUNELLO: – you've already established in 17B and it wasn't accounted for is my thought in that because what you did in 17B is you adopted – at least for the commercial sector you adopted the measures that you put in place in 13C when you really ended overfishing and started to rebuild and drop down the quota in terms of what the commercial people could catch.

MR. HARRIS: I appreciate you reminding me of 17B. What I'm not understanding is they were not accounted for. Those landings were not accounted for in 17B. I don't think they were.

MS. SMIT-BRUNELLO: I don't believe they were when you set your ACL.

MR. HARRIS: And so our ACL can stand even though we know that those landings are occurring; and if we don't extend the management unit now, does it mean anything, I guess? I mean the landings are going to continue to occur theoretically, so what happens? Good question.

MS. SMIT-BRUNELLO: Good question.

DR. CHEUVRONT: Based on the SEDAR Committee's recommendation that they're going to make I believe is they're suggesting that there be a snowy grouper update assessment in 2011. If we are including data that we didn't include before in an assessment, are we still doing an update or are we now doing something different?

MR. CURRIN: No, I think that's an update. We're just looking at additional landings' information, perhaps new aging information. The model is not going to change; this would be an update.

DR. CHEUVRONT: Okay, which may be, but that's just one of the questions that I had. The other is this sounded to me like from what Monica was saying, though, is that we know these landings are occurring, that we've got some wiggle room for right now, but sounded to me like that when we do another assessment, because we know these landings are occurring, we need to include them in that, and so do we need to have the issue of a northern management unit resolved by the time we deal with the results of the next assessment, which sounds to me like it could be some time the end of next year, so do we just need to go ahead and make decision now?

MR. CURRIN: I think I heard her say is we can make them now or we can wait until we get that assessment done and then do it now. From my perspective we've got it pretty fleshed out and an agreement with the Mid-Atlantic Council and the New England Council now to extend the unit. Their biggest fear is that we're going to hit them with an ACL that says they can catch 12 snowy groupers between the two councils.

That aspect of it, again, from what I read from what Monica says is that we can delay that until we do get the new assessment, account for the landings which are being collected up there now, perhaps some aging structures from there which also were not a part of the previous assessment. We didn't know the stock existed there basically at that point. It may change the assessment in some way; is that correct?

MS. SMIT-BRUNELLO: I think so. I mean this is kind of a difficult issue as all the issues are you guys have, frankly, but, yes, that is kind of my read on it. I'm certainly not advocating you take it out of here. If you want to leave it in, like you say it is pretty well fleshed, but I guess then it gets to how and when you're going to deal with the fishing that's going on up there.

MR. CURRIN: Well, there is no question, Duane, that we are going to have to deal with it eventually. Gregg.

MR. WAUGH: And at your next meeting you'll be looking at the results of a red grouper stock assessment which probably do include data from the Mid-Atlantic area.

MR. MUNDEN: The Mid-Atlantic Council still supports the extension of the management unit up into its area of jurisdiction. I have had no communication from anyone from the New England Council although their liaison has been present at the Mid-Atlantic Council meetings when I have updated the Mid-Atlantic on Amendment 18. Of course, on the part of the South Atlantic as to whether or not they want to go further than the Mid-Atlantic, we do support the extension of the management unit.

MR. CURRIN: All right, my inclination is to suggest to the committee – it's merely a suggestion – that we continue to include this issue in 18, take care of at least part of our problem now; and then after the new assessment we can deal with the ACL issue that seems to be okay with general counsel. Duane.

MR. HARRIS: To the point that Red made about the New England Council, when I was in Boston in May at the CCC meeting Rick Robins and John Pappalardo and I met and we discussed this issue and we all agreed with what is in our management plan they would agree to. I think the New England Council does endorse the extension of the management unit, and I don't think they're going to have any problem with that.

MR. CURRIN: Other thoughts from the committee on this particular issue and how to deal with it? Everybody pretty clear on what we can do and need to do? What is your desire; leave it in?

DR. CHEUVRONT: Mr. Chairman, to move things along, I would like to make a motion that we make Alternative 3 our preferred alternative.

MR. CURRIN: Okay, let's see if we can get that up on the board and get a page number for everyone here. It is Page 38, I believe, which is where Kate had us before. Brian's motion is to select Alternative 3 which extend the management boundary for select snapper grouper species northward to include the Mid-Atlantic and New England Council jurisdiction. Second by Duane. Discussion? Any objection to that motion. I see none and that motion is approved. All right, we have a preferred for extending the FMU. Wilson.

DR. LANEY: Mr. Chairman, I'm not on your committee but I had a question, and that is if you extend the management unit does that mean that EFH gets extended as well?

MR. CURRIN: That is a separate action and we're going to deal with that next. Monica.

MS. SMIT-BRUNELLO: Before we go to the next action, Kate, I have some questions on this one in terms of what the council wants to do with permits. If the FMP is extended, is it your intent that any commercial fishing that is from the Virginia/North Carolina border north would or would not need the current snapper grouper commercial permit that is required to harvest over the bag limits? I would suggest that whichever way you go on that that we make clear in here so that it's clear for the public and then everyone else.

MR. CURRIN: Yes, I think it may require some modification to Alternative 3 as it currently exists in the document now regarding the ACLs and our desire and intent to specify those for the

sectors. Perhaps a note stating that upon the completion of the next stock assessment and/or update that those actions will occur; does that sound reasonable? Gregg.

MR. WAUGH: The way this is worded now and the way it has been presented to the Mid-Atlantic Council is the South Atlantic will set MSY, ABC, minimum stock size, OFL, ACL and then allocate a portion of the ACLs to the Mid-Atlantic; and under Alternative 3 to the Mid-Atlantic and New England Councils.

It would then be up them to establish whatever regulations, including permits, that they thought were necessary. All we would be doing is saying here is your total allowable catch. They would be responsible for determining how that is divided up recreational/commercial, what the measures are. The one thing that does need to be clarified – and I think we lay this out in here, however, NOAA Fisheries Service, Southeast Region or Northeast Region must ensure that the actions will keep the total mortality at or below the levels.

I think we need to clarify that since the Mid-Atlantic and New England will not be adding these species to the management unit, there is no regulatory structure for them to tie the regulations to, so those regulations would come – the recommendations from the Mid-Atlantic and New England would come to the southeast region to be implemented via our regulations. That is a wrinkle that will have to be worked out. The way it's set up here now is we just give them a total number and they develop all the regulatory measures associated with limiting that catch.

MR. CURRIN: And that was at their request, I do believe. Monica.

MS. SMIT-BRUNELLO: Then I would put in the discussion that it is not the council's intent to require a commercial snapper grouper permit for that area or however we word that, and staff can work – we can work that part out, but I just wanted to make sure that was your intent.

MR. CURRIN: Yes, thank you, and I think that's the intent. Is everyone comfortable with giving staff the latitude to deal with the modifications to Alternative 3 that we just approved to make sure the intent is clear regarding the establishment of the separate ACL for those two areas and that it will not occur until after the next update for snowy grouper. I think that is the intent; is that correct? Are you guys okay with that?

All right, I just didn't want any confusing language in there that would lead somebody to believe that upon passage of this we're going to be mailing them an ACL and they're going to have to deal with it immediately because that's not the intent from what I hear around the table. Okay, are we clear? Now the issue of EFH, Kate.

MS. QUIGLEY: Action 2, we're going to call Roger forward to do some explaining for this next action, designate Essential Fish Habitat and EFH-Habitat Areas of Particular Concern for snapper grouper in extended jurisdictional areas under Action 1. I'm going to call up a few documents. We have got Alternative 1, no action; Alternate 2, designate EFH and EFH-HAPCs or snapper grouper in the northern areas encompassed in Action 1. What I think the council talked about as the preferred in the past, it has not identified officially as the preferred,

Alternative 3, track the Mid-Atlantic Council's EFH and EFH-HAPC designation. I'm going to let Roger do a little talking about these.

MR. CURRIN: Okay, Roger, tell us what you found out about what they're doing up there.

MR. PUGLIESE: Okay, in order to get this down about center and contingent on the movement forward on the extension of the plan, designation of EFH with the idea of looking at what has already been developed desired by the Mid-Atlantic, it is very clear that they are willing to be able to provide this.

What has been provided to you are the EFH designations for black sea bass, golden tilefish and scup. The idea is to look at, at least to begin this process, to look at those as potential proxies for the complex, the extension to the north. In addition, the second document was provided, it provided EFH for goosefish, so that you at least had some of the deeper water areas and one that extended all the way through the bound of New England.

Now the other areas do actually – the EFH designations are for the entire Mid-Atlantic and New England for those other three species. This was a first attempt to lay out the specific designations and track what the Mid-Atlantic has accomplished for these species; in this case, as I mentioned, the opportunity to look at it as a proxy because of the mid-shelf habitats, the deeper water habitats, some of the ones that would be essentially similar to many of the species that are going to be proposed for management.

The other consideration in the EFH designation is the fact that as that is designated, once you move past North Carolina, those areas then get into the loop of the Northeast Regional Office in terms of their entire EFH process, permit review, et cetera, so all of that ends up being part of the northeast operations for prosecution and implementation of the EFH designation. I talked specifically with Red about this and then how this even dovetails with some of their management actions that conserve habitat in the region.

MR. WAUGH: And what the intent here with Alternative 3 and what Roger has just touched on is this would track the EFH and EFH-HAPCs that the Mid-Atlantic has already established and established for similar species; so rather than us getting up in their jurisdiction and trying to pick areas, we're using EFH for similar species and just applying that for snapper grouper.

MR. CURRIN: And I think that makes them comfortable and makes me comfortable. Roy, you don't look comfortable.

DR. CRABTREE: Well, one, I'm not sure they have a similar species. As best I can tell snowy grouper are in a pretty limited amount of area and mostly off of Virginia and what I hear about the Norfolk Canyon Area, but not much more than that. Then you start talking about these other species, they seem much more broadly distributed.

MR. CURRIN: Well, Gregg just reminded me it is not solely about snowy grouper, although that's the focus because of the catches up there. I think the addition of monkfish or goosefish, which tends to be a little deep water species at least part of the year, I think their hope and intent

is that might also help capture some habitat at least adjacent to if not including snowy grouper habitat.

DR. CRABTREE: Well, I'm sure it would capture it. My concern is it goes way, way beyond where any of these snapper grouper species actually occur. The other concern I have is this action in this amendment; I mean there is virtually nothing here right now. There is a paragraph, and yet we're talking about taking final action in June. It seems to me this isn't anywhere close ready for final action unless I'm missing something.

MR. CURRIN: And I think the selection, if we get that far, of a preferred here may help with direction to the staff to flesh out this document more fully.

DR. CRABTREE: But there is no analysis or anything here it seems to me to base the selection of a preferred on. All we have is about a five-sentence paragraph.

MR. CURRIN: Well, I think there is a fair amount more than that, to be honest with you, Roy, and from my perspective at least it's a matter of rationality and logic as opposed to our council going up there and starting from scratch with trying to define EFH-HAPC for species that we just found out existed up there. Granted, we know about where they are. In defense of the Mid-Atlantic Council they've already designated some of these areas as special gear zones.

I forget what they're called, Red, but there are some designations and protections that the Mid-Council has in place right now that do encompass specifically the habitats where the snowy grouper and gray tilefish occur. I'm pretty comfortable with trying to move, but I may not provide you with my level of comfort. Monica.

MS. SMIT-BRUNELLO: Well, I guess a couple of questions. One, just because the FMP gets extended up there it doesn't mean that all 73 species obviously exist north of the North Carolina/Virginia Border, so I would think that you'd focus on the species that you know exist up there, snowy grouper, tilefish, whatever we talked about, and then see what we know about those species because we have the EFH designated.

This is one way to approach it; let's talk, Roger. We have EFH designated for snowy grouper and for tilefish that we know extend up there. We know what we think is required for the essential fish habitat of those species. Do we know whether it exists up there? If it does, then we have to look at whether we designate that as EFH.

If you're using a comparison of similar fish, okay, and looking at that, but I don't know that you could pull in what the Mid-Atlantic has designated as EFH for other species without doing some sort of analysis that, yes, that applies to these species, too. I think you just need to tie it in, if that makes sense. Have you talked with the southeast habitat folks as well to see what they think about doing this or how they think it should be approached?

MR. PUGLIESE: Yes, in raising that, I guess one of the biggest concerns is the fact that they're not going to be involved in any of the deliberations for essential fish habitat, and I think they will

ultimately defer to the Mid-Atlantic Council and northeast region, Northeast Center, et cetera. This was an attempt at least to try to bring in what the Mid-Atlantic has.

The intent is that they said that they really do want to be the ones that are looking at the specific EFH designations. I think this tracks what they're intent originally was; and if they want to go further down the road, refine, adjust, they can work with the Center, et cetera, and refine these. That's I think where we were kind of getting to there.

MR. MUNDEN: Unlike the South Atlantic, the Mid-Atlantic approach to a essential fish habitat is to designate the essential fish habitat for a species in the FMP that applies to that species. In addition to that, we have gear-restricted areas that have been established primarily to protect scup. These are north of North Carolina primarily.

We have designated a good number of the deep water canyons as off limits to bottom-disturbing gear just within the past year. I don't recall the specific acronym we use to describe those deep water canyons, but they were protected through the action of the Mid-Atlantic Council. I think that Roger's proposal is a good one; and speaking for the Mid-Atlantic, we would support that.

MR. CURRIN: Yes, it seems like it's kind of a springboard for them as well to take a look at this. They've never had to before with respect to these species, and I would fully expect that there may be a good analysis that could result in additional designations as a result of this, but that is just speculation on my part. Brian.

DR. CHEUVRONT: What I know about the Mid-Atlantic Council's designation for essential fish habitat I could write on the back of a postage stamp with a crayon, and I what I know about the New England Council's is even less than that. If you look at these alternatives that we've got in here, Alternative 3 specifically only names the Mid-Atlantic Council. It says nothing about the New England Council.

I think what we've got about the Mid-Atlantic Council is response because we've actually been talking with them in writing and all this. We've gotten that kind of communication back yet from the New England Council other than they're not opposed to this idea. Our preferred alternative for Action 1 now is to include the New England Council.

Somehow I think if we're going to do this with that as our preferred, we need to consider finding out what is happening in the New England Council that is relevant to this discussion and include it here also if it is appropriate. Like I said, I have no idea what goes on up there, but I don't want us just to think is only a Mid-Atlantic Council issue until we've explored it.

MS. SMIT-BRUNELLO: And so along those lines, one of the required provisions for an FMP is to describe and identify essential fish habitat for the fishery based on the guidelines established for the Secretary, so it has got to be established for the snapper grouper fishery. If you're saying that the EFH that they have designated for a certain specie works as EFH for this fishery, the snapper grouper fishery, then, okay, you just need to tie that in and describe it and make sure that it meets the requirements that, yes, if the preferred is up to New England and that ends up being eventually what you all keep as preferred, then, yes, we're going to have to look up there, too.

Maybe the fishery doesn't go that far north; I don't know, maybe it does, you're going to have to decide and way all the information and then tie in essential fish habitat for the fishery as it exists up there, if there is essential fish habitat up there.

MR. WAUGH: I was just going to relay two things. One, Roger clarified to me just now that the Mid-Atlantic EFH designations do track up into the New England Council's area. To Roy's concern, what we're asking for here is guidance. You give us a preferred here. When you see the document in June, it will have a lot more analysis and description in it. I think we just need to step back and put this issue in perspective. You're talking about designating EFH. Either we're going to go up there and stomp all over their turf or we're going to adopt what they have.

MS. SMIT-BRUNELLO: But is has just got to be for the snapper grouper fishery. I think there is a geographic component to that, too.

MR. PUGLIESE: And, actually, yes, I had gone through and had been looking at their designations, identifying the canyons, this is HAPCs and some of the other – they already have the spatial. That is one additional thing; those spatial footprints are already in place.

MR. CURRIN: To that point, Roy.

DR. CRABTREE: Well, in the amendment now do we have the geographic coordinates of the areas we're selecting or where they are?

MR. PUGLIESE: No, not yet. These materials were put together just to essentially reiterate what those specific designations are.

MR. CURRIN: I would imagine that if they've designated them, they're in some sort of amendment and could be pulled and locate.

DR. CRABTREE: It just bothers me to be choosing a preferred when we don't even know where the areas are and yet we're going to choose a preferred.

MR. CURRIN: Well, I don't know. There may be some problems with that, Roy, but I guess through a sense of trust that they have done this for species, some of which are the same as the ones we manage here in snapper grouper, and knowing that they've designated those and they're easily locatable and can be easily drawn into the amendment, after looking at them – although staring at a bunch of waypoints is probably not going to tell me a whole heck of a lot – I may change my mind. I don't know; it doesn't give me any level of discomfort and maybe it should.

MR. HARRIS: Mr. Chairman, I'm prepared to make to make a motion. I simply need to know whether it needs – if I move that we select Alternative 3 as our preferred, do we need to add the New England Fishery Management Council in that motion? **I would move Alternative 3 to track the Mid-Fishery Management Council and the New England Fishery Management Council's EFH and EFH-HAPC designations.** If I can get a second, I'll explain.

DR. CHEUVRONT: I'll second.

MR. CURRIN: A motion by Duane and a second by Brian. Discussion? Duane.

MR. HARRIS: It seems to me we have to designate EFH and HAPC in the fishery management plan. I've had lots of discussions with Rick Robins and Red Munden and John Pappalardo, and they very specifically asked that if we extend the fishery management unit into their areas, that they be allowed to come up with the EFH-HAPC designations. I think that is only appropriate.

I just don't see this council deciding where EFH and HAPC areas are. Once we extend the management unit, let's get with them and say, okay, tell us what you intend to do with respect to EFH and HAPC, and I think that's what this alternative does.

DR. LANEY: Just to comment, I think I understand where Roy is coming from on this because they did species-specific EFHs and they did it very differently than the South Atlantic Council did. This council based theirs on habitat. They based theirs on actual concentrations of organisms within the NOAA Grid Cell.

I think there is information out there probably from the relatively new NEAMAP Survey and probably from the Northeast Fisheries Science Center Trawl Survey that would allow you to at least to – at least allow the Mid-Atlantic Council and the New England Council to take a look at the distribution of the South Atlantic snapper grouper species that occur up there.

I don't think it's going to be very many of them, but I think that's what they would have to do in terms of defining EFH for these species except for black sea bass, which is, of course, common to all those areas. Does that get at resolving your concern, Roy? I think there is some evaluation of some existing data are going to have to be done by them to begin to tease out where EFH would occur for those species in those two areas.

DR. CRABTREE: My concern is that we're establishing EFH without knowing what or where it is. I can't tell from what I'm reading here exactly what we're doing. I think choosing a preferred right now is just way too premature. It is not all clear to me if we choose any of these alternatives what the impact is, where it is. I don't know if there is any EFH up there. I'm not convinced that these snapper grouper species up there aren't so uncommon that none of the habitat up there is essential for them. I don't know, but I don't think there is enough in this document to reach that now. I just think we're getting ahead of ourselves.

MS. SMIT-BRUNELLO: I think in essence what you're doing is you're delegating to them to do the EFH; and so instead of maybe tracking the Mid-Atlantic and New England, you could say you're delegating it to those councils to establish EFH. The thing is, though, they're going to have to come up with EFH or tell us there isn't any EFH in some sort of sound manner for it to go into this amendment.

MR. CURRIN: That's a good point. In fact, we're kind of doing both, in my mind, really. Our intent is to – we know that they have areas designated as – well, do you call your gear-restricted areas, Red, EFH or not, I don't know. I think you could pretty easily. Obviously, you view them as important. The prohibition of using bottom-disturbing gear is tacit acknowledgement that the habitat is important. Are they designated EFH, the gear-restricted areas?

MR. MUNDEN: No, they're not, Mr. Chairman.

MR. CURRIN: Okay, so they're not designed but they could be. They certainly function as an EFH to some degree. They've looked at that and that's where these critters live right now up there. That's where they're being caught as best I understand it. Back to your point, I think what we're doing is we're asking that we track their current EFH and also delegate to them the establishment of EFH for these specific species. Roy.

DR. CRABTREE: But then they're going have to come back to you with that information and then it goes in this document and you establish them. They can't establish the EFH for snapper grouper species. They don't have the snapper grouper plan, so it's going to have to come back to you and you're going to have to establish it. I don't think – and, Monica, correct me – that there is any procedure by which you could delegate to them establishing the EFH.

MS. SMIT-BRUNELLO: No, I envisioned it coming back into this plan or into this amendment, this document so that you could all look at it.

DR. CRABTREE: And that's when you would select a preferred is when you had that information back from them and their recommendations so you could look at it and see what they've recommended and then decide what to do.

MS. SMIT-BRUNELLO: Maybe you could incorporate a lot of things by reference in referring to some of their specific amendments instead of having to pull everything into this amendment in terms of resources and descriptions and all kinds of things like that. I don't see why you couldn't as long as you ultimately had those documents in front of you to look at, so maybe we don't have to make this a huge amendment but somehow it just has to be tied back in.

MR. WAUGH: The intent here with our wording as it is drafted is to track what is currently in place for similar species right now. If we get into the mode of trying to work with the Mid-Atlantic through the Northeast Region and Center and designate new EFH for these species will ensure you won't be approving this during 2010. That's easy.

The intent is to use similar species that have EFH for this time around in this amendment. We're giving them the ability to development management measures and then bring them back to us and they will be implemented. If they see changes that need to be made to EFH for the snapper grouper species, then they would use that same avenue to bring changes to us that would be implemented and then adjust their EFH designations. That's what we had envisioned.

DR. CRABTREE: I'm sorry but where does it identify what the similar species are? All I see for the analysis of this is it says Alternative 3 could have a positive biological effect especially if there is a joint management plan between the council and the MFMC or the northern regions inclusion of the SAFMC's designation of EFH, EFH-HAPC habitat types.

I mean, I don't know what the similar species are. Don't we need to know that? Don't we need to know what their habitats are and why we think they're appropriate? I just don't see any of that in this document right now.

MR. CURRIN: Well, it's not in the document currently, but I think Roger just gave us some analysis he has done on what at least he and perhaps others thought are similar species in that area. Correct me if I'm wrong.

MR. PUGLIESE: Yes, and we actually have in hand all the specific designations by life stage and they actually started pulling off some of the map presentations that exist on the National Marine Fisheries Service Habitat Map, so we've built – and I think it will be fairly straightforward to especially do by reference a lot of the other information and other documentation.

I would hope that we would be able to get any additional input in terms of refining this from the Mid-Atlantic Council in terms of getting this into the next iteration of this document. At least at this stage it looks as if tracking kind of the original intent of the Mid-Atlantic's participation at that stage and it would provide us maybe a stage process of establishing something that is essentially looking at processes.

To that there is one other point is that in our habitat information are many of the species used for habitat so the species can define the habitat. That's how we did it with – even though we did habitat based, a lot of those were based on species as proxies for the habitat. This is something that we are at least proposing and providing and do have a lot of that information to be able to integrate into the document now.

MR. CURRIN: And that's what I understood. Gregg.

MR. WAUGH: And if you were approving this document to go out to public hearing or something now, we wouldn't be asking you for a preferred, but the idea is to let us structure this document, fill in the analyses. We have additional information that we could have e-mailed out to you.

Perhaps that was my mistake because I told Roger not to, to cut down on the amount of stuff you all were getting dumped on right at the meeting. We do have that information. It is not in the document yet. It will certainly be in the document for you to look at in June. It's just if we get an indication of your preferred that you can certainly change in June if you don't like how it's written up.

MR. PHILLIPS: I'm just curious what a similar species to a snowy would be? Blueline tile, okay.

MR. CURRIN: That and I'm hearing a lot of rumbling around here from everything from monkfish to gray tile.

MR. PUGLIESE: Yes, and I think we're at least beginning to lay monkfish on the table with that distribution into the deep zones. If you do look at that, it is going to be tracking a lot of those deep water areas that are similar to our snowy grouper bottoms.

MS. SMIT-BRUNELLO: I'll work with staff before the next meeting and we'll talk a lot about this and bring something back to you. I think that if your preferred is in your first action to extend the management unit up through New England, I'm assuming your preferred here would be to track EFH up through the range of where you're extending it as well. Now whether any EFH exists up there is another matter, and so we can address that.

MR. CURRIN: And I think that's the intent and I think it's clear in this motion. All right, is there objection to this motion? There are two objections. The motion is approved with two objections. Okay, Kate.

MS. QUIGLEY: Okay, Action 3, limit participation in the golden tilefish fishery. Here we have two alternatives other than the no action. One is the golden tilefish gear endorsement. That is Alternative 2. Alternative 3 is the golden tilefish catch share program. Then we have subalternatives for each of those.

MR. CURRIN: That's on Page 43 PDF.

MS. QUIGLEY: None of the wording has changed since the last meeting for the golden tilefish gear endorsement. For the golden tilefish catch share program, at the last meeting the council directed staff to incorporate some of the golden tilefish LAP Exploratory Workgroup suggestions and we have done that.

MR. CURRIN: Comments on this action and alternatives? I guess my initial reaction is, boy, there sure are a lot of them.

MR. HARTIG: Yes, I know that's a good one, but do you need a motion to move the golden tilefish limited access privilege program to Amendment 21?

MR. CURRIN: Which alternative is that, Ben?

MR. HARTIG: Alternative 3.

MR. CURRIN: Yes, we can entertain a motion to do that and that will help clean up immediately. Motion by Ben to move the golden tilefish catch shares LAPP program to Amendment 21. Motion by Ben; is there a second. Second by Brian. Discussion on this motion? Rita.

MS. MERRITT: Yes, I just want to make sure that we're clear that the requested alternative regarding the gear endorsement by the Golden Tilefish Workgroup is considered under catch shares, that it is a form of limited access of catch shares.

MR. HARTIG: That wasn't the intent. The intent is to keep the endorsements – unless I misunderstood, Rita – keep the endorsements in this one and not have them be in 21. That was the intent of this motion.

MS. MERRITT: Okay, I thought you wanted this to be taken out of here and put into 21.

MR. HARTIG: But only the catch share part of it; the endorsements to remain in the current amendment.

MR. CURRIN: Yes, that's the original motion.

MS. MERRITT: And that would be my preference as well.

MR. CURRIN: That's what the motion would do is simply move that Alternative 3 into another amendment. Further discussion? Any objection to that motion? I see none; that motion is approved. Roy.

DR. CRABTREE: What is a typical golden tile longline trip; how many pounds do they normally bring in; do you know?

MR. HARTIG: Well, we have some in the audience. Scotty could answer your question directly. It has changed over time. They used to stay out two days or three days to make sure they had the 4,000. This year they've changed. They're catching so many fish in one trip that they're making day trips. Scotty could address it. The best trip I heard Bobby say was, what, 3,900 in one day and then you're catching what – well, you can answer it; I'm not going to put words in your mouth.

MR. CURRIN: Come on up, Bobby, and identify yourself.

MR. CARDIN: Robert Cardin. The golden tilefish fishery is really changing. It basically is becoming a day boat fishery. One day we had 3,972; another day we had 3,940; several 3,000 pound days. Thank you.

DR. CRABTREE: And we have at least one alternative in here which would be to have a total of 5,000 pounds between 2005, 2006 and 2007, so over a three-year period it is like if somebody made one longline trip – it seems like pretty low qualifiers in here I guess is what I'm getting at. I'm wondering if we could thin this out a little bit.

MR. CURRIN: That would be wonderful if we could get some suggestions from those who are involved in the fishery.

DR. CRABTREE: I'm looking at Subalternative 2G, to receive a golden tilefish longline endorsement an individual must have a total of 5,000 pounds with longline gear between 2005, 2006 and 2007. That seems awfully low to me.

MS. QUIGLEY: Chapter 4 includes how many people this actually ends up including, and I can switch over to Chapter 4 and we can take a look at that.

MR. CARDIN: If I may, only to that point, I'm talking about a high-line boat, top crew, top boat. There are still single fishermen that run a longline by themselves. I didn't mean to say that everybody fishes that well. Thank you.

MS. QUIGLEY: Actually, maybe I'm mistaken. Chapter 4 I thought did include the number of individuals, and I'm going to search in the text now to see if that is there. I thought it would be up in the alternatives but it's not. Okay, yes, we've got Table 4-6 on PDF Page 185; number of endorsements resulting from Subalternative 2A to 2E – now you were talking about an alternative below that, so we've got Table 4 to 7 as a longline subalternative.

Subalternative 2G includes 13 people, so that is they had to have used longline gear and have that registered as the type of gear that they used on those logbook trips, and they had to achieve 5,000 pounds aggregated between 2005 and 2007, and that's 13 people. It is rather low but there just aren't that many people doing longlining or there weren't during those years.

MR. CURRIN: That alternative captures anywhere from ten to seventeen, in that range, which is not a very broad range. I guess the one question I would have is whether there are individuals that are not present in some of those throughout that range from ten to seventeen. I don't know that. Roy.

DR. CRABTREE: Well, my concern is just if we let everyone with any amount of landings in, then we're going to continue to have the same derby fishery, it seems to me, and the quota is going to get caught real fast if we don't do something to limit effort with the endorsement. I mean, I think the intent of the endorsement is to have the season go longer, right?

(A response from the audience of "no".)

DR. CRABTREE: No? Okay.

MS. QUIGLEY: The intent of the endorsement was we've got this situation where most of the fishing, of course, is occurring January, February, March, April, the early part of the year, and that is when South Carolina and North Carolina fishermen are not able to go out because of the weather.

One intent of the endorsement was to make sure that – I'm sorry, I'm talking more about changing the fishing year. The intent of the endorsement was that we see people going out for tilefish that haven't gone out for tilefish in the past, and so it was to limit participation to historical participants.

MR. CURRIN: Ben, I'll pick on you because you know more about it than most of us sitting around the table. Are there alternatives here that you feel like we could safely remove from this document for further analysis at this point without jeopardizing the desires and intent of the Golden Tile AP?

MR. HARTIG: Yes, that's the problem I have. Kate worked extensively with them. Some of the workshop participants are here or at least Bobby. Some of these are labeled as workshop – they're derived by the workshop and others have marks. It is hard to explain because you've got a very low level of participation put forward by the workgroup and they wanted to encompass two new fishermen in the fishery that had got in by 2007.

They wanted them in and they made a conscious decision to include them, but in order to include them they had to come down with relatively low numbers to include those two people. That's why we're seeing some pretty low qualification numbers in here. It's not going to bear out for the highliners, but there were two people that they wanted to have included. I certainly don't want to get rid of any of the ones that were – you know, would get rid of those two people or those alternatives. As long as we don't do that, that would be fine.

MR. CURRIN: So we're okay at this point, then, with the large suite of alternatives that we have for both longline endorsements and hook-and-line endorsements? Brian.

DR. CHEUVRONT: In looking at this and trying to consider reducing the number of subalternatives, would it be possible – I mean, I'm looking at 2-I and 2-J, and it's looking at a different average number of pounds between 2003 and 2007, the best three of five years. When you look at the number of fishermen that it includes, the numbers actually go up.

What you're doing to do that, though, is you're going to clearly – some fishermen were fishing in some of those earlier years who probably are not fishing now, and do we want to give those people endorsements? By the time this goes through, it is going to have been maybe eight years or so since they have participated in this fishery.

Are we willing to give people who participated in the fishery eight years ago an endorsement to participate in the future? I'll go ahead and just make a motion right at this point to get it on the table. **I make a motion that we move Subalternatives 2-I and 2-J to the considered but rejected appendix.**

MR. CURRIN: Motion by Brian to move Subalternatives 2-I and 2-J to the considered but rejected; is there a second?

MR. HARTIG: Yes, I'll second it.

MR. CURRIN: Second by Ben. Discussion? Ben.

MR. HARTIG: I just ask Kate; don't we also have some alternatives that came forward from the Snapper Grouper Advisory Panel, also, concerning this or not?

MS. QUIGLEY: The Snapper Grouper Advisory Panel endorsed the alternatives chosen by the LAP Exploratory Workgroup. The Snapper Grouper Advisory Panel endorsed the preferred alternatives of the Golden Tilefish LAP Exploratory Workgroup.

MR. PHILLIPS: I'm just kind of curious. We've got a new either assessment or a benchmark coming. Are we trying to – where might the TAC of golden tile go considering the number of fishermen? I'm a little bit concerned about long term ending up with ten fishermen with a very high TAC to play with in the long term. I don't know where you think the TAC may be going, but I'm thinking long term.

MR. CURRIN: I couldn't answer that question. Gregg.

MR. WAUGH: This was not a species that was overfished, so it's not under a rebuilding program. We're essentially at MSY and the catch limits that are being put in through 17B would be at the OY level. Unless something big changes, then that's the long-term yield we're looking at right now.

MR. PHILLIPS: Well, just to that point because I've been talking with some of the docks that pack those fish down there; namely, John down at Kings, and he thinks these numbers should be a lot higher than what they are. Now whether the science will support that or not, I don't know. Like I say, I don't want the numbers to go way up and the number of fishermen to be locked at a very small number.

MS. QUIGLEY: Well, the very lowest that you would have for the longline fishermen is ten with Subalternative 2H; ten longliners. You have got to add that to the hook and liners, and there you've got anywhere from 7 to 26, with 2A and 2B being the alternatives chosen – or the alternatives talked about by the exploratory workgroup, so you're might be looking around 30 participants – 30 endorsements, that is; some of them overlap. Some of them qualified for both longline and hook and line, although not many.

MR. PHILLIPS: Okay, and that being said, they're catching I think all of those fish in South Florida for the most part, I think. There are tilefish grounds off here and I don't know of anybody that's worked them in quite a while. They're working small areas and that catch seems to be sustainable for that small area, and we've still got areas that aren't really being fished. I'm thinking the fishery could probably hold more fishermen than this in the long run; and once we do some better assessments – anyway, that's my point and I will sit.

MS. QUIGLEY: Just to let people know, there are at least five, six, maybe even ten endorsement that are in South Carolina and in North Carolina.

MR. CURRIN: All right, further discussion on this motion? Is there any objection to the motion? I see none; that motion is approved. Any other alternatives that anyone feels strongly about or redundant in any way or might be removed from the document at this point? Any desire to select a preferred? We would need one regarding the hook-and-line fishermen and one regarding the longline industry. We do have suggested preferreds, I believe, from the workgroup. I couldn't tell you what those are right now, but Kate might be able to identify those.

MS. QUIGLEY: Yes, Alternative 2F is a preferred by the workgroup for the longline participants, and I believe 2A is the preferred for hook and line although they might have identified 2A and 2B and did not choose a preferred. I've got to take a look.

MR. CURRIN: What is your pleasure, folks?

MR. HARTIG: I move 2F as our preferred alternative.

MR. CURRIN: Motion by Ben to select Alternative 2F as a preferred and that would cover the longline gear endorsement. Is there a second? Second by Duane. Discussion? And, again, I

believe this is one that was the recommendation from the workgroup; is that correct, Kate? Okay. Any objection to the motion? I see none and that motion is approved. Ben.

MR. HARTIG: I'm a little bit reticent to move the Golden Tilefish Workgroup's hook-and-line endorsement to a preferred because there was only one real hook-and-line fisherman at that meeting. We might not want to have a preferred on the hook and line.

MR. CURRIN: Everyone okay with that at this point? Gregg.

MR. WAUGH: Well, what would need to happen for you to pick a preferred? I mean, we've already gone to public hearing where we're looking to revise this document for you all to look again in June and then perhaps either June, more likely September final approval.

DR. CHEUVRONT: Kate, can we see the list of the number of participants again. I would like to see what the difference is between 2A and 2B and see if there is much of a difference there.

MR. QUIGLEY: Subalternative 2A and 2B were identified by the workgroup, and like Ben said there was one hook-and-line fisherman present. We tried to get others but weren't able to, but 21 and 26 endorsements are 2A and 2B. 2C, 2D and 2E were put together by council staff.

MR. CURRIN: I would note that 2A is an average of 330 pounds of fish a year out of the three years; yes, your best three out of five during that period. Brian.

DR. CHEUVRONT: Actually, I would like to make the motion that we select Subalternative 2A as our preferred.

MR. CURRIN: Motion by Brian to select 2A as a preferred; is there a second. Second by Rita. Discussion? Again, these were two recommendations from the workgroup with the caveat that only one hook-and-line guy was there. Bobby, you also did some hook-and-line fishing; didn't you, and didn't you participate with that workgroup or were you the only hook-and-line guy there?

MR. CARDIN: Actually I was a bystander.

DR. CHEUVRONT: I just want to give some rationale as to why I thought that this one should be chosen as opposed to one of the others. You're looking at five years of which you had to choose – within those three years you had to catch a total of a thousand pounds. If you're going to be a professional fisherman in a fishery, I think over three years you ought to be able to catch at least a thousand pounds. One of the goals of this council is to professionalize the fisheries, so I couldn't help but think that is the better of the two alternatives to choose from.

MR. HARTIG: Some of these are so small because the fishery didn't come back until 2004, the hook-and-line fishery so – no, no, even so. No, you're right.

MR. CURRIN: All right, any further discussion on this motion? Is there any objection to this motion? I see none; that motion is approved. All right, Kate, let's see if we can move on.

MS. QUIGLEY: I'm going to switch back to Chapter 2 just because it's a lot easier to go through than Chapter 4. Page PDF Page 48, Action 4, limit participation in the black sea bass pot fishery, and the IPT has got a couple of questions. I want to ask Jack McGovern to come forward and explain some of their questions and confirmation we want to get from the council. The text you see in yellow, valid federal commercial snapper grouper permit has been added.

DR. McGOVERN: All right, that was one of the qualifications that we needed from the council, if that was their intent for these alternatives to just be valid active snapper grouper permits. The other issue had to do with three control dates and the ability to track landings associated with permits. In December 1998 the limited entry program went into effect and we have the continuous permit system, so we can track – well, permits can track landings especially with permits pretty well after December of 1998. Prior to that, it's a lot more difficult.

The data set that the IPT used had data from December of 1998 to the present to use. In order to go all the way back to 1992 or analyze Alternative 4, we'll need to get permits to really delve into this and it will be labor intensive. We just need to make sure it's council's intent to go all the way back to 1992 and Alternative 4 is also an alternative they really want to consider.

MR. CURRIN: Thank you for that, Jack. First, the wording that is suggested by the IPT to include the restriction of a valid federal commercial snapper grouper permit; does that seem reasonable to everyone? Any objection to including that language? Brian.

DR. CHEUVRONT: I'm not objecting; I'm just assuming that we're okay with that. I want to get a clarification here. I went back and looked at these control dates for black sea bass and the history from the different amendments. If I remember correctly from what I read – and this is several months ago – the '05 date was set for participation in the black sea bass fishery, and the control that we set in December of 2008 was specifically for participation in the black sea bass pot fishery, and that was the distinction I think that was made. I don't know if that's going to influence anybody's vote on this or the discussion, but I'm thinking that is an issue here.

MR. CURRIN: Well, I think we're covered fine with it because they're both black sea bass fisheries, but the intent with this action is to address only those fish that were caught pots.

DR. CHEUVRONT: Exactly; I just wanted to make sure did the additional refinement of adding a control date in December of 2008 that specifically covered black sea bass pots; was that somehow a different distinction because if we already had the control date of October 2005, then adding another control date of 2008 seemed irrelevant.

MR. CURRIN: As the one who made that motion to the committee and the council back in December of '08, my intent there was to make sure that when we finally got to this point and were talking about this that the previous control date that had been established was not deemed to be stale in some way and that way we'd have to establish a new one then. I think our guidance we got from the last meeting was that it would be okay to consider any and all of these previous control dates; is that correct, Monica?

MS. SMIT-BRUNELLO: Well, sure, I think you should consider them. When you get down to choosing more limiting factors, then you have to look at part participation and including historical participation and present participation. There are a number of factors that I'm sure Kate will have in the document that the council has to go through.

DR. CHEUVRONT: Okay, I'm going to then suggest that we use Alternative 3 as our preferred alternative for this action, and then later I'm going to make another motion to move Alternative 4 to the considered but rejected, but let's deal with this one first.

MR. CURRIN: Okay, motion by Brian to select Alternative 3 to limit tag distribution and black sea bass pots 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 10/14/05. Is there a second? Seconded by Ben. Discussion. Yes, Roy.

DR. CRABTREE: A couple of things; one, when you say one pound of sea bass; is that one pound landed between 1998? And then with the issue Jack brought up; did we provide any clarification to that?

MR. CURRIN: We haven't yet. Brian might want to clarify that motion to reflect Jack's point of concern.

DR. CRABTREE: Well, I don't know if that would change the motion or not, but we need to clarify that and maybe we can do that when we come to taking Alternative 4 out. I guess my question on this is the Act requires that in limited entry programs you consider past or historical and present participation, and this control date is going on four and a half, almost five years old. By the time this is implemented, it will be five years old so how are we considering present participation in the fishery if anyone who came in the last five years is going to be left behind?

MS. SMIT-BRUNELLO: I think it would be helpful if I read what the Act says. I think I have alluded to it a number of times. It's one of the discretionary provisions in an FMP, and it states, "The council may establish a limited entry system for the fishery in order to achieve optimum yield if, in developing such system, the council and the Secretary take into account:

"A, present participation in the fishery; B, historical fishing practices in and dependence on the fishery; C, the economics of the fishery; D, the capability of fishing vessels used in the fishery to engage in other fisheries; E, the cultural and social framework relevant to the fishery and any affected fishing community; F, the fair and equitable distribution of access privileges in the fishery; and, G, any other relevant consideration." Those will all have to be addressed when you're looking at further limiting the entry to the fishery.

MR. WAUGH: And part of the benefit of choosing a control date is you are putting everybody on notice that if you enter after that date, you're doing so at your own risk. You're not guaranteed future participation in that fishery. Everybody was put on notice that was a possibility.

MR. CURRIN: Yes, and that was my understanding of what that control date actually meant as well. Rita.

MS. MERRITT: I think when we did talk about 12/4 last December or the December '08 meeting, we've lead people to believe that would be the date. I don't know if we've really had that much of an increase during those prior years or since then. Aren't we more worried about what is going to happen as a result of these new amendments and increasing the participation and the effort on these fish? With that mind, I would think that going to 12/04/08 would be more in line with our intention.

MR. CURRIN: Well, the motion currently is to select Alternative 3, but you have an option to vote against that and propose a different one if it were to fail. Kate.

MS. QUIGLEY: Just a little bit of additional information that is in the text. Alternative 2 would allow for 123 black sea bass pot fishermen. Alternative 3 would allow for 102 fishermen.

MR. CURRIN: So a difference of 21 individuals, which as Brian noted off the record is a 20 percent increase. Roy.

MR. CRABTREE: Gregg is exactly right; these control dates were put out, but what always bothers me with these things is when you put a control date out, if you're going to use it, you need to move rather quickly on it. When you put a control date out and then wait five years, that gets dicey.

I'm guessing these 21 people who won't qualify have come in at various intervals, but we potentially have guys out there who have been in this fishery now for – by the time this is implemented, they will have been in it for five years and we're going to tell them you're out, and that is going to be a tough thing to explain to them.

I'm not telling you that you can't do this and we'll have to get some more guidance from Monica again, but the older these control dates get, the more difficult I think it becomes to say that you are taking into account historical and present participation in the fishery, and that is kind of the problem when you set control dates. This has happened in this amendment. It's gotten pushed from amendment to amendment and we've kept putting it off and now it's pretty old.

MR. CURRIN; Yes, I think you're right, that is a very good point, Roy, because the council's intent in this fishery has been around this table for many, many years as evidenced by the three control dates spanning 11 years. No one should be really surprised by any kind of action that the council takes along these lines. Monica.

MS. SMIT-BRUNELLO: And along those lines when you're considering whether that control date is too old or stale or whatever we want to call it, you look to the record as a whole and the rationale for going with that control date as opposed to other control dates. We look at the record and the reasons the council wanted to do it.

DR. CRABTREE: And just to further complicate things, because it's just one pound you could have a guy who caught one pound of – who got out of the fishery in 2000 but he caught one pound or unless we decide we're only going to back to 1998, I guess you could have somebody who caught one pound in the fishery 15 years ago and he is in, and he hasn't caught a fish since then, but then you've got a guy who has been in it for five straight years and might be the highliner in the fishery, for all I know, but he wouldn't qualify. I don't know if that had happened or not, and I haven't studied this thoroughly enough to see if that would happen, but I'd sure hate to try and explain to anybody how that is right.

DR. CHEUVRONT: Okay, I hear you, Roy. I would like to alter my motion.

MR. CURRIN: Do you want to withdraw it and then just offer another one?

DR. CHEUVRONT: Yes, let's withdraw this motion.

MR. CURRIN: Is that okay with the seconder, Ben? The motion is withdrawn.

DR. CHEUVRONT: And offer another motion to choose Black Sea Bass Alternative 2 as our preferred.

MR. CURRIN: A motion by Brian to select Alternative 2 as the preferred by the committee. Is there a second? Second by Rita. Further discussion on this motion? Roy, I realize this may get at some of the points that you made but may not get at all of your concerns.

DR. CRABTREE: No, I'm comfortable with that; that's a real recent control date, and I think it's much more reasonable.

DR. CHEUVRONT: Okay, and I'd also like to make our intention is that we only want to count those landings since 1998.

DR. CRABTREE: Isn't it December 1998, Jack?

DR. McGOVERN: That is correct.

DR. CRABTREE: So December 1998.

DR. CHEUVRONT: That's fine, and the second motion that I just made wasn't the second motion I was talking about earlier. I would like to make my other motion when –

MR. CURRIN: Well, let's deal with this one or either you've got to include with this. Let's deal with this one and then we'll very quickly deal with your second motion and then we're going to take a quick break and get Carolyn up here. Further discussion on this motion? Charlie.

MR. PHILLIPS: Just a quick question; it seems odd that participation is one pound where if you have been buying tags and traps and stuff, and I can see fishermen having traps that they've been buying every year since whenever they got their boat or whenever they decided they might need

to do this fishery, I would think participation would just be buying the tags every year and not necessarily to have one pound; and if you wanted to use a poundage, it would be a lot higher than one pound. Just an observation.

MR. CURRIN: Yes, and it has been noted and I don't know that there would be anybody who would qualify with one pound. It would be interesting to look at the distribution of those people who would qualify and what their landings were, but I don't know that we have that information before us, but it's a good point. Further discussion on this motion? Charlie.

MR. PHILLIPS: Well, that being said, would the maker of the motion consider just using the fact that they had bought the tags instead of the one pound as a friendly amendment?

DR. CHEUVRONT: No, I wouldn't because I think a lot of people are buying tags as a way to show participation in the fishery with absolutely no intent of fishing it, hoping that something like this would happen and they could sell their endorsement, and that's not a participant in the fishery, in my mind.

DR. CRABTREE: I want to ask Jack to comment on this. There appears to be a table on Page 199, and, Jack, is there a difference between using the one pound and just using if they had tags or not, as Charlie has brought up?

DR. MCGOVERN: Yes, there is a big difference because a lot of fishermen request tags who don't fish pots. I think that table shows like in 2008 165 fishermen requested tags. If you go down, you can only see that about 50 vessels fished pots per year, so it's a pretty big difference.

MR. CURRIN: Thank you, and I think that is exactly Brian's concern. Further discussion on the motion? Is there any objection to the motion? I see none and that motion is approved. All right, let's take five minutes, please, and then we're going to come back and let Carolyn give us the SSC's report.

MR. CURRIN: All right, let's get everybody back to the table so we can allow Carolyn to present the ABC Control Rule from the SSC. We will take that up later on our agenda or we will deal with it now. It is under Attachment 11 in your briefing book.

DR. BELCHER: Basically, I'm going to get you caught up on where we are with the ABC Control Rule for the South Atlantic. Not much has changed since we presented it to you back in June of 2009, but I'll go ahead and run through it for those of you that are new to the group and haven't seen it.

First off, we had a meeting back in March of 2009 – and it was actually here at Jekyll – where the sole agenda item that we worked on was the draft and development of the ABC Control Rule for South Atlantic species. The main characteristic that we developed relative to the ABC Control Rule, first off, was determining how wide the buffer between OFL and ABC is going to be. We incorporated a tiered system based on data and assessment information availability. I will go through each of the dimensions and tiers so that you can see how this was applied.

Basically, it gives us an objective format, transparent and works the same across all of our species. I'm going to go into some of the more specific caveats relative to how we're going to do this. So, again, objective criteria, numerical scoring that can be applied across all the stocks. The main thing is it acknowledges the cumulative nature of uncertainty.

The caveats of the control rule is it is applicable when we have the OFL stated in fish weight and some measure of statistical about OFL can be estimated. For those of you that are familiar with the P-star approach that we've applied to some of our higher level stock assessments where we're looking at probability values, this is basically the crux of how that's going to be applied.

It is going to generate a penalty that's applied to the P-star values. It is based on the premise that for ABC equal to OFL we have an implied value of 50 percent for the probability of overfishing, so this would be, obviously, the ideal situation in a perfect world with all uncertainty characterized you'd be able to set your probability of overfishing equal to 50 percent.

Probability of overfishing applies to the entire projection period of management so it is not an annual where you're looking at 25 percent on an annual basis if you have a stream of data. It's 25 percent relative to the entire catch stream. The framework, as we designed it, is comprised of two levels.

You have dimensions which are critical characteristics of uncertainty that we're looking at evaluation. Within each of the dimensions we then have tiers which are objective levels that reflect the range of information available. Currently we assume equal weighting. In discussions we've had at both the national SSC level and among other councils' SSCs, especially Mid-Atlantic and the Gulf, this has been a little bit of cause for discussion and debate, because we really don't know much about how these levels of uncertainty really interrelate with one another, so how do you best weight that, which one do you give higher weight, which one is lower weight?

Based on the fact we really don't know how to characterize that, we're going to go ahead and set everything at equal weight. As we work through the process with more examples in the future, there is a chance those weightings will shift, but the idea is right now all the dimensions have equal weights, the tiers within each of the dimensions have equal weights relative to themselves, and then it's a cumulative effect, meaning that they're additive.

There is no interaction between them. They just stack up one on top of the other through simple math. The four dimensions that we've applied, the first one is assessment information, so this looks at the available data and assessment outputs; are we dealing with proxies, actual measures of biomass, how are we looking at fishing mortality rates, and that information that's available to us helps us determine the strength of the assessment that has been applied to the data.

Characterization of uncertainty, what this means is how well did we incorporate model uncertainty into the stock assessment; do we have characterization for environmental parameters, is it just based on recruitment, did we do sensitivity runs or is there none? Those are the types of characteristics we're looking at there.

Stock status, this incorporates the different combinations of overfished/overfishing states and how that is going to have an effect on what the possibility is of the outcomes in the future. Then the new thing that has kind of been folded in is incorporating this productivity and susceptibility, which are basically biological characteristics of the species that we're looking at.

It looks at biological risk; do we have a highly productive stock; what is their susceptibility, their vulnerability to the fishing gear that they're being collected with. Back in June of 2009 we had looked at two I wouldn't really say competing approaches, but two similar approaches to addressing this issue. After discussions within the group last June, we picked the MRAG approach as opposed to the National Marine Fisheries approach.

With overfished stocks and rebuilding plan selection, this penalty that we're going to work with – and I'll show you examples in a few minutes – basically can give us an idea of the probability of rebuilding success that we should be applying to our projections. The suggestion that factor a penalty we can use for that purpose; and basically we take the same penalty or probability of overfishing that we use and subtract it from a hundred percent to determine the rebuilding success.

If we're looking at, say, a 25 percent chance of overfishing, we'd be looking at projections that would have to have a 75 percent chance of rebuilding success. The probability value applies to the entire projection period and not annual values. It is basically based on the management period. You want to look at the overall success of that stream.

Getting to the specifics of each of our dimensions, under the assessment information we have five different classifications for tiers; starting at the top with a zero penalty, meaning we have about as good an assessment as we can possibly get. How we characterize that is you have a quantitative assessment that provides both estimates of exploitation and biomass and we have MSY-derived benchmarks. Think of these almost as in the top tier there as the best case scenario.

Then as we move down through the tiers, you see that we have a little less understanding of what is actually going on through these stock assessments. We have reliable measures of exploitation or biomass, but we have no MSY benchmarks. We're using proxy reference points. We're not really hitting more at the actual numbers; we're kind of estimating them and getting less concrete estimates for those values, so it gives us a decrement.

As you move down to the bottom, you see situations where you have scarce or unreliable catch records. Obviously, that's the worse case scenario, the highest degree of uncertainty, so it gets a maximum penalty, which in this case because we're looking at four tiers and the total decrement that we're looking at is about 40 percent. I need to back off a little bit there.

Working within what the council gave us for guidelines where they're looking at a range between a 10 percent chance of probability of overfishing and 40 percent chance, we've actually made the top line 50 percent. In a perfect situation we should be able to get ABC equal to OFL; but at the same time given our lower level to be a 10 percent change; so with that, each of

dimensions contribute to 10 percent penalty that is available there. All worse case scenarios, it gets the full penalty; and within each of that, it decrements accordingly.

With uncertainty characterization; again a complete characterization you're looking at both the uncertainty in the assessment inputs and environmental conditions are included. Right now we have no assessments that have done this. Most of ours tend to fall into the next tier, which is high tier, and the idea being that it reflects more than just uncertainty in future recruitment.

As you move down through your levels, you get to the point where you have no characterization of uncertainty and it will get you the full 10 percent decrement, and in that situation you have single-point estimates, no sensitivities or any kind of uncertainty evaluation. Basically, a lot of our older assessments are situations where you may be looking at catch stream analyses.

Stock status; not all of the SSCs are actually considering this as part of their uncertainty. We felt comfortable with including it in there. There were issues with the other committees as to whether this was part of double-counting, but given overfished and overfishing kind of being a qualitative application to a quantitative situation, you really don't know. You're saying it's overfished but in actuality is it?

In certain situations when we have very good confidence about what we're assessment, when you have a state where you have neither a overfished nor overfishing state – obviously, that's what we would hope for – but you'd also want coupled with that, that you have a stock at the high biomass and low exploitation relative to its benchmarks; so, again, perfect world scenario, we don't have to be buffering away from our OFL level.

If you're a little bit farther away from marks, meaning that the stocks may be in close proximity to your benchmarks, you'd have to give yourself bit more uncertainty, so we give a penalty of 2.5 percent with that. In situations where we don't have stock status know, we get full penalty weights because obviously we don't know what we're shooting for. We don't know if we really have a stock overfished or overfishing or if it might be perfectly healthy; and as such obviously you have to assign yourself a higher penalty.

The productivity and susceptibility has to do with assigning biological risks – low, medium and high – which is based on productivity, vulnerability and susceptibility. For populations that have high productivity, are not vulnerable to the gear and are not as vulnerable and don't have susceptibility issues, we don't have to assign really a buffer penalty.

In situations where we're dealing with low productivity, high vulnerability and high susceptibility, you really don't know what the outcome is going to be or how it's going to respond in the future, so you're uncertainty is higher and therefore you apply a higher weighting there. Roy.

DR. CRABTREE: Can you just give us an idea? For example, red snapper as the fish of the day, where would that fall in terms of productivity?

DR. BELCHER: I'll show you that in an example in a minute. Most of our species tend to be medium to high risk. As scores come through a procedure that was formulated through MRAG based on a report that came out of Australia and the classifications were based on this paper by Hobday et al in 2007, so the range of values that are actually outputted – and that's how you assign this high, moderate and low – MRAG America has already done this for a lot of the South Atlantic and Gulf of Mexico species, so that's where we have gotten our information and have been lucky enough to have that already in front of us.

At this point I will work through a few examples with you of how we would apply this. For gag grouper we have assessment information that is obviously at the highest level. We have a quantitative assessment. It provides estimates of exploitation and biomass and includes MSY-derived benchmarks. It is not penalized based on the assessment.

Our uncertainty characterization is in the medium range, meaning that there are sensitivities that have been run, but it's not a full characterization of the uncertainty. Our stock status is not overfished but we have overfishing occurring, so it gets a 5 percent penalty. Under the PSA it is assigned a high risk category. Adding up those penalties, we find we have a total penalty of 20 percent, which we decrement from the ideal of 50 percent probability of overfishing to arrive at a P-value of 30 percent, indicating that our ABC level would be set at a probability of overfishing of 30 percent.

For red snapper we have assessment information that obviously the assessment wasn't as strong because we're working with proxy references, so it has a decrement of 2.5 percent. The uncertainty characterization, which pretty much is in the norm for most of our assessments, is in the medium range, so it gets a 5 percent decrement.

Stock status; overfished, overfishing is occurring, that gets a 7.5 percent decrement; and in it's in the medium risk category for a PSA. Total penalty is 20 percent, so we're looking at a probability of overfishing being equal to 30 percent. Because this one would fall under a rebuilding plan, you're probability for rebuilding success would be set to 70 percent.

For something like Goliath grouper – and this is just, again, for an example and I don't want you to get too caught up on what the actual outcome is because obviously this is based on what we currently have, and this particular species is getting ready to go through an assessment. Again, looking through it you see scarce, unreliable catch records.

This is a species that has been obviously under moratorium for a long period of time so there is not a lot of information on it, so it gets the full weight. Uncertainty characterization, it doesn't have any applied to it. We don't know much about the current stock status, whether it's overfished or undergoing overfishing. It also falls into a PSA category of high risk. The total penalty that applies to it is 40 percent, so anything that we would be looking at for landings would be a probability of overfishing of 10 percent. And, again, it's just because of the fact that there is so little data there.

MR. HARRIS: Carolyn, why would you have an unknown overfished and not overfishing? There is no take allowed so explain that.

DR. BELCHER: Well, that is the point is we don't have any biological benchmarks by which to assess it, and the ones that we did have were old enough on to the current definitions of overfished/overfishing, so we really don't know what the current state is of that population.

MR. HARRIS: Okay, but it just doesn't make a lot of sense to me.

DR. BELCHER: Some of the discussion we had is do you look at it relative to old declarations of overfished/overfishing? The definitions have changed in the time period, too, which kind of gets at our situation with looking at penalties. When you have an older assessment, that kind of weighs into assessment information and gives us higher penalties as well.

With the stock status, that was kind of something that caused us a little bit of discussion points and pause because with some of these species that haven't been through SEDAR, the declarations were made under a different criterion. This species again it's more because you really don't know what the current status of the population is. You assumed it's not overfished or overfishing.

We also talked about what is called the depletion threshold. What we were recommending was to adopt the 10 percent threshold, and this is based on a precedent that the Pacific Fishery Management Council has set. Basically what they've done is if biomass is estimated below 10 percent of a virgin condition, then you don't allow directed fishing to occur.

What we also incorporated into our discussions was in cases where biomass estimates are considered unreliable or you have SPR values that are at or below 10 percent, directed fishing should not be allowed either. In the case of red snapper where we were looking at 3 percent, it would fall under the depletion threshold and we would look to end directed fishing. Obviously, red snapper did not come under this rule because the original assessment was done prior to the development of the rule and the ABC requirement.

Further needs; the biggest stumbling point that we're dealing with right now is what do we do for OFL values for species where we have little to no data? We had a conference call in January of this year to talk about this and basically came up with a few of the new – there are a few papers that have been looked at relative to depletion-corrected catch stream data. McCall's group out on the west coast has developed different ways to look at it.

A lot it has to do with determining stable periods within a fishery and using that information to determine what your OFL is going to be looking at. We talked about the status quo, which has been in use for a while, with the 75 percent of average catch. Our group, in and of itself, does not want to use average catch streams because it does still have some degree of subjective call as to what your time period is going to be.

We have requested data streams and catch data for the April 2010 meeting that we're going to be having to see if we have a chance to come up with some ABC values for species that we have not been able to assess and we can actually try to at least fill in those squares that we currently can't get at and won't have SEDAR stock assessments to actually help us fill them in.

We're looking at quantitative methods as an improvement over average catch approaches I've just described. In the future we will obviously be tweaking this methodology. Again, this issue of equal weighting within and among dimensions and tiers probably will be changed out and addressed over time, but until we really start putting this process into place we really won't know what the performance looks like. With that, I'll open it up for questions.

MR. CURRIN: Thank you, Carolyn, very much. Questions for Carolyn about the ABC Control Rule and where it is right now? Obviously, a lot accomplished but still work to do. Bob.

MR. GILL: Bob Gill, Gulf Council. Thank you for the presentation. I was intrigued by the equal weighting decisions that you all made not only on the dimensions but also on the tiers. You characterized some of the discussion on that and some of the rationale for equal weighting on the tiers as opposed to equal weighting on the dimensions.

DR. BELCHER: It is basically the same methodology or same thought process went into the equal weights. Again, it's not knowing the best way to see which one has a higher impact. You would assume, obviously, that you would have a higher degree of separation but without any way to really quantify that, it was a decision call that we felt would be subjective than informed, and as such decided to start with equal weights to avoid some of that potential conflict.

MR. CURRIN: Other questions for Carolyn? You may have just answered this, but any concern at all from anybody that the tiers or the gradations that you have established – I mean, you're basically looking at 25 percent increments for penalties – that they're not fine enough? Even one penalty is a pretty big hammer. I don't know that you can do any better, but it just occurred to me that, man, you mess up a little bit and instead of a slap on the wrist you get hit in the head with a hammer.

DR. BELCHER: Well, and some of that was viewed that it is the alternative to just the fact of – it was also implying incentives for people to get better stock assessments and better characterization because it will bring – with every gain that you get you come up higher and have a reduced penalty. There have been discussions and it is going to require some tweaking. There is a lot of discussion and even – I wouldn't say debate, but there is a lot of definite table discussion amongst the different councils and the SSCs on how best to handle this, and we're not all doing it the same way.

MR. CURRIN: Okay, that was another question. I guess where it really hit me the hardest – I mean, looking at all the penalties that are assessed in 25 percent increments, but when you start looking at the productivity and susceptibility analysis it is 50 percent.

DR. BELCHER: You mean give 5 and 2 and 2.5 percent, yes.

MR. CURRIN: Yes. Duane.

MR. HARRIS: Carolyn, explain to me when you had one of the slides up there, and I think it might have been the fourth one, and you were talking about sensitivities, where you were talking about if you don't have very many sensitivity runs, you get a different rating – I'm trying to

think back to a recent stock assessment, let's say vermillion snapper or Spanish – I can't remember which one it was that we kept making the scientists go back and do more sensitivity runs. Am I understanding this right, that more – okay, I didn't think I was, so please help me understand that.

DR. BELCHER: Okay, if you look up to the slide, basically what it looks at is it is the type of evaluation you apply to the uncertainty. In certain situations you're actually able to put in more of a distribution around what your outcomes are. In the medium-type situation with the sensitivities, the sensitivities are getting an idea on how some your estimates or how some of your inputs impact your outcomes, like changes in mortality and that kind of deal.

With the higher runs, actually more of that is built into the model, the sensitivities aren't the way by which you see how much jitter occurs in the model. It is actually built in and there is some uncertainty that actually is like a cloud that comes around the outputs of the model itself. It is not tweaking here and tweaking there. It's looking at it as an all-encompassing uncertainty characterization, which is a better way to do it. It is more embedded in the model than external to the model.

DR. PONWITH: Thanks for the presentation. I think that really goes a long way to understanding the SSC's approach to this path is. I know that we received at the Center a request from the SSC for a considerable load of data to support getting this work done. We are going to be able to provide some of those data exactly on time; some of them a little bit late; and some of them are not going to be able to be done in time for that SSC meeting.

I realize how critical it is that we provide that information and get this work done in time to meet our mandated deadline. Our approach to that is to get as much of those data to the SSC as we possibly can prior to the meeting so they can begin their homework, but that in addition to that we develop kind of Plan B that we can brief at the SSC meeting and work on in conjunction with SSC members.

My plan is dedicate resources to hire a very senior stock assessment scientist who would be working exclusively on helping to do the analytical work, to carry out some of those analyses at the bidding of the SSC according to the protocols that they've blessed. I believe that the combination of the work that the SSC will be able to get done at the meeting plus to discuss and lay out a protocol will enable us to achieve getting that work done in time for SSC peer review and still get it to the council for their consideration for the September meeting.

I guess at this point I can name the senior stock assessment scientist. It would be Dr. Mike Prager, who has announced that he is going to be retiring in early April, and that would afford us the ability to shed all other duties that he might be involved in other than planning his retirement and focus exclusively on this type of work.

MR. CURRIN: Thank you, Bonnie, for that and tell Prager that he can't do anything until he gets all this done and his retirement is going to be delayed. Roy.

DR. CRABTREE: Well, first, I want everyone on the council to recognize the importance of this. It is technical and it's hard to follow and it's hard to understand, but it's going to have big impacts I suspect on what the allowable catch levels are going to be. What we've got to figure out, Carolyn – and we're going to need some advice from you guys – is we're going to have to take what you've done, but we've got to develop alternatives for the council to consider.

I mean, you've all come up with one way to come up with what the risk of overfishing may be, but the council may decide other ways. I think in order for the council to start looking at this, we're going to need to see some real examples of here is what the catches would be if the risk is this, here is what the catches will be if it is this, because we're going to have to balance the risk of overfishing versus the impacts on the fishery.

That's going to mean some real-world examples on these stocks. I think we need to see some of those for assessed stocks in some of our major fisheries, and then we need to see it on data-poor stocks and across the gamut. I think, Gregg, we need to – or John or whoever is working on this from the staff, we need to start putting this into a form of alternatives so that the council can make the decisions about what levels of risk of overfishing they're going to accept.

DR. BELCHER: Where this kind of shakes out I think, too, did you all get the documents that basically was our summary of the ABC Control Rule? If you look to the back of that document, there is a table that shows how this has been worked out for each of the species, which tiers that each species is set at and what that P-value is.

Based on what was originally proposed to us, for the majority of those that have been through the exercise, with the exception of things obviously like Goliath and those that haven't been through a SEDAR review, most of them the probabilities are well above a P-value of 25 percent, which is what the council was actually looking at setting levels at was my understanding.

DR. CRABTREE: Well, the council has never decided on 25 percent. The council talked about a range, but there has never been any set of alternatives to evaluate risk of overfishing and there has never been any analysis whatsoever to base the determination about risk of overfishing. To me this is one of the most important decisions that you're going to make.

It's fundamental to everything you're doing, and there is going to have to be a thorough analysis of all of that in order for them to make those decisions. I think the intent here is to incorporate some sort of ABC Control Rule into the ACL Comprehensive Amendment, which means if we're going to pull all of this off in the time we've got we need to get that type of analysis pulled together so that the council can start working through some of that very quickly. I think there is going to be a great deal of discussion in the end about what the risk of overfishing ought to be.

MR. WAUGH: And when we get to the Comprehensive ACL Amendment later today or tomorrow, we'll be asking for some guidance and we have some questions there.

MR. GEIGER: Just out of interest, Carolyn, and after thinking about it I don't know if it would have any applicability; have we applied this to any stocks from which the SSC has provided us with an ABC in the past to see how apples and oranges is comparable to see how a

recommendation under this rule would compare to a recommendation that was made in the past in terms of how close were the –

DR. BELCHER: We have not done that, no. That I was a question I posed to John, and I apologize but my memory is not holding them captive. We did apply the ABC Control Rule, this specific format to two species in 17 as far as how we determined what the ABC was. John was thinking it was gag grouper and vermilion. Like I said, I'm sorry that I can't recant right off the top of my head.

MR. CURRIN: Gag and vermilion, John, that was the question.

MR. CARMICHAEL: We did to gag and vermilion, but as most of you know you've never really had ABCs on things like gag and vermilion. You've had ABCs on king mackerel. They looked at it for king mackerel at the last meeting and they realized that the projections that they had weren't compatible with the ABC Control Rule and the way that the SSC is looking at the risk of overfishing.

They requested new projections that they expect to have at the April meeting to look at. I think given Roy's comments about analyzing the risk of overfishing, it would help if you guys could spell out some sort of what is your thinking and what you might like to see because I'm really clear on just how that would be constructed and what type of analysis you might be envisioning.

DR. CRABTREE: What I would want to see is if we say, okay, we'll accept a 30 percent risk of overfishing, what would the catch level be versus if we said we'll accept a 50 percent risk or a 20 percent risk. When I see things starting to talk about 10 percent risk, I wouldn't be surprised if that means close the fishery down and you still can't get there.

I want to see what is the impact on the fishery of making that choice. I also would advise you we ought not be applying these ABC control rules on decisions we're making now until the council has made that evaluation and made that determination because I don't see how we can apply a control rule unless the council has formally made a decision about the risk of overfishing. We need to be careful that these aren't applied somehow along the way until we get to that. I want to basically see what are the economic impacts on the fisheries in terms of how it is going to affect the catches.

MR. CARMICHAEL: And you have that available for things that have been assessed because when they generate that P-star they can generate the landings associated with any of the probability levels. Most of the assessments have given that for a range. I know the recent ones are vermilion and gag and I believe even the ones that we should be getting and coming up here will have a range of that included, so the information is in the assessment.

DR. CRABTREE: Okay, but we're going to need it written up in a document in the form of alternatives; here is an SSC recommended ABC Control Rule. Now if you make this decision about risk that's different from the SSC recommendation, here is how the catches would vary. Do you follow me?

I don't know how complicated that is going to get but I suspect it will get fairly complicated. Whether it has to be done species by species or we can group some of these things and do it I don't know, but we're going to have to somehow have a basis for deciding what the risk level the council is willing to set. That is a policy decision that the council has to make.

MR. CURRIN: We're kind of getting into the discussion that we're going to have in the Comprehensive ACL Amendment, so let's get back and make sure there are no more questions for Carolyn on where the SSC is with developing an ABC Control Rule. All right, I see no more questions. Thank you very much; we appreciate it. Brian.

DR. CHEUVRONT: Would it be possible for us to get a copy of this presentation? Thank you, because I would just like to be able to look at it and study it a little more.

MR. CURRIN: We've got the report but Carolyn is going to send the presentation out which kind of outlines very succinctly the procedure. She will get that to you. All right, we will get back to Amendment 18, where we left off.

MR. HARRIS: And we have another motion coming up.

MR. CURRIN: And Brian has been itching to make another motion. This goes to the issue that Jack brought regarding Alternative 4 and the fact that that control date is before the time that there were some changes in the regulations and recording of landings that would generate a tremendous amount of work to try to analyze this alternative. Brian.

DR. CHEUVRONT: Just to cut to the chase, I make the motion that we move the Black Sea Bass Pot Fishery Alternative 4, under Action 4, to the considered but rejected alternatives.

MR. CURRIN: Motion by Brian; is there a second? Second by David. Discussion on this motion? I see no discussion; is there any opposition to this motion? I see no opposition and that motion passes. All right, I think there are some other – now keep in mind the suggestion the staff made about rearranging all these things. We've had some discussion about keeping things in here, so I'm assuming that by approving and selecting preferreds on these actions, the intent is to keep them in Amendment 18. I just want to remind you so we don't forget. Kate, I think we're on Page 50 now, Action 5; is that correct?

MS. QUIGLEY: That's correct, Action 5, limit effort in the black sea bass pot fishery. Okay, none of the wording has changed since the last time, so we've got Alternative 2, which limits black sea bass pot tags to 100 per vessel annually. Alternative 3 is 50 per vessel; Alternative 4, 25 per vessel.

MR. CURRIN: I believe that Tom Burgess, one of our AP members, has sent to the council members the results of some inquiries he made in the Sneads Ferry area among black sea bass pot fishermen there. Everybody should have received that on this particular issue. Duane.

MR. HARRIS: I talked to Tom for a long time one day, and I want to try to remember what he told me. I'm sure he has talked with some other people, too. I think he said there was only one fisherman that was fishing a hundred pots, very, very few. I think it was one, and that most people were fishing 25 to 30 pots. I'm trying to see if anybody else remembers that because I think that kind of goes to this decision.

MR. CURRIN: I knew Brian and Rita would have their hands up. Brian.

DR. CHEUVRONT: I've talked pretty extensively with Tom. As a matter of fact, I've talked to him every week or two. I think one of the things that was brought up in the thing that he sent in – and it affects this as well – was the notion of having to bring pots back in. I think Tom, himself, fishes about 35 pots, and there are a number of other fishermen who fish that many and a few more.

I think when you get to hundred-pot category you've got two or three fishermen who are fishing in that hundred-pot range or more. I think it's real hard in my mind for me to pick a number of pots until we've dealt with the issue about bringing the pots in at night because that could very much affect how we could vote on this issue, depending on how that goes.

MR. CURRIN: Yes, that's a very good point, Brian. In fact, the selection of the alternative to bring the pots back to shore each night would do a number of things. One, it would de facto limit the number of pots to what could be carried on the vessel. That doesn't discount the fact that people can get innovative about how they stack pots that may or may not but could be a safety issue. It would address that to a large degree and also address some issues about protected species and the amount of warp in the water and the like. Rita.

MS. MERRITT: I'm kind of the same opinion; however, if you'll recall when we talked about this issue before about bringing the pots in I believe – and Otha may be able to help us recall exactly what we were talking about – it became pretty much unenforceable or very difficult to enforce, whether or not they were taken in and exceptions to the rule and where they're stored and safety issues. There were just a lot of things that came up at the time, but I think the biggest part of it had to do with the reality of being able to enforce the rule.

DR. CRABTREE: Well, I'm just going back to Brian's comment and maybe we should move ahead and make a decision on to bring them in and then come back to this one, and that sequence might make more sense.

MR. CURRIN: That does make sense and I'm certainly okay and willing to do that, so let's skip to Action 6, which is a few pages down. Yes, it's PDF Page 53 and there are three alternatives there; status quo or no action basically and then Alternative 2 to bring the pots back to shore at the conclusion of each trip.

That doesn't preclude someone going out and spending the night with their pots, but if the boat comes back to the dock he better have all the pots that he has got tags for on his boat or be able to account for those. Then the third is to allow them to stay in for 72 hours without checking. George.

MR. GEIGER: Mr. Chairman, if you're ready for a motion, I would like to make the motion that we select Alternative 2 as our preferred.

MR. CURRIN: Motion by George to select Alternative 2 as our preferred, and that is the alternative that states that black sea bass pots must be brought back to shore at the conclusion of each trip. Second by Duane. Discussion? Rita.

MS. MERRITT: If I had to take an alternative, I'd want Alternative 3. Alternative 3 would be my preference only because I think the 72 hours does at least eliminate some of the safety issues that we talked about as well as enforcement. However, I haven't seen an science yet that backs this up. There was a cooperative research study done, but I believe the configurations of the pot lends itself to be a much more eco-friendly type of gear where there is less of the ghost fishing going on with them.

I just haven't seen the evidence that says that this is a problem. As far as damage control that has been an issue with I guess the lobster traps and pots that have been used mostly down in Florida and up in New England, I haven't seen any evidence of that occurring with the black sea bass pot. If there is, I've love to hear it.

MR. CUPKA: Mr. Chairman, I'd be concerned and I think this would help out not so much in terms of ecological impacts but in terms of protected resources. At the time of the year they're fishing these, this happens to be the time that we've got a lot of marine mammal activity out there, unfortunately, so the more we can get those vertical lines out of the water the better off we would be.

DR. CRABTREE: And the version I have for Alternative 3 says allow fishermen to leave pots in the water for no more than 72 hours, so that means that the fisherman could return to the dock while the traps are out there and that the 72 hours would start at the time he put the trap in the water; and as soon as he pulled it back on the boat he is okay.

I can see how Alternative 3 does have some enforcement issues with it, more so than Alternative 2. The problem I have – and I've heard this in testimony over time – is that people put traps out there and they're out there untended for extended periods of time and the fish die and the trap rebaits, and it does seem in that sense to be wasteful.

I've never run across a trap fishery where people don't lose traps. If you put traps out there and leave them out there, you're going to lose some traps, and that's always a source of concern to me. Alternative 3 doesn't really seem to me to be very workable, so I think at this point I'll probably support the preferred alternative to bring them in at the end of the trip. It sounds like, from what I've heard from most, that is what probably most of the fishery does now, anyway.

MR. CURRIN: That's what I'm hearing as well. Duane.

MR. HARRIS: That's what Tom Burgess indicated to me, too, that is the common practice now, and he said the fishermen he had talked to had no problem with this provision.

MS. MERRITT: Well, I want to go back to David's point. If I'm not mistaken the large whale take reduction team reviewed the gear and they actually have new breakaway clips of some kind that has proved itself to be more eco-friendly in mammal interactions. I think Red was at the same meeting I was in when that was discussed, so he may want to elaborate on that.

I guess the other point would be that the black sea bass fishery, at least in North Carolina, is very, very different from one area to the other. In Tom's area, which is sort of in the middle of our state, the Sneads Ferry area, it is prosecuted in just a very different way. I think we've talked about this earlier in another fishery that sometimes the fishing methods are very different and we need to keep that in mind.

You have a totally different point of view from the Topsail, Hempstead down through the southern part of our state to the South Carolina line at least. I don't know how they do it down there, but it is done very differently and they do use more pots. They tend to do other fisheries while they have them out and then come back, so sometimes they are overnight trips, which might indicate to a law enforcement officer thinking that they've finished their trip when leaving when in fact they were just going to another type of fishery, doing multiple fisheries.

DR. CHEUVRONT: Getting back to Duane's comment about talking with Tom Burgess, it is interesting to note, though, that Tom fishes by taking pots out late in the day, fishes them overnight, and then goes back to the next day to tend his traps, and there are a number – I can't give you a definite number, but there are several other fishermen who fish their traps that way, so there is some variety in how they do that. I think Tom indicated in that letter that he sent that they could live with having to bring traps in at night. I guess the point of clarification that I wanted to make is that this is going to involve a change in the way they fish for a number of fishermen to bring these trips in everyday.

MR. MUNDEN: Tom Burgess serves on the Atlantic Large Whale Take Reduction Team and I also serve on that team. As Rita pointed out, the Atlantic Large Whale Reduction Plan requires weak links in vertical lines as well as ground lines in pot gear in addition to gill net gear. The focus of the last meeting of the Take Reduction Team was to reduce the number of vertical lines in the water column.

Tom was there and he made a presentation on the number of pots that North Carolina fishermen fish. Even though it's recognized as a problem by the Take Reduction Team, the number of vertical lines in the whole southeast region is miniscule as compared to what is set in New England in the lobster pot fishery. Again, the focus of the team is one size fits all, get vertical lines out of the water, so this would be in agreement with what the Take Reduction Team is attempting to accomplish.

MR. CUPKA: Mr. Chairman, I also serve on the Atlantic Large Whale Take Reduction Team, and Red is right that the number of lines compared to the lobster traps are nowhere close, but the unfortunate part is a lot of times these fisheries get reclassified based on their similarity to other fisheries.

In this case I think our sea bass pot fishery got reclassified because it was a pot just like lobster pots, and so they've got the weak link requirement now. The only problem I see with weak links is that these traps are so light there is nothing for them to ground these pots where they can exert enough pressure to break those links. It's one of those things you're required to do it, but I really don't think it is very effective.

MR. PHILLIPS: Two things; the one to the break links, I got a call about a month ago asking me how many black sea bass pots we fished, and I said none when the whales are here because the season ends. Now if you changed the start date of the season again, yes, you will possibly, probably have some pots in the water, but as it is right now it's closed in the middle of December before the whales even got here, and it didn't until they left, so it didn't really matter.

We did talk about how the break links may or may not hold. The other thing is leaving traps in the water, period. I talked to Tom Burgess, as a lot of you did, and as he said, a lot of those guys brought their traps in, so you're talking about mandating something that they're already doing, but there is a safety factor in here.

There are just some times when, one, you just don't want to or can't get those traps in. I've also heard them talk about they're find recreational boats tied up to their buoys for anchors. The first time you lose a pot or a trap or a recreational boat drags it off somewhere where you can't find it and the Coast Guard comes along and finds it, you've got a violation.

I'm going to have to vote against this motion because you're not going to get much because most of the guys are bringing their pots in and the potential for a violation when you're trying to do what you're supposed to do. I could see maybe 72 hours but you still need to figure out something for – you're going to lose a trip, I don't care what you do. I'm going to vote against it.

MR. CURRIN: All right, let's go ahead and vote on this, if we can. I'd ask that all in favor of the motion to select Alternative 2 as the preferred raise your hands, 9; all opposed, 2; any abstentions. I see no abstentions. The motion carries nine to two. Monica.

MS. SMIT-BRUNELLO: I was waiting to see whether the motion carried, and I was thinking along the lines of one of the things Charlie brought up. I wondered if you would want staff to work up with enforcement's help and bring back to you at the next meeting some sort of exception. Maybe the person would have to call in and report to enforcement or something on a safety-at-sea kind of thing for National Standard 10 in case there was bad weather or something like that.

MR. CURRIN: Yes, that sounds like a good thing to do.

MR. HARRIS: Yes, and Tom mentioned that to me.

MR. CURRIN: Okay, sort of safety-at-sea exception or exemption. Okay, that could very well simplify – thanks for the suggestion to come down here first – the action that the committee may want to take on the previous action, which is one to limit effort in the black sea bass pot fishery,

and there are a number of alternatives there; stepping down pot numbers. Certainly tags are still required as best I understand, but there is a suite of alternatives there from 25 to 50.

I think if I interpret correctly what the previous action at least indicates is that the maximum pots that anybody could fish would be what they could safely put on their boat and take offshore and come back. There may be a need to keep this action in the amendment, but I'm having a hard time seeing why it needs to be there now unless there are other thoughts from the committee.

DR. CHEUVRONT: I wouldn't be upset to see this action removed, but somebody – and I don't think it was you, Mac, but somebody had mentioned that somebody could come up with some kind of technology, some way to allow them to stack even more pots on the vessel. There are photographs out there of vessels with black sea bass pots on them that it's scary. You're wondering how can they maneuver that vessel even in calm inshore waters with that many number of pots on there. I would at least like there to be a discussion of this. That's enough to say about it right now.

MR. CURRIN: Well, that's what we're doing right now is discussing this as to what is the desire of the committee as far as this action and whether you want to keep it in there, take it out, modify it, eliminate some of the alternatives. What are your thoughts on this? Anybody got any strong feelings one way or the other? Duane.

MR. HARRIS: Mr. Chairman, I'd like to see us leave it in there and pick a preferred alternative. I'd just feel better about that than just taking it out and ignoring the issue and leaving it up to this bringing the traps back in every once-a-day rule or once-a-trip rule.

DR. CRABTREE: I agree with Duane. I think we need a limit and I'm thinking somewhere in the either 50 or 25 neighborhood. It looks to me when you look at the tables, there are some folks fishing more than 25 or 30 traps, but there are very few that are fishing those large numbers of traps, although there are some, but it looks like most people are fishing 50 or fewer, so it doesn't seem like 50 really would affect that many people, and that might be a reasonable place to come down to.

MR. CURRIN: Kate just told me that there is a table on Page 199, and we referred to it earlier I think in our previous discussion, but that's the tag requests from various years and the like number of vessels with landings and the pots and the like. David.

MR. CUPKA: Mr. Chairman, I'd like to make a motion that we select Alternative 3 as our preferred based on testimony that we've had from numerous fishermen. Even last night we heard from one of the Longs, and that family has been fishing black sea bass for three or four generations, and they're very effective and efficient fishermen. I think Chris said last night he only uses about 30 traps. It seems like we've talked to a number of them; and if we set it at 50, I think that would encompass the majority of fishermen and certainly we don't need someone taking a hundred traps out there.

MR. CURRIN: Motion by David to select Alternative 3 as the preferred; second by Duane. Discussion on this issue? Rita.

MS. MERRITT: I would like to speak against that as the preferred alternative. In North Carolina we've only got about 22 boats, and we've got a petition just from one area alone with seven or eight people on it who are in favor of being able to have a hundred. These people don't even fish a hundred pots and they can live with it.

It's a very small fishery for us. I don't know of any science that says that 25 pots versus a hundred pots are creating a problem, but yet it's creating a significant economic impact to a very small number of people. I just find that's inequitable to only place the burden upon those who have had the history of having the higher number with larger boats and have the history that stands there, and now their income or their ability to fish is being cut in half. Thank you.

MR. WAUGH: Two questions; one, does this apply just to vessels with a federal snapper grouper permit? The second is we say that the black sea bass pot in the water or at sea on a vessel have to have the attached identification tag, but if they're bringing them back to shore why wouldn't we want them to have to have that tag when they're tied to the dock, also?

MR. CURRIN: Yes, I think it's critical that the tags are attached to the traps everywhere, so I presume that's okay with the motioner and the seconder is to make that clarification. That would have been my assumption. Further discussion on this motion? I think the intent is with valid federal snapper grouper permits. I think that's the intent, Gregg.

There was a clarification made in an earlier motion when you guys asked for some clarification to that effect, I believe. Further discussion? Any objection to the motion? The motion is approved with one objection. Any abstentions? I see none so that motion is approved. All right, Kate.

MS. QUIGLEY: Okay, we're going on to Action 7, PDF Page 54, separate snowy grouper commercial quota into regions/states.

MR. CURRIN: Recall that this is one where the staff suggested that action in 17B may have made this moot to some degree or at least not as necessary as thought at one time. What is your pleasure on this action; do you want to keep it in 18 or remove it? Roy.

DR. CRABTREE: I don't see that this action is necessary at this time. With the actions that we've put in place in 17B, I think the fishery is –

DR. CHEUVRONT: I believe I was the one who originally pushed to have this in Amendment 18, but given the actions that occurred in Amendment 17 I think to some degree does make this moot. However, earlier today I requested that we look at this issue of regional/state quotas in Amendment 21.

I think while it doesn't seem appropriate at this point to be discussing it here, I think the broader overall objective of having this be given a full consideration has not gone away. I just now don't think that it's necessarily appropriate to have it here in 18 because it's not going to have any impact on any outcome for particularly the snowy grouper fishery, but there may be other fisheries that we could consider this for in the future.

MR. CURRIN: So would you like to move that we remove this action from Amendment 18, but consider state and regional quotas in Amendment 21?

DR. CHEUVRONT: I think that needs to come from somebody else.

DR. CRABTREE: I would move that we remove Action 7 from Amendment 18 and consider it in a subsequent amendment. Is it 22 we're talking about, Kate.

MR. CURRIN: 21 I think was the –

DR. CRABTREE: And that we revisit the issue in Amendment 21.

MR. CUPKA: Second.

MR. CURRIN: Motion by Roy; second by David. Discussion on that motion? Is everybody clear? Ben.

MR. HARTIG: Just one quick thing; this will fall right into what George wants to talk about; how do we reopen these fisheries once the closure is lifted.

MR. CURRIN: It certainly fits right in; doesn't it? Further discussion on this motion? Okay, we're getting ready to vote on the motion to move Action 7 to the considered but rejected appendix and revisit the issue in Amendment 21. Is there any objection to this motion? I see none; that motion is approved. All right, I think Action 8 is to adjust the golden tilefish fishing year, and that's on Page 56.

MS. QUIGLEY: For this action we've got several different alternatives; Alternative 2, change the start date to September 1st; Alternative 3, change the start date to August 1st; Alternative 4, change the start date to May 1st; and then we've got Alternative 5, close the longline fishery when the 300-pound trip limit for golden tilefish goes into effect. The IPT is requesting that we split this action into two different actions. One would be changing the start date of the golden tilefish fishing year, and the second action would be to change the trip limit. That is just to make it cleaner for analysis.

MR. CURRIN: Thank you, Kate. Thoughts on this; I know in the past I've heard some of the fishermen say if you change the fishing year's start date you don't have to worry about the trip limits, but I'm not sure whether that's still the case or not. Roy.

DR. CRABTREE: Well, it seems to make sense to me to separate the action into two unless someone has a reason not to, so I would move that we separate this into two actions as suggested by the IPT.

MR. HARRIS: Second

MR. CURRIN: Motion by Roy; second by Duane to separate Action 8 into two separate actions, one dealing with the change in the golden tile fishing year and the second dealing with trip

limits. Discussion on that motion? Any objection to that motion? I see none; that motion is approved. All right, let's talk about the new Action 8, then, which will be the changes to the fishing year. Thoughts on that; are you ready to select a preferred? Ben.

MR. HARTIG: Well, I've heard a lot of discussion from the South Carolina boats and from the Florida boats. The Florida boats don't seem to care when it is. The South Carolina guys say the weather is a problem, but I will tell you that when I did the first documentation of this and when I looked at the landings from the Carolinas versus Florida and I started the fishing year at the same time, there was virtually no difference in the participation from those gears at that time.

I mean, it goes back a while; it was a while when I did that analysis. In fairness we need to fish in September, but I'll move it forward to August to allow at least South Carolina more participation, given the calmer waters of August and September during those times, except for the hurricanes. **That's the motion, change the start of the golden tilefish fishing year to August 1st.**

MR. CURRIN: So that is the motion to select Alternative 3 as the preferred alternative.

MR. HARTIG: Right, Alternative 3 as our preferred.

MR. CURRIN: Second by George. Discussion on that motion? Any objection to that motion? I see none and that motion is approved. Now to the issue of the trip limits, which are basically a number of subalternatives. There were some under the previous alternatives, too, some under Alternative 3 and Alternative 4. These were regarding to change the trip limits, retain the 300-pound limit when some percentage of the quota was caught or variations. Gregg.

MR. WAUGH: Part of the no action is the 300-pound limit when 75 percent of the quota is taken, so you need a new alternative to remove that if, indeed, you plan on doing that, but we don't need to add another alternative to retain it.

MR. CURRIN: Thank you. What is your desire here, folks, regarding these trip limits? Ben.

MR. HARTIG: When I wrote that paper, basically it was a win-win. We got to fish; the longlines could probably finish out the quota; and we wouldn't need the step down at the end based on the season change. Unless Roy has a problem with trying to track the quota; I mean, certainly, when you step down to 300 you can track it a lot easier, but do you have a problem with allowing longline boats at a 4,000 pound trip limit to finish out the quota?

DR. CRABTREE: Well, we'll do the best we can but they can catch a lot of fish fast; and because people want notice, we have to make projections and their uncertainty, so having it step down makes it easier. I'm not a big fan of trip limits and I think they just force economic inefficiency on fishermen. If you want to take it out, I think that's okay.

I believe, Jack, in 17B we set the quota for golden tile at the optimum yield level so that we do have a buffer between that and the overfishing level, so we can do the best we can with it and see

how it goes and come back and review it. If you want to eliminate the trip limit, I'd say do what you think is right.

MR. HARTIG: I'm trying to make it as clean as possible, and let's eliminate the trip limits. I'll move – which alternative is that?

MR. CURRIN: Well, it's part of each one of them, Ben, and now it's a separate action.

MR. HARTIG: Okay, do you want me to make a new motion to remove the 300-pound trip limit when 75 percent of the quota is taken.

MR. CURRIN: Okay, motion by Ben to remove the 300-pound limit that occurs when 75 percent of the quota is met. Is there a second?

Second by Duane. Discussion? There has been some discussion of that already. Any further discussion of that motion? Any objection to that motion? All right, seeing none, that motion is approved; and I guess the no action, as you indicated, Gregg, would have left that there, and this alternative will remove it. That might be sufficient, and there are perhaps other alternatives that might be reasonable, I don't know, when considering when it's already in place, either leaving it or removing it; is that sufficient, Monica, as far as a range of alternatives on this action?

MS. SMIT-BRUNELLO: I think this one is pretty clear-cut.

MR. CURRIN: Okay, thank you; I just want to make sure. There is another Alternative 5 there; .Kate just reminded me. This is one I think I've suggested just because I was concerned that what I had heard the last couple of years is when the 75 percent of the quota and the trip limit went to 300 pounds, the longliners were still fishing on 300 pounds, and some of the hook-and-line guys, you know, it closed early and they didn't get to fish at all. I don't know that in view of the starting of the fishery year changing and removing that trip limit, that Alternative 5 makes much sense anymore. Roy.

DR. CRABTREE: Well, I would leave it in case we, at the last minute, change and keep the trip limit, and then you might want to reconsider it, so I don't think I would take it out. I just wouldn't select it.

MR. CURRIN: That's good advice so that will be third alternative under that consideration. Monica.

MS. SMIT-BRUNELLO: No, I think you answered my question, so it would go in with the trip limit alternatives?

MR. CURRIN: That would make sense unless staff can tell me that it doesn't, so that would be a third alternative under the trip limit. Kate, are you okay with that, that makes sense, so we've got actually Action 8 or 9 or whatever it will be, or 8A and 8B of whatever for that previous action. Okay, Kate.

MS. QUIGLEY: Okay, we have improvement to data reporting, Action 9, and this is split up into three parts, commercial, for-hire and recreational. Under commercial there are five different alternatives; Alternative 1, the no action. Alternative 2 requires federally permitted snapper grouper dealers, if selected, to report electronically; Alternative 3, require all permitted snapper grouper dealers to report electronically; Alternative 4, require all vessels with a federal snapper grouper commercial permit to have an electronic logbook tied to the vessel's GPS on board the vessel.

This would require a hundred percent of vessels to have an electronic logbook; whereas, under current data reporting programs they only require electronic logbooks if selected. Alternative 5 is provide the option for fishermen to submit their logbook entries electronically via an electronic version of the logbook made available online. Of course, more than one alternative can be chosen here.

MR. CURRIN: Okay, what is your pleasure here, folks? Alternative 5 is one that was suggested by one of the fishermen who liked that idea. He thought it would be more timely and help assist the National Marine Fisheries Service with the timeliness of the data if they could enter that.

MS. MERRITT: Mr. Chairman, I do agree with the comments made at the public hearing about Alternative 5. I find that having the option to submit the logbook online or on the boat gives the fishermen the ability to not have to make adjustments or require new equipment on their boat. They're used to doing their logbooks, anyway, so I think that this would not be difficult for them to meet the requirement versus having to put new equipment on their boat and being a higher expense for them in the long run. I would motion that we make Number 5 as our preferred alternative.

MR. CURRIN: Motion by Rita to select Alternative 5 as a preferred; is there a second? Seconded by Mark. Discussion? George.

MR. GEIGER: My question for all of these is there is nothing that ties the reporting to a time-certain requirement. We have problems now and issues logbooks being filled out late, people being dinged about filling and completing logbooks, and in none of these alternatives is there a time certain at which time a logbook has to be completed either at sea, while they're under VMS control for the alternative that has VMS or when they get back to the dock or at the conclusion of a trip online.

MR. CURRIN: Yes, I'm not sure whether there exists now requirements, Roy or Monica, about the timeliness of logbook reporting or requirements that they have to be submitted within some date or something.

DR. CRABTREE: Well, the way works out is when you come in to renew your permit, which expires on your birthday month, you have to be up to date on your logbooks. There are folks that come in and they are not up to date on their logbooks and submit a bunch of logbooks all at once at that point.

MR. CURRIN: Are you guys able to deal with the influx of data if there is a more timely requirement put on the fishermen to –

DR. CRABTREE: Well, that you would have to ask Bonnie because the data – the logbooks go the Center and not to us.

MR. CURRIN: Yes, and that raises another question, Bonnie, regarding Alternative 5, which I think is a good one, but can the Center spin up a system that would allow fishermen to go online and enter their logbook data without having to mail a hard copy, and would that be advantageous to you guys?

DR. PONWITH: Yes, electronic reporting is certainly the direction that we're heading to go in these fisheries. There is some setup time and some initial expenditure in making sure that this system is prepared to convert. I know we've got some reporting that is electronic already. Like I say, it's definitely the direction that we need to be going.

MR. CURRIN: So this doesn't give you pause at all if we were to –

DR. PONWITH: The preferred alternative does not give me pause except I will need to consult to find out if a hundred percent decided to do it whether we are in a position to absorb that amount of participation. The one that does concern me is the "require all" – you know, the Alternative 2, require all – until we have the system in place to be able to actually handle that influx of information.

MR. CURRIN: Yes, Alternative 3 requires that all of them do it now and I think 2 is just if selected. Monica.

MS. SMIT-BRUNELLO: A current dealer reporting requirement for South Atlantic snapper grouper is on a monthly basis, so they're supposed to send it in each month.

MS. MERRITT: I was trying to respond when you asked the question if there was a time-certain requirement on logbooks now and there is. One of the good things about going electronically, I'm hoping, is that at least the fishermen will now get some confirmation of having done that. As it stands now you're required within so many days of the end of the trip to send in your logbooks, which is done, but you don't find out whether it was received or not until you're renewing your permit next year. That's when you all of a sudden discover, oh, they didn't this or it has been lost in the mail, whatever has happened; or that you did accidentally miss one. I see it as a real plus from both sides of the fence.

MR. GEIGER: Mr. Chairman, what I'm going to say here is we're talking about the commercial side of this but it applies across the sectors. I think the genie is out of the bottle, and people know that they're reporting and what they're going to report will probably have or could have significant consequences on their ability to continue to fish in a particular fishery.

I think it was Reagan who said "trust but verify", and how do we verify any of the reporting mechanisms for every sector, commercial, recreational, for-hire? It just like a lot of money and a

lot of effort to go into something and how much confidence do we have then in what is actually reported?

I've had sidebar conversations with people who have indicated – but this is a lot of money and a lot of effort that could be directly possibly towards something else if we're not going to believe or get accurate data. You're always going to have outliers, you're going to have people who will cooperate; do they offset, I don't know. Is it worth the expense to have people lying to you on the one hand and people giving you accurate on the other? I don't know; it just concerns me a bit.

DR. CRABTREE: Well, that's always been the problem with the logbooks is their accuracy and the only way I know of to check it is to have an observer program. What we're finding with observer programs is that they're catching a lot of stuff they're not reporting in their logbooks, turtles, things like that. But having said that, I don't think we're talking a big expense to set up a way to enter their logbook information online.

I just don't think it's that difficult anymore to go into a web application and set up forms for them so they punch it in and it goes to the Center. It might even be that's a timesaver in the end because right now you get paper logbooks, and somebody has got to sit there and read everything in them and enter it into a computer.

If you did it right this way, the fishermen are doing the keypunch for you and it comes in and you have to do some Q&A, but that doesn't mean it's going to be accurate or not. I'll probably support this, but I think after we dispense with this motion, to me the bigger issue and the bigger need right now is to address the dealer reporting.

As we're moving towards more quotas and more emphasis on quotas, it is my understanding if you're in the quota-monitoring system right now most of them already report electronically, and it's usually at two-week intervals. Like we're talking about the golden tile quota, if you want more accurate tracking of these quota then we need electronic reporting from the dealers and we need it at more frequent intervals.

MR. CURRIN: And we're going to get to that as soon as we deal with this. There are several options for the committee to select alternatives here as preferreds. These are not mutually exclusive.

MR. GEIGER: And I agree with you a hundred percent. I think an entry via the internet or a computer is probably the least costly and the best way to go. Again, there is no date certain that this has to occur. I mean, it would be easy for us to put a date certain in there, that it has to be completed within 24 hours of the dealer action so their logbook action could be traced to a trip ticket and the trip ticket could be traced back to their particular trip. Then you could check to verify that they completed the logbook action within the time constraint that was identified within the regulation.

DR. CRABTREE: In theory, yes; in practice, I don't know. The trip ticket program, remember, is run by the states, and we get trip ticket data delivered to us in various fashions, but I don't

think we know what is reported on the trip ticket that quickly. I think to make what you're talking about working, you'd have to switch to an electronic trip ticket system. I know at least in Florida they have some software for electronic trip tickets, but I think they still have a lot of paper trip tickets in other places so. That might be something to strive to get at, but I'm not sure that all of the agencies and states are capable of meeting that at this point.

MR. GEIGER: And I understand those concerns. My thinking is the federal agent who walks into a dealer, he's got a laptop, he has access to the logbook reporting system, he checks the dealer's trip tickets, he sees trip tickets for a certain vessel, he could go and see if the logbook was completed on a certain date on his laptop that he carries into the dealer's office. I mean, it's a simple process. –

DR. CRABTREE: And that might be doable.

MR. GEIGER: – and it doesn't appear to be – you know, I just think if we're going to have this, let's put some teeth into it and mandate it. We've heard public testimony frequently about people who forget to complete their logbooks, have their wives complete them months after trips to comply with the logbook requirements so they can get their permits renewed.

MR. CURRIN: And we're kind of talking about another alternative up there, George, that we haven't started to address yet. This is one is just simply to provide an option for the fishermen to do it and not require that they do it. We can have that discussion and there are alternatives up above here that could be selected if the committee so desired that would require all of them to do it.

You heard Bonnie say that they may not be quite set up to handle that expense and all that yet, but we'll get to that after we deal with this motion. Any further discussion on this motion to provide an option for a fisherman to submit logbooks online if he so desires? Any objection to this motion? I see none and that motion is approved.

Now if you go up that page, that's Alternative 5 under this action. There are a number of other actions, one of which Roy just mentioned as being important, he thought, which is to require all permitted snapper grouper dealers to report electronically. Roy.

DR. CRABTREE: Well, I guess my inclination would be to apply it to “if selected”, but I'd like to hear some of Bonnie's comments on that. I know right now there are some dealers out there who have very minor amounts of landings and so aren't selected in the quota monitoring program. I'd like hear, Bonnie, if you have any guidance whether we ought to go with “if selected” or not, but I would support requiring electronic reporting at this time.

MR. WAUGH: You all have heard ACCSP has a program that tracks dealer reporting and quota monitoring. It's in place North Carolina north. ACCSP has offered to provide that software down here. We've also heard that there are monies available to help fix some of the issues down here. We can just spin this into a part of our catch shares work. If you look, this was e-mailed to you, this is the final reporting through December 31, 2009. Vermilion snapper, for the second part of the year, July 1, 2009, through 12/31/09 went over the quota by 19 percent.

Now we're going to start putting in accountability measures on the industry, and so the industry is going to start having their future quotas reduced because we're not tracking it closely enough. There are concerns that not all the dealers have computers. Computers are very expensive. Given all these ACLs that we're going to be faced with, can we really tolerate having dealers that can't provide their catch information electronically?

I would argue just from the industry's standpoint we can't because it's the industry that is going to be paying in terms of losing future catches for the quota going over. I would certainly like to see us choose an alternative that doesn't leave it to "if selected" because this quota report shows that the "if selected" program is not doing the job. We're overrunning quotas that we're tracking now, so I think it's time to go to a hundred percent dealer reporting. This gives the National Marine Fisheries Service the authority to require weekly or daily reporting as they see fit.

DR. CRABTREE: But I don't think that's quite fair on vermilion snapper because you remember the quota was implemented in the middle of the year when Amendment 16 went in place. It was new and they didn't have things set up. Typically I can tell you from experience with quotas for many years now, we typically don't miss that badly.

But we are, with the current system, probably going to be plus or minus 10 percent on one end or the other, and we have a very difficult time coming much closer to that. Part of this, though, regardless of what system you put in place, part of this is people want notice, and in some fisheries they want – like the longline fisheries where people are taking extended trips they want ten days' notice.

Well, even if the reporting is real time, we've got to put a notice together and send it to the Federal Register and publish it and then give them ten days, and that means we've got to project out two weeks, and you can miss when that happens, depending on the fishery. I do believe part of the problem with vermilion snapper there was because of the newness of the regulations.

But having said that, I do agree with Gregg that we need to move towards electronic reporting and a system that is more timely and works better. I don't know exactly what system that is yet, and I think we need some guidance from the Center as how to go with this. I don't know if the ACCSP is the way to go or what, and I don't want to do something that's going to disrupt things and create more problems than it solves.

MR. CURRIN: No, me either, but certainly electronic dealer reporting would seem to me would cut down on the lateness and tardiness of many dealers reporting, which can be a real problem monitoring quotas. Bonnie.

DR. PONWITH: And just to reiterate one of the things that Roy mentioned and that is that when you see that you are creeping up to a quota and you prepare the action to let people know, that is exactly what happens, people want as long as possible so they don't ice up and buy bait to know that there is going to be a closure. Knowledge that a closure is imminent changes the rate of harvest, which can be the cause of overshooting. That said, if you can indulge me a moment to make a phone call, I would be able to give you a little bit more definitive guidance on the Science Center's readiness, I guess, to put in mandatory.

MR. CURRIN: I'm sure we can do that; we'll take a five-minute break here in a minute. Brian.

DR. CHEUVRONT: Yes, related to some of what Bonnie was just saying, since we work with quotas in North Carolina, we find that when we get close to the end of the quota a funny thing happens. Suddenly we get a flurry of trip tickets and an increased amount of landings, so what people are attempting to do is to hold the quota open longer.

They know they're getting close because we send out updates on what is going on with the quota; and so when they think they're going to get close to the end of the quota, to beat the rule what they'll do is they'll turn in their trip tickets with the higher landings so that what is reported electronically and what they report to the state is legal, but it's funny how we get this huge amount landings.

We know what people are doing is they're not reporting landings until the very end. That's why, for example, what we do is we have short seasons that maybe only last ten days or two weeks, that forces the fishermen to turn everything in, we evaluate the data, and we may close the fishery for a week or two at a time while we do that before we open it up again to avoid this quota busting. Been there, done that, we've figured out a way around it.

MR. CURRIN: It's a game and people figure out how to play it to their advantage. Do you want to take a five-minute break; let's do that maybe give Bonnie a little bit of time to look into this; and if not, we can come back and address it later. But look at those other alternatives because there are some other ones there for consideration as well.

MR. CURRIN: Okay, let's go ahead and get started. Bonnie was able to make her phone call and I think has some information to share with us.

DR. PONWITH: Thank you, Mr. Chairman, for the opportunity to phone a friend. The recommendation under the commercial category would be to split into two components, commercial dealing with dealers and commercial alternatives dealing with vessels. Under the alternatives dealing with dealers the Center would endorse a mandatory electronic dealer reporting alternative.

Now, that said, in the interest of full disclosure, right now the electronic dealer reporting is being run by the individual states in conjunction with the ACCSP, so the electronic dealer reporting is being done by the states. The states that are farthest along in sort of a maturity of those systems right now are Florida and North Carolina.

Georgia has said they're prepared to go to electronic dealer reporting. It's just not as far along. What I think a good thing to do would be to touch bases with the states and the ACCSP to make sure they're ready. The way the system is set up right now is for the states to gather those data and then we go to the states on a weekly basis to draw the data that we use for the quota monitoring. That's the dealer reporting piece.

The vessel reporting piece, the ultimate goal is to go to an electronic logbook. We endorse going to that electronic logbook, but that's going to have to be a phased approach; that it will take some

time to get people set up and entered into that program. I don't know how you would word that in an alternative, but I think the ultimate goal is to align ourselves to go to an electronic logbook.

MR. CURRIN: Okay, thank you, Bonnie, and to that end are we taking positive steps toward that goal at this point of electronic reporting for all fishermen or is it just kind of a dream? I mean, is there a plan to get there in a timeframe; and if not, it really is important I think that we actively start moving toward attainment of that goal.

DR. PONWITH: I agree, and I can't speak – I mean, if I were given a hundred percent continuum, where on the continuum are we in terms of setting that so that we can to that, but that would be – I agree that is an important thing to have a plan for. It's basically establishing where we are in the process of getting ourselves prepared for that and what it would take to actually achieve a hundred percent compliance to the point where we're prepared to go mandatory.

MR. CURRIN: Okay, questions for Bonnie or comments? Roy.

DR. CRABTREE: And, Bonnie, when you say the Center would endorse electronic dealer reporting, would that be by all dealers?

DR. PONWITH: Yes. At this stage as long as the states are confident that they're prepared to go to a hundred percent mandatory dealer reporting electronically, we would endorse that.

DR. CRABTREE: Okay, and then the alternative we just passed on the logbooks, though, just so everyone understands, was not an electronic logbook. It was just a form on the web that you could go in.

MR. CURRIN: Understand that. All right, there are alternatives here that address both dealers and commercial fishermen. George.

MR. GEIGER: Bonnie, in your comments just now, at the very end you talked about logbooks; did you mean dealer logbooks or vessel logbooks?

DR. PONWITH: Well, I talked about both dealers and vessels. The vessels that are keeping logbooks, that logbook program is run by the Center. The dealer reports that are electronic, those are being run by the states. The stipulation on the mandatory electronic dealer reports are until all of the states are ready to go mandatory, we shouldn't go mandatory. We can't be running dual systems on that. That is going to cause some real problems, and so until we're ready to move as a block into the mandatory, we should hold back.

MR. GEIGER: Followup up to that, also, in the electronic logbook program; in the experimental program that was run was there a verification process that went along with that?

DR. PONWITH: I know we're doing a verification process for the electronic logbooks in the for-hire industry. In fact, that's one of the key considerations of whether we could go to an electronic logbook. They have to be developed in parallel. For the commercial, I have to think

that there is a on-the-ground validation process for those commercial data. I'm just going to have to look up and find out what that process looks like.

DR. CRABTREE: Well, I guess where that leaves the question is if we go ahead and adopt Alternative 3 as the preferred alternative and that requirement, then, is implement by the end of the year; are we going to be prepared at that point to implement it or not? Unless we build some contingency in here somehow that is contingent on the states doing something, but if we put some contingency in there on it, then I'm not sure exactly what it does.

MR. CURRIN: Yes, it sounds like from what Bonnie said, that it is going to require at the very least the cooperation of the states and at the very most perhaps a kick from the states to the dealers and the states requiring that at least snapper grouper dealers submit reports to the states electronically. I don't know what kind of box that puts us in. I guess if the folks from Georgia and South Carolina – unfortunately, Robert is not here – can comment on the feasibility of that, I know you guys' budgets are in trouble and I don't know what this requires. Doug.

MR. HAYMANS: Mr. Chairman, I am a first-time caller, but the dealers are already reporting to us no matter the mechanism it's written. We get it in by the tenth of the month; and as we enter it, we're reporting to ACCSP on a weekly basis. Assuming you don't want it daily, if we don't have to give it to you daily, NMFS can go to ACCSP and pull it as often as they want to without having to come to the states.

Although ideally creating an electronic entry platform for the dealer, that's what you would want, you're going to get it electronically from us, anyway, because we're going to report it to ACCSP. We have tried through ACCSP grants in the past to get an electronic platform built. We just haven't had that happen yet. It is part of our technology plan now. It is in our technology plan to get it done. Although with our state budgets where they are, we don't know when it's going to get finished.

MR. CURRIN: But your requirements are that they report monthly?

MR. HAYMANS: Yes. Well, all of our dealers report by the tenth of the month and that is the case across all of the ACCSP states.

MR. CURRIN: Yes, I think with the exception of quota-monitored species in North Carolina, I think that's the case as well; is it not, Brian?

DR. CHEUVRONT: Yes, quota-monitored species in North Carolina we report daily.

MR. CURRIN: I mean, maybe just trying to push it so it's a little more timely with weekly reporting would perhaps make it a little more timely. I don't know; would that stretch you guys trying to do that?

MR. WOODWARD: We've got very few dealers; we've got eight, maybe. Depending on how all this plays out, there may be less of them. It's not an unmanageable thing. We've just got to get over a few internal hurdles to finish that electronic reporting platform.

MR. CURRIN: Okay, thank you, Spud. I guess we'll have to wait until we hear from Robert on that as far as South Carolina and where they are with implementation. Roy.

DR. CRABTREE: I guess, Bonnie, if the data is being reported into ACCSP and that is where we're drawing it from; is there any reason why we can't draw the quota numbers and tally them up more frequently than – I think right now we do monthly and then when we get close we do two weeks, but is there a reason why we can't do that more frequently if it's just a matter of going in and pulling the numbers from ACCSP?

DR. PONWITH: To the extent that all of the dealer data is there, yes, it could be pulled from ACCSP, but I don't know if it's all being reported. You mean to ACCSP in lieu of creating a mandatory electronic dealer reporting?

DR. CRABTREE: Yes, I agree with Doug's point. If they've just got a handful of dealers and they're entering it into ACCSP every week, then I don't know – yes, electronic reporting is nice, but maybe what we ought to do is at the council meeting maybe we could have someone from the Center kind of go through the workings of quota monitoring to us, and we could deal with some questions at that point before we take final action on this; if that would be possible.

I know it's complicated and I want to make sure we don't do something that doesn't help or is counterproductive, but at the same time I would like to find a way to improve the timeliness of the reporting so that we can hit these quotas accurately. I would suggest, Mr. Chairman, that we ask that the Center have someone here who can go through with us how this works and exactly when they get the data and how often and what would improve it.

MR. CURRIN: That sounds like a good suggestion to me. Doug.

MR. HAYMANS: I would say that any fiscal support from the Center to help finish some of these platforms would be a good idea.

MR. HARRIS: I think if we have somebody from the Center, we perhaps should have someone from ACCSP here as well, so we get the whole picture and not just part of the picture. I would also – and I don't know whether this is correct or not and I don't know whether David can address it or not; I would assume that South Carolina's system right now is very similar to Georgia's system. You're getting the data in and you enter it and it goes to ACCSP in probably the same timeframe; do you know if that's true or not?

MR. CUPKA: That was pretty much the case when I retired almost four years ago, but there have been a lot of changes made and a lot of budget problems, a lot of staffing things, so I'd hate to say, but I wouldn't be surprised if it wasn't quite similar to Georgia.

MR. CURRIN: Well, fortunately, this is one action where I think the lack of us having a preferred at this point is not going to impede the staff analysis and progress on the amendment nearly as badly as others.

We can request that the Center have somebody at our next meeting to explain the quota monitoring system and we can get into some details of how we can improve that and plans to do so along those lines, if that suits everybody. George.

MR. GEIGER: And could I respectfully request that the Center be able to talk about the verification process at the next meeting? Thank you.

MR. CURRIN: All right, and that will allow us the opportunity to have Robert here and feeling better, we hope, and can enter into this fray as well. I think that may – well, let's see, we've got actions or alternatives for the for-hire sector as well, and we may run into the same sort of problem here, I'm not sure, but let's look at those alternatives.

They begin on Page 61 in the document. We did hear Bonnie say that they're moving to improve the platform and the reporting for the for-hire sector as we speak, but I think it's still on an "as selected" basis. I think our goals would be that we get the whole sector under full electronic reporting. Tom.

MR. SWATZEL: I do know that there is a pilot program for electronic reporting underway in the for-hire sector. We volunteered to participate in that. I've seen the software. It's a pretty simple program. I would certainly urge that we go in this direction. I would say that if you're going to require it, I think weekly is more along the lines of what you need to do instead of daily. Daily is pretty burdensome to do that.

I know I'm speaking to the choir, but if you want the data right now concerning 2009 in the for-hire sector, all those pieces of paper went to the National Marine Fisheries Office and they've had to hire a contractor to reenter the data. You still don't have the information for 2009, so it is vital to have electronic reporting. I certainly would say that Alternative 2 is the direction you want to go, but, again, it really depends on how far along the pilot program comes along.

MR. CURRIN: Tom, let me ask you something similar along the lines of a request from Bobby Cardin to provide an opportunity for those who are interested in reporting online; do you think there would be much interest or desire among folks in your sector to participate in that? Then, of course, there is a question for Bonnie as to whether that would become burdensome as well?

MR. SWATZEL: Well, I think it's just as burdensome to have to write it out, and that means that somebody else then has to reenter the data. Of course, keep in mind there are a lot fewer of the for-hire sector left, so there are a lot fewer participants at least as far as I know. I don't think it's burdensome. I think it's actually easier.

DR. PONWITH: Yes, I think it's wonderful that we've got – I think we have eight vessels right now participating in the pilot project, testing out software for electronic logbooks in the for-hire fishery. We have a contract right now for a sample statistician, a scientist who is very adept in sample design, working on the dockside validation of that electronic reporting and how we would do that.

As George rightly mentions, that's one of the key components to a successful self-reported system is that you've got a way to calibrate it against groundtruth data. I think right now that the will to go to electronic reporting in the for-hire industry is as strong as I've ever seen it in terms of the participants, and certainly the members of congress are equally excited about seeing this happen. I think the thing that stands between us and full implementation at this stage, speaking optimistically that I think the pilot study is going to end up being a success, are the resources to do the full implementation. I think that's kind of the state of play for that right now.

MR. CURRIN: So it wouldn't be feasible or beneficial in any way if we tried to establish a methodology similar to what we suggested for the commercial industry earlier for the for-hire sector to voluntarily enter logbook data outside the eight-vessel pilot project which you've got going on with verification and all of that; just more timely to provide the data to you guys, allow them that option. You know, it may cause more problems than it's worth, I don't know, but that's kind of the question.

DR. PONWITH: To answer that question, right now we have an estimation system in place, and the electronic reporting would cause changes in the way that estimation process is run. I think what I would like to do is defer and check to make sure that a partial shift via voluntary reporting, if the time is right for that. I'm hesitant to say yes, and that is because the pilot study is ongoing even as we speak, and I'd hate to make a commitment to doing that until we see what the results of the pilot are.

MR. CURRIN: I understand. Roy.

DR. CRABTREE: Yes, I think where we're going in the for-hire sector is electronic logbooks on board the vessel. I think there is limited utility to having weekly get on the internet and enter what you caught that week. I've been involved in those kinds of surveys before, and you get relatively low participation and things in it, but I think the electronic logbook system is where we're heading. It is just a matter, like Bonnie said, of working out the logistics and when can we get there.

MR. WAUGH: The biggest concern we get pinged on at public hearings – and you heard it yesterday, too – is data, data, data. The Magnuson Act gives the council the authority to specify the data that you all feel we need to do the job. Certainly, we have congress' ear; and if we don't put in the measures now to collect the data, how we need it and when we need it, we're missing a golden opportunity.

MR. CURRIN: Other thoughts from the committee? Are we content to wait for the presentation at the next meeting from the Center on – I guess that will be more or less restricted – well, it will be logbooks as well as for-hire logbooks and perhaps that pilot project as well. I just wonder whether we need to take some action on this for-hire section now or wait. Roy.

DR. CRABTREE: So we ask the Center to talk to us about the dealer reporting, but, Bonnie, could we get an update on the status of the progress towards electronic logbooks as well?

DR. PONWITH: Yes, we should be in a good position to give an update report on that pilot.

DR. CRABTREE: And then if we wanted to select a preferred alternative, we could do it at that time.

MR. CURRIN: Yes, and I see exactly what Gregg is getting at, and I'm very sympathetic and in agreement with him; that whatever we can do to help facilitate moving this sort of methodology into common use as quickly as we can; and if this pressure applied through actions in the amendment is going to generate some more interest in implementation, then I'm certainly willing to try to do that. If we can't do it that way and have to back off, well, we're stuck where we are. Kate.

MS. QUIGLEY: I just want to remind people that there is no alternative here that requires vessels operating with a federal for-hire permit to maintain an electronic logbook. There is nothing here like that. There is simply Alternative 4 which says require vessels operating with a federal for-hire permit to maintain a logbook for discard characteristics.

If it's the intent of the council at the next meeting to perhaps entertain the idea of choosing a preferred where electronic logbooks would become mandatory, there is no alternative for that here. Right now 15B says require vessels operating with a federal for-hire permit to maintain an electronic logbook if selected. That is what 15B says, I believe.

MR. CURRIN: Yes, and I think that's equivalent, then, to Alternative 3, is it not, in this document which requires selected vessels with a for-hire permit to report electronically? Is that the same?

DR. CRABTREE: Well, I read that as meaning they come home and get on the internet and punch in stuff and not a logbook.

MR. CURRIN: Yes, that's right, report electronically. I think it's premature to require electronic logbook reporting when we don't have the electronic logbooks available other than the eight that are going on in the pilot project. Now, there is an action here about discards from the for-hire sector, which if selected to maintain a logbook for discards. I presume that's something that's not going on right now, although I think some of them are trying to track those. I don't know how they're doing it. Bill, come on up and have a seat and identify yourself.

MR. KELLY: I'm Bill Kelly, representing Florida Keys Commercial Fishermen's Association, but as you all know for a number of years I've appeared before you representing the for-hire fishing fleet. One of the last things that we did discuss prior to me representing the commercial side was some lengthy discussions with Steve Leopold, who is the president of the Islamorada Charterboat Association; Andy Griffith from Key West, who is one of their top charter fishermen; and a number of fishing captains from South Florida, the Miami/Fort Lauderdale area.

They were all anxious to move forward with an electronic reporting system because they realized now the importance of this data keeping and how essential it is to their business. I can speak for South Florida and the Keys, and I think you would find universal support for it through those areas.

MR. CURRIN: Thank you very much, Bill. All right, and then as Kate pointed out there is not an alternative in here currently that would require the for-hire sector to report electronically. Is that an alternative that – yes, for electronic logbooks. Roy.

DR. CRABTREE: I think Kate said we required them if selected in Amendment 15B, so all we would need is the Center to select them and we could have it, so I guess the only thing we could put in there is to change the “if selected” to require –

MR. CURRIN: Exactly, to make mandatory.

DR. CRABTREE: – it, but I don’t know that we want to do that.

MR. CURRIN: Well, I’m not sure that we’re there now. I want to do it, but I’m not sure that we’re there and that it would be meaningful to do that. Again, it’s one of those things where it might if it proceeded down the line, get to your office and the secretary’s office and say this is what they want to do and we’re not capable of doing it at this point, and I don’t know whether that helps or hurts our cause. All right, I guess we’re okay with the alternatives as selected for the for-hire sector at least at this point. Rita.

MS. MERRITT: I just have a question for those who know more about the for-hire industry. Would it be much of a problem to just combine two and four where you would put your discards on the same logbook?

MR. CURRIN: It would seem to be not too difficult. It would depend on the platform and the setup of the logbook itself. Tom.

MR. SWATZEL: Well, the discards are already in the current paper log in terms of the fish that are released. We have to count those so it’s already on the current paper.

MR. CURRIN: And I would presume also those data are being collected in the pilot program with the electronic logbooks that are on the eight vessels in the for-hire sector now. Rita.

MS. MERRITT: Why do we have Alternative 4 if it’s already on their logbooks? Should we just move it to rejected?

MR. CURRIN: I don’t know.

MR. WAUGH: If it’s being required now, then we don’t need Alternative 4, so the current logbook records the size and the reason for discarding?

MR. CURRIN: Tom, you can answer that, I’m sure.

MR. SWATZEL: Well, I don’t know if it states the reason for discarding. I mean, probably a hundred percent of the discards on a headboat will be it doesn’t meet the size limit, but we don’t have a blank that says the reason. I think we have to estimate the weight of it, but there is nothing about length.

DR. CRABTREE: And I think that's only in the headboat survey, and there is no logbook requirement in charterboats. It doesn't cover –

MR. CURRIN: All right, so it is meaningful in here. George.

MR. GEIGER: And we've heard testimony that it would be beneficial to know depths at which these discards were made; so at some point if you review this program, perhaps you can add depth of release.

MR. CURRIN: That's something that I remember talking with John Mariner about six years ago, I think, and the importance of depth in the headboat survey information, and I assumed that it was changed but perhaps it has not. If not, it certainly would be timely to make sure that's a component of the headboat survey.

MR. GEIGER: Well, I think it should be a component of all these logbook programs.

MR. CURRIN: I agree. All right, so Alternative 4 is meaningful and leave that in now unless there is a desire to select that as a preferred at this point. I see no hands up, so let's move on, then, to the private recreational, and that's on Page 62. We've had some discussion of this before and the no action is to retain the existing MRIP data reporting system.

Alternative 2 is to implement a voluntary logbook for discard characteristics for vessels with a state recreational fishing license. There are certainly some problems with all voluntary logbook things, verification being one of them, George, usefulness of the data. It does generate some data. We've, in our state at least, looked at some ways of trying to make the data useful so that we just weren't collecting a bunch of data that we couldn't analyze and use in some way, and there are still some problems. David.

MR. CUPKA: I'm surprised George hasn't said something, but this Alternative 2, do we want to say size and reason for discarding and depth?

MR. GEIGER: Well, if I may, the reason I didn't say it, I just said that when they're reviewing these logbook programs voluntary across all sectors, that should be included and not just in the headboat sector, but for all logbook programs.

MR. CUPKA: Yes, but it wouldn't hurt to put the verbiage.

MR. GEIGER: No, I agree with you, it would hurt to put verification.

MR. CURRIN: All right, any desire by the committee to select a preferred here under the private recreational at this point or defer all these measures until our next meeting? What are your thoughts? George.

MR. GEIGER: Well, I support Alternative 2; and I think based on what we've heard in public testimony, we've heard an awful lot of people say they want to participate in this voluntary

logbook program of some sort, whether they reported on the internet or they have an electronic pad to make the entries on.

I would support that as long as built into this program there is some form of verification such as we heard from the pilot program from Sea Grant in North Carolina where they have people make the entries and then they randomly select people who have made these entries on their cell phone, and they're met at the dock and what is in their cooler is verified against what they identified as being landed. You certainly can't verify discards for everybody, but at least there is verification for what they landed. If that is accurate you would have to assume that possibly their discards are as accurate.

MR. CURRIN: And I'm not a statistician even though I minored in statistics at one point in my life, but the best remember there is a problem with voluntary logbooks in that they're not randomly selected so there are inherent biases in just saying who would like to do this, and you get a certain class of people. I might suggest that we add a third alternative here that would implement a logbook in the recreational sector for discards for the size and depth and reason for discarding if selected, so that a proper process might be established to randomly select a group of licensees that would give perhaps meaningful statistical information that could be useful. Brian.

DR. CHEUVRONT. Yes, I appreciate you saying that, Mac, because the Alternative 2, while I like the idea for getting fishermen involved in collecting data. For all the reasons you've suggested, I'm thinking the data probably wouldn't be statistically useful. I'm thinking about if we collect these data they need to have the potential for ending up somehow to be used in a stock assessment somewhere.

I could see getting to a data workshop and people talking about the data they have available and this would be dismissed almost immediately out of hand, this Alternative 2, if that's the way the data were collected, except for perhaps as a way to maybe describe the fishery but not to use the actual data for the analysis.

MR. CURRIN: Yes, and that's what we want to avoid, Brian, I think. I want to make that whatever programs we try to spin up are going to be useful in the management of these species.

DR. CHEUVRONT: Right, we've got to have something that's going to pass muster at SEDAR.

MR. GEIGER: Oh, absolutely, it has to be useable. If it's not useable and we have people submitting data and they find out it's being summarily dismissed for whatever reason – I mean for whatever reason – you're opening up a larger can of worms than not having them collect the data, I believe.

MR. CURRIN: All right, Dick, I think has some insight perhaps on this as well.

MR. BRAME: Dick Brame with the Coastal Conservation Association, but I'm speaking as a member of the operations team for MRIP. MRIP is designed to have – part of the license frame was designed so you could pick panel surveys. One of the biggest problems we have in recreational data is discard data.

In fact, as Brian said, a lot of this that you have under here you don't even need. I mean, it will be looked at under MRIP, because the way to get, as you said, the discard data is to have a statistically valid design where you randomly select people, and they have to measure or photograph or do something to get their discards. I mean, that's how they validate. What you all would say would be additive to what MRIP is going to be doing. MRIP is designed to do this kind of stuff.

DR. CRABTREE: Well, here is what we did in Amendment 15B, and this is applied to private recreational vessels; "Owner or operator of vessel that lands or fishes for in the South Atlantic snapper grouper from the EEZ selected to report by the Center must maintain a fishing record for each trip or a portion of such trips as specified by the SRD on forms provided by the SRD. Completed fishing records must be submitted to the SRD monthly and must either be made available to an authorized statistical reporting agent or be postmarked not later than seven days after the end of the month."

We've already put in the authority for the Center to require logbooks on these folks. I think there are a lot of logistic difficulties with it in terms of who to select since they don't have federal permits and what would happen if they just didn't comply because they don't have a permit that we can revoke or anything. I think the Center already has the authority to ask for these reporting.

MR. CURRIN: So it sounds like this action is somewhat redundant in view of what MRIP is planning to do, hopes to do and also what we passed in 15B. I assume in 15B it was if selected as well, Roy, which would allow for a random design. What is your pleasure on this action? Does it need to remain here? Brian.

DR. CHEUVRONT: Yes, I'm thinking more and more that we don't even need to have this action here, so I'll go ahead and make the motion that we move Action 2.1.9.3 to the considered but rejected appendix.

MR. CURRIN: Motion by Brian; second by George to move this action to the considered but rejected appendix. Discussion on the action? Certainly, we don't need to be redundant. Any objection to that motion? I see none; that motion is approved. Okay, Kate, is that it for 18? Well, it's good for now until the next time. It's checked off one of the four or five amendments that the Snapper Grouper Committee deals with and has been for the last few meetings, anyway.

All right we're on to our next agenda item, and with your consent I'd like to at least begin Amendment 20 and see how far we can get through that and come in tomorrow morning at 8:00 o'clock, and I think we've got a good change of being able to finish that off this afternoon in a relatively timely manner and come back in tomorrow morning at 8:00 and jump into the Comprehensive ACL Amendment;, with one item under Other Business, which is Duane's letter, should finish up snapper grouper. I think we can do that in less than two hours tomorrow. Roy.

DR. CRABTREE: Well, before we started through 18, we were talking about some of catch share and trip limit alternatives and what to do with those, and then we decided to hold off on

that until we went through 18. Kate, did we take care of them and are we clear on where we're going or do we need to talk about that some more?

MS. QUIGLEY: From what I understand and from what I recall, the snowy grouper action was removed and that discussion will take place in Amendment 21. Then the golden tilefish catch shares program was moved to Amendment 21 as well. Other than those two things, everything else has been kept in Amendment 18.

DR. CRABTREE: Are we also talking about with – I don't know if it's Amendment 21 or 22, whatever it was, we were talking about vermilion snapper and some other species and did we decide what to do with those or do we need to talk about that?

MS. QUIGLEY: That has not yet been decided.

MR. CURRIN: Yes, I think that's what you're talking about, trip limits for vermilion and for black sea bass, perhaps, to try to extend the fishing year.

DR. CRABTREE: Well, trip limits for those but also I think it's time for us to put down on paper the outline of a catch share program so that when these fishermen come in they have something more concrete to look at, and I would like to see us start fleshing that out. I think we have real problems with vermilion snapper that are going to get worse and worse. Obviously, black sea bass is closed for a long period of time, so I would like to see us start putting some of those together in terms of an amendment. I know staff talked about a way and some organizational things to put that together, and I think we ought to do that.

MR. CURRIN: And I think that is the intent in 21, Roy. I think Kate has a slide on that, but what I took in notes was vermilion snapper, golden tile, black sea bass, amberjack, red grouper, black grouper and gag would be looked at with respect to catch shares.

DR. CRABTREE: Okay, I just wanted to make sure that we had decided that because I know we were talking about it, and then we went through 18, so if that's clear to staff and everyone, but Kate doesn't look it's clear.

MS. QUIGLEY: It wasn't officially decided so a motion would be good.

MR. CURRIN: Yes, we didn't vote on that but that was the outline and then we went into 18. It would be proper for someone to –

DR. CRABTREE: Well, I would make a motion that Amendment 21 include trip limit action; effort participation, reduction and endorsement action; catch share action for quota species, except snowy grouper; including vermilion, golden tile, black sea bass, gag, greater amberjack, red grouper, black grouper. This would include ITQs, cooperatives, regional fishing associations, community developed quota components.

MR. CURRIN: And if you recall, before you finish your motion, Brian was suggesting that we also include regional and/or state-by-state quota analyses in that as well.

DR. CRABTREE: And regional and/or state-by-state quota analysis.

MR. CURRIN: And I would also note that I think the issues regarding endorsements and the black sea bass effort reductions, which were originally up there, are being dealt with in 18. The motion is by Roy; is there a second? Second by David.

MR. CUPKA: I'll second but I have another issue I want to bring up before we leave.

DR. CRABTREE: And, Mac, what I'd like to ask staff to do, if this motion passes, is to get with the regional office staff and put together a list of what we need. I know we're overloaded and overworked, and I don't think we can handle all of this with our existing staff, but I would like to see us put together a list of what we would need, if there are going to be additional costs that the council is going to have to incur to do this, and kind of a plan forward and some estimation of what we would need in terms of funds and labor in order to make this happen.

I am being asked even now to provide such information to Washington. Unfortunately, I think they're asking me to provide it by close of business Tuesday, and I don't know if we can do that. They asking and I think we need to put that together and get it to them if this passes and see if we can't get a real jolt of activity down here and get a lot of things done over the next year or so.

MR. CURRIN: So there is no pressure on these catch share things, as Monica said. Bob

MR. MAHOOD: So if I can get something Monday, you can get it on your list?

DR. CRABTREE: If you need some money and we can tie it into these issues, yes, let me know and I'll see what I can do.

MR. MAHOOD: Is it long-term money or is it like one-year money?

MR. CURRIN: You guys can talk about this later. All right, everybody clear on what the motion says? Discussion. George.

MR. GEIGER: And I was going to make that suggestion that we seek that help so the motion – but we don't know what we're going to get. He may get assistance; he may not get assistance because he may not meet the deadline in time. If we make the motion and commit to doing this and we don't get the assistance, we're already admitted to the fact that we can't do it. There was concern about being overloaded. Can we tie the motion to getting the support that Dr. Crabtree indicated is available and NOAA Fisheries is willing to supply?

MR. CURRIN: I think the motion is just to ask for some analysis to outline a program, define a program, define what it might cost and –

MR. GEIGER: It's to flesh out catch share programs.

DR. CRABTREE: George, my intent is to just get this moving; and if we don't get the resources where needed, then obviously the timeframe is going to be pushed off and we may have to pare

this down and do pieces of it. I just think we've talked about these types of problems, trip limits, catch shares. We've gone around and around and we've had groups come in. I just want to get the ball rolling and get some analysis of what we would need right now, and then we can come back in June and if we can't make it happen, then we can't make it happen.

MR. GEIGER: And I understand that, but when we make motions to do things, you know, the guy with the white beard over there takes that as direction and they work diligently to accomplish the motions that we pass at these meeting. They take it as direction.

DR. CRABTREE: And I'm happy to have Gregg working diligently; that doesn't bother me.

MR. CURRIN: Further discussion on this motion? I would offer one thing. I would think it would be more expedient and perhaps more useful to look at trip limit actions for at least two species, vermilion and black sea bass, in a regulatory amendment that might move a heck of a lot quicker than what is now Amendment 21.

DR. CRABTREE: And the intent of my motion would be that staff would advise us about things like that that could be done in a more expedited fashion.

MR. CURRIN: Okay, thank you, I just wanted to make sure that is not lost. Further discussion on the motion? Any objection to this motion? I see no objection so that motion is approved.

MR. CUPKA: Kate, you go back to Amendment 18 and some of the things they had there. I think one of the things we talked about earlier, and I don't know if we want to move ahead with it or not, but I want to bring up. We had talked about the black sea bass fishing year and whether we wanted to make any changes to that or not. I think it originally was under the Amendment 18 list.

MR. CURRIN: Well, we had mentioned it there and had some discussion about it under 18; you're right. George.

MR. GEIGER: Yes, and I think we talked about deferring talking about that, but one of the concerns that people have is the fact that the fishery closes. With effort reduction, there is real potential and with trap limits and causing people to bring traps home on a daily basis, it very well may be that problem will get smoothed out with regard to time.

It just seems almost ludicrous. I think it was only four years ago that we changed the black sea bass fishing year from what it was to what it is and now we're trying to change it back to what it was. If we didn't do anything in the interim, except for today where we've picked some preferreds that will help limit effort in that fishery.

MR. CUPKA: I don't necessarily disagree with you, but I just wanted to get on the record that we at least discussed it and it didn't –

MR. GEIGER: And one other issue –

MR. CURRIN: Were you finished, David?

MR. CUPKA: That's okay, I just wanted to, like I say, get it on the record and make sure it didn't slip between the cracks because we did have a request to at least consider it, and I think we ought to honor that. Thank you.

MR. GEIGER: And one of the other considerations with regard to that, in talking to a pot fisherman who talked about the fact that January period is when the Mid-Atlantic and New England boats begin to trawl fish those fish and the price is really depressed at that particular time as well.

I don't know, there are price considerations that we have from other people who participate in that fishery, and I think it would be worthwhile to hear from all the people who participate – there are not that many of them – and get a consensus as to what we're trying to achieve and see if what we did under previous actions here helps alleviate that closure period by limiting the fishery in terms of pots and effort.

MR. HAYMANS: I thought I understood us to say that we were going to wait for 17B to be approved and then we would tackle seasonality under that timeframe; is that not how we said we were going to handle it?

MR. GEIGER: Under the framework.

MR. CUPKA: I understand that was one of the options, but another option would be to put it in 18 and as Roy suggested have a couple of hearings in the area and include it in there, so that was one of the options but not all of them.

MR. CURRIN: What is the committee's desire on this issue? Keep in mind if we add this, it is going to require some additional public hearings that will necessarily have to occur in the South Carolina area at some point. Rita.

MS. MERRITT: I would like to see it put into Amendment 18 and I so move.

MR. CURRIN: Motion by Rita to ask staff to develop some alternatives to change the black sea bass fishing year starting date. Is there a second? Second by David.

MR. WAUGH: Could you all give us some guidance on the fishing year because if you ask us to bring you guidance and we bring that back in June, then we go out to public hearings, it comes back to you in September and then final action in December.

MR. CURRIN: Yes, what I remember hearing, Gregg, was primarily the beginning of the year, December and/or January starting date as opposed to a June starting date. Is that sufficient or is there any desire to look at any other alternatives other than those? Rita.

MS. MERRITT: Yes, I think we heard an earlier suggestion by Kenny Fex about perhaps a split year, which will allow alternative fishing such as vermilion, and I've also heard through some

side conversations perhaps a split year that would allow charter fishermen to use the summer months to do their charters in half a year split somehow prior to that, like an October, maybe an October start date through perhaps November and include December, and then perhaps pick it up again in March and go three months and then they would be able to have the summer for the chartering and catch both ends of the winter fishing.

MR. CURRIN: I'm not sure I know what you're suggesting. I think what you're getting at is splitting season like we did with vermilion so that we have part of the quota associated with some season and another part of the quota where you – so you're talking about two seasons then.

MS. MERRITT: Two separate seasons like vermilion.

MR. CURRIN: Like January through June and then June through December.

MS. MERRITT: Yes, but I'd like to see staff kind of come up with an option there because I'm not sure a lot of it would probably depend upon how the landings' information –

MR. CURRIN: And that's currently not part of this motion that's up there. Well, Gregg has been trying to capture it here. Roy.

DR. CRABTREE: Well, this has really mushroomed beyond – where we started I thought was changing the commercial sea bass season back to December or January. Now we're getting into the charter fishery and everything else and that is starting to get overly complicated I'm afraid to put in Amendment 18.

I would support this I think if it was something very simple that wasn't going to take a lot, but if we're going to get into a whole deal here, it might be better to deal with that somewhere else because I have no clue about the charter fishermen. I haven't heard anyone bring that up.

MR. CURRIN: I think Rita's intent there was that a split season would allow those who charter fish part of the year and commercially fish part of the year to participate when their commercial season, you know, in the wintertime when they were not chartering. I'm not sure it's suggesting that there are split seasons for charterboats and all that.

There are really two options I think, Rita, and don't let me put words in your mouth, but I think what she is suggesting is look at one alternative which is a change in the start date to January and then another alternative which would be to divide the quota into two seasons, and it's not clear what those seasons might be, what you're suggesting there. Even that complicates it more.

MR. MERRITT: You did a good job of explaining what I said.

MR. CUPKA: That was certainly my intent when I seconded it, and the thing is that some of these fishermen that are fishing commercially or would like to fish commercially in the wintertime have historically fished commercially in the wintertime. In the summertime they charter and it gives them an alternative fishery to operate in, but the way it's set up now they

have to do one or the other. This would allow them to do both, charter in the summer and bass pot in the winter.

MR. CURRIN: All right, so, really, if I interpreted it correctly, Rita, you're really asking for a couple of alternatives in addition to the no action, which would leave it opening in June; to split the season, one; and then, two, to look at a change in the start date.

MS. MERRITT: Yes, thank you, Mr. Chairman..

MR. CURRIN: Is that clear to you guys? All right, further discussion on this motion? All right, the motion is to add consideration of a change in the black sea bass fishing year with either a December or January 1 start date and an alternative to split the year with two seasons. It might help staff if we can give them some guidance on how to split that season so that they're not picking and choosing months. Would a January through June season with a July through December as the second split be acceptable? David.

MR. CUPKA: In my discussion with Chris – and, of course, he's just one individual, but he was I believe suggesting something like a November through April and then a May through whenever the other six months ends.

MR. CURRIN: If that's the way we want to do it, that will be fine. I'm just looking for some guidance for staff so they're not picking and choosing a bunch of months that are meaningless to anybody. Let's eliminate the January through – there you go. Do you want it divided equally into six months; do you want them to look at the proportional catch that occurs during those periods and divide it proportionally over a series of years, average landings over a series of years? Brian.

DR. CHEUVRONT: Yes, I think that's a good idea because we don't know for a fact that the landings are equally distributed throughout the year.

MR. CURRIN: For the last five years, perhaps, average landings during those periods over five years as far as proportioning a percentage of the fishery. All right, and that's just kind of guidance, I think, I hope. Any further discussion on the motion? Is there objection to the motion? I see none; that motion is approved. Are you guys okay with that, Gregg; do you think you've got the intent? If you need clarification, ask it.

MR. WAUGH: Is the intent that we work this up and just take this action out to public hearings or do we take the entire now what is Amendment 18 out to public hearings? The second part of that would be is it your intent that those hearings be done between now and the June meeting, and do we need to do – what was done for this, an EA or EIS – EIS, so do we need to do a supplemental – well, has the EIS been filed?

MR. CURRIN: Kate just indicated it was an EIS before because of the LAPP that was associated with it. That has been removed. I can't answer that question. Monica.

MS. SMIT-BRUNELLO: So there has been no DEIS published on this and so we'll evaluate to see where it should be in terms of the required NEPA document. In terms of you I guess taking one action out for public hearing or the whole amendment, I guess that's up to you, however you want to handle it. I think you've taken the other parts of this amendment out for the council part of public hearings, right, so maybe you would just need to take this one. I'm not sure what you would like to do on that.

MR. WAUGH: I guess if the DEIS hasn't been filed yet, then the DEIS, that public comment period will cover the whole amendment, so perhaps we want to synchronize and just do public hearings on the whole amendment or you're going to have a situation where the DEIS is out for the whole amendment and we're holding public hearings on one part of the amendment. That's going to be a little confusing.

MR. CURRIN: The synchrony would seem to be best to me.

MS. SMIT-BRUNELLO: I think earlier, though, Gregg, it was brought up that it was thought to need an EIS because of the LAPP portion of it, so maybe it no longer needs an EIS and an EA might be appropriate, so we have to look at that.

MR. CURRIN: All right, are we done with 18 now? We have got to vote on this; don't we. Is there opposition to this motion? I think we did that; didn't we? Okay, Roy.

DR. CRABTREE: Now, Kate, going back to what we were looking at prior to going through Amendment 18, I believe there was one more bullet that pertained to what would have been Amendment 22 and red snapper and the recreational fishery; am I correct?

MS. QUIGLEY: Yes, we have Amendment 22, long-term red snapper management.

DR. CRABTREE: Could we see that? Oh, that's all it was! Okay, similar to the last motion we passed with respect to Amendment 21, I would like to move that staff develop a plan for how we might go about preparing an Amendment 22 to look at long-term red snapper management and that they give us some estimates of what resources might be needed and additional funding to do that. That's my motion. I'm not, George, saying we're going to start work on this right now, but I'm asking staff to put together a plan for how we might pull together and what it would take to do that.

For example, I think one thing we probably ought to talk about doing is pulling together some kind of ad hoc recreational group to talk about some of these actions and probably a number of things like that we'd need to do. I think we need to start putting together a plan to work on this.

MR. CURRIN: Motion by Roy; is there a second? Second by Charlie. Discussion? It has got to be done and the sooner we get started the better off we're going to be, we hope. Any further discussion on the motion? Any objection to the motion? I see none; the motion is approved. Charlie, you had something?

MR. PHILLIPS: I hate to bring up 18 and those traps in the water, but I asked Charlie what would happen if somebody lost a trap and he found it floating around, and he said, "Well, I'd pull it up and see if I could identify it, and then send the owner a violation." We talked about it a little bit, and I would like for LE and staff to get together and see if they could work out a plan that would cover any lost gear. Theoretically, anytime you put traps out, whatever you don't find, if it's left out there, you've got potential violations for people that are trying to do the right thing.

MR. CURRIN: Isn't that the case now, though?

MR. PHILLIPS: But if there was a way where they report lost gear to the Coast Guard or something, then at least they could sleep at night knowing there is not a violation out there or I've got some gear lost but everybody knows what is going on; and if nothing else, have LE and staff work out something. That is what I would like to see.

MR. CURRIN: Okay, Kate said she would work on that with the law enforcement folks.

MS. SMIT-BRUNELLO: Charlie, I think there is a lost trap program already in place. I will look for it and point it out to you. I'll work with staff; and if that's in fact true, then we'll bring that back up to you, but I believe there is one in place.

MR. PHILLIPS: Well, that's fine, I just don't sleep well with a potential violation floating around, even something as simple as that when I'm trying to do what we need to do.

MS. SMIT-BRUNELLO: It would be floating, maybe.

MR. CURRIN: Okay, not all of them float if they get too deep. All right, is that it on 18, then? All right, it's now six o'clock; do you want to try to move on with 20? All right, before we leave, Monica.

MS. SMIT-BRUNELLO: Could I bring up one issue? I would like to bring up one issue so you could sleep on it and think about it and see what you want to do in the morning just in case you wanted to take some sort of action. I'll try to do this in five minutes or less. This has to do with wreckfish and the fact that we believe that wreckfish fishermen now need – I shouldn't say now.

We believe wreckfish fishermen need a snapper grouper permit as well to operate in the wreckfish fishery. Just a real quick history – and I've really condensed this into a few points – the Wreckfish ITQ Program went into effect in 1992, and the wreckfish permit was required then and it still is required to operate in the fishery. To get a commercial vessel permit for wreckfish you also must be a wreckfish shareholder. That has been existence since 1992.

Also in existence for some time, probably since around that time or maybe a little bit before or later, there is what we call a commercial vessel permit for snapper grouper. That permit is issued for a number of things, including it must be aboard a vessel so that vessel is eligible for exemption from the bag limits for snapper grouper, so when you get a commercial vessel permit, that means you can exceed the bag limits.

When Amendment 9 came into being around 1999, I believe, it established a number of things, including an aggregate bag limit. The final rule picks that right up from the amendment, “an aggregate bag limit for all snapper grouper species currently not under a bag limit, excluding tomtate and blue runner.”

When you look at what has its own bag limit then and now, it's many species, snapper grouper, amberjack, there area number of species, but there is not wreckfish under the bag limit. By establishing an aggregate bag limit for all snapper grouper species currently not under a bag limit, excluding tomtate and blue runner, it does not exclude wreckfish from the aggregate bag limit. That aggregate bag limit is 20 fish.

Now, you still need to be a wreckfish permit holder and a shareholder, so there is some disconnect about whether there was ever a recreational fishery allowed for wreckfish because even in the original ITQ plan they talked about virtually zero to none practically any recreational fishing going on for wreckfish.

Now we speed ahead to Amendment 15B, and it's really since that amendment went into effect, I think December 14th of just past year, and we started getting a number of questions that led us to start digging into this. Where we are right now is that Amendment 15B instituted the requirement that a snapper grouper harvested or possessed in federal waters on board a vessel that does not have a valid commercial vessel permit for South Atlantic snapper grouper may not be sold or purchased.

In other words, you can't sell any species harvested under the bag limit any longer for the fishery. Where this leaves us is that the wreckfish fishermen also need a snapper grouper permit. Gregg and I have talked about this on numerous occasions this week, and I couldn't find any intent of the council for that to happen or it not to happen, but you'd think if the council had intended for it to happen it would have been in an amendment or stated somewhere.

Think about this because there are some wreckfish fishermen – I think there is a few; I can't remember how many, maybe three, maybe two – who do not have a snapper grouper permit. That fishery opens back up April 15th. If the council wanted to do something to take away the requirement for having a snapper grouper permit to operate in the wreckfish fishery, you would need to do something rather quickly at this meeting.

I'll answer any questions. You can think about it overnight and we can talk about it in the morning, but I wanted to give you some time to mull over what kind of course you'd like to take, if any, to change what we think exists now.

MR. CURRIN: Thank you, Monica, and I presume since you and perhaps Gregg have done some thinking about this that you may hit upon some potential ways to solve this problem and dilemma and might be able to offer us some suggestions about ways that might be dealt with.

MS. SMIT-BRUNELLO: Well, the quickest option would be an emergency rule and it would have to fit within the emergency criteria, which I can read to you tomorrow morning or tonight.

It looks to me like it could potentially fit under that criteria. Now, whether you want to go that route is another matter. I know some people have thought that the snapper grouper permit was already required to operate in the wreckfish fishery.

MR. CURRIN: Yes, I did.

MS. SMIT-BRUNELLO: Some thought you didn't have to have it. It's just a number of different places. Now I know we're going to deal with wreckfish in Amendment 20 tomorrow, but obviously if you wanted to correct this problem quickly you couldn't wait for Amendment 20 or you might not want to.

DR. CRABTREE: If I could just add, we did send a letter out to – I don't know if we sent it to all of the wreckfish fishermen or just the affected wreckfish participants.

MS. SMIT-BRUNELLO: No, all of them.

DR. CRABTREE: All of them, informing them that they have to have a snapper grouper permit, so they've been notified and are aware of the requirement.

MR. GEIGER: Jack, are wreckfish a grouper species?

DR. MCGOVERN: They're grouper-like; they're not in the same family as the groupers. They're not Serranids

MS. SMIT-BRUNELLO: But they are one of the 73 species listed within the Snapper Grouper FMP.

MR. DeBRANGO: Greg DeBrango, Wreckfish AP. I hear her talking about all this; and with the language I believe it is in 17B with the 240 out, is there going to be some kind of language written in there where the rod-and-reel recreational can go out and catch a wreckfish, can go out there and do it? You know, there are a lot of laws and everything that's against all this.

MS. SMIT-BRUNELLO: Greg, I think that was – I'll look but I think that was taken into account and they were excepted out of that requirement, specifically the wreckfish fishermen.

MR. CURRIN: Okay, thank you, Monica, and we will reconvene at 8:00 o'clock.

The Snapper Grouper Committee of the Whole of the South Atlantic Fishery Management Council reconvened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Friday morning, March 5, 2010, and was called to order at 8:00 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: All right, good morning, everyone. We'll reconvene the Snapper Grouper Committee as a Committee of the Whole and move directly into Amendment 20. There are a couple of attachments, nine and ten. I think staff has put together an outline of a new structure perhaps for that document for our consideration this morning, and I will turn it over to Kate.

MS. QUIGLEY: What we might want to do first is just review what Monica went over last night and decide what the approach is for that.

MR. CURRIN: Anybody come up with workable solutions to deal with the problem we've got with the wreckfish fishermen who were actually permitted to fish for wreckfish but don't have snapper grouper permits and according to the law are required to at least for now. George.

MR. GEIGER: It seems like several meetings ago or maybe even a couple of years ago the council has kind of taken on as policy to include the requirement to have a snapper grouper permit or a federal permit not just for snapper grouper but in all fisheries to sell fish. As we moved through our FMPs, we are adopting that I guess almost as policy. I would say that this is no exception to that policy. If you do not require a federal permit, it opens the door again to allowing recreational sales and all the things that go with that. I would say for purposes of consistency it would seem to me that a federal permit should be required to sell any fish in the South Atlantic.

MS. MERRITT: I think George pretty much got the gist of what I had to say, but just by way of history and probably to repeat what we said the last time we discussed this is the original shareholders of wreckfish did have to have federal snapper grouper permits. I think that the few that got their permits without having had that, I really think was just maybe an administrative error versus intent. Thank you.

MR. PHILLIPS: Well, you've still got – we need to figure out a way to let those fish up in North Carolina be landed legally, so maybe you might want to consider some kind of exception so that charter/headboat could buy some coupons or shares or something and legally land them.

MR. CURRIN: I'm not sure that's the issue right now. I think the issue is to deal with the commercial wreckfish fishermen who are currently fishing – and there are a couple of them – that do not have federal snapper grouper permits. It has been discovered, I guess – and correct me if I'm wrong – but that's against the law right now and we've got to solve that dilemma one way or the other, either by issuing them permits or exempting them from the requirement for a permit. Monica, do you want to make sure that we follow the right track.

MS. SMIT-BRUNELLO: Jack is checking but I think we're talking about two or three people and not more than that necessarily, but he is going to double-check. The other item that I wanted to bring up is it is up to you whether you want to do an emergency rule or anything like that. I was not encouraging you to do that. I was just giving you your options. You could also deal with it in Amendment 20 or not deal with it. If you don't deal with it, then there is a requirement to have a snapper grouper permit in addition to a wreckfish permit.

MR. CURRIN: Well, and the season is starting I think I heard you say very soon.

MS. SMIT-BRUNELLO: The states starts April 15th, so these people either have to get a snapper grouper permit before then if they don't have it or they don't get one. That part is up to them but they're going to be required to have one.

MS. QUIGLEY: The last time we checked – this is Mike Travis and I, but it would be great if Jack could check the numbers again – there were 11 of the 25 shareholders that did not hold snapper grouper permits; and of the active fishermen – last year there were seven active fishermen. There are a few new people in the fishery, a few people who have bought in for the first time.

The last time we checked I believe there were three to four active fishermen fishing without snapper grouper permits. Some of these people had just entered the fishery, and they said that no one had made them aware that they needed to have a snapper grouper permit because it's not clearly written anywhere, so they didn't purchase one and now they're not going to be able to fish, et cetera.

MS. SMIT-BRUNELLO: Just that Jack checked and apparently there are three.

MR. CURRIN: All right, three that are currently fishing that are active or is this out of all the permit holders?

MS. SMIT-BRUNELLO: Three that have landings within the last year.

MS. MERRITT: To respond to what Charlie had said, it really isn't that difficult for those people who want to get into the wreckfish fishery so long as you currently have a snapper grouper permit. Because of all of the previous actions we've taken, there is a renewed interest in this fishery by people who have snapper grouper permits. It's not difficult at all; it's not even that expensive because of the way shares can be transferred.

The ones that will feel it the most, the biggest investment, will be those people who don't have the permit and move to get a new snapper grouper permit and probably have to buy it from someone who is an existing holder of one. Those are available so I don't think we're really leaving people out.

MR. CURRIN: Well, we've got a dilemma with these people that didn't know they had to have one and they've got to have one now and they're expensive, as we know, 20,000 bucks, but that's the requirement. George.

MR. GEIGER: Mr. Chairman, I guess I have a question for Monica. I don't think we've really ever done this, but it seems like it's unfair for people who have received notice that they need a snapper grouper permit to fish in this fishing year which starts April 15th. I think it places undue burden on people to have to shop around to buy a snapper grouper permit and could be help up, literally help up to exorbitant prices because people know that they're in this particular situation.

Would it be possible, Monica, to address this with a date certain that allow people to fish under the current rules based on the confusion that existed this year and put a date certain in the amendment that by opening fishing season next year or by some date certain prior to the fishing season opening next year, that they be required to be in possession of a federal snapper grouper permit?

MS. SMIT-BRUNELLO: Well, the problem with that is that the law exists right now that they have to have one, so I don't think that the service has the authority to say we're not going to require you to abide by this currently existing requirement until next year, and that's the rub.

MR. GEIGER: To that point, Mr. Chairman, and I understand that, but we also talked about the fact that we might be able to issue an emergency rule exempting them for one year from this policy and then –

MS. SMIT-BRUNELLO: Well, I discussed the use of an emergency rule, and what you would want to request in that I guess would be up to you and we will develop some discussion. An emergency rule would be just that; it would be a temporary measure that could last up to a year. It's just like the interim rule we did for red snapper.

It lasts for basically six months and then it can be renewed for another six months if the council is actively working on an amendment to cure the problem. Now there are conditions with an emergency rule and you can't use it for everything. In this case, looking at the emergency discussion – and I can read you the criteria and maybe that will help – “results from recent unforeseen events or recently discovered circumstances; and it presents a serious conservation or management problem in the fishery; and can be addressed through emergency regulations for which the immediate benefits outweigh the value of advanced notice, public comment, liberative consideration on participants as you would expect to have under the normal rulemaking process.”

And then for justification they discuss ecological reasons; for example, to prevent overfishing, but there is economic – that's a factor – and the social reasons, so economic, “to prevent significant direct economic loss or preserve a significant economic opportunity that otherwise might be forgone,” and then social is their example to prevent significant community impacts or conflict between user groups.

I think economic seems to fit in more here in that there is an opportunity that would be lost perhaps for these people, although they do have the option of purchasing a snapper grouper permit, so it's not like they're excluded from the fishery altogether and they cannot participate. It's whether they would want to buy a permit. I would think if you would want to use an emergency rule we should build the discussion more along I guess the economic reasons more than anything that I can see in here, but it seems to fit in some of the criteria “recent, unforeseen events or recently discovered circumstances” and all that.

MR. CUPKA: Mr. Chairman, just a comment; I know there was one fisherman who was very instrumental in the development of this fishery and who had fished for a number of years, and subsequent to that, for personal reasons, lost his snapper grouper permit. He called several of us to see if he could get that back, and there wasn't any way to reissue it to him. There wasn't any reason.

I mean, this was a person that was involved with the fishery from the very beginning, and so in his mind it was clear that you had to have a snapper grouper permit to participate in this fishery. In some ways it doesn't seem fair now to figure out some way to let these other people in when

we didn't accommodate him early on. Certainly, some of the fishermen knew that you had to have that snapper grouper permit to participate in that fishery.

MR. PHILLIPS: You don't necessarily have to buy a permit to get back in. There are a lot of people that are more than willing to lease their permit for a few thousand dollars for a year while he's looking to buy a permit.

MS. SMIT-BRUNELLO: I just hate these leasing issues, Charlie, but just to make it clear there is no leasing of permits allowed. You lease a vessel with the permit and then those parties enter into an agreement, and the person who leased it is considered the vessel owner for those purposes and all that. It gets complicated, but you're right that exists as well.

MS. MERRITT: I've know we've gone around and around with this, and Monica and I have talked, too. I know there are ways that you can still fish it. It may be that he can have another shareholder's shares transferred to him temporarily while he is getting a permit, but here is my point. I think the National Marine Fisheries needs to find a way to exempt these people because I don't that this was an intentional kind of incident to occur to them.

I do think the intent has always been that they should have them; and that when they lost them, they should have been told at that time that they needed the permit to continue fishing, but they've been continuing fishing. They were reissued their shares every year, they've gotten their coupons, they've gotten their vessel permits.

I just really feel that there should be a way to either exempt them, do a waiver, do something. I really don't think that – I think by default they be given snapper grouper permits. I would like to make a motion to leave it up to SERO or the permits – I guess it would be the permits office to find a way to grandfather these two individuals. Thank you.

MR. CURRIN: We're getting that motion up there, Rita, but I think there are some comments about the structure of that – a couple of those comments, in fact. Let's try to get a second first to the motion. Is there a second? I see no second so the motion dies for lack of a second. Roy.

DR. CRABTREE: And we can't do that, Rita. This is the responsibility of this council and this plan is the responsibility of the council. If you want to make some change you have to ask for a specific change or fix to this through an emergency rule or some other thing, but we have no authority.

I mean, we've had countless numbers of people – lots of people lose their permits every year in all of these fisheries because they don't renew them on time. They all have all kinds of reasons why. That's really what happened here. The council has discussed this repeatedly over the years, but if you want to do something or remedy or fix something here you're going to have to ask us specifically to do something through some request.

MR. CURRIN: Well, there are kind of two ways I see that occurred to me that it might be addressed. We could be hardnosed and say, you know, you guys screwed up and you let your permits lapse, you didn't buy the permits that you should have and you need to buy permits and

put the responsibility on them. There are permits available through the market. They are expensive.

Now, if you feel that is not fair to these individuals, perhaps – and this is a question – can we establish and issue to those three individuals or whoever it is a non-transferable snapper grouper permit. We'd probably have to establish something else, but I don't want to see these people given a permit that has some value, thirty or forty thousand dollars on the market, whatever they are, when they've screwed up and have failed to renew one that they had before.

MR. HARRIS: I agree with that.

MR. GEIGER: And I hear what you're saying and I agree with that, but to me there has been some confusion, and this isn't a clear case of people who have allowed either their snapper grouper permit to lapse – that may be the case as Mr. Cupka indicated – and I recognize that. There is confusion here in the way the rule was written or the original plan was written, and I think that confusion to me speaks that we should make an exception for those people for this one year by emergency plan and then include in the plan the requirement in subsequent years to be in possession of a federal permit.

MR. CURRIN: So your suggestion would be to exempt them for the one year through emergency rule?

MR. GEIGER: Through emergency rule.

MR. CURRIN: This coming year or whenever that could go into effect; and then after that require that they purchase a snapper grouper permit to comply with the law and operate their fishery.

MR. GEIGER: Yes.

MR. MAHOOD: The only problem I have with this – and I'd love to see the few people that we have out there fishing legally, but I know in one case a person has been fishing without a snapper grouper permit for a number of years or knowing that they needed a snapper grouper permit in this fishery. I think there is a tremendous amount of confusion when you look at the regulations.

You have to pick and put the pieces together of a puzzle to get to the final conclusion. Monica, I think what must have happened is back when they consolidated the regulations something got changed because it was very clear initially in the wreckfish program you had to have a snapper grouper permit. The wreckfish permit was on top of that, and it was like a special endorsement to fish for wreckfish. That's how the program was built, and some people, for very legitimate reasons, failed renew their permits.

But like Roy said, everytime we've dealt with a new permit process we'd run into all these hardship issues and they're tough to deal with. I know David and Susan have dealt with a lot of them, and I think the first one probably was wreckfish when they were on a panel here. I'm not sure how many folks with a wreckfish permit and want to fish are late entrants; in other words,

bought their wreckfish permit from an original owner or whatever. If they were in it originally they knew that they had to have that snapper grouper permit.

MS.. SMIT-BRUNELLO: Well, I won't take you through the painstaking process if you've got an extra 45 minutes to hour and we can go –

MR. CURRIN: No, we don't.

MS. SMIT-BRUNELLO: – through all the amendments and discuss whether we think this was the outcome the council thought of or not. It's not the model of clarity. I think the wreckfish program existed over here and we were doing all these other things with snapper grouper and some things got swept in perhaps unintentionally, I'm assuming, because there is not a lot of – there is no council discussion on including wreckfish into the aggregate bag limit or some other places.

Be that as it may, we are where we are, but remember when you're talking about a year, you're talking about also it's going to last six months; and if you're working on some sort of fix to the problem in an amendment, then it can be extended for another six months. This is something that you would need to get a permanent fix into place.

Well, so you work on an amendment that deals with this issue as well, if you wanted to do it in Amendment 20 or wherever, but remember the emergency rule lasts one year; six months with comment; and then if you're working on a fix, then another six months so basically a year if you're working on the issue.

DR. CRABTREE: And so if went down George's path, though, it was just an emergency rule to not require it until the emergency rule expires and then give them more time to buy one, and so there wouldn't be a fix after that. We essentially just would be giving them a reprieve from the requirement. Could we extend that or would that only be then in place for six months?

MS. SMIT-BRUNELLO: I guess we would have to look at what is being done in the wreckfish amendment and see how that would possibly – if you could make the construct that what was being done in the amendment was addressing this particular issue, maybe there is a way to put it in that way, but that's a little early to decide. I'm not sure.

MS. MERRITT: Mulling this over, the motion for the permits office to find a way, I still want to put it back on them to find a way for the council to have a method of grandfathering these people. I do not think that these people are 100 percent responsible for this. I do think part of it lays on the permit office.

I also feel if you're a regional administrator – Roy, no offense to you – I think you've got the power to make some decisions that are administrative in nature. If your office, not you personally, but by some unintentional error a permit has gone out to someone or not been issued to someone because of some error in the office, with the administration of it, that's where I think that there is a partial responsibility there. Go ahead, Monica.

MS. SMIT-BRUNELLO: Well, it's great that you think Roy has that kind of power, and then he is going to ask me whether he has the authority to do it, and I say, "No, you do not," because –

DR. CRABTREE: It's really Monica has all the power.

MS. SMIT-BRUNELLO: Well, I advise on these matters and I guess my advice could be disregarded, but there is no authority for someone at the regional office to grandfather someone in like this. It's either you do an emergency rule to address this now, black and white, or you don't, and then they have to buy permits or they have to lease a vessel with a permit, as Charlie suggested. I know there is a lot of leasing of vessels going on, so there is that avenue. That's where it is.

DR. CRABTREE: Yes, and it's just not happen that way, Rita. Unless this council requests an emergency rule, it's going to be the way it is.

MR. CURRIN: The committee and the council has got to decide whether you want to exempt these people in some way and then we'll find the methodology to do that, as you're advocating, Rita; or if you don't, then we say, no, that people need to buy a permit and let them deal with it the best way they can, and they're required to do that by law in order to fish.

There are avenues open to them. They can either buy a permit or lease a vessel or if we decide that we want to try to make these people legitimate for some reason, even though some of them have had snapper grouper permits in the past and for whatever reason no longer have them, then that's what we can try to then get the folks at the region to help us craft some means of doing that. That's kind of the level of decision that we need to make first, I think. David.

MR. CUPKA: I guess what bothers me a little bit is that is exactly what some of these fishermen have been told that there is no way to get a permit back and they have to buy two permits. Why would we tell some of them that and then figure out a way for other ones to be grandfathered? I hate to see it happen, but we ought to be consistent.

MR. CURRIN: That's a very good point, David. Charlie.

MR. PHILLIPS: I would like to make a motion that we do a six-month interim rule – I don't think we need to extend it – and that they need to be compliant at the end of that six months. If they can't compliant after the end of six months, then they're out. That gives them some wiggle room; and if they can't figure out how to get proper permits that everybody else has, then it's on them.

MR. CURRIN: Let me get a second. There is a second by Duane. Discussion? Monica.

MS. SMIT-BRUNELLO: Well, an interim rule is only to address overfishing, so you'd need to just change the "interim" to "emergency".

MR. CURRIN: Emergency rule I think was the intent and it's okay with the seconder. Roy.

DR. CRABTREE: And so the intent, Charlie, is this would not be extended; this is a six month –

MR. HARRIS: That's my intent.

MR. CURRIN: Discussion on the motion? Bob, question for clarification.

MR. MAHOOD: And that's limited to fishermen that do have a wreckfish permit; it's not anybody?

MR. HARRIS: Right.

MR. CURRIN: I think that's the intent. That's all we've been talking about is wreckfish. Rita.

MS. MERRITT: I just have a question. So is the permit's office now not accepting transfers of quota share to anyone who does not have a snapper grouper permit?

MS. SMIT-BRUNELLO: They haven't had that issue come up, and I've told them to talk to me about it everytime. There is nothing that says you can't have a wreckfish permit if you're a shareholder. What we're thinking of is explaining to the person that if they do apply and get the shares and the wreckfish permit – it may even be stated right on the front of the permit to fish in this fishery you also need a snapper grouper permit, so they're trying to educate people as they call in. I don't know that they've had the transfer issue come up within this last month, month and a half, two months.

MR. HARTIG: Monica, the question I would have was are the fishermen without a snapper grouper permit going to be issued their coupons this year?

MS. SMIT-BRUNELLO: Well, that's why we need to discuss this. I'm sure they will. I mean, those coupons, that's a separate issue and they'll go out so they'll get their coupons. I think some extra education has to be given to people, though, to explain – well, it depends on what comes out of here, but, yes, we'll have to explain a variety of things.

MR. MAHOOD: One of the reasons all of this came up, I was trying to answer a question for this deep-drop charter fisherman in Florida who was about, the next day, to go out and for \$10,000 buy a share and then 20,000 pounds of annual catch of wreckfish. He just wanted to check one last time.

I was basically counseling that, well, that 20,000 pounds may or not be 20,000 pounds in the future, and my assumption was he had a snapper grouper permit. Then at the end I said, "You do have a snapper grouper permit, don't you?" He said, "Well, no, I don't have one of those. The guy that was selling me the stuff said I didn't need one of them."

I said, "Well, I don't know about that; you need to look into that." That is when I got up with Rod and Roy and then got back with him and said, "No, you've got to have a snapper grouper permit." So I guess my question is could this guy now go ahead with his purchase of quota share, apply for his snapper grouper permit as a shareholder, get it and fish?

MS. SMIT-BRUNELLO: Well, he won't be given a snapper grouper permit.

MR. MAHOOD: No, but he won't need it.

MS. SMIT-BRUNELLO: Right, exactly. I think it would probably cover that situation as long as he wasn't operating under charter or anything like that, because then they're –

MR. MAHOOD: That's his intent is to dole these fish out to his clients under charter operations.

MS. SMIT-BRUNELLO: Well, I have a number of e-mails from a wreckfish shareholder who wanted to sell him the shares originally, and so I'll go back through those because I told her I wanted to wait until this meeting and then we'll – I gave some answers and she said, "Are you sure," and I said, "Yes, I'm sure but let's see what the council does, if they do anything." I'll go back through all those and talk with them.

MR. MAHOOD: I just wanted to make sure we're not opening this up more than we think we might be.

MR. HARRIS: I guess one of the questions might be would this pertain to charterboats. If they don't have a snapper grouper permit, could they then come in and buy a – can they get a snapper grouper charterboat permit?

MS. SMIT-BRUNELLO: Well, those are open access, the snapper grouper charter/headboat permit, so perhaps what you want to say is having a commercial snapper grouper permit in your motion.

MR. HARRIS: Well, I think that was –

MS. SMIT-BRUNELLO: You're right, I think that's what the intent is. Remember, there is a set amount of shareholders and there are only so many shares and all that, so it's not going to be opened up to everyone. I think "commercial" would be a good idea if that's what your intent is.

MR. CURRIN: Is that your intent, Charlie, that it pertain only to commercial snapper grouper – unlimited commercial snapper grouper permits?

MR. PHILLIPS: Yes, Mr. Chairman, and I could amend the motion where it says "wreckfish fisherman" "with history, with catch history, which would eliminate any new entrants being able to come in. It narrows the field down to the field I think that we want; however it works the best.

MR. CURRIN: It's your motion and I think we're just asking for a clarification. I think your intent is clear in this motion at least was to pertain to unlimited commercial snapper grouper permits.

MR. HARRIS: Yes, that's the intent.

MR. CURRIN: I'm hearing Duane say okay and that's fine with you? Okay, and the issue of catch history, if you want to include that, you can. David.

MR. CUPKA: Well, I'd certainly like to see it included. I mean, anybody can get a wreckfish permit. They're pretty easy to get; you just have to get some shares from somebody, right?

MS. SMIT-BRUNELLO: You have to be a wreckfish shareholder to get a wreckfish permit.

MR. CUPKA: But you can buy a share from anybody.

MS. SMIT-BRUNELLO: Sure, you can buy shares.

MR. CUPKA: It's essentially an open access – I mean, it's not hard to get one I guess is what I'm saying.

MS. SMIT-BRUNELLO: But you have to be a wreckfish shareholder so you have to have purchased shares.

MR. CUPKA: Sure, but it's easy to become a wreckfish shareholder. You just buy some shares from somebody, right?

MR. CURRIN: I don't know; that's not my impression. We had guys off our coast that were trying – who were encountering them, David, and trying to get coupons and somebody said, "Well, you can't sell your coupons because you don't have a permit; you can't get a permit unless you have" – it was a real circular thing and they've found it difficult to impossible to try to be able to land those fish. Roy.

DR. CRABTREE: I think the only way this works is that rather than catch history, it's just got to be if you have a wreckfish endorsement and you have wreckfish coupons, then you can fish. I can't go back looking and see if somebody has some catch history. That would mean somebody who had some wreckfish catches ten years ago – you know, I can't check all these people and enforcement is not going to be able to check them. So if you've got an endorsement and you've got coupons, then you can go fish for wreckfish for the next six months.

MR. CURRIN: Okay, that doesn't make it unduly complicated.

DR. CRABTREE: Doesn't that make sense, Monica?

MR. CURRIN: All right, further discussion on this motion? The motion is to request an emergency rule to exempt wreckfish fishermen with endorsements and coupons and a current wreckfish permit from having an unlimited commercial snapper grouper permit. Monica.

MS. SMIT-BRUNELLO: I think you should change endorsement – there is no wreckfish endorsement – to shares.

MR. CURRIN: All right, the motion is to request an emergency rule to exempt wreckfish fishermen with shares and coupons and a current wreckfish permit from having an unlimited commercial snapper grouper permit. Question, Duane.

MR. HARRIS: I just wanted to make sure that it's the intent of this committee and the council that this is an emergency rule that is going to last for six months, and at the end of the six-month period we don't intend to extend that. That's my intent. They're going to have to get the snapper grouper permit at the end of emergency rule, period.

MR. CURRIN: Yes, and that's certainly the intent of the motioner and the seconder, and I think that's clear, and we've got a note up there on the bottom of that motion.

DR. CRABTREE: Yes, and that needs to be clear, Bob, in the letter to me requesting the interim rule that this is a one-time, because I want to make sure that the bulletin and the rule and all that puts folks on notice this is a one-time deal.

MR. CUPKA: I was just going to suggest that we add that note because it's clear to us and we know how an emergency rule works, but somebody on the outside looking in, it might be good –

MR. CURRIN: And that note is there and it's very clear now. Spud.

MR. WOODWARD: Does the months start at April 15th, at the beginning of the –

DR. CRABTREE: I can't assure you that I can get this done by April 15th, so we'll move it as quickly as we can. We'll have to request a waiving of the cooling-off period, waive notice and comment and all those kinds of things, and we'll have to put it together. I'll do my best to have it effective by April 15th.

MR. CURRIN: That's all we can ask. Any further discussion on the motion? Is there any objection to the motion? The motion is approved with two objections.

DR. CRABTREE: The procedure in NOAA is the RA votes against emergency rules to ensure there is not a unanimous vote, to preserve the secretary's prerogative to approve or disapprove the rule. My voting no in no way means I disagree with what you're doing.

MR. CURRIN: Okay, thank you for that information. Now, Monica were there other issues regarding this? I know you mentioned yesterday something about an aggregate bag limit and there were problems that wreckfish were unintendedly included and were not or something. Are there other aspects of this that we need to deal with now?

MS. SMIT-BRUNELLO: That all plays into how we arrived at the fact that they need a permit. That's one of the things, but maybe in Amendment 20 we can address whether – well, I think you're going to address a number of things; whether you're going to allow recreational fishing and all that, but currently I think it falls within the aggregate bag limit, which is 20.

The problem is – well, I don't know if it's a problem, but the issue is it's recreational fishermen who do not have shares and who do not a wreckfish permit cannot go fish and catch 20 wreckfish or one wreckfish, so it's just some artifacts and other things that have happened through the years that we can address in Amendment 20.

MR. CURRIN: Okay, and I think we are going to address that in Amendment 20 as well. Gregg.

MR. WAUGH: We're going to need some wording to put on our website and into our regulations brochure describing just exactly what the 20 aggregate bag limit is now. I know we get questions and we will surely get questions about this now, so we just need some appropriate wording to add to the description of what that aggregate bag limit means with respect to wreckfish.

MS. SMIT-BRUNELLO: Okay, I'll work with you on that.

MR. CURRIN: All right, thank you, Monica. Let's move back into Amendment 20, then, if we've taken care of that issue.

MS. QUIGLEY: Amendment 20, you've got a couple of different attachments. There is the original Amendment 20 that the council put together; and other than the recommendations that the IPT was given, we made those changes. You have those in Amendment 20 I think is Attachment 9.

Then we have this Attachment 10 which is called an "Alternative Options Paper", which gives a little bit of background information and then kind of reorganizes the actions and alternatives that are in what you have devised in Amendment 20 and standardizes them so they're consistent with what has been done in two Gulf amendments.

The reason for doing this was that if we do this it's easier for us to do the analysis for this amendment because we have two other amendments to take a look at. As far as implement, it might be easier as well, and as far as writing up the regulations it might be easier. We standardized it and so we're running this by the council to see if this is something that is okay with you.

What I can do is I have written out all of the new proposed Amendment 20 actions and alternatives and specified where those appear in the Amendment 20 that was devised in December; so, for example, you'll see new Action 1, changes to the Wreckfish ITQ. Well, that coincides with old Action 1. I can go through each every one of these.

This is an easy one; we just changed some the wording, and we need to okay that by you. What we need to do is go through each and every one of these actions and alternatives to make sure it's okay with you, and we'll probably need a motion say, yes, we accept the actions and alternatives in the options paper to be incorporated into the new Amendment 20.

We can talk about that and just keep in mind, as we're going through this, that the IPT has suggested for Amendment 20 moving the wreckfish management reference points, spawning season closure and recreational allocation actions to the Comprehensive ACL Amendment so that it can move rather quickly and you won't have to be on a timeline for making changes to the Wreckfish ITQ Program.

MR. CURRIN: Okay, thoughts on the suggestions from the staff and the layout and form of the suggested new approach to Amendment 20. It looked good to me; it made a lot of sense, and I think it can serve, as I understand it, as kind of a template for these sorts of actions in the future. Everyone okay with the suggested new structure? George.

MR. GEIGER: The one question I would have is if we're going to move the allocation issue out; why wouldn't that stay as part of the ITQ change actions in 20? I mean that's part of it and it's a big part of it. We've already kind of heard semi-informally from the shareholders that they're opposed to that.

MS. QUIGLEY: What we would do is the Amendment 20, which is Attachment 10, the alternate options paper that you're looking at, yes, it includes the spawning season closure, the reference points, the recreational allocation action. This conversation that we've had about reorganization has taken place at this council meeting.

We are proposing changes to the alternate options paper by removing Actions 1 through 7, 9 and 10 to the Comprehensive ACL Amendment. It is still going to be considered; it will just be done in the Comprehensive ACL Amendment, which could likely move much faster than this Wreckfish ITQ Program Amendment, Amendment 20.

MR. CURRIN: I'm seeing some heads nod in agreement for the most part. I'm seeing nobody object. Rita.

MS. MERRITT: I agree that this is the way to go, and one of the reasons I've got in mind is there are a lot of things in Amendment 20 that need to be considered, and there has not been the shareholders' meeting yet. That doesn't occur until the end of this month, and I think it will actually make the job easier if we're getting the input from that group before we go forward with the current Amendment 20.

MR. CURRIN: Other comments? We need a motion to that effect, to approved the proposed structure by staff and the movement of some of these actions from Amendment 20 in the Comprehensive ACL Amendment. Kate.

MS. QUIGLEY: I would suggest two different motions; one to perhaps adopt the alternative options paper actions and alternatives and then another motion to remove or move wreckfish management reference points, spawning season closure and recreational allocation to the Comprehensive ACL Amendment.

MR. CURRIN: Let's deal with moving the Wreckfish Actions 1 through 7 and 9 and 10 to the Comprehensive ACL first.

MR. HARRIS: Mr. Chairman, I so move.

MR. GEIGER: Second.

MR. CURRIN: Motion by Duane to move Wreckfish Actions 1 through 7, 9 and 10 from Amendment 20 to the Comprehensive ACL Amendment. Second by George Geiger. Discussion on the motion? Any objection to that motion? I see none and that motion is approved. Now I'd entertain another motion to adopt or approve the reorganization of Amendment 20 as outlined in the alternative options paper. Duane.

MR. HARRIS: So moved, Mr. Chairman.

MR. GEIGER: Second.

MR. CURRIN: Motion by Duane; second by George. Okay, discussion on the motion. The motion is to approve the reorganization of Amendment 20 as outlined in the alternative options paper. Is there any objection to that motion? I see none; that motion is approved. All right, Kate, does that take care of 20 at this point?

MS. QUIGLEY: Yes, unless there is a desire to go through each and every one of the actions and alternatives, which may not be necessary at this point in time since we're going to be focusing on the wreckfish shareholders' meeting that is coming up, and we can move some background information and work on Chapter 3 and some other parts of the amendment before launching into analysis of each and every one of these alternatives.

We can get started and report back to the council in June, but if you're okay with the actions and alternatives as outlined in the alternative options paper, then we can go on that. I believe Monica has got some additional updates for us with regards to some of the other questions that we had about confidentiality waiver and things like that.

MR. CUPKA: Mr. Chairman, I just wanted to make a general comment about catch shares in general. We've gone on record several times saying that we wouldn't do anything unless the fishermen support it. I know that there is no requirement in there for any kind of referendum or anything, but we've heard several times people come to us and say, you know, all these people are in support of it or all these people are against it.

I'd really like to see us come up with some kind of mechanism, be it a referendum or whatever, that we get input from fishermen after these things are devised to make sure that we do have that support, because sometimes it's hard to gauge the amount of support out there the way they bring this information to us. I would like to keep that in the back of our mind as we move ahead maybe on these catch share programs of coming up with some sort of mechanism to actually gauge the support of people who are involved in the fishery.

MR. CURRIN: Yes, David, it's a good point, and it's not in the back of my mind; it's in the forefront of my mind on this, but we're in that conundrum where we really can't ask people

whether they like something until we show them something to either like or not. I think this issue is important enough that the initiative to start developing a catch share, several with the help of fishermen so that they can then say, yes, this sounds good or it doesn't before it's ever implemented.

DR. CRABTREE: I think that there is nothing that prevents you from doing a referendum. In the Gulf, when we did the referendum on the grouper amendment, that occurred at the draft environmental impact statement phase. We published the DEIS and then sent it out and did the referendum, but they are more complicated than just a referendum, so think about it.

I don't you necessarily want to let everybody have a vote. You may not and you may not want to let them equally. The language in the Act on referendum has substantial participants, so that the real participants in the fishery have more say than people who have essential no landings, so you'd have to give some thought about who are you going to vote.

If you open it up to all snapper grouper fishermen, you may have a lot of people voting that aren't even participants in the fishery you're looking at, so you'd have to come up with some criteria; and to establish those criteria, if you want to do this, I could require rulemaking. I don't know, Monica, how we would do that. In the Gulf we had to go through rulemaking just to establish the voting procedures.

MR. CURRIN: All right, I had Ben, and, Monica, I know we're waiting on you, but let's don't get into the discussion of how the referendum structure would be. That's the decision way, way down the road here today. Ben.

MR. HARTIG: And I agree with that, Mac, and the other thing is I have been in support of referendums. I think it's a good idea. The other part is the fishermen need the education now. There is a lot of conceptions out there – I mean a lot. I hear them everyday. Somehow we need to educate the fishermen and bring them along as we're developing these things so they can make an informed judgment at the end.

MR. CURRIN: Exactly. Monica.

MS. SMIT-BRUNELLO: The only thing I was going to say along those lines is that I can bring back at the next meeting or at the next meeting when this is discussed some different options on what the council would need to do for a referendum, because you're not mandated to do it like the Gulf was, so you might have a lot more flexibility. I'll look into that.

MR. CURRIN: Okay. Yes, I don't think there is any hurry on it. We're a long ways from that point I think, but I think it's important, David, as you noted that it is something that I believe this council is going to be interested in some way to gauge the interests and feelings of the community about a catch share program as it might be designed. George, do you have anything?

MR. GEIGER: No, you covered the point I was going to make.

MR. CURRIN: Well, do you want to go through these management measures in here or are we comfortable with the structure? I've looked at it and it seemed to me at least that everything was moved – that was of interest in 20 was moved into this new options paper. If you have the desire to go through it and look at those actions again, we can do that, but if not we will move on.

MR. HARRIS: I'm a happy camper.

MR. CURRIN: Okay, Duane is happy; everybody else happy? All right.

MS. QUIGLEY: I think we had a series of questions for Monica. One was confidentiality issues; is there a way that the fishermen could waive their confidentiality and therefore we would have access to landings for years that is labeled confidential. Another question we had is with regards to deceased individuals.

In particular Alternative 4 under Action 12 in the alternate options paper reads, "Restrict eligibility to valid commercial snapper grouper permit holders." The question to Monica was would this exclude deceased individuals? Another question we had is could shares be passed down through an estate?

MS. SMIT-BRUNELLO: I'll address the confidentiality question first. As you know, some of the landings from some years in this fishery has only been one or two individuals that would be confidential information, which would fall under the confidentiality provisions of the Magnuson Act. So then you look to the exceptions to confidentiality and there is still some discussion within NOAA GC as to how certain provisions of the exceptions are being interpreted.

I've seen many drafts of proposed rules that are going to go out that interprets particularly the confidentiality provisions, and we've been working hard to make sure that – wreckfish is a perfect example of why you need a little latitude in these kinds of situations for council members and the public, really. That discussion is ongoing and you should see a proposed rule soon, which is going to interpret some of the confidentiality provisions.

I can't really give you anymore update than that except that to hedge our bets one of the exceptions is if a fisherman waives basically his right to confidentiality so that others can see his landings and other information like that. We're nearly done with a waiver that we think would work, and I'll send it to Kate next week. That's a good thing.

On the shareholders and deceased shareholders, when I looked at the original amendment – I believe it is Amendment 5 which established the ITQ Program for wreckfish – they didn't put a duration on how long a shareholder could have his shares or her shares or how long that would go on. In fact, there were some really great aspects to that amendment because it allows free transfer, and it's just really good to look at. You all might want to look at it sometime.

Could a shareholder will his shares to an heir? I think he or she could. That heir who would receive them, let's say his son – I'll just use he for example although there are female shareholders – so if he willed his shares to a son, the son could get those shares, but it would be subject to the restrictions that we put on any other shareholder, so they would have to meet those requirements, whatever they may be under the regulations. There is some allowance for that.

We have currently permit holders in many of our limited access fisheries. We have permit holders who sometimes pass away; and if the transfer rules allow that – snapper grouper is a perfect example. If a husband died and could his wife receive the permit, so we looked at it and that's allowable to have a husband transfer to the wife.

Obviously, the husband is deceased so he can't transfer the usual way, so we get death certificates, we get letters of administration from the court, we get a number of things to show that. Then there is someone who can receive the permit. So, yes, there are mechanisms to have that happen.

What happens if a shareholder dies and didn't leave any will or anything else? I don't know, we'd have to look at that on case-by-case basis, and it would depend on the laws of the state in which the deceased died in and resided in, I guess. The short answer is it's not prohibited, Kate, but there are probably many variations we have to look at.

MS. QUIGLEY: Okay, that's really all I've got at this point in time for Amendment 20 unless there are further questions.

MR. CURRIN: Any questions for Kate on Amendment 20? All right, thanks very much. A lot of good work has gone in developing that alternative options paper, I think, and you did a great job of capturing everything from the original one. All right, our next agenda item is the Comprehensive ACL Amendment.

Rick, are you going to come up and run us through that. After we get through with this, we've only got one item under other business, I believe, and I believe that is Duane's letter to the Secretary of Commerce that everybody should have received a draft of, and we will take care of that. Attachment 12 is where the Comprehensive ACL Amendment is.

MR. DeVICTOR: Okay, we'll first start off with PDF Page 2. You have seen these alternatives before, but I'll run through them. The first action is to remove snapper grouper species with low occurrence in federal waters from the Snapper Grouper FMU. Alternative 1 is no action, do not remove any species; Alternative 2, remove snapper grouper species with 95 percent or greater of landings in state waters.

You can see in Table 1 that applies to ten snapper grouper species, so those ten species would be removed if this alternative was selected. Alternative 3 is on the next page and that's to remove snapper grouper species 90 percent or greater of landings in state waters. You can see that adds one more species to that list, and that is sailors choice. Alternative 2 is ten species; Alternative 3 is eleven species.

Moving on to the next alternative on the next page, Alternative 4 would remove eight more species, and again that is using the 80 percent or greater of landings in state waters. I think in the next table we'll highlight or shade what species that this alternative would add. I'll stop there. Those are four alternatives to remove snapper grouper species from the Snapper Grouper FMU.

You notice that this is right now an options paper, but when you see it next June we'll have impacts to go with more of the FMP amendment structure.

MR. CURRIN: Questions about the alternatives under this action to look at a series of percentages of catch currently in state waters as an attempt to address whether species should be removed from the FMU or not. Charlie.

MR. PHILLIPS: Lesser amberjack, I guess that's almaco or is that a different fish?

MR. CURRIN: It's a different fish, different species. Everybody okay with the range we've got here from 80 percent to 95 percent, 80, 90, 95? It seems reasonable to me. Okay.

MR. DeVICTOR: Okay, the next action begins on PDF Page 5, and this is to consider designating some snapper grouper species as ecosystem component species. That's Action 2, and again we have status quo and no action for Alternative 1, and we'll change that to no action if the committee is fine with that.

That Table 4 just basically shows the commercial and recreational landings for all the species. The alternatives begin on PDF Page 9. Alternative 2 is to designate 11 species as ecosystem component species, so that's looking at the state and federal combined landings that are less than or equal to a thousand pounds, so you can see what species that would apply to. Alternative 3 uses the cutoff of 2,500 pounds, and that adds five more species, and that would be coney, rock sea bass, misty grouper, queen triggerfish and saucereye porgy. Those are the five additional ones from Alternative 2.

Alternative 4 is to look at the landings and if the state and federal combined landings are less than or equal to 5,000 pounds you would designate them as ecosystem component species, so that's 18 species as you can see in Table 7. Then this was a new alternative, Alternative 5, which you added in December was to use the cutoff of 10,000 pounds, and that is a total of 25 species that would be the ecosystem component species.

Then if you continue onwards, there is – as I see it's an additional five so that needs to be changed. This is to remove all the following snapper grouper species that fall under the Florida Marine Life Rule. I just noticed that this is more appropriate I would think in the first action because this is taking them out of the unit, but we're talking about EC here. If that's your intent to take out these species, then perhaps a motion to move that into Action 1.

MR. CURRIN: I would entertain a motion to move current second alternative five into the first action. Brian.

DR. CHEUVRONT: Yes, so moved. I mean, that just makes sense to do that.

MR. CURRIN: Yes, I think so, too.

DR. CHEUVRONT: So the motion is to move the Alternative 5 under Action 2 for the Comprehensive Ecosystem Amendment to Action 1.

MR. CURRIN: Okay, motion by Brian; second by Mark Robson. Discussion?

DR. CHEUVRONT: Okay, this is the second Alternative 5, actually.

MR. CURRIN: Right, it's clear, queen fish, triggerfish, porkfish, puddingwife. Any further discussion of this motion? Any objection? I see none; the motion is approved. Rick, one thing I'd ask you guys to think about is in all those previous alternatives in this action, where you've got a poundage, and I know that it's average annual, but I think having that language in the alternative might make provide some clarity. If you don't think so, that's fine, but just give it some thought and see what you think. When I looked at that it's just what are talking about, over what time period of these landings. Monica.

MS. SMIT-BRUNELLO: And, Rick, there are a number of factors to consider in the National Standard 1 Guidelines for designating a system as an ecosystem species, and you've listed those factors in there earlier, but we're really going to have to discuss them for a lot of these species and look at the objectives of the FMP, if we can find out why they were included originally, and there may be species – this is pretty much focused on poundage, landings and that sort of thing.

There could be a case in which there is – not that you have it in here, but it could exist that if you just go by landings, that a species very valuable, you don't value it in different ways, I guess, and you wouldn't to want put it in as an ecosystem species just because it has a low amount of landings. We will just need to discuss a number of things like that and then the council will have to look at that and discuss it as well.

MR. DeVICTOR: Yes, you will notice also that there is not a purpose to this so the team is going to write that up and have it before the council in June to agree on the language that we have come up with and the rationale.

MS. SMIT-BRUNELLO: Right, and I know this is just an options paper, but I'm just throwing that out a little earlier.

MR. ROBSON: This may not be a big deal but a couple of those marine life species might also be in your ecosystem component list, so there would be some redundancy there. I don't know if it really matters to have them in both sets of lists.

MR. CURRIN: I don't at this point that's a problem. I'd rather have some redundancy and overlap at this point until we can kind of define a path that we can take and might take. Any other questions on this action. All right.

MR. DeVICTOR: Okay, is the multispecies groupings and this begins on PDF Page 12. I won't go through these in detail. There is still work to be done on the groupings, particularly with Alternative 5. I know SERO is actually working on a way – I think Nick Farmer is working on a way to group these species. As I understand it, it was done for the Gulf of Mexico, those species, and it's currently under Science Review so we're hoping to get a presentation for such a

grouping for South Atlantic species and the scientists' opinion of that grouping method. I don't see much work to be done on this. This is sort of in a holding pattern right now, I believe.

MR. ROBSON: I think the intent of this is to kind of standardize these groupings, and I certainly want to encourage that particularly in Florida between the Gulf and the South Atlantic these multispecies groupings to the extent they can be universal it sure helps us.

MR. CURRIN: Yes, and that would be ideal, but we're dealing with two different SSCs and they oftentimes don't tend to agree on some things, anyway. Roy.

DR. CRABTREE: And I think for some of these we probably ought to make the point that these are management necessities that are based upon people's general ability to recognize fish, and that this is a short-term kind of thing we're going to do until we have enough information to do things more meaningfully.

With some of these, you've got to recognize that if you say porgies, the general public knows kind of what a porgy is, but if you go to some of these scientifically based, you may end up with groups that lump a lot of things together that people just aren't going to be able deal with because they don't think that way. There is the science but I think there is also the operational management necessity of making this work somehow, and we need to keep both of those in mind that there is more to this than just being able to do the science side of it.

MR. CURRIN: Thank you, Roy, and I've always felt that way, but we've run into a few brick walls everytime we've brought this up. Bonnie.

DR. PONWITH: And from that standpoint I actually concur. Certainly, what we would want to do is take a look at groupings being proposed for management purposes just for logistic feasibility in getting this work done and look to see if there are any outliers in terms of their life history where the life history just is so completely different that it defies being in the grouping. I certainly agree that looking at this from a management perspective and making those groupings, have the scientists look for those outliers and use that as a strategy for getting this work done is a sound approach.

MR. CURRIN: Thank you, Bonnie. Other comments or questions? We'll be receiving more information on this in the future from work that has been done elsewhere and scientific opinion.

MS. MERRITT: On Page 14 where the species are – under Alternative 6 where the species groupings are for the Snapper Grouper FMU, the wreckfish is not mentioned; is that deliberate because it has always been at least listed when we've had the groupings for snapper grouper in the past?

MR. CURRIN: I don't know whether that's intentional or not. I guess logically it probably ought to go into the deep water grouper and the tilefish or either be under a separate category, I don't know. Roy.

DR. CRABTREE: Well, because it's in an IFQ Program it's going to have effectively a separate ACL, which is the amount of IFQ quota, so I don't think it would need to go into one of these multispecies groupings.

MR. CURRIN: And that makes sense, too.

MR. DeVICTOR: Now we hit Action 4 and that's to specify an ABC Control Rule for species in the Snapper Grouper FMU. This is on PDF Page 15. The alternatives we currently have are to establish an ABC Control Rule as per SSC recommendation where we got a presentation yesterday for assessed species, and Alternative 3 for non-assessed species.

What I would like to do perhaps is to put some alternatives that John sent forward on the screen based upon the discussions following Carolyn's presentation, so can everyone see that? Again, this is not in your briefing book material. Two would establish an ABC Control Rule where ABC equals OFL; Alternative 3, establish an ABC Control Rule where ABC equals a percentage of the OFL; and here are subalternatives where it is 65 percent, 75 percent and then 85 percent.

Establish a control rule where ABC equals a percentage of the yield at MFMT, and then you have various percentages, 65 percent of the yield at MFMT; and then Alternative 5 to establish the control rule where we got the presentation yesterday. Then here is where I think it gets into the uncertainty that we talked about where we could establish an ABC Control Rule where ABC is a percentage of the OFL, and the percentage is based upon the level of risk, the P-star.

Here we have 20 percent as the level of acceptable risk, 30 percent, 40 percent and 50 percent. Of course, the percentage would depend upon the species. Here are a set of alternatives for your consideration where perhaps we can put into the document, and I think the intent here is to come up with a table for all the species that are left and then show what the actual ABC value would be, and that's quite a lot of work, but then I think that gets to where you can compare, say, Alternative 6 to the rest of the alternatives, but especially what the SSC's ABC Control Rule says, so you can compare the two.

DR. CRABTREE: Rick, is there really any difference between – scroll up a little bit. You have got alternatives based on OFL and then alternatives based on yield at MFMT, but I think in every fishery we've set MFMT equal to Fmsy, so it seems to me those are practically going to be the same. If they are, I don't think there is a need to have both of them.

MR. WAUGH: I had the same thought. We've set for snapper grouper species the MFMT equal to Fmsy, and I don't know if John had a specific reason for breaking those out, but for the snapper grouper species at least we've done that. I don't know that we've done that for all our other species. I'd have to take a look.

MR. CARMICHAEL: Well, there's one where it says the ABC is a percentage of OFL and the other says it's a percentage of the yield at MFMT. The overfishing level is the yield at MSY or whatever it is, it's MFMT, so one refers to just the percentage of the yield. The other refers to the yield you get at a percentage of the exploitation rate.

We could standardize the language and agree whether or not we want to use Fmsy, MFMT. Given all the discussion about proxies for Fmsy, perhaps thought it was better to use MFMT. You could make it even more complicated and say the exploitation rate that gives you OFL, but this was a little simpler.

DR. CRABTREE: If the MFMT is set equal to Fmsy, then the yield at MFMT and the OFL is the yield at Fmsy, so they're going to be the same thing.

MR. CARMICHAEL: Right, they would be the same thing to yields, but Alternative 3 and Alternative 4 refer to on one hand the yield at 75 percent of MFMT and the other refers to 75 percent of it.

DR. CRABTREE: Okay.

DR. CURRIN: Yes, please don't make it any more complicated.

MR. CARMICHAEL: Right. Well, no, I'm saying if you fish at 75 percent of Fmsy, you get a different yield than if you simply target 75 percent of the yield that you get at MSY, Fmsy. That's the whole purpose of going slightly below Fmsy because you get more yield from that higher stock and that you get a different value closer to MSY than if you just fished at 75 percent.

DR. CRABTREE: But that's only true at equilibrium, right?

MR. CARMICHAEL: No, it's going to be true; it's always true.

DR. CRABTREE: Let's think about that because I've seen this in other instances get mucked up because of equilibrium ideas versus non-equilibrium ideas.

MR. CURRIN: This certainly seems to be, at this point at least, a very broad range of alternatives for consideration and defining or determining an ABC Control Rule. I think we've run the gamut here. Thank you, John, for your input on this. Dr. Crabtree asked for some alternatives and I think you've provided him with some and all us. Other comments on this action? Everybody okay I presume at this point.

DR. DeVICTOR: The next action is to specify the allocation, and this is on PDF Page 15, and there are three alternatives. Alternative 1 is the no action. Alternative 2 is divide among two sectors, commercial and recreational, and you see the equation there, and that was per a council motion from September 2008. Alternative 3 is divide it among three sectors.

What staff was saying is we wouldn't go through the document further, unless you want to, because after this we get into specify the ACLs, and we currently do not have the ABCs yet. We may want to wait before going further.

MR. CURRIN: Yes, I don't see any sense in trying to go through those since we're waiting for the SSC to provide some advice and some values as best they can on those. Brian.

DR. CHEUVRONT: I just wanted to point out I believe our intention wasn't – using the Boyles' equation here – was that for the current trend, it was for the last three years for which data were available; and at the time that we recommended this, that was what we were going to have, and I think the current trend should – you know, depending on what year this actually goes through now, it probably would make sense to do it 2007 through 2009 and not 2007 to 2008. Is that not what other people remember?

MR. WAUGH: We've got some issues ongoing with getting some of the MRFSS data for 2009, and I think the projected date for getting that is some time in April. I'd suggest let's leave it up to the staff and the team that if we can move it up, we do move it up to include 2009, but if not, stay at 2008.

DR. CHEUVRONT: I agree. I think my comment really revolved on the latest years available, so I just assumed that all the 2009 data were available, but if they're not, they're not, so let's remember that the idea was for the last three for which data are available is what we wanted to use.

MR. PHILLIPS: I think George was over in the Gulf and there was some conversation about the recreational sector going over a million pounds on red snapper. On these current trends, are we figuring current trends if somebody goes over a TAC; is that the way – I just want us to think about this; are we going to pay people for going over a TAC?

MR. CURRIN: I would certainly hope not, but it's a very good question. I don't know; we haven't addressed that and we need to think about it. Gregg.

MR. WAUGH: So what you would like for us to do, Charlie, is look at the time series of data once a recreational allocation has been in place and give them – or commercial – and give no more credit in Boyles' Law than their allocation.

MR. CURRIN: Yes, that's the suggestion. We certainly don't want to start changing allocations based on illegal activity or unintended landings and overages. Bonnie.

DR. PONWITH: That seems logical to me. The add-on to that would be that in any situation where there was an overage, that an accountability measure or some action, actually reduce the catch the following year, you'd want to take that into consideration, too.

MR. CURRIN: Yes, and in fact that's what the accountability measures attempt to do, Charlie. If you went over by half a million pounds this year, you'd fish it at a half a million pounds less the next year. Presumably, the average of those was going to be the allocation. It may not be a huge big deal as long as the accountability measures work. If they don't, then it's a very good point. George.

MR. GEIGER: And one of the problems I have, I certainly understand payback and the need to stay within an allocation in terms of total landings. The problem is penalizing a group when there is inadequate data to keep up with their landings are, which is why it's important, I think,

for us to talk about how we're going to manage these fisheries into the future to make sure that sectors – we know the commercial sector can stay within their total allowable catch, but there has to be some mechanism to provide information or constrain the recreational sector to stay within their allocation.

You can get into a situation where payback could be the closure of a fishery for the next year or even subsequent years if the overage is large enough. I just have a difficult time wrestling with the concept of penalizing a group when there aren't adequate measures in place to keep them informed of where they are in terms of reaching their total allocation.

MR. CURRIN: And that's exactly the reason I think, George, that my sentiments at least have been to look at three-year running averages of the landings because it's not only that problem but the problem with the varying PSEs on some fisheries at least from the MRFSS. Maybe we'll get some improvement from MRIP and maybe we won't, but I think those problems under the current system are going to exist into the future. All right, other comments here on this allocation action? All right, I see none. Is that it, Rick?

MR. DeVICTOR: Yes, I think that this is a good stopping point for now and then we'll come back in June with a more fleshed-out document.

MR. CURRIN: All right, thank you very much, everyone. Any further questions on the Comprehensive ACL Amendment for Rick or Gregg at this point? All right, under other business, as I indicated, we have a letter – and, Duane, I'll just recognize you and let you go through this. It's a draft letter to Secretary Locke from our council chairman. The letter was the one that was approved at our last meeting. Mr. Harris has fulfilled his responsibility as chairman and had this penned for your review and approval.

MR. DeVICTOR: It is not an attachment number, but if you go to the roadmap and under snapper grouper council session it's the very last link, draft council letter to the Department of Commerce.

MS. MERRITT: The draft letter to Secretary Locke is excellent and I appreciate Chairman Harris reiterating his testimony and giving Secretary Locke more of the feelings of this council in regards to how the Magnuson-Stevens Act affects our actions. Thank you.

DR. CRABTREE: I would encourage you in this letter to perhaps add a paragraph that reflects some of the things we did at this meeting yesterday, talking about Amendment 21 and Amendment 22, to try and develop some catch share programs and try to develop a long-term management strategy for red snapper and perhaps reference Ms. Medina's visit to us, and that we are going to take them up on their offer to work on these projects and that we're going to need additional resources and that we're putting together that sort of thing now. I think it's worth mentioning that in here as well, that we're going to need some additional resources on the management end, too, in order to deal with some of these problems.

MR. HARRIS: Yes, Roy, I think that's an excellent suggestion and we will do that if it's okay with the council. Another question I had was now that we have an idea what kind of money is

being made available for independent monitoring, as I said the other day I'm just not satisfied that is enough money to establish a comprehensive independent monitoring program here; and while we appreciate everything that they are trying to do for us, it probably doesn't go far enough. I'm just wondering if we might want to put something like that in the letter as well and I would ask for Bonnie's comments on that.

DR. PONWITH: I do think it is important to recognize that a significant step forward – a recognition of the capacity gap down here and a step forward in closing that gap was made. I think that would go a long way. In addition to the fishery-independent sampling, we are going to be doing some work with the Pisces, the newest of the quieted fishery survey vessels here in the South Atlantic.

We're going to be adding potentially three stock assessment scientists. I'm working on whether I should put a data manager in addition to stock assessments and balance that. Recognition of that I think is good and then an evaluation of how close that gets us to what we need for that full capability to monitor the recovery of this stock along its rebuilding plan would be a good thing.

DR. CRABTREE: Yes, I agree, Bonnie, it's a good thing, but I think what the council needs to know is, okay, there are going to be these additional people and this money going into monitoring. Now, is that going to be sufficient to give us the data we're going to need to actually be able to meaningfully track the recover of this stock; and if we have funding to hire this many new people to do assessments, then what is the turnaround time, how many more assessments a year – I think what the council needs to know is, okay, we're going to have more resources; now what does that mean in terms of deliverables to council and is that going to be adequate to get us where we need to be.

The council needs to know more as to what does that mean and what are we going to get for those things. I know you probably can't answer that now, but I think that's what we need to work through so we can judge where this leaves us. I don't think it's clear to anyone right now. I mean, we're better off than we were, for sure, but are we where we need to get to be or are we even close to where we need to get to be.

MR. HARRIS: Thank you, Roy, that's my concern. When I hear \$1.5 million for an independent monitoring effort and the independent monitoring workshop recommended substantially more than that as the need, a million and a half just doesn't seem to go very far. I'll refer to what the law enforcement guys talked about the other day, and that's "boots on the deck".

We need vessels in the water and then we need the people on the hill that can take the data and analyze it and turn it around. I'm not sure we're anywhere near where we need to be, and I think we need to put that in this letter and say we really appreciate everything you're doing for us, but we don't think it's probably going to go far enough. We need more information, but at this point in time we don't believe we're there yet. Ben.

MR. HARTIG: Bonnie, also, we've talked a lot about red snapper and I guess the whole fishery-independent thing is going to do all our species; is that correct?

DR. PONWITH: Yes.

MR. HARTIG: Okay, and are we giving some acknowledgement to that deep water complex, also to the deep water species, the area we closed?

DR. PONWITH: I appreciate you raising that because there is no amount of money that is going to be enough to do fishery-independent sampling that is species by species by species. We're looking at doing ecosystem surveys here that will give us a comprehensive overview of the status of all the stocks that are our responsibility as stewards to monitor.

As such, one gear that makes sense for one species or one life history stage may not make sense for another. That's an excellent point. We are going to be as comprehensive as we possibly can, seeking the type of data that will augment the dependent data that we have coming across the dock.

MR. HARRIS: Bonnie, would it possible for you to, at the next council meeting, give us a detailed presentation as to what the plans are for the use of this new money. I'm still not sure I know. A good question that Bob just asked is does this million and a half include paying the vessel time for the Pisces, because we know how expensive that is. Those are the kinds of things we need to know.

DR. PONWITH: Yes, Mr. Chairman, by the time we come to the next meeting we will have lined out the spend plan for this year and sketched out at least the early stages of what the long-term sampling regime – as I mentioned earlier, we're going to break this into two pieces and get the money out the door to do the immediate one-time studies that we need to fill the gap at the same time as we're developing the long-term – you know, something to serve us over the next 20 years.

MR. HARRIS: Thank you. If there is no objection, given the discussion we've had here this morning, I would ask staff to make the modifications to the letter that are necessary and run it by me; and then with your permission, we'll go ahead and complete it and send it on. Is there any objection to structuring it that way? Okay, seeing no objection, then that's what we will do. Mr. Chairman, I think that's all of your committee.

MR. CURRIN: I think it is, Mr. Chairman, but Mr. Geiger has something.

MR. GEIGER: Yes, I just want to know if it's appropriate at this point. We danced around it a little bit during the committee meetings, but I sent an e-mail suggesting that we form an ad hoc AP comprised of recreational groups to help us formulate a strategy for managing recovered and recovering fisheries as we move forward. I don't want to leave that until the next meeting because I think we're missing opportunities here time-wise to get started on this.

If it's acceptable to do that, then perhaps we could just give guidance to staff to put together a skeleton outline with perhaps suggested membership, who they would anticipate being able to

contribute to that and formulate a letter inviting people, which would kind of outline the intent of this ad hoc AP.

I don't that they'd have to meet face to face. This is one of those things that I think could be handled via a teleconference very easily, possibly with one face-to-face meeting as they closer if they need it. I would like to have some discussion about that briefly if it's necessary.

MR. CURRIN: Thank you, George, and Roy, if you recall yesterday, kind of mentioned that as one of the items that we would hope could be addressed by the staff in developing a plan for Amendment 21 yesterday. Thank you for bringing it up because we don't want to forget that. It is I think an important exercise for us to start giving some thought to what recovering fisheries do to catches and participation and that sort of thing. Roy.

DR. CRABTREE: Yes, and I agree a hundred percent with George, and that was part of my intent on Amendment 22. I think George is really forward-thinking and progressive and insightful in his description of what we need to do. I would like to see us move forward on that as well and as quickly as we can.

MR. CURRIN: I'm sorry, I misspoke, I said 21, but I think in 22 is where it's going to be most appropriate. Ben.

MR. HARTIG: It goes beyond recreational, George. It goes to commercial, also, because I want to be involved in this. Really, with the foresight and everything, we can allow some of these fisheries, as they recover – you know, the participants in the fishery, the ones that are coming in, just like recreational, the same thing. I mean, who do we allow to participate in these recovering fisheries commercially in the long term?

MR. GEIGER: And to that point – and I agree with you – however I think it's going to be cloudy if you try to mix the commercial and the recreational people in managing the fisheries as we go forward because I think the type of management is going to be completely different in certain degrees.

It might be catch shares for both, but the type of catch shares is going to be I think completely different. If you look at a potential tag fishery for the recreational fishery, that's totally different than we would for you guys. I think it would be much more streamlined if we commit possibly a commercial ad hoc group as well as the recreational ad hoc group to talk about how they would like to see or provide suggestions how we would best manage these recovered fisheries as they move forward. Gregg, is that enough as kind of staff direction to get us moving for the next meeting?

MR. WAUGH: Yes, I think so, I'll get with Bob, and we have to flesh the activities associated with Amendments 21 and 22 as well.

MR. CURRIN: Yes, I think that is very true, Ben, the causes of the problems are the same among the two sectors but the solutions can be different. Thanks, George, for bringing that back up and keeping it in the forefront. Anything else for the Snapper Grouper Committee? Wilson.

DR. LANEY: Well, just to George's point, one place you all might want to consider seeking some input from on this issue of recovered fisheries is the ASMFC and in particular the striped bass fishery and I think more recently spiny dogfish. Both of those are recovered or recovering fisheries, and they have struggled with management issues for many, many years with especially the striped bass.

MR. CURRIN: Yes, they can certainly provide some good examples of what they look like and the implications. I've seen some solutions come out of there, but maybe it's just identification of problems.

DR. LANEY: Yes, possibly some identification of things not to do.

MR. CURRIN: Yes, exactly, so we certainly need to look at it. All right, anything else for the Snapper Grouper Committee? Kenny.

MR. FEX: I would just like to enlighten you guys on the economical impacts of the regulations and give you a little insight about it. This is mainly from the North Carolina fishermen. I mean, I keep in touch with folks and everything. I do have an AA in business management from St. Pete Junior College and 25 years in the commercial fishing industry.

We have these new regulations go in effect and there are some promising things behind them. We had the vermilion closure. We cut out early. We had three and a half months that we weren't able to catch them. It was a bad thing because we were closed, but it was a good thing because it was three and a half months of spawning. That's when they spawn them winter months so that was a good thing.

It was bad because we were closed, but we were able to shift to a different fish. We caught the quota quicker because of the warm weather – that's the time of year they bite. We can catch them day and night. We can target vermilion snapper at night. Well, once the closure went into effect, our effort shift switched from night fishing. We didn't fish at night anymore; we just fished strictly in the day.

We were still able to catch grouper, still able to maintain until the end of year, and that was good for our fishery because we were still able to go fishing and we weren't closed. The fish houses weren't closed. Well, then, the beginning of this year come around, the vermilion opened and the grouper closed. Now you're giving the grouper four months to spawn.

We went fishing for vermilion and we caught vermilion. They're starting to slow down, the water has gotten cold, vermilion are moving offshore and I don't know where they go. So we're able to fish. So we're giving these fish chances to rebuild by these closures. Our efforts are shifting in different ways so we're not interacting with these fish.

I see promising things with these regulations, and I hope that you guys see that, too. We're still, again, able to go fishing, so we're still able to make something. Even though it ain't the same amount, it is still sufficient for the fishermen to be in a job. By no means don't think I'm against

the catch share program. I see promising things in it, but I see negative things in it. I think if you put like a lease cap on your percentages for the quota shares so I don't have to pay more than 50 percent to lease that quota because then it makes people not efficient to fish the quota.

It's easier to lease it; you make more money. Another thing I see is maybe group the species; grouper being the main one that you would want to group; the reason being is because you don't know which fish you're going to catch when you drop down. At certain times of the year, certain grouper, they spawn, if you catch more of this one or more that one, so if you grouped them – and you're already grouping them in this quota.

You're already grouping the gags, the blacks and the reds; I mean, there is a logical reasoning behind it. Another thing that you must have a snapper grouper permit if you're going to be an IFQ holder. I mean, it's only fifty bucks a year to renew your snapper grouper permit. I don't know why the wreckfish fishermen lost control of it. I think they sold their permit and just kept their wreckfish quota and lived off of that, but that's my own opinion.

If you want to get a group together, get representatives from each area to go to these catch share ideas to formulate a good idea. I could represent the southeast. I communicate with a lot of people in the southeast North Carolina – somebody from the northeast North Carolina do that – go up and down the coast to find people to represent it. I think it might be a little bit more promising and you might get some good ideas.

MR. CURRIN: Thank you, Kenny, I know you will provide that input to the advisory panel as well. We're glad you're there and I appreciate it. I especially appreciate your thoughts about the regulations and how they're actually providing some benefits and that you're able to work through them. We don't hear that very often from fishermen and I appreciate it and am glad that you're able to survive it and that it's working for. Ben.

MR. HARTIG: I just needed to put this on the record. Mac and I have talked earlier. We didn't have any transferability requirements for the endorsements in Amendment 18. It is not critical that we do them now, but as long as we address them in the future, I'm fine with that.

MR. CURRIN: I'm sure staff will take a note of that and give some thought to it. It may be best to do it in 18 since we added another action in there on the dates, give some thought to whether you want to try to look at that now, take care of it and be done with it in case we don't get back into endorsements. You know how that works sometimes.

MR. HARTIG: And I do; and if you want to, this would be pretty simple. You just would allow transferability of endorsements to other snapper grouper permit holders.

MR. CURRIN: We'll make that note for 18 and provide that as a part I guess of all the endorsement options in there if that's the will of the committee. Everybody okay with that? All right, do you need a motion for that or is the direction to staff okay and just make it a part of every endorsement option in the golden tile fishery. All right, anything else for snapper grouper? Thank you, all, and we finished early, slightly.

MR. HARRIS: Thank you, Mr. Chairman, great job. Okay, we're going to take a 15-minute break, but when we get to committee reports there is no need to read the entire report. Reference the report and ask if there are any questions because everybody has received copies of all these committee reports, and then just go on to your motions and make your motions on behalf of the committee. I think that will speed us up a good bit. Is that all right with everybody? Thank you very much. Then Monica, in her briefing on legal issues said she does not need a closed session; is that true, Monica?

MS. SMIT-BRUNELLO: It's true unless council members would like one. I sent to Mike and I know he sent to all of you the recent answer that we filed to the amended complaint in the red snapper lawsuit. We filed the administrative record of about 7,400 pages. There is nothing new to bring up to you in the Amendment 16 litigation, either.

MR. HARRIS: Is there a desire for a closed session? If there is no desire for a closed session, we will not convene one. We are now in full council and have adjourned the committee of the whole. Okay, let's take a 15-minute break.

Whereupon, the Snapper Grouper Committee of the Whole was adjourned at 9:45 o'clock a.m., March 5, 2010, and the South Atlantic Fishery Management Council reconvened in the Club Ballroom of the Jekyll Island Club Hotel, Jekyll Island, Georgia, Friday morning, March 5, 2010, and was called to order at 10:00 o'clock a.m. by Chairman Duane Harris.

MR. HARRIS: Okay, let's reconvene and move on to committee reports, and the first committee report is the Catch Shares Committee, Rita Merritt.

MS. MERRITT: The Catch Shares Committee met on Monday, and we had a variety of comments come in as a result of the workshop earlier on catch shares that will help us to respond to the NOAA Draft Shares Policy. We also had a presentation from Mike Clayton regarding the economic model that is being built regarding catch shares. We had an update from the staff and there is a planned shareholders' meeting for the *Polyprion americanus*, otherwise known as wreckfish, at the end of March.

We responded to concerns expressed for more a balanced presentation of catch shares by making available some additional material which covered lessons learned or possible drawbacks of the catch share program. Timing and task motions were approved by the committee in order to follow up on all of these issues. Thank you.

MR. HARRIS: That completes your report?

MS. MERRITT: That completes my report.

MR. HARRIS: You didn't have any motions?

MS. MERRITT: Mr. Chairman, the motion is approve the timing and tasks that were e-mailed to you in the committee report.

MR. HARRIS: Okay, and you're moving that on behalf of the committee?

MS. MERRITT: On behalf of the committee I so move. Any discussion? Any objections? Seeing none, the motion is approved.

MR. HARRIS: Thank you, Rita; any questions of Rita? The next committee is the mackerel committee. George.

MR. GEIGER: I refer everybody to the electronic copy from the Mackerel Committee Meeting, and I'll just move directly into the motions. **Motion Number 1 was to send a letter to the Gulf of Mexico Fishery Management Council requesting that the South Council get representation on their King Mackerel LAPP and Ad Hoc AP. That was approved by the committee, and on behalf on the committee I so move. Any discussion of that motion? Any objection to the motion? Seeing none, that motion is approved.**

The second motion that was addressed by the committee was a request that the Gulf Council establish a Joint Mackerel Committee Meeting. That was approved by committee; and on behalf of the committee I so move. Any discussion of conducting a joint Gulf Council and South Atlantic Council Committee Meeting? Any objection to the motion? Seeing none, that motion carries.

Motion 3 was our timing and task motion for staff and that was to send a letter to the Gulf of Mexico Fishery Management Council about membership on the LAPP Catch Shares and Ad Hoc Group and send a letter to the Gulf of Mexico requesting a Joint Mackerel Committee Meeting. That was approved by committee; and on behalf of the committee I so move. Any discussion? Any objection? Seeing none, that motion is approved. That completes my report, Mr. Chairman.

MR. HARRIS: Thank you, George; are there any questions of George with respect to mackerel? Okay, seeing none, the next committee report is the SEDAR Committee and I will give that report. The report has been transmitted to everybody electronically. If there are any questions about the report, I will be glad to entertain those at this time. Seeing none, I'm going to move on to the motions.

We have a number of motions and I will be referring to the list at the bottom of the report, the last page of the report; so if you have any questions when to the list – okay, it will be up there as well. **The first motion is to accept the SEDAR Administrative Approval Process and recommend it to the SOPPs Committee, and on behalf of the committee I so move. Is there any discussion of the motion? Any objection to the motion? Seeing none, that motion is approved.**

Motion Number 2 is to appoint Don DeMaria and Greg DeBrango to the Goliath Grouper Assessment. On behalf of the committee I so move. Discussion of the motion? Is there any objection to the motion? Seeing none, that motion is approved.

Motion Number 3 is to appoint Ben Hartig to the Goliath Grouper Assessment. On behalf of the committee I so move. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved.

Motion Number 4 is to approve the Goliath Grouper Terms of Reference and Schedule. On behalf of the committee I so move. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved.

Motion Number 5 is to appoint the state agency representatives as noted on the modified participant list to the SEDAR 24 Workshop. That's the participant list that I referenced at the bottom of the report. On behalf of the committee I so move. Discussion of the motion? Is there any objection to the motion? Seeing none, that motion is approved.

Motion Number 6 is to appoint the SSC members as noted on the modified participant list to the SEDAR 24 Workshop. On behalf of the committee I so move. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved.

Motion Number 7 is to appoint the advisory panel and advisory panel alternates as noted on the modified participant list to the SEDAR Workshop. On behalf of the committee I so move. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved.

Motion Number 8 is to appoint Rusty Hudson to the SEDAR 14 Data Workshop and Frank Hester and Robert Johnson to the SEDAR 24 Data and Assessment Workshops; and on behalf of the committee I so move. Is there discussion of the motion? Yes, Brian.

DR. CHEUVRONT: I believe there is an error there; that it should be appoint Rusty Hudson to the SEDAR 24 Data Workshop. It says 14 but it should be 24.

MR. HARRIS: Thank you, that is correct. Gregg.

MR. WAUGH: This is the actual motion that was projected at the committee and voted on; so I think if you want to change it some, we're going to have to alter it, but this is the motion that was projected and voted on at the committee level.

DR. CHEUVRONT: Mr. Chairman, I'd like to offer a substitute motion. I move that we appoint Rusty Hudson to the SEDAR 24 Data Workshop and Frank Hester and Robert Johnson to the SEDAR 24 Data and Assessment Workshops.

MR. HARRIS: You've heard the motion; is there a second?

MR. CURRIN: Second.

MR. HARRIS: Seconded by Mac Currin. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved. That motion now becomes

the main motion. Any discussion on the motion? Is there objection to the motion? Seeing none, the main motion is approved.

Motion Number 9 is to appoint George Geiger and Charlie Phillips to the SEDAR 24 Workshops and appoint Ben Hartig to the SEDAR 24 Data Workshop, and on behalf of the committee I so move. Discussion to that motion? Is there objection to the motion? Seeing none, that motion is approved.

Motion Number 10 to add “provide a written description of the biological sampling program” to the SEDAR 24 Data Workshop Terms of Reference 2” and to “provide a written description of the discard sampling program” to the SEDAR 24 Data Workshop Terms of Reference 8. On behalf of the committee I so move. Discussion on the motion?

MR. WAUGH: I apologize for this, but what we’ve got is some editing of committee motions going into the committee report, and this is the actual motion that was projected.

MR. HARRIS: Okay, let me revise my motion and that is to provide a written description of the biological and discard sampling programs to Items 2 and 8. On behalf of the committee I so move. Mac.

MR. CURRIN: Mr. Chairman, I guess it’s peripherally related to this. We had some discussion during that committee meeting about possible changes to the terms of reference for Number 5, and at the appropriate time I’d like to offer a motion to add those changes.

MR. HARRIS: Okay, let’s dispense with this motion first. Is there further discussion of this motion? Is there objection to this motion? Seeing none, that motion is approved, and I’ll call on Mac at this time.

MR. CURRIN: If you recall, Gregg had some suggestions regarding Terms of Reference 5 on the discard mortality analysis, and I personally thought that they were good suggestions. **I would offer the motion to modify Term of Reference Number 5 to ask the panel to review all the pertinent literature on discard mortality. If those recommendations vary from the results of the published literature, then ask the panel to adequately justify any deviations from that range.**

MR. HARRIS: Is there a second to the motion? Brian seconds the motion. Okay, discussion? John Carmichael.

MR. CARMICHAEL: One quick thing; would you add data workshop between “modify” and “term of reference” because you actually approved term of reference for three workshops, data, assessment and review, and they all have a Term of Reference 5.

MR. CURRIN: Yes, and I think it’s in the – I guess most of that discussion would be in the data workshop, so, yes, I would be happy to do that. Thank you, John.

MR. HARRIS: Is that okay with the seconder of the motion?

DR. CHEUVRONT: Yes, it is.

MR. HARRIS: Okay, further discussion of the motion? Ben.

MR. HARTIG: It's just what they do, anyway, but if you want to put this specific in there, that's fine.

MR. CURRIN: Well, I'd like to clarify it, Ben, because I'm concerned of some of the reports I got from I guess the red grouper and perhaps black grouper SEDAR where there was a lot of fisherman input into that. I'm not trying to discourage that at all, but it concerns me I guess that they were making scientific decisions based on opinions of people.

They do have information about it, but it's a little scary to me that the scientists are putting forth what I interpret as a scientific assessment of the data that's available based upon anecdotal – and I hate to use that – good information, but if they choose to do that, then I want some justification for doing that.

MR. HARTIG: Yes, they have done it in the past; and there is a fine line, you're absolutely correct. They do a pretty good job of walking that fine line.

MR. HARRIS: Further discussion on the motion? **Is there objection to the motion? Seeing none, that motion is approved. The next motion is approve the schedule and terms of reference as modified by the above motions. On behalf of the committee I so move. Is there discussion on the motion? Is there objection to the motion? Seeing none, that motion is approved.**

Motion Number 12 is to provide guidance for the next SEDAR Steering Committee Meeting; request updates in 2011 for gag, snowy grouper, golden tilefish and red porgy. On behalf of the committee I so move. Is there discussion of the motion? Is there objection to the motion? Seeing none, that motion is approved.

Okay, Mr. Chairman, that completes my report unless there are any questions. Okay, thank you, Mr. Chairman, yes, I am. I'm glad you all caught that. It shows me that you're paying attention. Okay, the next report is the Ecosystem-Based Management Committee Report, Dr. Brian Cheuvront.

DR. CHEUVRONT: Mr. Chairman, the Ecosystem-Based Management Committee met on Tuesday, March 2nd. What we did is in the report which you received by e-mail. A number of motions were made, and I'm just going to jump right to those motions:

The first motion that we had was to correct the December 2009 minutes. There were some typographical type errors in it and some suggested changes were being made, so on behalf of the committee I so move. Any discussion on the motion? Any objection to the motion? Seeing none, the motion carries.

The second motion we made was to replace current Option 3 under Action 5 as follows: “When total harvest of both state and federal waters reaches 50,000 colonies, then harvest would be closed in federal waters. Note that the council would request that Florida issue concurrent regulations.” On behalf of the committee I so move. Any discussion on the motion? Any objection to the motion? Seeing none, the motion carries.

Motion 3; modify Alternative 2 under Action 8 as follows: “Limit harvest and possession with the use of all non-prohibited fishing gear in South Carolina’s special management zones to the recreational bag limit.” On behalf of the committee I so move. Any discussion on the motion? Any objection to the motion? Seeing none, the motion carries.

Motion 4; change Action 10 as follows: “to make changes in the management of the special management zones.” On behalf of the committee I so move. Any discussion on the motion? Any objection to the motion? Seeing none, the motion carries.

Motion Number 5; move Alternative 2C under the Snapper Grouper EFH Section to the considered but rejected appendix. On behalf of the committee I so move. Any discussion on the motion? Any objection to the motion? Seeing none, the motion carries. The committee also made some suggested guidance to staff, which is also outlined in the report, and there are no motions made certainly there. It’s just some guidance was given. Mr. Chairman, that concludes the report of the Ecosystem-Based Management Committee.

MR. HARRIS: Thank you, Brian; are there questions of Brian? The next report is the Shrimp Committee; Spud.

MR. WOODWARD: The Shrimp Committee met in conjunction with the Shrimp Advisory Panel and the Deep Water Advisory Panel. I call your attention to the report that you should have received via e-mail. Two motions came out of that meeting.

Motion Number 1; recommend the development of a plan amendment to the Shrimp FMP that would allow for rapid closure of all or a portion of the EEZ to protect overwintering shrimp upon the recommendation of the adjacent state and triggered by critical water temperatures; triggers to be determined as part of the amendment development process. On behalf of the committee I so move. Any discussion on the motion? Any objection to the motion? Seeing none, the motion is approved.

Motion Number 2 is to include the following items in the upcoming amendment to the Shrimp FMP: Add royal red shrimp to the FMU; develop SFA parameters for royal red shrimp; remove limited access program for rock shrimp fishery; modify protocol for states to request concurrent closure of the EEZ during severe winter weather to expedite the process; provide MSST proxy for pink shrimp; measures to reduce takes of smalltooth sawfish. On behalf of the committee I so move. Any discussion on the motion? Charlie and then Mac.

MR. PHILLIPS: After talking to the deep water shrimp people and the testimony from Laurilee Thompson, they did not know anything was coming up for the fishery management unit for royal

red. They seemed to be, from what I can gather, unanimously – everybody is opposed to it; and, considering the work that the staff has to do, anyway, on all the other projects, I think listening to the advisory panel and considering all the other work and the expenses would do, at the appropriate time I would like to make a substitute motion to take A and B out of this and proceed accordingly.

MR. WOODWARD: Go ahead and make your motion, Charlie, and then I'll get to Mac.

MR. PHILLIPS: Okay, I would like to amend the motion to remove A and B.

MR. WOODWARD: Do I have a second to the motion to amend. Ben Hartig. Mac, was your discussion relevant to this?

MR. CURRIN: Yes, it was actually, Spud, and I just wanted to note that we all did hear the objections from the Deep Water Shrimp Committee. However, I would like to point out I'm in favor of keeping these two actions in. It's merely for some analysis to look at whether that would be appropriate to do in the Shrimp FMP.

There is no intention by anyone I think at this point to indicate that this is absolutely necessary to do. I do personally believe that there are some reasons to include a species that's being actively harvested by sectors of the fishery in the plan, but at this point I think it's appropriate to at least look at those two measures in the shrimp plan. I would speak in opposition to Charlie's motion.

DR. CRABTREE: Well, I don't really have an opinion one or another at this point, but I think the question you really need to ask yourself is, is there a need for federal management of this fishery. Just the fact that there is a fishery out there in federal waters doesn't necessarily mean we ought to have a plan for it. The question is really is there a problem, is there a need for us to manage it, and I don't know what the answer to that question is because I don't know enough about it.

MR. CURRIN: To that point, Roy, I don't agree with you at all, but I don't have the information to decide whether there is a need for a plan, and I think analysis would perhaps shed some light on that, and so that's why I would argue that it should be at this least included in the amendment.

MR. GEIGER: I agree with Mac and my comments were going to be directed exactly based on his response to Dr. Crabtree. I just bring up the example of where we've gone astray in the past without sufficient data and not acting quick enough with due process or due diligence is scallops. This is an opportunity to preclude us from going down that slippery slope, made even more slippery by the carcasses of scallops that are no longer out there.

MR. PHILLIPS: George, this fishery has been going on since probably the middle eighties and it has changed very little. I'm not saying that we don't need to do it at some point in time. I'm just saying we probably just don't need to do it now. Listening to an advisory panel, to me if there is any way we can do what they've asked us to do or not do is very important. We have had some creditability of not listening to advisory panels in the past.

MR. WAUGH: Just to clarify where this issue came from, because we've received a lot of criticism from the industry that this sort of come out of the blue, but our follow-up document that we work on with the region and it gets distributed to you all, this has been on the list for future shrimp issues to be addressed.

Since we knew that the issue of potentially developing an amendment to deal with the concurrent closure was going to be discussed, we brought the full list of items that you've been accumulating and telling us to keep track of to address in a future amendment. That's why this issue surfaced. It has sort of been on the back burner, but it's on a list of items that you all had previously asked us to keep track of and address when we do the next amendment. We've been trying to explain that to the shrimp industry this isn't some new effort designed to look at this item.

MR. MAHOOD: This fishery is being managed through the gear restrictions under the Coral Plan. This group was very active in helping develop those trawl areas for the royal red shrimp fishery. There is some management of the fishery. Now what else we would do relative to management in the fishery, I'm not sure, but it is a fishery that we probably don't have a whole lot of information about even compared to some of our others that we deal with.

MR. HARRIS: I want to go back to what George said with respect to scallops. We did have a Scallop Advisory Panel, and they, at first, did not want any management, and then they came back to the council and wanted a scallop plan. Then they came back to the council and didn't want a scallop plan.

We went back and forth and back and forth on that issue, and, quite frankly, I think the council messed up in not going forward with that scallop plan. I think that was a big mistake on our part, and I don't want to make that mistake here because I see the same sort of thing happening in this fishery. Charlie is right, it has been going on for a long time without us managing it, but I just don't want to get in that box on this one.

MS. BROUWER: I just wanted, for the record, to remind you that the council has designated EFH for royal red shrimp. However, it is not part of the FMU.

MR. WAUGH: And we did try to get a calico scallop plan amendment in place, but the FMP was rejected because we didn't have an MSY. The council did submit it and tried to get an FMP in place.

MR. WOODWARD: Okay, we've had good discussion on this. I have a motion to amend by removing – Ms. Thomas, would you like to make a comment?

MS. THOMAS: I want to make a comment on the royal red as well as the closures in the EEZ. I agree with Roy that I don't see a need in this royal red being included. I think we ought to spend our time and funds towards issues. Now I would like to address the closures in the EEZ. It has been our expertise that the industry kind of regulates themselves.

By that I mean that, for example, the weather and the wind was very bad during those several days of cold weather off of Mayport and Fernandina during the coldest part of January. Therefore, the boats did not go out and all the shrimp either buried up or they went back into the rivers. I know that right now I did a survey and talked to several of our members from Miami all the way up to Georgia, and they're doing very good on shrimp. There is no way to enforce it, and I'm going to give you an example of that. Back in the early nineties –

MR. HARRIS: Excuse me, Janie, this is out of order.

MS. THOMAS: Is it, okay?

MR. HARRIS: Yes, this is a council session; it is not a public hearing. What we normally do is when we are in committee meetings it is up to the committee chair as to whether they want to invite public testimony. This is a committee report for the full council, so I would invite you to submit your statement in writing and ask that we not continue with this at this time.

MS. THOMAS: Okay, then let me add one more thing.

MR. HARRIS: No, ma'am, you're out of order; just submit it in writing. Thank you.

MR. WOODWARD: All right, we have a motion to amend. I think I need to call the vote on this motion. All those in favor of the motion to amend signify by raising your hand; all those opposed to the motion; any abstentions. The motion fails. All right, we're back to the main motion. Any objection to the main motion? Seeing none, the motion is approved. That concludes my report, Mr. Chairman.

MR. HARRIS: Thank you, Spud, well handled. Joint Executive/Finance Report; I call on Vice-Chairman David Cupka to give us that report.

MR. CUPKA: Mr. Chairman, the report of the Joint Executive/Finance Committee is given by reference. There was one motion approved during the committee meeting. **The motion was to approve the Calendar Year 2010 Council Budget as presented in Attachment 1A, and on behalf of the committee I would so move. Is there any discussion on the motion? Any objection? See none, that motion is approved, and that concludes our report, Mr. Chairman.**

MR. HARRIS: Thank you, David. The report will be the Advisory Selection Committee Report. Robert Boyles is the chairman of that committee. Who is going to give that report? Mark Robson will give the Advisory Panel Selection Committee Report since he is the vice-chair of that committee and the chairman had to leave early.

MR. ROBSON: The committee met this week and you have a copy of the committee report. We considered applications for filling the seats on a number of different advisory panels, and I'm going to go through the motions associated with those at this time. **There was a motion to recommend appointment of Margot Stiles and defer appointment for the scientist seat until**

contacting Dr. Pat Halpin, and on behalf of the committee I would so move. Is there any discussion? Any objection to the motion? Seeing none, the motion passes.

Motion Number 2 was to recommend the council establish and advertise a recreational seat and a commercial seat on the Coral AP and the commercial seat would be a non-coral harvester. On behalf of the committee I so move. Any discussion on the motion? Any objection to the motion? Show the motion passes.

Motion Number 3 was to recommend the reappointment of Chip Bethell, Howard Rau and Bill Whipple to the Golden Crab AP, and on behalf of the committee I so move. Is there any discussion on the motion? Any objection to the motion? So approved.

Motion Number 4; recommend the appointment of David Nielson to the Golden Crab AP. On behalf of the committee I so move. Is there any discussion on the motion? Any objection? Show the motion passed.

Motion Number 5 was to recommend staff contact the Coral AP members representing deep water coral interests to determine if there is interest in transferring from the Coral AP to the Golden Crab AP, so that we would have a member representing the deep water coral on the Golden Crab AP. On behalf of the committee I so move. Is there any discussion on the motion? Any objection? Show the motion passed.

Motion Number 6 was to recommend reappointment of Chris Elkins to the North Carolina recreational seat on the Habitat AP. On behalf of the committee I so move. Is there any discussion on the motion? Any objection? The motion passes.

Motion Number 7 is to recommend appoint of Sarah Drevenak to Habitat AP. On behalf of the committee I so move. Is there any discussion? Any objection? The motion passes.

Motion Number 8 is to recommend the Georgia non-governmental organization-environmental seat on the Habitat AP be readvertised. On behalf of the committee I so move. Is there any discussion of the motion? Any objection? Show the motion approved.

Motion Number 9 was to recommend reappointment of Tom Ogle, Ed Holder, Bob Pelosi, and Bill Wickers to the King and Spanish Mackerel AP. On behalf of the committee I so move. Is there any discussion of the motion? Any objection? The motion carries.

Motion Number 10 was to readvertise the North Carolina commercial seat on the Mackerel AP. In the meantime, however, we were to confirm interest from Andy High regarding his reappointment. We have communicated with Mr. High, and he has indicated that he does want to be reappointed, so on behalf of the committee – I don't know if we need to modify this motion, but rather than readvertise we would reappoint Andy High, so we need to amend Motion Number 10 to go ahead and reappoint Andy High to the commercial on the Mackerel AP.

MR. CUPKA: I would so move.

MR. ROBSON: Okay, we need to take action to disapprove Motion 10. Is there any discussion on the motion? Yes, George.

MR. GEIGER: Before we go down that road, I would ask Bob is what we're attempting to do ultimately as a result of this discussion in line with our SOPPs or is it potentially a violation of SOPPs.

MR. MAHOOD: No, I don't think so. I think Andy was on the Mackerel AP; we just didn't get any response whether he wanted to reapply and the committee said to contact him and if he doesn't want to reapply we'll readvertise it. If he does want to reapply, they would address at full council.

MR. ROBSON: Okay, we have a motion that we need to vote to either accept or disapprove this motion. Okay, Motion Number 10 is to readvertise the North Carolina commercial seat on the Mackerel AP. All in favor of the motion signify by raising your hand; all opposed those motion signify. The motion fails. David.

MR. CUPKA: Again I will make the motion to reappoint Andy High to the Mackerel AP.

MR. ROBSON: Is there a second?

MR. HARTIG: Second.

MR. ROBSON: Is there any discussion of the motion? Any objection? The motion passes. The next motion is to recommend reappointment of Kim Connolly and Michael Kennedy to Law Enforcement AP. On behalf of the committee I so move. Is there any discussion? Any objection to the motion? Show the motion carries.

Motion Number 12 is to recommend appointment of Scott Cook to the Shrimp Advisory Panel. On behalf of the committee I so move. Is there any discussion? Any objection to the motion? The motion carries.

Motion Number 13 is to recommend the reappointment of Sam Ray to the Wreckfish Subpanel of the Snapper Grouper AP. On behalf of the committee I so move. Is there any discussion? Any objection? Show the motion carries.

Motion Number 14 is to recommend the reappointment of Terrell Gould, Jr. to the Snapper Grouper AP. On behalf of the committee I so move. Is there any discussion? Any objection? The motion carries.

Motion 15 is to recommend appointment of Robert Johnson to the Snapper Grouper AP. On behalf of the committee I so move. Any discussion on the motion? Any objection? The motion carries.

Motion Number 16 was to recommend the addition of Robert Johnson to the SEDAR Pool, and on behalf of the committee I so move. Any discussion? Any objection? The motion carries.

Motion Number 17 was to recommend the council appoint Terry Pratt to the North Carolina commercial seat on the Habitat AP. On behalf of the committee I so move. Is there any discussion? Any objection to the motion? The motion carries.

There was one additional item that we deferred to full council. We had discussed adding a recreational representative from Florida to the data workshop for the Red Snapper SEDAR upcoming. We contacted and talked to two individuals who are willing and eligible and able to be in the SEDAR Pool. I guess we need a motion to appoint these individuals to the SEDAR – can I make the motion? I would like to make the motion that we appoint David Crisp and Rick Ryals to the SEDAR Pool and additionally make them available to participate in the SEDAR 24 Data Workshop.

MR. HARRIS: I second the motion.

MR. ROBSON: Just as a clarification, I think in terms of the SEDAR Data Workshop it was to appoint one of those two individuals as available. Discussion?

MR. GEIGER: I speak in support of the motion; however, I would request that our SEDAR staff make contact with these two individuals well in advance of the meeting and give them a primer on the SEDAR and the process so that they can go in with some type of ammunition or forearmed as to how the process works so they can become more useful during that process.

MR. PHILLIPS: I thought it was my understanding that we were only going to send one. We put both in the pool and then we're going to pick one?

MR. ROBSON: Yes, we want to put them both in the pool. One of these individuals would be authorized to participate in the data workshop. Okay, the motion, then, is to appoint David Crisp and Rick Ryals to the SEDAR Pool and make them available for the Red Snapper SEDAR Data Workshop, appointing one of those two individuals to that workshop. Duane.

MR. HARRIS: Mr. Chairman, just to make sure the council is aware of this, they have been vetted law enforcement-wise, and they have passed their test, so to speak.

MR. CARMICHAEL: Is the intention to name the one that you wish to appoint because they are available for the Red Snapper SEDAR. They're available for any SEDAR at all once you have appointed them to the pool, so it would be more helpful if you are prepared to appoint one of them. The data workshop is the end of May so there won't be another opportunity for the council to meet like this and appoint the individual. If you can identify the one to serve and the one to serve as an alternative in this motion it will be very helpful.

MR. ROBSON: In our discussions with these individuals, David Crisp was to be the first choice for appointment and Rick Ryals would be an alternative. We could have this motion and then we

could have a second motion to specifically – **all right, the motion now is to appoint David Crisp and Rick Ryals to the SEDAR Pool and make them available for the Red Snapper SEDAR Data Workshop; appointing David Crisp to the data workshop with Rich Ryals as an alternate. Any discussion on the motion? Any objection to the motion? Show the motion carries.**

Again, as Duane has pointed out, I believe all of the AP individuals that we've discussed today are eligible under the law enforcement review or they have passed that review. Mr. Chairman, that completes my report.

MR. HARRIS: Thank you, Mark, I appreciate that. The next item on the agenda is a briefing on legal issues by Monica. Monica, did you have anything you wanted to tell us at this time?

MS. SMIT-BRUNELLO: One thing, I guess. I'll send this to you separately. In the Red Snapper Interim Rule litigation, there was some going back and forth a little between the court and David Heil because the RFA missed a deadline in filing a status report, and the court asked why this case shouldn't be dismissed.

There was some back and forth, which you might find interesting or might not, but I'll put it in an attachment and send it to Mike and he can forward it out. Other than what I said before in the record, the answer is filed, and then we'll see where the court is moving along. He is asking for depositions of, I believe, Dr. Crabtree and of you, Chairman Harris, and we're, of course, going to fight that because this is an administrative record case, and that is outside the record. I'll let you know and keep you updated.

MR. HARRIS: Thank you. I'd just like you to know that all I have to say is on the record already established. The item on the agenda is the SSC Selection Committee Report, Dr. Crabtree.

DR. CRABTREE: The SSC Selection Committee met on Tuesday morning, I believe. We discussed a variety of things relative to the SSC. I'll go through the motions. **Motion 1; move to create the Council SSC Liaison position and appoint Brian Cheuvront as liaison. I so move. Is there any discussion? Any objection to the motion? Seeing none, the motion passes.**

Motion 2; move to create an SSC Coordination Committee consisting of the SSC chair and vice-chair, council chair, SSC liaison, designated council staff and designee of the Southeast Fishery Science Center Director and designee of the Southeast Regional Office Director to provide oversight of SSC requests and agenda topics. I so move. Is there any discussion? Is there any objection to the motion? Seeing none, the motion passes.

Motion 3; move that the South Atlantic Fishery Management Council Procedures be modified to allow the SSC to submit nominations for SSC seats. I so move. Is there any discussion? Is there any objection to the motion? Seeing none, the motion passes. That concludes my report, Mr. Chairman.

MR. HARRIS: Thank you, Roy. Questions for Roy? Bob.

MR. MAHOOD: Was that liaison position that Brian was going to; is that a paid position.

DR. CRABTREE: No, I think he agreed to do it for free. No, that didn't come up and that is something you guys will have to work out, Bob.

MR. HARRIS: Further questions for Dr. Crabtree? Okay, the item is the Information and Education Committee Report. Robert had to leave. I don't believe there are any motions to come up, but I will call on Mac at this.

MR. CURRIN: The report is before you and outlines the discussions that the committee had. I would just note that the committee meeting was preceded by an excellent meeting of the AP. They are an excellent group of people that always gives the council great advice as illustrated in this report. No motions from the committee, Mr. Chairman.

MR. HARRIS: Thank you, Mac. The next item is the Law Enforcement Committee, George Geiger.

MR. GEIGER: First off, I'd like to thank staff for being able to wedge a joint committee and AP meeting into this busy schedule we had this week. Thank you on behalf of the AP. They were very, very pleased and happy that they had an opportunity to meet with the committee and encouraged that those type of meetings occur jointly in the future.

There was only one motion that was made by the AP and then endorsed by the Law Enforcement Committee and forwarded for approval. **That motion was to prefer the alternatives with the least number of waypoints of the available options. On behalf of the committee I so move. Any discussion? Any objection? Seeing none, that motion is approved.**

In addition to that, I would indulge Bob that perhaps – and this was not discussed, but based on conversations I had with the departing members, this comes as a suggestion that perhaps we could invite formally by letter the state law enforcement AP member of the meeting host state to come and join us and sit at the table and complete the phalanx of law enforcement people who are partners in this endeavor. I think that would be well received by these guys.

MR. MAHOOD: We've been doing that primarily for protection, but the other part of that is we are now inviting the chair and the vice-chair of the AP to each meeting.

MR. GEIGER: Great; that's even better. Thank you very much. Mr. Chairman, that completes my report.

MR. HARRIS: The next item is a review and develop recommendations on experimental fishing permits as necessary.

DR. CRABTREE: We do have one, Mr. Chairman. It is in the Full Council folder under Attachment 1, and it's an application from the Gulf and South Atlantic Fisheries Foundation, and I'll ask Dr. McGovern to briefly tell you about it.

DR. MCGOVERN: The Foundation is requesting an EFP to allow Foundation observers aboard commercial shrimp vessels to collect as many as 500 specimens of federally managed species outside the allowable size and bag limit regulations. Retention is needed to verify on-board identification of the specimens to ensure the data collected are correct and for data quality purposes.

The Foundation research is funded by a MARFIN project. Judy Jamison or Mike Jepson are the principal investigators. It includes field testing of BRDs for certification in the Gulf of Mexico and the South Atlantic. Frank Helies is here. He works with the Foundation and he can answer any questions you might have about it. The overall goal of the Foundation's project is to provide information on catch, bycatch, discards and to reduce bycatch and discards in the southeastern shrimp fisheries.

MR. CUPKA: Mr. Chairman, I was just going to make a motion that we recommend to the Regional Administrator that this permit be issued.

MR. HARRIS: There is a motion. Mac.

MR. CURRIN: I would second the motion.

MR. HARRIS: Discussion on the motion? Is there objection to the motion? Seeing none, that motion is approved. Thank you, Jack and Roy. Thank you, Frank, for coming and being here. Status Reports, Dr. Crabtree.

DR. CRABTREE: Mr. Chairman, a few things I'll call to your attention. You have quota reports which I think were e-mailed to the council on Wednesday. Probably the most noteworthy to bring to your attention is that in 2009 the 1.5 million pound cap on commercial dolphin catches was exceeded. It was exceeded by around 500,000 pounds or about 38 percent or so, I believe.

There is no automatic action triggered by this. It is not a quota; so if you want to take some action to address that, you'll need to take that up I guess in the Dolphin and Wahoo Committee. Black sea bass was closed in December. We estimate that 96 percent of the quota was met. The trip limit for golden tilefish will be reduced from 4,000 pounds to 300 pounds probably in mid-March. The Science Center projects that 75 percent of the quota will be met in mid-March.

We also have gotten some recent information on vermilion snapper that indicates that the January to June quota will likely be met in mid-March as well. We're still reviewing those numbers, but be prepared for an early closure. We're going to be sending out announcements indicating the date of trip limit reductions for golden tile, and we'll try to make a determination on vermilion snapper next week sometime.

The NOA for CE-BA 1 published yesterday, March 4th; Amendment 17A filed with the EPA last Friday; and the DEIS published today. The comment period will end on April the 19th. We expect that Amendment 17B will be submitted and formally transmitted for secretarial review probably next week. The last thing to bring to your attention, and I believe this was e-mailed, is we have received a petition to list warsaw grouper under the Endangered Species Act.

That was submitted by an environmental group that I can't right now recall the name of the group. We will be looking at that. We have 90 days to make a determination on whether the petition is warranted or not. If we determine that the petition is warranted, we would then convene a status review to pull together all of the biological information on warsaw grouper.

I believe, Monica, we have a year to conduct the status review. It is a relatively low bar to meet in order to decide the petition is warranted, so it may be that we will end up doing a status review. I will keep you informed on that. That concludes my report, Mr. Chairman, unless there are questions.

MR. HARRIS: Thank you, Dr. Crabtree. George.

MR. GEIGER: Mr. Chairman, I would formally request that we convene the Dolphin and Wahoo Committee at the next council meeting specifically to address the dolphin issue that was identified in the report.

MR. HARRIS: Is there any objection? Gregg.

MR. WAUGH: Just to clarify; we do have alternatives in the Comprehensive ACL Amendment setting revisions to MSY, OY. We will be getting the initial estimates hopefully from the SSC in April, so this is already planned. You will have to revisit your management measures. You will have to develop ACLs for dolphin and wahoo. You have already looked at some of the preliminary options.

MR. CURRIN: Just a question Gregg; one, I can't recall whether there are trip limit options in that amendment, which is one thing I think we should consider to constrain the commercial fishery to some level. Remember that in the plan there is a cap of 1.5 million pounds or 13 percent, I believe it is, of the recreational catch, so I'd ask that we assemble as best we can the recreational landings if they're available by our next meeting for review; and then some assessment of whether action could be implemented more quickly through a framework than it could in the Comprehensive ACL; so just an analysis of the relative timelines there. I'd like to have something done, if we can, before the next season, which seems unlikely, but certainly by the following season.

MR. GEIGER: I'm going to pass; I'm biting my tongue.

MR. HARRIS: Yes, I'd just say this is very troublesome to me. With all the other fisheries that are closing, I can see a move into this fishery and much greater exceedance of this number, if you will. Mac.

MR. CURRIN: Yes, and just one more thing – and I’ve talked to Roy about this a little bit – I know it’s not quota monitored because there is no quota on the dolphin currently, but I would ask that the Science Center or whoever is doing the monitoring on that quota do everything they can to keep those landings as timely possible.

This has become a fairly hot issue among the charterboat folks up our way. For example, last Memorial Day Weekend I think, which is the first big tourism fishing weekend on our coast, anyway, there were a number of comments made by charterboat captains and some of their parties regarding the tremendous increase in longline gear that was seen and perceptions that it affected their catches. It is kind of a very important issue particularly up our way.

MR. HARTIG: How much did we go over?

MR. CURRIN: About 33 percent.

DR. CRABTREE: It was just shy of 500,000 pounds. There it is on the board.

MR. CURRIN: 1.992825, so almost 1.93 million pounds.

MR. HARTIG: Roy, you guys do an excellent job tracking most the quotas that we fish and I want to comment you for that, but council had extensive discussions early. I remember the discussions especially from North Carolina about this happening. I don’t know how it happened, but certainly the warnings were there.

DR. CRABTREE: But this is not a quota, and so even we knew we were going over we wouldn’t have taken any action. This is just a cap; and then if you go over, the council has to come in and deal with it, but there is nothing built in the regulations.

MR. HARRIS: Gregg, do you want to tell us what there is right now or Bob?

MR. MAHOOD: Well, my question is – and it’s an either/or, whichever comes first, right, it doesn’t have to meet both. It doesn’t have to be a certain percent of the harvest; it’s either/or; is that right?

MS. SMIT-BRUNELLO: Jack just handed me the action, which was great, from the FMP: “Establish a cap of 1.5 million pounds or 13 percent of total landings, whichever is greater, for the commercial fishery for dolphin. Should the catch exceed this level, the council will review the data and evaluate the need for additional regulations, which may be established through the framework.”

MR. MAHOOD: So, Monica, when it says “whichever is greater”; does that mean if the recreational harvest is real high that the commercial harvest could exceed that 1.5 million? Do we know what the recreational harvest is; is that up there?

DR. CRABTREE: We will have to ask Jack to take a look at that; and, Jack, if you could figure that out, we can send an e-mail to the council next week and let you know. I have not looked at that.

MR. WAUGH: Monica, do you also have the wording for the trip limit that was included in the Dolphin and Wahoo FMP that wasn't approved? I can't remember if it was 3,000 pounds?

MS. SMIT-BRUNELLO: I don't have that wording. I could search for it. Actually, you said that wasn't approved, right?

MR. WAUGH: Correct, it was –

MS. SMIT-BRUNELLO: That was probably in one of the rules; I can look for it real quick.

MR. CURRIN: There was good indication very early on in the early summer, as Ben noted, in May and June in North Carolina; and at that time started trying to get the landings and asked George or the folks in Florida to provide them and Georgia and South Carolina, and they were able to provide them within about a month.

The quota is tracked by the Science Center or by NOAA or NMFS and is I think run out of the northeast for some reason. Obviously, their reported landings to them, because they're not required, lag tremendously – the state landings which lag about a month. I would ask that we try to establish a system as quickly as we can to monitor those landings as real time as possible and have them centralized in an area where their acceptable and people like me who are interested in it don't have to call each of the states to try to get the most recent landings. We need to try to do a better job of that if we can.

DR. CRABTREE: Well, if the council establishes it as a quota, then we will monitor it through the quota monitoring system. The last thing is one reason we haven't figured out the 13 percent is because we don't have Wave 5 for the recreational landings. I think we're going to have that fairly soon; and once we have that, we can look at it, but right now it would be an incomplete estimate.

MR. PHILLIPS: When will we get some kind of an assessment and know what it should be and which level of risk that falls under? When will we get that?

MR. WAUGH: This is something hopefully the SSC will do further work on their ABC Control Rule for data-poor species, and hopefully we would get something from them in April. We do have a Dolphin and Wahoo Committee scheduled for June, and that would be to work coming up with our recommendations for ACLs and AMs. When you get a chance, you can look at the current version of the Comprehensive ACL Amendment, and it has got the alternatives in there, one of which is trip limits.

MS. MERRITT: I don't know whether this is the case, but when we prohibited recreational bag sale of dolphin it is very possible that some of the additional landings you're seeing from the commercial side are now because they are legitimately being sold under a commercial permit

versus having been sold through just the bag limit sales. That may be part of the increase and in particular in light of some of the new rules that we've had it may have shifted more and more people into that.

MS. SMIT-BRUNELLO: The trip limit, Gregg, was if it was above 31 degrees north latitude, 3,000 pounds; if it was below it, 1,000 pounds.

MR. HARRIS: Thank you. The Southeast Fisheries Science Center Report, Dr. Ponwith.

DR. PONWITH: The stock assessment improvement plan was spoken already at some length on some of the advancements we've made in our work on that. Most importantly is the addition of the \$1.5 million that we're getting for fishery-independent surveys. In addition to that we're planning a cruise in the South Atlantic on the vessel, the Pisces. A question came up as to whether the cost of running that survey would be coming out of the \$1.5. The normal operations of the ship will not come out of the \$1.5 million; only the scientific complement over time.

Some of the sampling equipment costs associated with that would come of the \$1.5 million, so we've still got a good round number. In addition to that, we will be hiring at least two stock assessment scientists; likely a data manager; and some biological sample experts to help us with the through-put in the new additional samples that we anticipate coming in through the fishery-independent sampling.

We're working closely with the fishing industry to be able to gain input from them on the design of the sampling program. The sampling program design will be broken up into two parts. That's what we're going to do immediately in FY-10 to address some of the short-term questions that we've got and a parallel effort designing that long-term sampling program that is going to serve us over the next 20 years in terms of providing the fishery-independent indices of abundance that we need for stronger stock assessments in the South Atlantic for red snapper and all species we manage here.

I'll be reporting in more detail on both phases of those collections' plans in the next council meeting. Regarding the recreational harvest, as we've heard several times, there has been a delay in the production of Wave 5. As soon as those numbers are released, we'll incorporate that into tables and give you an update table on the status of 2009 recreational landings.

Data requests we discussed a little bit with respect to the setting of ACLs for all species not undergoing overfishing or overfished. Our plan again is we've sent a partial response back to the SSC in terms of the data they needed to support that effort. The remaining data are in preparation right now.

My plan is to shift the focus of that SSC meeting to rather than sitting together and doing the analysis themselves, to getting a contract person into the meeting with them, agree upon what those analytical protocols will be and agree upon how we're binning up our species relative to the level of sophistication we can apply to analysis of each of those bins and then actually assigning that contractor to do a lot of the heavy lifting analysis themselves to be able to give a

final product to the SSC early enough for them to peer review it, make comments on it and get it to the council for their September meeting. That's my report, Mr. Chairman.

MR. HARRIS: Thank you, Bonnie; questions for Bonnie? Mac.

MR. CURRIN: Bonnie, there were some issues that came up during this meeting, and I think I indicated earlier I had discussions with John Mariner I don't know how many years ago, five or six years ago, regarding a depth category on the headboat survey logbook. I don't know what kinds of problems are involved in that, but I think it's critical.

We've time and time again during our discussions and specifically with red snapper it has come up that we don't have the critical depth information about where these fisheries occur. That's true in the headboat survey. It is true in the commercial logbooks as well, I believe. I would ask that we immediately, as soon as we possibly can, try to solve any problems associated with including that as a data collection point on both the commercial logbook program and the headboat logbook as well. It's absolutely necessary and we need to do everything we can to get that in place as soon as possible.

DR. PONWITH: Thank you very much. I appreciate that comment and I actually concur that this is very important information. One of the advances that we're looking at is creating an electronic logbook that actually has a GPS reference capability. We would never be able to link an individual fish in the landing to the depth that it was caught at, but that would allow us to break down the catch as to what percentage of the time of any given trip was spent at given depths. That would give us a stronger ability to break down effort relative to depth and therefore apply that to catch relative to depth. I agree and we will take that one under our wing and push that as far as we can.

MR. CURRIN: And that's great and as we move into another program I know it is going to be easier, but we've got these existing programs that are collecting data right now, whatever the period this is, the collection period is, and we're still not getting depth information from those. I don't know what is involved in it.

If it ruins the survey, obviously we don't need to do that, but even supplemental data beginning as soon as we can on depth distribution, even if it's an average over where they fish that day is, in my mind, better than nothing. If it can be useful at all, I would highly recommend that we begin collecting that depth information in the best format that we can and as quickly as we can.

MR. HARRIS: Other questions or comments for Bonnie? Thank you, Bonnie. Agency and liaison reports; let's start with the Mid-Atlantic Fishery Management Council, Red Munden. I see Red is gone; okay, Gulf of Mexico Council, Bob Gill. Bob, do you have a report for us from the Gulf of Mexico Council?

MR. GILL: No, Mr. Chairman, I do not.

MR. HARRIS: Okay, thank you very much. U.S. Coast Guard, Charlie.

LT. GRIS: Mr. Chairman, I'll be brief in the interest of time. This is a report for the Law Enforcement Living Marine Resources enforcement activities for units under the control of the 7th Coast Guard District. The numbers I'm about to provide you are current as of the 5th of March, 0735 local time.

For Fiscal Year 2010 I have the following boarding totals to offer you. We've conducted 289 living marine resource enforcement boardings. These are, again, coast guard units under the 7th's control within the South Atlantic waters only, so these are teased out across the entire district. One of the things about the way that we operate is that we have several different management regimes and organizations and none of them share common boundaries, which makes things a little bit interesting, but hopefully that will get rectified in the future.

So 289 living marine resource enforcement boardings; approximately 100 commercial fishing vessels safety inspections; cutter hours sortie for specific responses to EEZ incursion reports, that's 157 hours; 36 aircraft hours to support EEZ incursion investigations. We have process three significant violations.

I will read into the record one more time the definition by the Coast Guard Fishery, Enforcement Strategic Plan and what a significant violation is, and that is "a domestic or international living marine resource violation which result in one or more of the following conditions: significant damage and impacts to the resource fishery management plan; significant monetary advantage to the violator over his or her competitor; or high regional or national interests. These violations include, but are not limited to substantial bag limit violations, gear violations, possession of prohibited species, lack of required federal fisheries permits, et cetera."

Quickly I'll give you a couple of operational highlights since my last report. Sector Jacksonville conducted a targeted red snapper enforcement operation during the first and second week of January, resulting in 22 at-sea boardings; documenting 17 safety violations; and zero fisheries violations specifically for red snapper.

An update on a report that I gave back at the last council meeting, in September Station Miami Beach had conducted a boarding on a recreational vessel returning from Bahamian waters with 79 South Atlantic spiny lobster on board; four persons on board without any forms of permits, whether they be federal or state. The defendants have subsequently admitted the violation and settled for a fine of \$2,750.

Since our last meeting I have also received four additional case packages for violations in the South Atlantic at either the summary settlement or the fishing violation level. These were regarding gear permits and over-the-limit cases; one additional case where I determined that a written warning was the appropriate level of sanctions.

Finally, yesterday Station Key West conducted a boarding of a commercial fishing vessel in the South Atlantic federal waters in possession of snapper grouper species without the required permit. They have documented the violation, issued an EAR and have forwarded the case to my desk for review and processing. That completes my report, Mr. Chairman.

MR. HARRIS: Thank you, Charlie. Questions or comments for Charlie? Ben.

MR. HARTIG: I will just say it was encouraging of the number in your red snapper operations. You didn't see any violations; that is a good thing, and we thank you for that.

MR. CURRIN: Charlie, I understand you're moving your duty station to Galveston and we'll miss having you around here. We have enjoyed your contributions and your company and wish you well in the future. One question for you regarding a case that was made recently out of Oregon Inlet regarding striped bass – and I understand that's not a South Atlantic species, but in that case, as best I understand it – and please correct me if I'm wrong – there were I believe numbers of fish that were counted on the vessel in the EEZ; and then by the time the boat was escorted back to the port and when they got there, there were fewer fish on that vessel than there were when it was boarded at sea.

I presume that there was no officer placed on the vessel to accompany it to port. I forget if the coast guard vessel did follow it or went along with it, but I guess my question is, is that a routine procedure for you guys or does it concern you that something like that could happen because there was no one there to observe dumping these fish on the way back to port?

LT. GRIS: I'm not familiar with this particular case. I don't know whether, for example, that it was a coast guard boarding. You say that it was a coast guard boarding in fact?

MR. CURRIN: That's my understanding

LT. GRIS: Okay, it is possible that the case was documented and then processed from the 5th District directly down to the Southeast Regional Office. That notwithstanding, that is somewhat of a concern. Any advice that I would give to an operational unit when returning with a vessel to port would be to either have an officer present on that vessel or to be in sufficient proximity to observe any type of activity like that. I will take that for action and pass that as guidance just to ensure that any similar circumstances in the future don't go that way.

MR. HARRIS: Charlie, again, as Mac said, best of luck to you, thank you for all your contributions to the South Atlantic Council and wish you all the best in your new assignment. One other thing, I just want to add this – and this is for both Charlie and Otha – I was at a Georgia boat ramp, a very small boat ramp, and observed not too long ago a grouper carcass and a lot of black sea bass carcasses and porgy carcasses during the time when grouper was closed. To the extent that you might be able to intercept some vessels coming back to shore from offshore and around Station Brunswick, that would be very helpful, I think. George.

MR. GEIGER: Seeing as how you opened that up, I've got five pictures on my cell phone of an occurrence similar to that at Sebastian Inlet, so it's not all roses out there, Ben.

MR. HARRIS: My sense is if we don't put a stop to the illegal activity with these closed fisheries pretty soon, that word is going to get out that there is no enforcement out there and just go ahead and everybody and their brother is going to be doing it. I would like to have some cases made on a timely basis. George.

MR. GEIGER: I know that everybody wants to get out, but this is an opportunity to say it. It might be helpful, also – I've received reports of sales of black grouper, queen snapper, genuine red snapper. I talked to Bobby Cardin about that because they came from a dealer in Fort Pierce, and he informed me that they're probably import products, but that is not noted on any of the invoices.

Usually when you go into a retail market, they do note in Florida, anyway, the origin of the fish. I don't know if there could be some way of forcing dealers to note the origins of the fish to put people's minds to rest that these are not locally caught fish in violation of an extant regulation prohibiting that.

MR. EASLEY: That's something that our agents usually don't do, but the state handles most of that when it comes to retail sales. I'll make a note of that and pass the concern to at least Brett Norton and the folks with the FWCC.

MR. MAHOOD: I think I sent around a case just made recently that Brett made me aware of. I think I forwarded that to everybody where some gentleman had like 150-some black sea bass and 131 of them were undersized. The guys are out there getting some results.

MR. HARRIS: Yes, and I appreciate your saying that, and I know they are. I know they're spread very thin. When I said Charlie and Otha, I sent Spud an e-mail regarding this very thing, too, so I'm sure that the word is going to get out to law enforcement that there are people out there violating the laws, and I think we've demonstrated it. When you stop some vessels coming back inshore this time of year, you probably are going to encounter some violations on occasion. Anyway, not to belabor that, but, Otha, you're next.

MR. EASLEY: The enforcement report should be or at least the OLE enforcement report should be in your in-boxes. That was submitted earlier. It contains OLE's and NOAA's activities as well as the states, summarizing their activities and some highlights there and a little bit of additional coast guard information. There is also a separate Oculina-specific report submitted and that should also be in your in-boxes. That's all I have.

MR. HARRIS: Thank you, Otha, and let me just say this for the record. I was very happy to see our joint meeting of the Law Enforcement AP and Law Enforcement Committee and see those guys. Everybody involved in law enforcement that we deal with is extremely professional and hard working. I think the council will agree with me that we very much appreciate the job that law enforcement does and has to do, and it's not easy. I thank God for you guys and girls everyday that are involved in this effort, so I appreciate that. The next report, Wilson, the U.S. Fish and Wildlife Service.

DR. LANEY: Mr. Chairman, I think everyone has the copy of the report. It should be in their in-box. Just briefly to mention, the first item was the loss of Director Sam Hamilton, which you alluded to earlier in the week. I've provided the information there that you had requested about the family members and also places that they would like to see donations made to if anyone is so inclined.

There is a brief report there on the Cooperative Winter Tagging Cruise, so thanks to the National Marine Fisheries Service for providing the funding for the vessel again this year. There are a couple of eelways under constructions or planned. I would encourage all of the states, especially, and NGOs to consider applying for a National Fish Habitat Action Plan funding to the Fish and Wildlife Service. The RFP for those is going to be coming out sometime in August or September.

I've provided all the contact information there, and then I gave you a brief update on the South Atlantic Landscape Conservation Cooperative, which Roger had talked about earlier in the week. The one item I did forget to include on the report is that in collaboration with our North Carolina Coastal Program Coordinator, Mike Wicker; and our public relations person in the Raleigh Ecological Services Office, Patty Madison; as well as Sandy Burke, who is the author of "Let the River Run Silver Again" about restoring American shad on the Potomac River, we've come up with a really new what I think is an excellent American Shad Educational Program that is being implemented in the Neuse and Roanoke River Basins in North Carolina.

In collaboration with the North Carolina Museum of Natural Sciences, it is also going to be basically translated for use in the Chesapeake Bay tributaries, working in collaboration with Leopoldo Miranda in our Chesapeake Bay Program Office. I will send out to the council the information on that program. It has been very well received. There are a lot of people asking for it all up and down the east coast, so much so that the northeast and southeast regions of the Fish and Wildlife Service are now going to collaborate and take the program coastwide. If anyone has any questions, I'll be happy to answer them. Mr. Chairman, that constitutes my report.

MR. HARRIS: Thank you, Wilson. Are there questions for Wilson? Okay, I think we're down to the states unless I've missed someone. Brian, North Carolina.

DR. CHEUVRONT: You all are probably getting tired of hearing about our budget woes, but we're facing another round here. Last year, when we got our state appropriation, they withheld 5 percent of it in reserve just in case. It is pretty certain that we're not going to get that 5 percent back, especially since they've asked us to offer up more in addition.

It is getting real tight for us because we have just about got no operations money left and so we're going to have to start offering people. We just don't know how bad it's going to be yet. We certainly will know by June. We're optimistic that's it is not going to be bad and that we're going to start losing positions.

The other big thing that has been occupying much of our time at the Division of Marine Fisheries has been issues with sea turtles and gill nets, but now that there is a lawsuit that is involved here I'm not at liberty to talk about that publicly. Mr. Chairman, that concludes my report.

MR. HARRIS: Thank you, Brian. Are there questions for Brian. South Carolina is next and Robert had to leave. Tom or David, do you have an agency report? Moving right along, Spud.

MR. WOODWARD: I'll be brief as well. We have one piece of fisheries' legislation before our General Assembly, which is in session right now. It is a bill to lower the weakfish possession

limit to bring us in compliance with the commission's interstate weakfish plan. As Brian mentioned, we're suffering the same situation with the budget. It keeps getting worse and worse.

We're at a point now where the department overall has seen about a 40 percent reduction since '08. We are getting to the point where it is going to seriously jeopardize our ability to earn federal dollars and to participate in interstate and federal fisheries management. What the ultimate outcome of this is going to be, nobody knows. It's just one of these things that we hope for the best and expect the worse. That's my report.

MR. HARRIS: Thank you, Spud. At least the council gives you money whereas with ASMFC you have to give them money, so I would hope we're in better shape than they are. Florida, Mark.

MR. ROBSON: Mr. Chairman, a couple of items that the commission has acted on recently. At our February commission meeting we took final action to prohibit the harvest of lemon shark in state waters, both the Atlantic and the Gulf, but primarily addressing concerns in the Atlantic with a notable increase in harvest particularly on some of the big aggregations down there that we think are a result of some of the changes that are occurring in regulations of other shark species and some effort shifting that may have been going on.

That prohibition is now in effect. We never allowed more than a recreational bag limit for the species in state waters, but nonetheless any take is now prohibited. The only other action that I thought might be of interest to the council is that the commission also voted to continue its current moratorium on the commercial lobster dive endorsement program that we have. That basically capped the number of commercial dive endorsements that are available, and we have continued that moratorium through July 1, 2015. We will be continuing to look at issues related to commercial diving on lobsters such as the use of casitas or artificial habit and some of the impacts that may be having. That's all I have to report.

MR. HARRIS: Thank you, Mark. Are there questions for Mark? Did I miss anyone with a report? Before we go onto other business, I want to recognize Jessica Kondel, who has been with us all week. She is with NOAA Legislative Affairs. I don't know how many of you had a chance to meet her or not, but, Jessica, welcome. We're glad you were here and you're welcome back any time. Bob.

MR. MAHOOD: I think I told Jessica it's the first time I remember of anybody from NOAA Legislative Affairs being at our meeting, and I think it has to do with the red snapper issue.

MR. HARTIG: I would be remiss if I didn't mention the trip to Washington. It was my exercise in democracy. I've never done anything like this before. It was very, very interesting and productive. Certainly, what has come out of this, the numbers are rising like a fish caught by a recreational fisherman on Saturday and when it gets back to Monday how many people were actually there. There were 2,500 probably to 3,000.

It was a really good turnout. People from Alaska, all throughout the Gulf and every state on the east coast attended, and a lot of legislative meetings after that with both senators and house

representatives. I know there have been a number of calls generated since that time from representative and senators asking different people what is going on, is this really important, do we have to change it.

The intent is to keep the pressure up to get some of the public that didn't take place in the rally more involved. We did hold a sister rally also in Stuart on the Roosevelt Bridge, which was attended by about 50 people. We got good press coverage from that. The people are starting to see what we're trying to do, and the representatives are well aware.

You can get to some of that on your computers. You can get to some of those speeches, and they were interesting; not always accurate, but they were interesting. Why I went basically was we have been telling the people all along there is nothing we can do, there is nothing we can do. Well, I started thinking, well, maybe as an individual citizen there may be something we can do, so that's why I went. I had a letter I was going to read into the record; I'm not going to do that today. I will e-mail it to all of you and you can peruse that at your leisure. That's the end of that.

MR. HARRIS: Thank you, Ben. Are there questions for Ben? Is there any other business to come before the council? Well, before we adjourn let me just thank you for the great job you did this week. I appreciate your hard work, I appreciate the work of the staff, both the council staff and NOAA Fisheries staff. I appreciate those of you in the audience that have attended all week long. It is always good to see you. If there is no other business to come before this council, we will see you in June in Orlando and we are adjourned.

(Whereupon, the meeting was adjourned at 11:35 o'clock a.m., March 5, 2010.)

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Transcribed By:
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March 23, 2010

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

COUNCIL SESSION

**Jekyll Island Club Hotel
Jekyll Island, GA**

March 3-5, 2010

INDEX OF MOTIONS

PAGE 21: Motion to change the preferred alternative to the F 30 percent SPR proxy. Motion was defeated on Page 29.

PAGE 32: Motion that msy equals the yield produced by Fmsy or the Fmsy proxy. MSY and Fmsy are recommended by the most recent SEDAR/SSC. Fmsy proxies will be specified by the council. Motion carried on Page 32.

PAGE 37: Motion to select Subalternative 9A as the preferred alternative. Motion carried on Page 39.

PAGE 45: Motion to go with the set of maps that are formulated from the least number of waypoints; i.e., generalized boundaries. Motion carried on Page 47.

PAGE 47: Motion to change the preferred alternative to 3C. Motion carried on Page 50.

PAGE 48: Substitute motion to select Alternative 4C as the preferred alternative. Motion defeated on Page 50.

PAGE 57: Motion that Alternative 5 not be the preferred alternative in Amendment 17A. Motion carried on Page 58.

PAGE 83: Motion is to select Alternative 3 which extends the management boundary for select snapper grouper species northward to include the Mid-Atlantic and New England Council jurisdiction. Motion carried on Page 83.

PAGE 88: Motion to move Alternative 3 to track the Mid-Fishery Management Council and the New England Fishery Management Council's EFH and EFH-HAPC designations. Motion carried on Page 92.

PAGE 92: Motion to move the golden tilefish limited access privilege program, Alternative 3, to Amendment 21? Motion carried on Page 93.

PAGE 95: Motion to move Subalternatives 2-I and 2-J to the considered but rejected appendix. Motion carried on Page 96.

PAGE 96: Motion to select Alternative 2F as the preferred alternative. Motion carried on Page 97.

PAGE 97: Motion to select Subalternative 2A as the preferred alternative. Motion carried on Page 97.

PAGE 99: Motion to select Alternative 3 to limit tag distribution and 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 10/14/05. Motion withdraw on Page 101.

PAGE 101: Motion to select Black Sea Bass Alternative 2 as the preferred alternative. Motion carried on Page 102.

PAGE 112: Motion to move the Black Sea Bass Pot Fishery Alternative 4, under Action 4, to the considered but rejected alternatives. Motion carried on Page 112.

PAGE 114: Motion to select Alternative 2 as the preferred alternative. Motion carried on Page 116.

PAGE 117: Motion to select Alternative 3 as the preferred alternative. Motion carried on Page 118.

PAGE 119: Motion to move Action 7 to the considered but rejected appendix and revisit the issue in Amendment 21. Motion carried on Page 119.

PAGE 119: Motion to separate Action 8 into two separate actions, one dealing with the change in the golden tile fishing year and the second dealing with trip limits. Motion carried on Page 120.

PAGE 120: Motion to select Alternative 3 as the preferred alternative, change the start of the golden tilefish fishing year to August 1st. Motion carried on Page 120.

PAGE 121: Motion to remove the 300-pound trip limit when 75 percent of the quota is taken. Motion carried on Page 121.

PAGE 122: Motion to select Alternative 5 as the preferred alternative. Motion carried on Page 125.

PAGE 137: Motion to move Action 2.1.9.3 to the considered but rejected appendix. Motion carried on Page 137.

PAGE 138: Motion that Amendment 21 include trip limit action; effort participation, reduction and endorsement action; catch share action for quota species, except snowy grouper; including vermilion, golden tile, black sea bass, gag, greater amberjack, red grouper, black grouper. This

would include ITQs, cooperatives, regional fishing associations, community developed quota components; and regional and/or state-by-state quota analysis. Motion carried on Page 140.

PAGE 141: Motion is to add consideration in Amendment 18 of a change in the black sea bass fishing year with either a December or January 1 start date and an alternative to split the year with two seasons. Motion carried on Page 143.

PAGE 144: Motion that staff develop a plan on to go about preparing an Amendment 22 to look at long-term red snapper management and give some estimates of what resources might be needed and additional funding to do that. Motion carried on Page 144.

PAGE 154: Motion to request an emergency rule to exempt wreckfish fishermen with shares and coupons and a current wreckfish permit from having an unlimited commercial snapper grouper permit. Motion carried on Page 158.

PAGE 160: Motion to move Wreckfish Actions 1 through 7, 9 and 10 from Amendment 20 to the Comprehensive ACL Amendment. Motion carried on Page 160.

PAGE 160: Motion to approve the reorganization of Amendment 20 as outlined in the alternative options paper. Motion carried on Page 151.

PAGE 165: Motion to move the Alternative 5 under Action 2 for the Comprehensive Ecosystem Amendment to Action 1. Motion carried on Page 166.

PAGE 177: Motion to approve the timing and tasks contained in the Catch Shares Committee Report. Motion carried on Page 178.

PAGE 178: Motion to send a letter to the Gulf of Mexico Fishery Management Council requesting that the South Council get representation on their King Mackerel LAPP and Ad Hoc AP. Motion carried on Page 178.

PAGE 178: Motion to that the Gulf Council establish a Joint Mackerel Committee Meeting. Motion carried on Page 178.

PAGE 178: Timing and task motion for staff to send a letter to the Gulf of Mexico Fishery Management Council about membership on the LAPP Catch Shares and Ad Hoc Group and send a letter to the Gulf of Mexico requesting a Joint Mackerel Committee Meeting. Motion carried on Page 178.

PAGE 178: Motion to accept the SEDAR Administrative Approval Process and recommend it to the SOPPs Committee. Motion carried on Page 178.

PAGE 178: Motion to appoint Don DeMaria and Greg DeBrango to the Goliath Grouper Assessment. Motion carried on Page 178.

PAGE 179: Motion to appoint Ben Hartig to the Goliath Grouper Assessment. Motion carried on Page 179.

PAGE 179: Motion to approve the Goliath Grouper Terms of Reference and Schedule. Motion carried on Page 179.

PAGE 179: Motion to appoint the state agency representatives as noted on the modified participant list to the SEDAR 24 Workshop. Motion carried on Page 179.

PAGE 179: Motion to appoint the SSC members as noted on the modified participant list to the SEDAR 24 Workshop. Motion carried on Page 179.

PAGE 179: Motion to appoint the advisory panel and advisory panel alternates as noted on the modified participant list to the SEDAR Workshop. Motion carried on Page 179.

PAGE 179: Motion to appoint Rusty Hudson to the SEDAR 14 Data Workshop and Frank Hester and Robert Johnson to the SEDAR 24 Data and Assessment Workshops.

SUBSTITUTE MOTION, PAGE 179: Motion to appoint Rusty Hudson to the SEDAR 24 Data Workshop and Frank Hester and Robert Johnson to the SEDAR 24 Data and Assessment Workshops. Motion carried on Page 180.

PAGE 180: Motion to appoint George Geiger and Charlie Phillips to the SEDAR 24 Workshops and appoint Ben Hartig to the SEDAR 24 Data Workshop. Motion carried on Page 180.

PAGE 180: Motion to provide a written description of the biological and discard sampling programs to Items 2 and 8. Motion carried on Page 180.

PAGE 180: Motion to modify Data Workshop Term of Reference Number 5 to ask the panel to review all the pertinent literature on discard mortality. If those recommendations vary from the results of the published literature, then ask the panel to adequately justify any deviations from that range. Motion carried on Page 181

PAGE 181: Motion to approve the schedule and terms of reference as modified by the above motions. Motion carried on Page 181.

PAGE 181: Motion to provide guidance for the next SEDAR Steering Committee Meeting; request updates in 2011 for gag, snowy grouper, golden tilefish and red porgy. Motion carried on Page 181.

PAGE 181: Motion to correct the December 2009 minutes. Motion carried on Page 181.

PAGE 182: Motion to replace current Option 3 under Action 5 as follows: "When total harvest of both state and federal waters reaches 50,000 colonies, then harvest would be closed in federal waters. Note that the council would request that Florida issue concurrent regulations." Motion carried on Page 182.

PAGE 182: Motion to modify Alternative 2 under Action 8 as follows: “Limit harvest and possession with the use of all non-prohibited fishing gear in South Carolina’s special management zones to the recreational bag limit.” Motion carried on Page 182.

PAGE 182: Motion to change Action 10 as follows: “to make changes in the management of the special management zones.” Motion carried on Page 182.

PAGE 182: Motion to move Alternative 2C under the Snapper Grouper EFH Section to the considered but rejected appendix. Motion carried on Page 182.

PAGE 182: Motion to recommend the development of a plan amendment to the Shrimp FMP that would allow for rapid closure of all or a portion of the EEZ to protect overwintering shrimp upon the recommendation of the adjacent state and triggered by critical water temperatures; triggers to be determined as part of the amendment development process. Motion carried on Page 182.

PAGE 182: Motion to include the following items in the upcoming amendment to the Shrimp FMP: Add royal red shrimp to the FMU; develop SFA parameters for royal red shrimp; remove limited access program for rock shrimp fishery; modify protocol for states to request concurrent closure of the EEZ during severe winter weather to expedite the process; provide MSST proxy for pink shrimp; measures to reduce takes of smalltooth sawfish. Motion carried on Page 185.

PAGE 183: Motion to amend the motion to remove A and B. Motion defeated on Page 185.

PAGE 185: Motion to approve the Calendar Year 2010 Council Budget as presented in Attachment 1A. Motion carried on Page 185.

PAGE 185: Motion to recommend appointment of Margot Stiles and defer appointment for the scientist seat until contacting Dr. Pat Halpin. Motion carried on Page 186.

PAGE 186: Motion to recommend the council establish and advertise a recreational seat and a commercial seat on the Coral AP and the commercial seat would be a non-coral harvester. Motion carried on Page 186.

PAGE 186: Motion Number to recommend the reappointment of Chip Bethell, Howard Rau and Bill Whipple to the Golden Crab AP. Motion carried on Page 186.

PAGE 186: Motion recommend the appointment of David Nielson to the Golden Crab AP. Motion carried on Page 186.

PAGE 186: Motion to recommend staff contact the Coral AP members representing deep water coral interests to determine if there is interest in transferring from the Coral AP to the Golden Crab AP, so that we would have a member representing the deep water coral on the Golden Crab AP. Motion carried on Page 186.

PAGE 186: Motion to recommend reappointment of Chris Elkins to the North Carolina recreational seat on the Habitat AP. Motion carried on Page 186.

PAGE 186: Motion is to recommend appointment of Sarah Drevenak to Habitat AP. Motion carried on Page 186.

PAGE 186: Motion to recommend the Georgia non-governmental organization-environmental seat on the Habitat AP be readvertised. Motion carried on Page 186.

PAGE 186: Motion to recommend reappointment of Tom Ogle, Ed Holder, Bob Pelosi, and Bill Wickers to the King and Spanish Mackerel AP. Motion carried on Page 186.

PAGE 186: Motion to readvertise the North Carolina commercial seat on the Mackerel AP. Motion defeated on Page 187.

PAGE 187: Motion to reappoint Andy High to the Mackerel AP. Motion carried on Page 187.

PAGE 187: Motion to recommend reappointment of Kim Connolly and Michael Kennedy to Law Enforcement AP. Motion carried on Page 187.

PAGE 187: Motion to recommend appointment of Scott Cook to the Shrimp Advisory Panel. Motion carried on Page 187.

PAGE 187: Motion to recommend the reappointment of Sam Ray to the Wreckfish Subpanel of the Snapper Grouper AP. Motion carried on Page 187.

PAGE 187: Motion to recommend the reappointment of Terrell Gould, Jr. to the Snapper Grouper AP. Motion carried on Page 187.

PAGE 187: Motion to recommend appointment of Robert Johnson to the Snapper Grouper AP. Motion carried on Page 187.

PAGE 188: Motion to recommend the addition of Robert Johnson to the SEDAR Pool. Motion carried on Page 188.

PAGE 188: Motion to recommend the council appoint Terry Pratt to the North Carolina commercial seat on the Habitat AP. Motion carried on Page 188.

PAGE 189: Motion to appoint David Crisp and Rick Ryals to the SEDAR Pool and make them available for the Red Snapper SEDAR Data Workshop; appointing David Crisp to the data workshop with Rich Ryals as an alternate. Motion carried on Page 189.

PAGE 189: Motion to create the Council SSC Liaison position and appoint Brian Cheuvront as liaison. Motion carried on Page 189.

PAGE 189: Motion to create an SSC Coordination Committee consisting of the SSC chair and vice-chair, council chair, SSC liaison, designated council staff and designee of the Southeast Fishery Science Center Director and designee of the Southeast Regional Office Director to provide oversight of SSC requests and agenda topics. Motion carried on Page 189.

PAGE 189: Motion that the South Atlantic Fishery Management Council Procedures be modified to allow the SSC to submit nominations for SSC seats. Motion carried on Page 189.

PAGE 190: Motion to prefer the alternatives with the least number of waypoints of the available options. Motion carried on Page 190.

PAGE 191: Motion to recommend to the Regional Administrator that the Experimental Fishing Permit be issued. Motion carried on Page 191.

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Snapper Grouper Committee of the Whole Jekyll Island, GA Wednesday, March 3, 2010

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Snapper Grouper Committee of the Whole Jekyll Island, GA Wednesday, March 3, 2010

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Snapper Grouper Committee of the Whole Jekyll Island, GA Wednesday, March 3, 2010

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ORGANIZATION

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Snapper Grouper Committee of the Whole
Jekyll Island, GA
Wednesday, March 3, 2010

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**AREA CODE &
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Snapper Grouper Committee of the Whole Jekyll Island, GA Thursday, March 4, 2010

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ORGANIZATION

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PHONE NUMBER

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Robert CARDIN		772-390-4163	5106 Palm dr Ft. P. FL 34982
Jessica Yordel	NOAA Legislative Affairs	202-482-8935	washington DC
Michael Kennedy		561-685-0315	Jupiter FL
Kenneth W Fee		910-620-5847	907 W yacht Dr Oak Island

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

PLEASE SIGN IN

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

Snapper Grouper Committee of the Whole Jekyll Island, GA Thursday, March 4, 2010

<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
Mark Millikin NMFS	301-713-2341	Silver Spring, MD 20910
Ken Fen	910-620-5847	OAK Island NC
Frank Helies GSAPP	813 286 8390	Tampa, FL
Sera Drevenak PEG	910-685-5705	Bolivia, NC
Michelle Owen EDF	941-309-5397	Sarasota, FL
Karen Raine	GC ELYSE	
Brack ANDERSON	321 536 0802	4820 HORSESHOE BEND WERMIT ISL FL 32953
MARK BROWN	843-881-9735	3642 Pandora Dr. Mt. PL, SC 29466
Eileen Dougherty	EDR	Charleston SC

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

PLEASE SIGN IN

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

Snapper Grouper Committee of the Whole Jekyll Island, GA Friday, March 5, 2010

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

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

Lenny Fee

910-620-5847

Seaford NC

Michelle Owen SDF

911-309-5397

Sarasota FL

Jessica Kendel NOAA

202-482-5935

Wash DC

Frank Helies GSAFF

813 286 8390

Tampa, FL

Sera Drevenak PEG

910-685-5705

Bolivia, NC

Eileen Dougherty

EDK

Charleston SC

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
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March 3, 2010

South Atlantic Fishery Management Council (SAFMC)
Public Comment-Jekyll Island, Georgia

Ladies and gentlemen,

Thank you for the opportunity to speak to you today.

A while ago, I was in conversation with some council members and it was mentioned by them that it was above their pay grade to change the reauthorized Magnuson Stevens Act (MSA). I took that to heart and evidently, so did many other fisherman. Commercial and , charter and sport fishermen tackle dealers, fish house operators and boat builders all met in Washington DC February 24th. Three thousand strong came to show a united front and to speak and be spoken to by congressmen and senators.

A bipartisan roster of lawmakers spoke and pledged their cooperation in putting flexibility and improved science back into the MSA. The congressional leaders that I personally spoke to were most interested in the amount of job loss and business demise caused by the unintended consequences of the re authorized MSA. They were also interested and very informed by council chairman Mr. Duane Harris' thoughtful and honest testimony to the house subcommittee. I used his testimony to support my talking points to make sure the lawmakers were aware of the big picture.

Hopefully the good news is that we the fisherman and all of the councils will get some congressional relief in the way of flexibility before the reauthorized MSA's time bell rings.

Sincerely,

A handwritten signature in cursive script that reads "Brock Anderson".

Brock Anderson
Bottom Dollar Charter Fishing
Port Canaveral, Fl
321 452-1800 (home)
321 536-0802 (cell)



P.O. Box 12187
Charleston, SC 29422
843 889-9067
www.scmarine.org

26 February 2010

Duane Harris, Chairman
South Atlantic Fishery Management Council
4055 Faber Place Drive
Suite 201
North Charleston, SC 29405

Dear Chairman Harris:

The South Carolina Marine Association is supporting legislation that has passed our State Senate and is now in the House of Representatives (S.1095 and H.4497) to oppose "any areas closed to fishing off the coast of South Carolina associated with the SAFMC's proposed amendment to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region."

We are asking the SAFMC to please postpone action on Amendment 17A until an up-to-date stock assessment of that fishery in our region is produced.

At a time when the boating industry is already suffering, the closure of bottom fishing off our coast will add another burden on the recreational and commercial fishermen with the economic consequences adversely impacting boat manufacturers, marinas, boatyards, boat dealers and other ancillary support businesses such as bait and tackle shops, as well as the tourism industry. This also would translate into more job losses.

Coastal tourism has a total economic impact in our state of over \$7 billion and employs nearly 81,000 people. Saltwater fishing, in 2006, had a total economic impact of over \$1 billion, employing nearly 12,000 people.

SCMA asks you to please not jeopardize this part of our state's economy without further study.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzi DuRant", is written over a horizontal line.

Suzi DuRant
Executive Director

Cc:

David Cupka
Robert Boyles
Tom Swatzel

The South Carolina Marine Association is a trade association representing individual boaters and the marine industry in South Carolina.

TRIP LIMITS EXAMPLES

500 GROUPER @ \$5.00 LB = \$2500.00
(gag,scamp,black,red,rockhinds combined)

500 B-LINER @ \$3.50 LB = \$1750.00
(includes y-tail, silks)

1000 A-JACK @ \$1.00 LB = \$1000.00
(greater)

200 R. PORGY @ \$2.25 LB = \$450.00
(120 head)

100 SNOW GRO @ \$4.00 LB = \$400.00

100 RED SNAP @ \$4.50 LB = \$ 450.00

500 TRIGGER @ \$2.00 LB = \$1000.00

250 MIX FISH @ \$1.00 LB = \$250.00
(grunt,jolt,ect)

GROSS TOTAL \$7800.00

FUEL - \$ 750.00

ICE - \$ 125.00

FOOD - \$ 300.00

BAIT - \$ 300.00

NET \$6325.00

BOAT 50% \$3162.50

\$1054.16 AVG. 3 CREW MAN \$3162.50

\$0

**This does not include Blueline Tilefish
Golden Tilefish
Y-Edge Grouper
Black Seabass**

This is an example of how a vessel can survive with trip limits, not have to fish bad weather to catch the quota, and make it easier for the council to manage these fish with out area closures and the quotas be met prematurely.

This would be a much easier and fair method of management with out the very complex issue of a Catch Share Program that would definitely put many people out of business at a time when the economy does not need more lost jobs.

The council should still have March\April closure on Grouper, Jan.-April Red Porgy, and April Greater Amberjack. This would take pressure off many of the species that are targeted now during total closures of some species.



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

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LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Lileen Dougherty

TELEPHONE NUMBER (& AREA CODE)

843-242-7591

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. BOX 12057 Charleston SC 29422

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

EDF

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☐

YES

☒

NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

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LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Sean Harris

TELEPHONE NUMBER (& AREA CODE)

8561-277-5334

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

19866 Sea Breeze RD Tzavesta FL 33469

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

yes on Back

☐

YES

☒

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

To start

I Am a young Comerical Fishermen

AT 18 years old, with no history of any catch.

IF you place catch shares on the fish and. I
Join the service ~~to~~ for 4yr. I stand no chance
to Be a Fisherman. I thought I could work
hard to make money. if we have catch shares
I must have money to work.



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Sandra Harris

TELEPHONE NUMBER (& AREA CODE)

561-277-5707

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1976w SEA BROOK RD Tequesta FL

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

Statement on Back

☐

YES

☒

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

I wish to make a point on catch shares.
Q's is a displaced charter turned commercial fisherman
the catch shares that are reported as embraced by the
fishermen scared me. I have never met any one
that has any good to say about it. the price of
snapper in the Gulf is \$25.13 for the share. making
it impossible for a small boat fisherman to
survive. my hope is that I am not here in
5 yrs to say I am a displaced commercial
fisherman.



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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

LAMAR Smith

TELEPHONE NUMBER (& AREA CODE)

912-261-7965

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

600 Mallery Lane Waverly GA. 31565

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Hickory Bluff Marine

DO YOU WISH TO MAKE A
STATEMENT?

Yes



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

See BACK

Being a Business Owner in this Economy,
in the Marine & Rec. Fishing Area,

This will be a dramatic impact on
our economy which is already in turmoil,
Closing the fisheries will have a domino
effect from the fisherman, to the guy that
makes a latch for a tacklebox to the
manufacturer of resin - paint etc. Rest. are
going to sell fish whether they get it
from our local fisherman or Overseas! It is
up to a council that is not really looking
at the whole picture!!



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Nicole Smith

TELEPHONE NUMBER (& AREA CODE)

912-286-7161

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

60 Mallory Lane Waverly, GA 31565

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Hickory Bluff Marine

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

See back

You have talked in circles all night. Stating you will look at new
Assessment but probably not make changes or will wait till closer to time, stated that
you must do what law has changed you with, not taking into account the economic
impact, then saying that we must direct comments about closure to Sec. of
Commerce, blah, blah, blah. What it boils down to is - if you were on
our side of the fence you would consider the economic impact, you would
also reconsider the data study. You have tried to convince everyone here that
the data is accurate when it clearly is not. You don't care whether the
fish aren't being "overfished" and are in fact abundant. You have your
mind made up, you get a pay check either way, no matter if ~~the~~ the boat
manufacturers, dealers, their employees, the hotels, restaurants, others involved in
the fishing industry survive or not. We don't have that luxury. Why don't
you all give us actually involved in the recreational fishing industry your addresses
so when we have to close our doors, terminate employees, give our homes back to the bank,
tell our children that we can't send them to college, not provide food & shelter for them
we can go live at your house.



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Curtis Bayley

TELEPHONE NUMBER (& AREA CODE)

8506980946

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

Milton 6776 Sunnutt Dr Milton FL 32570

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

IF Qor catch shares are bad
for King ~~fish~~ fishing



YES

Had to leave



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Wayne Mershon

TELEPHONE NUMBER (& AREA CODE)

843-421-6440

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 385 Murrells Inlet, S.C. 29576

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Kenyon Seafood

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

CHUCK DARNER

TELEPHONE NUMBER (& AREA CODE)

904-233-1387

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

11448 SCOTT MILL RD JAT. FL 32223

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

JACKSONVILLE OFFSHORE SPORT FISHING CLUB

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Rob Danner

TELEPHONE NUMBER (& AREA CODE)

904-827-1181

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

334 Van Gogh Cir Ponte Vedra, FL 32081

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Chris Endicott

TELEPHONE NUMBER (& AREA CODE)

386 547-4053

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

424 Nash Lane Port Orange FL 32127

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Fin-Addict Charters

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

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March 3, 2010

YOUR NAME (PLEASE PRINT)

BROCK ANDERSON

TELEPHONE NUMBER (& AREA CODE)

321 536 0802

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

4320 HORSESHOE BEND MERRITT ISL FL. 32953

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

BOTTOM DOLLAR CHARTER FISHING.

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Pate Hall

TELEPHONE NUMBER (& AREA CODE)

(770) 654-8862

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

51 Maxwell St Saint Simons Island GA 31522

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

yes



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Chris LONG

TELEPHONE NUMBER (& AREA CODE)

843-249-7813

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. BOX 938 Little River, S.C. 29566

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

LONGWAY Fishing

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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March 3, 2010

YOUR NAME (PLEASE PRINT)

Ed Kalafatis

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1307 ARUBA CT JAX FL 32228

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

JCSFC / Jacksonville Offshore Sport Fishing Club

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

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March 3, 2010

YOUR NAME (PLEASE PRINT)

Dave Heil

TRFA

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

165

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

TRFA

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

John Barber

TELEPHONE NUMBER (& AREA CODE)

407-587-9860

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1331 Boyer St Longwood FL 32750

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

KEESE HOLT

TELEPHONE NUMBER (& AREA CODE)

843-450-1116

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1297 Limestone St Murrells Inlet 29576

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Boat & Fishhouse owner

DO YOU WISH TO MAKE A
STATEMENT?

☐

YES

☐

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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March 3, 2010

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

~~David~~ Capt. David Newlin 912-756-4573

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 336 Richmond Hill, GA 31324

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

David Newlin Charters

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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March 3, 2010

YOUR NAME (PLEASE PRINT)

Bill Kelly

TELEPHONE NUMBER (& AREA CODE)

305-619-0039

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

PO Box 501404

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

FKCFA

DO YOU WISH TO MAKE A
STATEMENT?

☒ YES

☐ NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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March 3, 2010

YOUR NAME (PLEASE PRINT)

LAURILEE THOMPSON

TELEPHONE NUMBER (& AREA CODE)

321-268-5000

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1475 ~~GARDEN~~ GARDEN ST 32196

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DIXIE CROSSROADS SEAFOOD RESTAURANT

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

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March 3, 2010

YOUR NAME (PLEASE PRINT)

DAVID C. HAGAN

TELEPHONE NUMBER (& AREA CODE)

904-262-2869

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☐

YES

☐

NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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March 3, 2010

YOUR NAME (PLEASE PRINT)

GEOFFREY OWENS

TELEPHONE NUMBER (& AREA CODE)

904-240-9146

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

11356 Avery dr. Jan FL 32218

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Rollin Thunder FISHERIES

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

May - June
Sept - Oct
Spring releases 8:13
H. Hinds



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Public Comment - Agenda Items

LOCATION OF MEETING (CITY & STATE)

Jekyll Island, GA

DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Robert Johnson

TELEPHONE NUMBER (& AREA CODE)

904-794-2628

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

804 Shore Drive St Augustine FL 32086

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Jodie Lynn Charters

DO YOU WISH TO MAKE A
STATEMENT?

☐

YES

☐

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Joseph Kevin Coley

252 216 7041

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

PO Box 202 Manns Harbor NC 27953

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

Please NO IFQ IN
King Fishery

☐

YES

☐

NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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YOUR NAME (PLEASE PRINT)

Steve English

TELEPHONE NUMBER (& AREA CODE)

772-286-4358

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 814 Port Salerno FL 34992

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Port Salerno Commercial Dock Authority

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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YOUR NAME (PLEASE PRINT)

Becky Hogan

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

Mayport Princess

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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March 3, 2010

YOUR NAME (PLEASE PRINT)

John Smith

TELEPHONE NUMBER (& AREA CODE)

252 287-5987

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 157 Merry Hill, N.C. 27957

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO

Sold his boat
and permit and 27 yrs
of land in it will serve to
his old permit - not him.

8-36



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

MIKE Baker

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 1048 Port Jervis N.Y. 34992

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

South East Shark Gillnet Ass.

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



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DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Barrett Colby

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1950 N TROPICAL TR, MCLELLAN IS FL, 32953

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



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DATE OF MEETING

March 3, 2010

YOUR NAME (PLEASE PRINT)

Holly Binns

TELEPHONE NUMBER (& AREA CODE)

850-322-7845

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2107 Mulberry Blvd, Tallahassee, FL 32303

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Pew Environment Group

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



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TELEPHONE NUMBER (& AREA CODE)

YOUR NAME (PLEASE PRINT)

Robert J. CARROLL

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

5106 Palm Dr

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

RIF

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)