

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

COUNCIL SESSION

**Sea Palms Resort and Conference Center
St. Simons Island, GA**

March 8, 2013

SUMMARY MINUTES

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Jessica McCawley
Anna Beckwith
Charlie Phillips
Tom Swatzel
Doug Haymans
John Jolley

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Dr. Roy Crabtree
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Dr. Michelle Duval
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Observers/Participants:

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Dr. Bonnie Ponwith
Martha Bademan
Pres Pate

Dr. Jack McGovern
Rick Pierson
Doug Boyd

Additional Attendees Attached

TABLE OF CONTENTS

Call to Order, Chairman David Cupka.....	1
Adoption of Agenda.....	2
Approval of December 2012 Minutes.....	2
Public Comment.....	2
Presentation on Amendment 8 to Consolidated HMS FMP.....	15
Snapper Grouper Committee Report.....	25
Ad Hoc Data Collection Committee Report.....	51
Mackerel Committee Report.....	56
Ecosystem-Based Management Committee Report.....	60
Dolphin Wahoo Committee Report.....	61
Golden Crab Committee Report.....	73
Information & Education Committee Report.....	73
Law Enforcement Committee Report.....	75
Executive Finance Committee Report.....	75
Status Report.....	79
NMFS SEFSC Status Reports.....	81
Agency and Liaison Reports.....	82
Other Business.....	85
Upcoming Meetings.....	85
Adjournment.....	85

The Full Council Session of the South Atlantic Fishery Management Council convened in the Frederica Room of the Sea Palms Resort and Conference Center, St. Simons Island, Georgia, March 8, 2013, and was called to order at 8:30 o'clock a.m. by Chairman David Cupka.

MR. CUPKA: We will go ahead and get started. I want to, first of all, remind those of you who haven't already done so to turn in your homework to Gregg so that he can begin compiling the results of our priority listing on our amendments and actions we're working on. If you haven't given yours to Gregg yet, please do so.

Also, I want to take this opportunity to thank Chairman Boyd, who is here representing the Gulf Council. I know you have got to leave some time this morning, Doug, so I wanted to let you know we appreciate your being here and to thank you for your coming. Let's go ahead and go around and have voice identification.

DR. McGOVERN: Jack McGovern, NOAA Fisheries.

DR. CRABTREE: Roy Crabtree, NOAA Fisheries.

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

DR. PONWITH: Bonnie Ponwith, NOAA Fisheries.

MR. BOYD: Doug Boyd, Gulf Council.

MR. PATE: Preston Pate, Mid-Atlantic Council.

MR. HARTIG: Ben Hartig, South Atlantic, Florida.

MS. McCAWLEY: Jessica McCawley, State of Florida.

MR. JOLLEY: John Jolley, South Atlantic Council, Florida.

MR. MAHOOD: Bob Mahood, council staff.

MR. CUPKA: David Cupka, South Carolina.

DR. DUVAL: Michelle Duval, North Carolina.

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

MR. BURGESS: Tom Burgess, North Carolina.

MS. BECKWITH: Anna Beckwith, North Carolina.

MR. PHILLIPS: Charlie Phillips, Georgia.

MR. AMICK: Steve Amick, Georgia.

MR. HAYMANS: Doug Haymans, Georgia.

MR. BELL: Mel Bell, South Carolina.

MR. SWATZEL: Tom Swatzel, South Carolina.

LCDR GIBSON: Lieutenant Commander Scot Gibson, Coast Guard District 7.

MR. CUPKA: The next order of business is adoption of the agenda. Are there any changes to the agenda? Seeing none, then the agenda is adopted. Next is approval of our December 2012 meeting minutes. Are there any corrections or additions to the minutes? Seeing none; then those minutes are approved.

That brings us down to our public comment session. We have several people who have indicated they want to make comments this morning. We have advertised the comment period from 8:45 to 10:30, so we will go ahead and take these. If someone else shows up before 10:30, we may have to take a break from what we're working on to get their comments. We won't be taking any actions on amendments for approval until we make sure we get all the comments. Okay, we are going to have our public comment session.

MS. QUIGLEY: I am Kate Quigley. I am here to provide public comment for the South Atlantic Fishermen's Association. Each of you were e-mailed an electronic copy of this comment from which I will read and refer to portions of that. Right now the snapper grouper fishermen in South Carolina, Georgia and southern North Carolina; their boats are tied to the dock. The reasoning for that is there is nothing to fish for right now that they can make a reasonable trip on.

While there are species open, such as triggerfish, porgies, grunts, the guys are not able to make a trip and cover expenses just taking those species. I am going to read from portions of this public comment. SAFA feels that the council seems only interested in helping portfolio fishermen that can participate in multiple state and federal fisheries on a year-round basis.

Full-time snapper grouper fishermen are most vulnerable to economic extinction right now under current management and do not have other fisheries to participate in. The fishermen that we're referring to within South Carolina, Georgia and southern North Carolina; they feel that they have been forgotten.

The weather is too extreme for smaller and faster boats that allow for shorter trips during the winter; so to safely operate in wintertime conditions, these fishermen in these states need larger vessels, approximately 39 to 44 foot. In order to cover expenses and make a small profit on a seven- to ten-day trip, which is what is necessary to bring in enough and to get to the fishing grounds, which are fifty miles out, we need to be able to bring in \$7,000 to \$8,000 per trip. We cannot make the amount of money fishing you needed to cover expenses and make a profit on the species open during the winter months.

Vermilion snapper is the only true money fish during the winter months. There is no grouper, sea bass or red snapper. As a result, this is why SAFA continues to feel we need to be able to spread out the ACLs throughout year. Catch shares would, of course, do this. The council is not looking out for full-time snapper grouper fishermen.

With regards to VMS, the South Atlantic Fishermen's Association remains in support of VMS and willing to put those units on their vessels. I'm just going to touch on another point with having to do with endorsements. Over the past seven years countless fishermen have gone to public comment saying that they don't want catch shares because it would put fishermen out of business and fleet consolidation would result.

But fishermen and council members seem to have no problem pushing for endorsements, catch limits and other measures such as two weeks fishing on and two weeks fishing off in order to extend the season, trap limits, et cetera, that directly result in certain elimination of fishermen from the fishery compared to a catch share program that would allow them at least to have the option to make the decision about their own fate in the fishery.

With regards to the regional management plan that has been talked about for southern Florida, it is shocking to SAFA members that such a regional management plan is being considered for an area that is regionally different and would possible benefit from different management. They think that is a good thing; however, they want to have the same type of consideration.

What SAFA is trying to express is that they these fishermen in Georgia, South Carolina and southern North Carolina that exclusively fish for snapper grouper. They are full-time snapper grouper fishermen. The mackerel fishery has not come up in the past few years. There is really nothing else to fish for. The state fisheries; there is nothing available.

They have participated in the snapper grouper fishery for many years and they see themselves as very different from the management that is being considered right now, and they want to have that same consideration. As you recall, in March 2011 the South Atlantic Fishermen's Association came forward and proposed a voluntary catch share program and they still would like to see that happen.

One thing that SAFA members have noted is that the council has considered transferability for endorsements, transferring fish at sea in the gill net fishery, I think it was; they have considered initial allocation for endorsement programs; they have considered VMS; to considering all the components – and approving data management as well – considering all the different components of a catch share program without talking about a catch share program and without pursuing a catch share program, which would offer optimal flexibility.

Just to bring this in summary, the point is the council is ignoring a major tool that they said that they would keep in the toolbox. All other tools have been used to no avail. No other tool will end derby fishing. Fishermen are scared to say they want catch shares because of fear of being threatened and harassed and the same is true for council members. SAFA wants a voluntary catch share program and they ask for your consideration for this as an option.

Full-time snapper grouper fishermen need this option in order to continue to exist. While the numbers of full-time snapper grouper fishermen are small compared to the number of permits in Florida, full-time snapper grouper fishermen encompassed almost of the fishermen in South Carolina, southern North Carolina and Georgia fishing in federal waters. Thank you.

MR. HARTIG: Let me ask Kate a question or two. One of the things we discussed this week, Kate, was trip limits. I might have missed the first part of your testimony, but in the testimony you did say that you guys are in favor of spreading out the season. Do you think that we're going in the right direction with the trip limits we're considering now or does SAFA?

MS. QUIGLEY: The SAFA board members that I have spoken to and the SAFA members that I have spoken to don't want to see a decrease in the trip limits because then they would not be able to cover the expenses that they need to cover. If you're referring to the vermilion trip limit, they don't want to see that trip limit go down because right now it is at a point where it is just enough to be able to make a trip to cover expenses and make a little bit of profit, if they're able to even catch that much vermilion. They don't think it can go any lower without putting them out of business.

MR. HARTIG: In terms of how we're cobbling management together, basically we did not see enough support to go ahead with a catch share program when we discussed it. As we go through this and your fishermen talk to other fishermen, eventually we may get to a point where we could go for a referendum in this council.

I don't know when that would be, but I think it would be when we would be hearing from a larger number of people that wanted us to go in that direction. Certainly, as we watch the evolution in the Gulf, we're doing the same thing they did. We're trying desperately to stretch these seasons out for the fishermen; and then we're having the problems with the big boats and small boats as they did in the Gulf as well. In the evolution of this process we may get to a point where we want to do a referendum, and that is certainly the way I think this council has structured going ahead with any catch share program.

MR. HAYMANS: Just a quick thing as well, if I could, Mr. Chairman, and that is it struck me, Kate, when you said that perhaps some of the council is fearful of harassment of a catch shares. I certainly hope that is not the case on this council. I hope that no one is intimidated or being harassed over catch shares. If we are, we need to open it back up and let's have it full-on; so exception to that one.

MR. AMICK: Kate, I missed the name of the association, the fishermen that you mentioned, and then how many fishermen are in that association.

MS. QUIGLEY: The name of the association is South Atlantic Fishermen's Association based in Charleston, South Carolina. Matt Ruby is the president of that association. There are about ninety members; about 45 of which are snapper grouper permit holders.

MR. AMICK: And as you mentioned, they support the VMS on their vessels?

MS. QUIGLEY: Yes, they do.

MR. HUDSON: Rusty Hudson, president of Directed Sustainable Fisheries, representing the SFA East Coast Fisheries Section. Today the first thing I would like to talk about is the vermilion snapper since it was open for public comment, and it was due by this Monday, March 4th. We submitted written comment and we are for the ACL increase.

The membership is also for the modification of the commercial trip limit to help spread things out; the thousand pounds and when 75 percent of the commercial ACL is met, to reduce down to 500. We wanted to keep the fishing season the same for vermilion snapper at six months at this time. Part of reasoning was that we wanted to see how the black sea bass update is going to be reviewed by the SSC April 9th through 11th in Charleston and is going potentially increase and that can make a difference for all of the fishermen up and down the coast.

We definitely wanted to modify the recreational closed season and eliminate that. I will be providing written comments to the council as I go through these. The dolphin and wahoo we definitely supported revising the ABC/ACL sector allocations and recreational ACT. Revise the accountability measures; we supported the existing accountability measures. Modify the dolphin sector allocations; we supported Alternative 2 which would have gave a significant increase to the sectors. That is exactly what the Dolphin and Wahoo Advisory Panel supported. We supported the revision of the framework procedure in the Dolphin/Wahoo FMP.

With regards to any comments that we submitted that were due on January 31st on Amendment 27; we also supported the Nassau Grouper Action 1, preferred Alternative 2 for the South Atlantic Council to take that. Modifying the crew size; we wanted to eliminate the limit of three crew members. Action 3; we wanted to modify the captain and crew retention for personal use and allow them to be able to bring food home to eat. Also the modification of the framework procedure; we were supportive of.

With regards to three items that were discussed this week but were not open for comment; we're proffering a comment on Amendment 19. We had a preferred Alternative 1 on Action 1 with regards to the sale of king and Spanish mackerel. We supported preferred Alternative 4 on the sale of cobia. The elimination of latent king mackerel commercial permits; we supported the five-year averaging, 2006-2010, the threshold for average reported landings of king mackerel would be 1,000 pounds.

I believe you got of Action 4 on the federal regulatory compliance; Action 5, with regards to modification of the income requirements and stuff, in our particular case we had a new Alternative 5 that we put forward. It is fairly lengthy, but we know that if you're going to wind up doing a two-for-one on the permits that was put into the mix there yesterday; we support a minimum threshold that you don't go below that level snapper grouper never occurred.

In 2003 there 1,174 snapper grouper permits. Now there is about 670 when I counted them up of which a certain portion, a hundred and some odd, are the 225-point limited. Those fellows, once the VMS, Amendment 30, if that goes forward would probably be eliminated. You will probably

see another loss of permits in some fashion or form and need to keep that in mind so that you don't keep shrinking the permit level down to a level that is below what the stock can sustain.

On Amendment 20, we didn't get to discuss that around the council until yesterday. I know this wasn't on the agenda, but as far as the actions we preferred the no action of the commercial hook-and-line trip limits for the Gulf. We also supported the preferred Alternative 5 for the eastern zone and southern subzone.

As far as Action 3, establish transit provisions, we didn't have any preferred alternatives. In other words, we had to kind of wait for you to be able to make some decisions. We understand that a lot of decisions will take place next month at the Gulf Council level with regards to the mackerel issues. With regards to framework, the modification of the Atlantic Migratory Group King Mackerel minimum size, we had support from the fishermen to do that small reduction for the one inch but at the same time that is something that we needed to develop further comment on.

The MPA, having participated in the MPA and knowing that a lot of VMS stuff is sort of geared towards that, a lot of the fishermen came together that were on the panel and we put together a minority report, which we submitted to this council this week, and we wanted to see the realignment to be able to get some advantages from that. We did not want to see a massive push for new MPAs at this time until they're groundtruthed.

That would fall under what Dr. Chris Koenig referred to as a before/after control impact. The BACI is very necessary in order to establish what is there now before you put the MPA in and what is going to be there later on so we can see what we're doing with it. At this time the realignment; I understand there are two research vessels that are going to be sent out by SEFIS this year.

We would like to have some of that groundtruthing done then, and I think that will be useful. The realignment should be useful, but a stock assessment, some kind of estimated cooperative with the Gulf Council's speckled hind and Warsaw grouper and our speckled hind and Warsaw groupers needs to be done. 2016 is a long ways down the road.

There is a lot of information that needs to be gathered. You don't even know what the spawning cycles and stuff on the Warsaw grouper is. They have site fidelity. The numbers that were converted of mine were off by four-tens of a mile. A research vessel is not going to luck up in the sand flats if they're not on the ledge. You need to go to the exact spot that these animals are, and that way you will be able to understand what we're trying to talk about, that there is a lot more of them there than you anticipate.

The East Coast Fishery Section also put together a statement supporting the idea of the realignment. If we're able to cooperate with the National Marine Fisheries Service, we would like to see some of this independent research to verify the stock status of these two animals. Using a definition of overfishing on a trends analysis from a couple of decades ago is not the correct thing to do.

MR. CUPKA: Rusty, we heard some of this the other night and there will be other opportunities to comment on some of this; so if you will.

MR. HUDSON: The last statement; with regards to catch shares, that is the type of thing that the stakeholders, as has been noted, a referendum, they need to understand exactly what the layout is. As far as catch shares go, you had 1,174 permits one time in snapper grouper ten years ago; you have 670 now. The same thing could happen to the king mackerel whenever it goes into the two-for-one, so you need to be very careful about where you go.

MR. KANE: My name is Dan Kane. They call me Hurricane Dan. I came here to talk about the king mackerel. I have been strictly king mackerel fishing for the last 20 years. Before that, when I first got out of the navy, I spent eight to ten years catching yellowtail snapper down there in the Dry Tortugas. If you have any questions about the yellowtail snapper, I am an excellent source of information.

The king mackerel; Amendment 19 and 20 I call it like criminal intent. It is not going to fix any of the problems we have in the king mackerel fishery. I have quite a few articles I have read. I wish you would read them. I really know the ocean and the fish that live there. There are solutions and you aren't going the right way.

Let me first speak about splitting the king mackerel up and giving North Carolina fishermen the 30 percent that they're asking for. Now, the North Carolina fishermen are probably about 8 to 12 percent of the king mackerel fishermen and they want a whopping 30 percent of this quota. That is just greed.

Now, 20 years ago we had a problem in the king mackerel fishery and the east coast fishermen, we just thought we would fish at 50 head a day to help rebuild these stocks while the greedy son of guns up there in Carolina wanted to fish at 3,500 pounds. Why you'd consider giving these greedy individuals the lion's share is unbelievable. Like I said, they are about 8 percent and maybe 10 percent of the king mackerel fishermen.

If you want to give them some fish, give them 8 or 10 percent. Don't reach in our pockets. We were the conservative fishermen and not them. There is no reason to reward greed that have damaged these fish. The VMS you were talking about earlier, I have got a VMS. I have always king mackerel all the way over, Panhandle and Louisiana, and it is a horrible invasion of privacy. It costs me \$600 a year. I've got to call; you have got to I hate a telephone.

The VMS; it is an invasion of privacy. It is like a complete – I don't know the word I'm looking for, but our constitutional rights, you know, invasion of privacy; that is not the American way. Now, your king mackerel, I'm sure you all realize the Gulf stock king mackerel, what is caught over here in the wintertime is probably maybe 8 percent Gulf stock king mackerel caught on the east coast of Florida. It is just not really any Gulf stock king mackerel over here that is beyond the point.

Like I said, I can't really cover all the things I want to talk about in the king mackerel. I wish everybody on the council would read these articles here and maybe you will be enlightened. I

really do know the ocean. My years spent in Key West; I spoke to a lot of different fishermen from a lot of different places. I traveled all the South Atlantic ocean pretty much. I don't know; Amendment 19 and 20 is totally wrong. It not going to fix anything.

The solutions I have – anyway, that would be about it. I can't really cover all the issues, but they are here. And for the gentleman from the Gulf Council, I have got an article here for him, too. He needs to really take it back and fix the problem about removing these oil rigs in the Gulf of Mexico. It is horrible, horrible, horrible. Any questions; feel free to ask anything you want.

MR. HARTIG: Danny, if you submit that to the record, we will all get copies of all that and we will all read it. Is it your intent to submit what you have there to staff?

MR. KANE: This is for the South Atlantic Council and this little article here should go for the Gulf council. They really need to see this, too.

MR. CUPKA: Please give those to Kim. Dan, and we will see that we get it.

MS. DUNMIRE: My name is Leda Dunmire. I am with the Pew Charitable Trust. I would like to comment on Regulatory Amendment 17. We urge the council to develop a purpose and need statement for approval at the September meeting based on the bycatch mortality issues for speckled hind and Warsaw grouper laid out in Amendment 17B.

Information unknown and likely spawning sites for these and other species should also be included. In 2010 Amendment 17B set the catch limit for speckled hind and Warsaw grouper at zero to end overfishing on these species. Both are extremely vulnerable due to their biology. For example, they start life as females and some develop into males as they age. Catching them before this critical sex change could deplete the male population and throw natural reproduction rates out of balance.

Additionally, these species reproduce later in life than many fish, making them particularly susceptible to depletion if too many are caught before they can spawn. Finally, because these are deep-dwelling fish, they often don't survive catch and release when they are caught incidentally while fishing for other species. In fact, high rates of bycatch mortality are the reason the council, NOAA Fisheries and the SSC all determined the catch limit of zero was insufficient to end their overfishing, and the deepwater closure was implemented to address this.

Amendment 17B also assumed that an anticipated closure to bottom fishing in Amendment 17A would provide additional protections for these fish. Since then the bottom fishing closure proposed in 17A was not ultimately implemented and the deepwater closure was removed via Regulatory Amendment 11.

At that time the council clearly stated their intention to implement more targeted measures to reduce bycatch mortality for these species; though now nearly a year later the council has yet to do so and does not plan to take this issue up for another six months. Meanwhile, these species remain vulnerable to overfishing and the council is not in full compliance with the legal requirement to end overfishing immediately.

However, modifying this region's existing network of Type II MPAs could address this deficiency. These MPAs protect an estimated 8 percent of speckled hind and Warsaw grouper habitat according to NOAA's Fisheries analysis. The entire suite of recommendations from the MPA Expert Working Group would protect a total of 19 percent of speckled hind and Warsaw grouper habitat but encompass still less than 1 percent of the entire South Atlantic Exclusive Economic Zone.

At least five of these areas also include known or likely spawning sites for these and other fish. It is important to keep in mind that the proposed changes to the Deepwater MPA Network are not just about speckled hind and Warsaw grouper. A network of targeted MPAs will provide refuge from bycatch mortality and habitat protections at key life stages for a number of other snapper grouper species. Red snapper, red porgy, red grouper and black sea bass were identified by the NOAA analysis as associated with Warsaw grouper and speckled hind.

They are also all overfished and subject to rebuilding plans. Thus, the council should consider the broad benefits of a modified network of MPAs to restore these depleted populations more quickly, which could in turn translate into more fish, higher catch limits and longer seasons. We urge the council to move forward no later than September with selecting alternatives for reconfiguring and adding recommended MPA sites to protect speckled hind, Warsaw grouper and other important fish. We look forward to working with you to enhance the value of these ecosystem-based protections for the region. Thank you.

MR. FEX: My name is Kenneth Fex. I am owner and captain of the Fishing Vessel Raw Bar and an AP member. I would like to thank staff on working with your website. I am impressed by it. I am glad to see you guys outreach on Facebook and stuff like that, Twitter. I have liked you on Facebook. I don't think I'll friend request yet. I might lose friends. But, I think these states need to look at an offshore sticker or a stamp-type thing to better identify the people that are offshore fishing in the recreational sector. That will help the outreach for staff. That way they can e-mail people on issues that are coming up.

I know it may put a charge on it. The only reason is because that way not everybody is just checking that box. I was involved with the steering committee on the Marine Education and Research Program. I was impressed by the deep and detailed stuff that was trying to education the public. I think it was pretty intense. After that meeting, I talked to staff and everything and talked about doing a town hall meeting, educating on a smaller level, a shorter time. I thought it would be a good idea.

I tried to get with staff. The opening of grouper ended up changing that plan. The following week I tried to do it, but I wasn't able to videotape it. The town hall wasn't going to be able to access that, and I wanted you guys to see it. I don't want to do a town hall meeting that you guys would not see. I still can do that; so if you want to do something like that later on and kind of incorporate visionary process, I would be more than welcome to try to help you guys with that.

Speaking about that and you guys talking about the visionary process, you said that you would like to separate the people. Well, you kind of need to have them all together because that is part of the process, understanding each person's issues that come might about; and plus another issue

you might find is that everybody might say, oh, I want this, but not everybody knows the limitations we have. You, the council, know the limitations; the people that you bring to this table might not, so you might want to give them a short education on that.

As for the regulations, VMS, I'm fine with it. I had that vessel monitoring on my boat for a year. It wasn't intrusive to me. It didn't affect my batteries. I do hear a lot of outcry about it being a problem. One issue I see with it is it might end up taking them latent permits and getting them redistributed out into more effort, and that is a problem because, as you know, it is hard to control effort.

If you have 70-some latent permits and VMS comes out, then the people are going to sell them and then they're going to be productive permits, so that is a concern I'm worried about. As for the trip limit on vermilion, I was the maker of that motion on the thousand pounds; and then it dropped to 75 percent, 500. I agree on it. The outcry has been without vermilion in the fishery it is hard to make a living. Without vermilion right now, I don't go fishing. I support that and several people in North Carolina do, too.

As for black sea bass, I wish you guys would have considered separating allocation for gear type. The AP recommended it. I think it would be better. I think hook and line could start the fishery in January and that way you get the fish on the market, and that way it ain't a gluttony of fish. It is just that one time during the trapping season.

One thing that did concern me about stock assessments; I stood up for the council on people claiming flawed data. I got involved with stock assessments. I see that now my landing histories, all histories catching, CPUEs are not being used. MARMAP is the driver of the indices of abundance, which is a concern. When I talk to people and fishermen, I said, "Well, if we give up something now, later on we will get more." Well, if MARMAP don't see it, we won't. That would be my concern. Thank you for the time.

MR. STUMP: My name is Ken Stump. I am an interested member of the public. I submitted written comments to you in that capacity, addressing Snapper Grouper Amendment 27; specifically Action 4 addressing modification of Snapper Grouper FMP Framework Procedures. The council's intent, as in the case of other framework procedures, is to facilitate timely adjustments of harvest parameters and other management measures as new scientific information becomes available.

That is understandable, but I have urged you in the letter and I urge you now to withdraw the proposed action until the Snapper Grouper Committee, with the support of the council and NMFS staff, has had more time to review best practices in other regions and then recommend appropriate adjustments and modifications to the framework procedures after having reviewed that information.

Certainly, a well-designed regulatory framework procedure can authorize expedited or abbreviated approval of certain actions that are on an ongoing or routine management basis, but the operational guidelines for fishery management process from NOAA Fisheries emphasizes that even in those instances frame-working is only appropriate for actions that have been

thoroughly analyzed, and that even in this situation that it may be necessary to provide additional analysis and public comment because prior analyses may not adequately address the changed circumstances and impacts of the proposed action.

Clearly, frame-working is not a way to circumvent FMP requirements in the Magnuson-Stevenson Act and other relevant law. Based on my experience – and I have experienced a number of the councils around the country and I have followed this process at both the regional and national level for many years – it appears that few FMPs in other regions authorize the kinds of adjustments that you have proposed in Amendment 27 to change OFLs, ABCs, ACTs, ACLs through an abbreviated notice and comment process.

Those that do that have a robust catch specification process in place that provides prior analysis and review that would justify those kinds of expedited adjustments during the affective period of the specifications, which typically in other councils is one to three years. But, in this instance the South Atlantic, like the other southeast councils, implements catch specifications through a regulatory framework amendment for each individual stock or a stock complex as the new information becomes available from SEDAR, and so you're in a position where all the analysis, documentation, council review, public comment that would be done in other councils through a catch specification process must done in the framework itself, and that can delay action to make adjustments based on new information.

I have talked to many of you on the side about this; and I have stressed that while it is important to be able to make this process timely and efficient and make it work well, that you need to have a more formalized and better-structured catch specification process in place. There is guidance on how to do this in the National Standard 1 Guidelines, National Standard 2 Guidelines as well as the NOAA Operational Guidelines, and that all needs to be considered, which you would do through a well-structured catch specification process is to compile, review, transmit the best scientific information available for the purposes of determining appropriate ABCs and ACLs that account adequately for scientific and management uncertainties as well as other considerations.

In councils with a longer history of catch limit management, the catch specification process has become an overarching routine; and as I said, it occurs regularly at a time certain; every one to three years, depending on species and fisheries. You don't have that so you're on this sort of treadmill where you get information as it becomes available, and in many cases you're sort of in a crisis mode in trying to do this.

This expedited or abbreviated regulatory adjustment that you're seeking in Snapper Grouper Amendment 27 I found in other councils is generally permitted only under very limited circumstances with the possible exception of the North Pacific Council, which has been doing this for 25 years. You are not in the same situation with the level of information that you have in the North Pacific Council.

With that, I would conclude that what you're seeking to do through this abbreviated rulemaking to modify ABCs, ACLs and ACTs is premature and that you need to establish a more robust catch specification process that would establish a time certain for the specification so that you know how long that is going to be in effect and when you're going to revisit that information in

the future. Ultimately what I would suggest is that you ask the Snapper Grouper Committee to consider and recommend modifications to the snapper grouper catch specification process that incorporate best practices from FMPs in other regions.

I think that the Snapper Grouper Committee's proposed strategic planning visioning process would be an ideal opportunity for considering how to do that. I am really surprised that there was really no robust discussion of how other councils with a longer history of experience with catch-setting do this during the deliberations the other day. I hope that you all take the time to think this through more fully because it may seem inconsequential, but I think it has a great deal of consequence. You may find, once you have a situation where new information indicates the stock is in decline, that it is going to be very controversial as stakeholders to implement these kinds of changes without a lot more documentation review. Thank you.

MR. COLBY: I would like to thank you for letting me speak here. I want to thank you for all the work that you do. I have listened to you on the webinar for the last couple of days, and I think you guys do a lot harder work than I had realized, and I think you do a good job. I am enlightened. I come to these meetings; and because it is more chaotic than you realize when you're in person than when you watch it on the webinar. All right, after I've said that, as you well know I am not for implementing on Amendment 30, the VMS on the boats. I think there are some good points made; but I think maybe that if law enforcement could use that money to watch all the fishermen, it might be better.

The second thing is that in Amendment 19 or 20 there, when you take the fish from 24 to 23, I think that if you did that in a certain time of year, maybe March and April, where those fish are interacting heavily with the fishermen, that would work considering that we are on an individual fish that we catch. We catch so many fish; we're not on a pound. As long as we keep that forward with catching 50 or 75 head, that would work well. The movement of the February date, when we fish to 75 head, I would like to see that go to March 1st, and it would be 70 percent of the quota; and when that was met, then we'd go to the 75 head. We would remain 50 head up to that point.

I am not sure on the North Carolina thing. I am a little confused in what I hear there. Traditionally, if you have been involved in these fisheries – and just what Danny said. He has traveled; fishermen travel. Those boats are big boats. If they want to come travel to catch king mackerel and they have those permits, which I am sure they do because they have caught them off of St. Augustine – anyway, I think that they could travel to catch the fish. Now, I am not sure that if you do give them a portion of that fishery and let the state manage it, maybe you should say that the state ought to look at taking their trip limits to lesser fish.

I think really those people don't travel as far offshore to catch those fish when they catch them. That is something you guys will have to figure out. I am sure you all know that I am highly against catch shares. I think that we have implemented some rules with four-month closures. In Florida there are a lot of charterboats that have grouper snapper permits and they need those permits and they need to be to catch those fish; and you know what happens when you go into this catch share program. You have seen it in the Gulf.

I just got told about people that have the access to the fish and selling it back to the fishermen. That is where I have the biggest part with this catch share is if they own all the fish and then the true fishermen have to go out and peddle themselves to buy a fish to go fishing. We're all familiar with all that. The other thing, the assortment in the Keys with that council down there, I'm not sure how that is all going to work out. If they want that management and they feel they want to bring two pieces of the council together and create maybe a separate council or something like that, I think it is a good thing because then they can get better input locally. Anyway, I want to thank you for letting me speak; and you guys do have it tough and I will be watching and listening. Thank you. Does anybody have any questions?

MR. HARTIG: Yes, you deserve a medal for watching all you watched this week.

MR. BOWEN: My name is Mason Bowen. I am going to be talking about Amendment 19 and 20 pertaining to king mackerel. First off, for those of you that don't know me, I have been at a lot of different council meetings and I have said this before. My father is a commercial fisherman, my family are fishermen and watermen for its history. My father was a commercial fisherman in New Jersey and started fishing king mackerel in the wintertime right around 1960. My mother came down here one time and said, "We're moving to Florida," and so we ended up in Florida. I just share that with you because this is a part of my life. My son is a commercial fisherman as well. This is something that is definitely a passion of mine. I applaud the South Atlantic Council going ahead and starting to move forward on some of these things that we have wanted for a long time. I want to urge you to continue.

What I want to say is I want you to understand the problem as I see it. The National Marine Fisheries Service basically made too many mackerel permits for the amount of resource that is there, so we have to figure out a way to get these latent permits down. Now, it is amazing to me as a fisherman – when I fish in the areas I fish, that is my world, so what directly involves me can be completely different than a fisherman in North Carolina. That problem does not directly involve them in the same way. Now, if you're a fisherman on the east coast of Florida, if you have a boat on the east coast of Florida that is capable of fishing in the Atlantic Ocean, \$2,500 and a couple of hundred dollars of gear, presently you can become a king mackerel fisherman.

That is the reality of my life. I've seen it happen time and time again. Ben is sitting there and he knows what I'm saying is true. I understand that in these different measures in Amendment 19, we may run into what Dr. Crabtree is in effectiveness as far as corporate law. But, listen, this is reality, this is reality, okay. Yes, there is a small percentage of population that have the economy to incorporate and buy permits and get into the fishery, but where you are going to be effective here is the new participant that just in a whim wants to go fishing. He has a boat, he buys a permit and he goes.

When you create a harder situation for him to do that, you are going to affect that amount of participation coming in. I know fishermen that pay for their recreational fishing because they have a king mackerel permit. Listen, that is all well and good, but when the fish show up, folks, they're competing with me. Okay, Michelle, if she is here, we talked a long time, how does that impact a fisherman in North Carolina? Well, you have a huge impact on the market when all of

a sudden there is 30 boats that come out of what we call the woodwork and are producing fish. Okay, it affects the market, it affects my return.

It affects the fishermen in North Carolina whether they understand it or not because our fish are all going to the same places to be sold. I urge this council to continue on in where you're going. Let's worry about just how effective it is down the road; because if you don't do anything at all, that is completely ineffective. What you will see is this cycle that we have seen in the fishery for years and years. Okay, I have seen it happen too many times in my life so I know what I'm saying is true. Let's look at a couple of other things.

One of the things – you help me out; there is a Gulf Council member here – for six months of every year I make my living in a Gulf subzone. Now, I have never been able to understand why the Gulf Council doesn't feel like that I am a part of their fishery. Can somebody explain that to me? I don't know if I have the right to ask a question, but that to me is kind of weird, so now you're going to take the things we want as a fishery to the Gulf Council and they say, well, we've only got like 20 fishermen and so we can't do this. I have got a problem with that and maybe it is just a problem I'm going to have to live with.

The Atlantic Council push like you have never pushed before because now is the time to get this stuff done. Finally, as far as separating the Atlantic quota is concerned, I am against it. Let me explain to you why I am against this, and I am not completely against it, but I want you to understand what can possibly happen here. In 2009 and 2010 we almost caught the Atlantic quota. Now, you need to understand March 1st is the opening date for Atlantic Hook-and-Line King Mackerel, March 1st.

In our area, because we are on a Gulf subzone at that point, we are on a Gulf subzone until April 1st. Now, on March 1st there was no fish in North Carolina to be caught. The fish were down off of Jacksonville and North Carolina fishermen ended up going to Jacksonville as well as bottom fishing boats out of Jacksonville. Now, listen, I'm not against any of that. Like I told Michelle, I don't want to take participants in this fishery out. It has never been my motivation. But you have got to understand when you start separating this quota, so you have left a portion of quota up in North Carolina that was completely rendered useless because the fish weren't there to be caught. Where were they?

They were in the southern portion of the quota. So for the entire month of March in 2009 and 2010, before we even started fishing Atlantic quota, that was all fish due to participation from northern fishermen. Again, I don't have a problem with that, but it added to the cumulative pounds at the end of 2009 and 2010 where everybody started freaking out, oh, we're going to catch the quota and there is going to be people that are locked out of the fishery. So do you understand if you take a portion of this, okay, and the fish aren't there but the effort goes somewhere else, that part of the quota will be caught and you have this left as an unused portion.

Now, this is what I suggest and this is what I urge. Let's not worry about that now. Let it go to data assessment. If at the end of this – if you want to still go down this road – this is a not deal breaker for me. I'm just suggesting this. If you're going to make a portion of quota for North Carolina, listen it has got to be proportional not just to the average of what North Carolina

produces, but it has got to be proportional to the Atlantic quota as a whole. Do you follow me? It has got to be proportional.

Now, I'm hoping that when we go into the next data assessment there is going to be a lot of things for them to consider. I am not of the same inclination as Ben that just because we have had low landings in certain areas that we are necessarily looking at reductions across the board. The reason I say that is when they go into the next data assessment, they're going to start having to deal with all of your latest research, which says that Atlantic Group King Mackerel extend all the way to the Keys. As much as 50 percent of those fish are in the Keys. Okay, you haven't had low landings anywhere except for in certain places and certain areas, and I have said before that is due to environmental conditions, those things have taken place. I have said all that stuff before. I have said everything I need to say now. I have taken way too much time. Thank you.

MR. CUPKA: All right, that is all the cards I have of people who wish to speak. Now, we are going to keep the comment period open until 10:30, which is what we advertised, which means we don't want to get into any committee reports and actions that we're going to take action. Let me ask is Rick Pearson here? We will take about a five-minute break and have you prepare to give your presentation and do your public hearing.

MR. CUPKA: If everyone will take their seat, please, we're going to go ahead and get the presentation from Rick Pearson, who is with Highly Migratory Species Division.

MR. PEARSON: Thank you very much. My name is Rick Pearson and work for the Highly Migratory Species Management Division in St. Petersburg, Florida. I would like to thank the council for allowing HMS to give this presentation on the proposed implementation of a new open access swordfish hand-gear permit.

This is the first time that I have given the presentation; and as I was preparing for it, I noticed that the presentation is a little bit longer than I thought that it would be, so I'm going to try to move through it fairly quickly. If you have any questions, please hold those until the end and we can come back and discuss that if there is anything that I went through too rapidly.

This is an outline of the presentation. I'm going to discuss the background and development of Draft Amendment 8; describe some of the alternatives that were analyzed, including vessel permitting and retention limits. Within the concept of swordfish retention limits, we're going to discuss regional management. Then I describe the environmental impacts, the ecological and socio-economic impacts of the preferred alternatives; describe the timeline and then provide some information on submitting comments.

The Highly Migratory Species Management Division has been discussing the concept of a new swordfish hand-gear permit since 2009 when we published an advanced notice of proposed rulemaking. Since 2009, we have had several discussions and presentations held with the HMS Advisory Panel. Last year at this time we presented a pre-draft of Amendment 8.

All of the comments that we have received for the last several years have been considered in the development of Draft Amendment 8. Some of the background with regards to the swordfish

stock; it is not overfished; overfishing is not occurring; and we have had a persistent underharvest of the U.S. swordfish quota. From 2007 to 2011, we have been harvesting approximately 70 percent of the baseline quota and even less of the adjusted quota.

Under the existing limited access system, it is difficult to gain new entry into the commercial swordfish fishery, and we have been receiving steady inquiries about providing more opportunities to use rod and reel, handline, harpoon, bandit gear, and other gear to commercially harvest swordfish. This is just a breakdown of the current swordfish permits that we have.

In total there are 334 commercial swordfish permits and all of those are limited access permits. Down at the bottom there are a couple of other permits. One is the incidental HMS squid trawl permit, which is essentially a limited access permit because the vessel needs to be issued an illex squid moratorium permit. There is also a Caribbean commercial small boat permit that allows for the limited harvest of swordfish.

But in essence, to commercially harvest swordfish, it is exclusively a limited access permit system. Within our existing swordfish limited access permit system, there are no new permits issued. All of these permits are subject to transfer, renewal, vessel upgrading restrictions and termination dates; so since 2000 there has also been a slow attrition of the number of available commercial swordfish permits.

Furthermore, directed and incidental swordfish permits are only valid when a vessel has been issued limited access shark and tuna longline permits. This is just to provide an idea of the difficulty of entering the commercial swordfish fishery right now. The purpose of Draft Amendment 8 is to provide additional opportunities for U.S. fishermen to harvest the available swordfish quota using selective gears that are low in bycatch, given the rebuilt status of swordfish and their increased availability.

In 2011 hand gears accounted for only about 5 percent of commercial swordfish landings. The goal of this rulemaking is to more fully utilize the U.S. swordfish quota while minimizing bycatch. Essentially there are two main issues that were considered in the development of this amendment; the establishment of new and modified commercial swordfish vessel permits and the implementation of retention limits for these new and modified permits.

I'm just going to briefly describe some of the alternatives. This is for vessel permitting. Really there are three main alternatives. 1.1 is the no action alternative; 1.2 would establish an open access commercial swordfish permit; and Alternative 1.3 would establish a new limited access commercial swordfish permit.

Under Alternative 1.2, the open access permits, we have four subalternatives. The first subalternative would add swordfish to the existing Atlantic Tunas General Category Permit. The second subalternative would modify the existing Atlantic Tunas Harpoon Category Permit by adding swordfish. Subalternative 1.2.3, which is the preferred alternative, would allow charter/headboat permit holders to fish under open access swordfish commercial regulations when they are not on a for-hire trip, and this is similar to an allowance that we have for what we call BAYS tunas, bigeye, albacore, yellowfin and skipjack tuna for charter/headboat vessels.

They can fish commercially for BAYS tunas when they are not on a for-hire trip, so we're preferring to allow that for charter/headboat permit holders for swordfish when they are not on a for-hire trip. Finally, Subalternative 1.2.4, another preferred alternative, would create a new separate open access commercial swordfish permit.

So, 1.2.3, allowing charter/headboat vessels to fish commercially for swordfish on non for-hire trips and establishing a new open access commercial swordfish permit are the two preferred alternatives for vessel permitting. Then for retention limits, we have three main alternatives. The first one would establish a fishery-wide zero to six fish limit range and codify a single limit within that range; so that is fishery wide from Maine to Texas; one retention limit.

Alternative 2.2 would establish a fishery-wide zero to six fish limit range. It would codify a single limit within that range and it would also provide for in-season adjustment authority to change that limit so that we wouldn't have to develop a new amendment to change the limit. We could do that using in-season adjustment authority.

And then, finally, Alternative 2.3, which is a preferred alternative, establishes swordfish management regions, a zero to six fish limit range for each region. It codifies a single limit for each region and establishes in-season authority to adjust the limit within each region. Basically, Alternative 2.3 is the preferred alternative. It establishes management regions and provides for in-season adjustment authority and we can establish a different limit within each region.

Under 2.3 there are several subalternatives to describe these swordfish management regions to account for the unique environmental and biological factors that affect the swordfish stock. The next few slides I am just going to show you some of the alternatives that we considered for establishing swordfish management regions. This is the first one. This is aligning the management regions with major domestic fishing areas; northeast coastal, Mid-Atlantic Bight, South Atlantic Bight, Florida east coast, Gulf of Mexico and the Caribbean.

The next alternatives are Alternative 2.3.2, and that establishes larger management regions and also considers the establishment of a special Florida Swordfish Management Area. The larger regions are the northwest Atlantic, the Gulf of Mexico and the Caribbean. Then there is also a Florida Swordfish Management Area to account for some of the unique environmental factors that occur within that particular area.

This is the preferred alternative right now for the Florida Swordfish Management Area. It consists of the current east Florida coast pelagic longline closed area and then it extends it upwards into the Gulf of Mexico to the northern boundary of Monroe County. Essentially this incorporates all of the Florida Keys, on both sides of the Keys essentially. This is the preferred alternative for management regions.

This is another alternative for the Florida Swordfish Management Area. This is extending from the Georgia border to Key West, Florida, within the federal EEZ. This is the smallest of the areas for the Florida Swordfish Management Area. It starts at the northern boundary of St. Lucie County and extends around the Keys to the northern boundary of Monroe County.

I have described all the alternatives that we have analyzed. I just wanted to quickly summarize the preferred alternatives here, the proposed permit alternatives. This proposed rule proposes to create a new open access commercial swordfish permit; tentatively called the swordfish general commercial permit. The authorized gears would be rod and reel, handline, harpoon, bandit gear and greenstick.

These are the same gears that are authorized for the Atlantic Tunas General Category Permit. It would also charter/headboat permit holders to commercially fish under the new permits regulations when they are on a non for-hire trip. The authorized gears for charter/headboat vessels are rod and reel and handline.

Quickly I want run through some of the ecological impacts of the preferred alternatives for permitting. We anticipate neutral to minor ecological impacts on swordfish. This slide essentially addresses impacts on swordfish. Largely, we would anticipate a small shift of recreational fishing effort to commercial fishing effort.

There is a potential for a minor increase in overall swordfish fishing effort, but we expect that to be moderate. Most of the people that we anticipate that will pick up this new permit are probably already fishing for swordfish recreationally. I want to emphasize that there is adequate swordfish quota available and that the landings will continue to be monitored through weekly dealer reports. The directed fishery is closed when the swordfish quota is reached or it is projected to be reached.

This describes the impacts of the preferred permitting alternatives on non-target species, protected species and essential fish habitat. The primary point here is to emphasize that hand gears are tended and they are very selective with regards to targeting swordfish. It is a selective fishery.

The Endangered Species Act, the 2001 biological opinion, which is the most recent biological opinion issued for the fishery, found that the potential for takes with hand gear is low. Under the Marine Mammal Protection Act, hand gears are categorized as a Category 3 Fishery, meaning that they have a remote likelihood of incidental mortality or serious injury to marine mammals. With regards to essential fish habitat, hand gears have negligible adverse physical impacts on mid-water environment for substrate and most sensitive benthic habitats.

These are the retention limits that are being proposed for the different regions. Within the northwest Atlantic we are proposing to establish an initial default retention limit of three swordfish per vessel per trip; similarly, Gulf of Mexico, three swordfish per vessel per trip; within the U.S. Caribbean, two swordfish per vessel per trip – this is consistent with the current Caribbean small boat permit – and within the Florida Swordfish Management Area, an initial default retention limit of one swordfish per vessel per trip.

As I indicated earlier, we are also proposing to establish in-season authority to adjust these retention limits on a regional basis. These limits could either be increased or decreased from the current levels within a range of zero to six fish. These are some of the criteria that NMFS would consider in making that decision to adjust these retention limits; information from biological

sampling, the ability of vessels to land the quota, the amounts by which quota for other categories of the fishery might be exceeded; effects on accomplishing the objectives of the FMP; variations in seasonal distribution, abundance or migratory patterns; the effects of catch rates in region precluding vessels in another region from harvesting a portion of the available quota; and a review of dealer reports, landing trends and the availability of swordfish.

We would consider all of these in deciding whether or not to adjust a regional retention limit either higher or lower. This is a brief description of the ecological impacts of the preferred alternatives for the retention limits. Again, just to summarize; establish swordfish management regions; establish a one to three fish initial default retention limit; and establish criteria for in-season adjustments.

We believe that regional management could better accommodate the regional differences in the swordfish fishery while continuing to protect the resource. Some of these regional differences include seasonal availability, the abundance of juveniles in the area, as a nursery ground, migratory patterns, the incidental catch of non-target species, the distance from shore to productive fishing areas, and variations in fishing effort.

These are all of the differences which helped us to feel that we should establish regional management measures and also consider the establishment of a special management area off of the coast of Florida. There are just significant differences in the swordfish fishery from when you're talking about New England, off of Florida, off of the east coast of Texas or within the Gulf of Mexico. It is very different, particularly the fishery off of the east coast of Florida.

Again, we expect neutral to minor ecological impacts associated with these proposed retention limits. The low initial default retention limits have been set conservatively during the establishment of a new swordfish fishery. One of the points I wish to emphasize is that this would be the first time that there would be open access in the commercial swordfish fishery since 1999. We recognize that this is a big deviation in the manner in which we have managed this resource, and so we decided to set very low initial retention limits.

These retention limits could be modified through in-season adjustment authority. There is a potential for a minor increase in discards and discard mortality. Whenever you establish low retention limits, that is a possibility. However, hand gears are closely tended, so there is low bycatch and bycatch mortality rates and incidentally caught species can be released quickly.

Then within the draft environmental assessment we were required to analyze the potential number of new permit applicants. Because we are proposing an open access permit, it is not possible to precisely determine the anticipated number of new applicants; so we used as a proxy the current number of Atlantic Tunas General Category Permits that are used because that is the permit that is most similar to this permit that we are proposing.

We anticipate just slightly over 4,000 new permits might be issued. Then we wanted to analyze the potential number of new permit holders that could be impacted by the Florida area; and based on some different calculations, we anticipate that approximately 1,400 new permit holders could be impacted off the Florida east coast.

Of course, that estimate of the number impacted by the Florida Swordfish Management Area would differ depending upon which alternative is selected for that area. Again, we anticipate about 4,000 permits being issued, about 1,400 off the east coast of Florida. Then we wanted to analyze the impact that this permit would have on swordfish landings. I'm not really going to get into the math here, but in summary we based it upon the number of successful Atlantic tunas general category vessels in 2011.

Again, there are 4,000 Atlantic tunas general permit category holders. Of those, 583 had successful trips in 2011; so again we used that as a proxy and we took the average weight of the swordfish. We had to assume that these new permit holders could land ten swordfish per year. This is an assumption that we had to make.

With an open access permit, we can't know for sure, so this number could be either higher or lower, depending upon how many swordfish and how many vessels are participating in the fishery. Using this calculation, we anticipate just under 340 metric tons of swordfish will be landed as a result of this new hand gear permit and these low retention limits. Again, that would be well within the available unused North Atlantic swordfish quota.

In summary, we anticipate that there will be direct economic benefits to some fishermen. There will be indirect economic benefits to tackle suppliers, bait suppliers, marinas, vessel builders, et cetera. However, the establishment of this new open access permit could impact X-vessel swordfish prices and the value of existing limited access permits.

However, we believe that those impacts are mitigated by the low retention limits that are being established. Again, this is one of the primary concerns that we have heard since 2009 when we described this concept in the ANPR. That was we heard from existing limited access permit holders that this is going to devalue the value of their permit and it is also going to reduce the quality of swordfish in the market and that it is going to adversely impact swordfish X-vessel prices.

Again, that is one of the reasons why we're starting out conservatively with these low retention limits. We also would anticipate a potential shift in fishing effort from the recreational sector to the commercial sector. However – and this is very important – vessel owners would have to decide clearly whether or not they're going to be a recreational HMS fisherman or a commercial fishermen.

There are significant commercial requirements, coast guard requirements that are required for commercial fishing vessels and there are several other restrictions that govern commercial fishing; so it is a decision that would need to be made by each individual angler. Really, with these retention limits and the fact that it is a hand-gear product, we anticipate that this will create primarily a seasonal or a supplemental fishery for most of the new permit holders.

Again, we had to make some assumptions here; but assuming a vessel lands ten swordfish per year, we're talking a little over \$4,000 in additional gross revenues. Of course, that would certainly differ depending upon the number of fish that landed per year. We're primarily anticipating a supplemental fishery either to their charter/headboat fishing activities or in the

case of current Atlantic tunas general category boats perhaps would be fishing for bluefin tuna in the morning and the afternoon and switch over to swordfish possibly at night; or if while they are already out on the water and they see a swordfish basking on the surface, they might take that opportunity to harvest that swordfish, which they haven't had the opportunity to do so before.

We're anticipating a seasonal or a supplemental fishery for many of the new people that might obtain this hand-gear permit. A few other very important regulations that are proposed in the rule; that this new permit could not be held in combination on vessels with an HMS angling category permit, a charter/headboat permit or other swordfish limited access permits.

Again, a vessel owner is going to have to decide whether they're going to get the angling category permit or this new commercial hand-gear permit. The new permit could be held in conjunction with the Atlantic tunas general category permit. Vessels issued the new permit could fish in registered tournaments. Otherwise, there would be no retention for billfish; marlins and sailfish primarily or sharks and tunas unless the vessel has been issued the proper commercial permits for sharks and tunas.

All vessels issued the new permit must comply with the regional retention limits wherever the vessel is located. Swordfish may only be purchased by permitted swordfish dealers. Landings would be deducted from the semi-annual directed swordfish quotas. All other swordfish regulations would apply, minimum sizes, landing requirements, gear definitions, et cetera.

This is the timeline. An important point to mention here is that the comment period closes April 23rd. We're hoping for a potential effective date of summer of this year. This is the hearing schedule. Like I said, this is the first time that this presentation has been given. Official formal public hearings start on Monday and extend through April.

We're specifically seeking comments on the boundaries for the regions that I described, the proposed retention limits, the criteria for adjustment of those retention limits, the requirement to comply with the retention limits both at sea and upon landing and any other items related to the proposed action. The easiest way to submit comments is on regulations.gov; key word NOAA/NMFS 2012 zero zero two six. We have already received a fair number of comments. Again, I want to thank the council for allowing us the opportunity to give this presentation. The floor is open for questions or comments.

MR. CUPKA: Thank you, Rick, for that presentation. I will just say that the issue of underharvest of the American quota for swordfish is one that the HMS Advisory Panel has been discussing for a number of years. There are a lot of nations out there in the international community that would very much like to obtain the unused portion of the American swordfish quota, and so NMFS is looking for ways to increase that harvest so that we don't lose any of that quota that is allocated to us by ICCAT. This I guess was a move in that direction. Are there any questions or comments for Rick? Ben.

MR. HARTIG: Yes, Rick, great presentation. I'm really impressed with the detail and the analysis that you have gone into. That doesn't always happen in some of the shark stuff I have seen, so I really appreciate that. This is something in our neck of the woods where you don't see

very often where you're actually – I'm sure in all fisheries you don't see us looking to expand the fisheries. The way you have done it is deliberative and well thought out.

The only question in my mind; I mean, when you have the opportunity to allow new permits in, thinking up front maybe of the numbers in the regions that you may want to get to; but everybody being able to get a permit that wants one, you may get into the situation where you have a problem with the numbers of permits and then the catches over time. I thought maybe a more precautionary approach could help you out down the line. I wondered if you thought about that.

MR. PEARSON: I'm sorry; my phone went off while you were talking. Could you ask the question again? I sincerely apologize.

MR. HARTIG: No, just a more precautionary approach to issuing just an unlimited number of new permits and have you thought about that in the context of maybe having issuing some and see what happens and then issuing more as you go forward.

MR. PEARSON: Well, one of the alternatives is to establish another limited access permit that might have less restrictive qualifications criteria; for example, having exhibited some type of participation previously in the commercial fishery, something of that nature. Yes, we have considered it. I'll record your comment but that is certainly one of our concerns as well, too. Are we throwing the door wide open and what could the potential impacts of that be?

However, one of the points that I really wanted to emphasize is that landings have to be at permitted dealers. We recently implemented new e-dealer reporting requirements where dealers report weekly, and so we have improved the reporting of the HMS species. We are going to continue to monitor the fishery and the landings.

Ultimately the landings will need to remain within the directed fishery quota and we have the ability to close the fishery once landings are approaching that. Also, we felt that by having in-season adjustment authority, we can adjust the retention limits in any of the regions down to zero.

We would have the ability to close the fishery if, for example, landings are much higher than we're anticipating. We tried to build some precautionary approaches into this, but we've certainly all recognized the new ground that we're treading here by opening a new open access permit. We have considered that, but thank you for your comment.

MR. JOLLEY: I agree with Ben, and you probably know we're dealing with this question about maybe too many permits in the mackerel fishery. I think that was a good point that Ben made. I have a couple of questions. I'm interested in what biological data is currently being collected or what you plan to collect going forward in this fishery. Do you have anything to say about that?

MR. PEARSON: The fishery is managed primarily at the international level at ICCAT, and so we have our representatives on the ICCAT SCRS, which is the scientific stock assessment committee. There is a broad range of studies that are annually submitted to ICCAT. Basically,

they assign what the maximum allowable harvest is and then they apportion that to the different countries. Our quota is within those biological guidelines.

It is a highly migratory species so information from throughout the Atlantic and from scientists throughout the Atlantic are being considered in the development of these management measures. We do have a few scientists that are studying different gear types and bycatch rates and so forth on the east coast of Florida, but then the remainder of it is traditional stock assessment otolith, aging, studies similar to that.

MR. JOLLEY: I am aware of some of that, but I just wondered like at the Southeast Fisheries Center; have you got somebody working on swordfish right now that has collected data on the fishery or up in New England? Are you aware of anybody that is an ongoing project?

MR. PEARSON: Yes.

MR. JOLLEY: Okay, my second question was you're projecting 338 metric tons might be the increase, and I was kind of interested in what you think the percentage of increase in our quota would be as a result of that; do you have a number for that; 10 percent increase in quota; 20, 30?

MR. PEARSON: I don't have that information right offhand, but that would amount to a relatively low increase. My guess is in the 10 to 15 percent range. We have 1,800 metric tons available, so this would increase it by a little over 300.

MR. JOLLEY: Okay, so I can calculate that myself. What is the compliance record with this new reporting system with the dealers; do you have information on that?

MR. PEARSON: I do not. I know that there has been some learning – there is a learning curve associated with it. We have people in HMS that are dedicated to trying to bring these dealers into compliance with the new reporting requirements.

I have heard of some problems with it, but we have two people that are specifically dedicated to instructing dealers on how to use the e-dealer system. We also conducted a series of workshops across the coast to instruct dealers on how to use this. I think the compliance is improving with it. It just went into effect on January 1, so it is still quite new.

MR. BOYD: Thank you for the presentation. I have a question on Slide 24 just for clarification. At the bottom of that slide it said vessels issued swordfish general commercial permit could fish in registered tournaments. Otherwise, no recreational fishing for – and then it lists several of these. Could you just clarify what that means for me?

MR. PEARSON: Yes, this is a similar allowance that we provide for Atlantic tunas general category permit holders. There is no recreational fishing. However, they can participate in registered tournaments. That would be the allowance that we would make for these vessels as well. Each tournament is required to be registered; and once those tournaments conclude, they're required to submit reports on all of the landings associated with that tournament. This is essentially an allowance for them to continue to participate in tournaments.

DR. LANEY: Thanks for the presentation, Rick. Do you know if anyone is tagging swordfish with acoustic tags at all?

MR. PEARSON: I am not aware of any existing study that is going on right now. One of our top researchers is out of NOVA Southeastern, Dave Kirstetter, and he has been doing some tagging. There is also some work out of the University of Miami that has been doing some tagging on the migratory patterns of swordfish, but I am not positive if those studies are currently going on now or not.

DR. PONWITH: We have done acoustic tagging in the past. I can double check with our researchers who are doing this to see whether they're doing any work specifically on swordfish and get back to you.

MS. BADEMAN: My question is about Slide 10. It is the map of the preferred alternative, all the zones. I am looking at Florida, of course, and how there is that overlap of where the northwest Atlantic zone runs and then kind of where the Florida zone juts out. Can you talk about that a little bit and why that is set up that way?

MR. PEARSON: Yes, correct, we were trying to use an already established area. Up until the northern portion of Key West and the Gulf of Mexico, this area corresponds to the existing pelagic longline closed area, so it is a known area where we already have the coordinates and there are special regulations set up in this area. That is why it was established that way.

We do have some concerns that there would be differing retention limits outside of that eastward of that area within in the U.S. EEZ. At one point in time we had a requirement as we were developing these regulations that you could only fish in one zone and you had to land those fish in one zone. However, for safety requirements we decided to abandon that requirement, and so now you only have to comply with the commercial retention limits within the area in which the vessel is located. But again, the reason we used this is because it is an established area for pelagic longline gear.

MS. BADEMAN: So if I'm out of West Palm and I go into that area that is outside the Florida zone and start fishing, I would not be able to transit those extra fish back into Florida; is that right?

MR. PEARSON: Yes, that is correct, the limit outside there would be – under the proposed regulations would be three fish. You could have three fish in that area; but if you were to come back into Palm Beach, then you're subject to the one-fish retention limit of wherever the vessel is located.

Again, that was primarily for – we did that for safety reasons. We didn't want to require a vessel, if a storm came up, that they would have to steam around that point to the east and land, for example, in Savannah. They could head for the nearest port. However, they would have to comply with the one-fish retention limit in the Florida area. These areas are not quite always so different. Here is one right here.

This is Alternative 2.3.2.2. This extends out through the entire EEZ so that is one of the areas that we considered. Also, if you look at this one here, 2.3.1, you can see that would also extend out to the EEZ as well, too. If this is an issue, we can certainly go back to these other alternatives, but we preferred the one because it is an existing area.

MR. CUPKA: Are there other questions or comments for Rick? John.

MR. JOLLEY: Rick, are we importing any swordfish into the United States annually now? Do we supply our own demand?

MR. PEARSON: Not entirely. I don't have those numbers, but my understanding is that we are importing more than we are supplying domestically. One of the problems with the swordfish fishery is the availability of lower-priced frozen IQF imports. Again, one of the things that we're hoping to accomplish with this rule is to provide a higher quality, fresh product to the more local markets and so forth in the development of that type of fishery because it has been difficult for our fishermen to compete with lower-priced imports.

MR. JOLLEY: And just one last comment; we have got sword fishermen running out of Fort Pierce and Stuart I think that are fishing that eastern zone and longlining. If they're out there longlining and catch 30 fish and they turn around and want to return, are they going to be able to return to Fort Pierce? Did I misunderstand they can't come back across that area if they're legally fishing in that distant water? What is going to happen there?

MR. PEARSON: Well, the pelagic longline boats out of Fort Pierce would not be able to set longline in that particular area as it is; so they would have to go beyond that particular area and they can certainly come back in and land their fish in the Fort Pierce area. There is nothing that prevents them from doing that.

MR. JOLLEY: So they can transit back across?

MR. PEARSON: Yes.

MR. JOLLEY: They fishing legally in that far eastern area and –

MR. PEARSON: Correct, they can transit, yes.

MR. HARTIG: Just to that point, Rick, they do have VMS as well?

MR. PEARSON: That is correct; VMS applies to HMS permitted vessels that are fishing with pelagic longline gear and gill net gear. VMS requirements would not be required of vessels if we issued this new permit. It is only for pelagic longline and gill net gear.

MR. CUPKA: Are there other questions or comment? If not, we want to thank you, Rick, for an excellent presentation. We're going to go ahead and take a break.

MR. CUPKA: We're going to ahead with agenda. We still have quite a bit to cover. We are going to go back and start with the Snapper Grouper Committee Report. Dr. Duval are you ready with your committee report?

DR. DUVAL: Mr. Chairman, I am ready. The Snapper Grouper Committee met in St. Simons Island, Georgia on March 5th and 6th, 2013. We received reports from the Southeast Regional Office and the Southeast Fisheries Science Center on the status of commercial and recreational landings for snapper grouper species, respectively.

The presentations included information on red snapper harvest during the 2012 commercial and recreational openings. The committee expressed concern about the lack of red snapper recreational landings estimates from North Carolina, South Carolina and Georgia. An estimate of recreational landings in Florida was provided, but only counts of red snapper obtained through carcass collection efforts were available for the rest of the South Atlantic states. The Southeast Fisheries Science Center provided red snapper landings estimates based on the MRIP for discussion under Other Business.

In terms of status of amendments under review regional office staff provided an update on the following amendments. Amendment 28, red snapper, the notice of availability for the amendment will be published soon. A sixty-day comment period will follow. Once the final rule publishes, there will be an additional thirty-day comment period followed by a thirty-day cooling-off period.

It is NMFS intent that there will be some overlap of comment periods. However, it is likely that Amendment 28 will not be implemented in time for a July 2013 opening of red snapper. The committee indicated that the council should express their intent to move forward with an opening of red snapper in 2013 as close to the Amendment 28 proposed July openings as possible. In addition committee members indicated that NMFS should strive to open red snapper while black sea bass is still open to minimize the amount of discards.

Amendment 18B, golden tilefish; the final rule for the amendment is expected to publish in the next two or three weeks. Regulations may be implemented by the end of April 2013. Regulation Amendment 13, which is adjustment of ACLs based on MRIP estimates; the proposed rule package was sent to headquarters for review. Regulatory Amendment 15, which is yellowtail snapper and shallow water grouper; the proposed rule package for this amendment is under review at the regional office.

Next we discussed extension of a yellowtail snapper temporary rule. The yellowtail snapper commercial ACL was increased through emergency action on November 7, 2012. Action to adjust the yellowtail snapper ACL and recreational ACT is being taken through Regulatory Amendment 15. However, the latter will not be implemented before the temporary rule expires on May 6, 2013.

Hence, the committee made the following motion to request that NMFS extend the temporary rule for yellowtail snapper for an additional 186 days or until Regulatory

Amendment 15 is implemented. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion stands approved.

MR. CUPKA: Monica, would that require a roll call vote that the emergency rule be extended?

MS. SMIT-BRUNELLO: I think it might.

MR. CUPKA: I was thinking it would, too, so we may need to come back to this whenever Bob gets back with a roll call sheet.

MS. SMIT-BRUNELLO: I agree; I think that would be the best way to proceed.

MR. CUPKA: I think so, too, so we will come back to that as soon as Bob is here.

DR. DUVAL: Okay, the next item on the agenda was Snapper Grouper Amendment 30 dealing with VMS. The committee received a presentation on VMS from Pat O'Shaughnessy, NMFS Southeast VMS Program Manager. Detailed information on VMS capabilities and requirements was provided as well as cost information.

The committee was also informed that the NMFS VMS account had been expanded in late 2012 to provide funding for electronic monitoring, including electronic logbooks. At the conclusion of the discussion for this amendment, the Committee Chair reminded the committee that a summary document had been provided to them with a brief description and preliminary results of a pilot project being conducted by the North Carolina Sea Grant to evaluate electronic monitoring systems on seven fishing vessels equipped with electric bandit reels.

The committee made the following motions pertaining to Snapper Grouper Amendment 30; accept the purpose and need as revised and on behalf of the committee I so move. Is there any discussion? Any objection? Seeing; that motion stands approved. There was direction to staff to add an explanation in the text to document the additional benefits.

The council recognizes that there will be negative short-term socio-economic impacts from installing and maintaining VMS units, but would have the potential to increase positive economic benefits. The next motion was in the event of a system failure that an alternative reporting method in the form of a hail-in/hail-out process be implemented for a maximum of ten days and that this could only happen once per year. That motion did not pass.

The following was made to express the council's intent that the same regulations in the Gulf of Mexico EEZ for VMS would apply in the South Atlantic EEZ. On behalf of the committee I so move. Is there discussion? Is there objection? Seeing none; that motion stands approved.

The next motion was to accept the IPT's wording for Alternative 2 and 3 with the insertion of "120 days". On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion stands approved.

The next motion was move Subalternatives 2A and 3A and 2B and 3B to the considered but rejected appendix. On the behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion stands approved.

The next motion was move Subalternatives 2C and 3C to the considered but rejected appendix. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion stands approved.

The next motion was move Subalternatives 2D and 3D to the considered but rejected appendix. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion stands approved.

The next motion was to move the alternative requiring for-hire fishing vessels equipped with VMS to the considered but rejected appendix. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion stands approved.

The next motion was to move the Subalternative 5 to the considered but rejected appendix. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion stands approved.

The next motion is to move Alternative 6 to the considered but rejected appendix. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved. The next motion was to approve Amendment 30 for public hearings and DEIS review. On behalf of the committee I so move. Is there any discussion? Tom Swatzel.

MR. SWATZEL: I am going to continue to vote against moving this amendment forward. I talked a little bit about this at our last meeting. Clearly, the snapper grouper fishery from a commercial perspective is struggling economically. We heard testimony from fishermen at the North Carolina meeting who are having a very difficult time making their house payments alone, must less trying to front the \$3,000 to be able to have one of these units installed; plus the installation cost and then plus the monthly cost to operate them.

I know Michelle mentioned this earlier, but Scott Baker with the North Carolina Sea Grants Program, who has a lot of experience with electronic monitoring of snapper grouper vessels in the South Atlantic provided some of his preliminary thoughts about VMS for the South Atlantic. I will read a portion from his paper that he sent to everybody.

“It appears that a more frequent ping rate will be required in this fishery if the objective is to capture 100 percent of the fishing locations in the VMS record on a given trip.” He is saying on average it appears that a one-hour VMS ping rate will capture only about 40 percent of unique sets documented by the observer.

Clearly, if you’re wanting to achieve your data goals, you’re probably looking at having to have a much higher ping rate, which equates to a much higher monthly cost for fishermen again at a time when we don’t really need to be imposing more cost. Again, we also talked about the fact that there are so many amendments now that we’re working on is this really a good use of staff time to be working on this amendment that really has very little if any support from the fishermen.

If you look at the comments associated with this meeting alone, I think I counted about 30 comments via e-mail or the council's Facebook page, all in opposition to VMS. I think we heard maybe a couple of comments today that were in support, but that's all. I think if this moves forward, I think we will continue to hear this at the public hearings in June. For those reasons, I will be voting against this.

MR. BURGESS: I agree with Tom in all his comments, and one addition is North Carolina not being able to access this information, so I will also be voting against the motion.

MS. BECKWITH: I will voice again the concerns I've had that as we move forward with the shared visioning process, that the timing of VMS implementation would be likely during our port meetings. I would be concerned that the major conversation would not be the shared vision.

DR. DUVAL: Are there any other comments with regard to this motion? Mel.

MR. BELL: I will just say while I agree with everything Tom said, I would tend to vote for it just based on the fact I'd like to see this go out and get a good hearing and get a lot of focused input. I would just like to see it move forward, but I have the same concerns about it that have been expressed.

DR. DUVAL: If there are no other comments; I would like to go ahead and call for a vote. Could I please ask for a show of hands of those opposed to the motion? The motion passes with three in opposition. Okay, at this point we are going to go back and take a roll call vote on the request for emergency rule extension for yellowtail snapper.

MR. WAUGH: Chairman Cupka.

MR. CUPKA: Yes.

MR. WAUGH: Vice-Chairman Hartig.

MR. HARTIG: Yes.

MR. WAUGH: Mr. Amick.

MR. AMICK: Yes.

MR. WAUGH: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. WAUGH: Mr. Bell.

MR. BELL: Yes.

MR. WAUGH: Mr. Burgess.

MR. BURGESS: Yes.

MR. WAUGH: Dr. Crabtree.

DR. CRABTREE: No.

MR. WAUGH: Dr. Duval.

DR. DUVAL: Yes.

MR. WAUGH: Mr. Haymans.

MR. HAYMANS: Yes.

MR. WAUGH: Mr. Jolley.

MR. JOLLEY: Yes.

MR. WAUGH: Ms. McCawley.

MS. McCAWLEY: Yes.

MR. WAUGH: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. WAUGH: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. WAUGH: The motion carries with one no by the Regional Administrator.

DR. DUVAL: And once again the no vote by the Regional Administrator preserves the secretary's right to disapprove. Moving on, the next item under discussion was Regulatory Amendment 18, vermilion snapper and red porgy. Council staff presented an overview of comments received on Regulatory Amendment 18. The draft amendment was made available to the public via the council's website and input was solicited via e-mail.

Council staff presented a brief overview of the stock assessment update results for vermilion snapper and red porgy before addressing each of the actions in the amendment. The committee offered the following motions for the council's consideration. **The first was to accept the IPT recommendation for the purpose and need. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved.**

Under Action 1, to revise the annual catch limit, ACL, including sector ACLs and optimum yield for vermilion snapper, the committee made the motion to select Alternative 2 as the

preferred alternative. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.

Action 2 was to modify the commercial trip limit for vermilion snapper. The committee made the following motion: to add new Alternative 4 to Action 2, first season trip limit is 1,500 pounds and the second season trip limit is 1,000 pounds. When 75 percent of the commercial ACL has been met or projected to met, reduce the commercial trip limit to 500 pounds gutted weight. On behalf of the committee I so move. Is there discussion? Any objection? Seeing none; that motion stands approved.

The following was a motion to select new Alternative as preferred and that failed. The next motion was move new Alternative 4 to the considered but rejected appendix. On behalf of the committee I so move. Is there discussion? Any objection? Seeing none; that motion stands approved.

The next motion was to make Alternative 3 the preferred alternative. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.

The next action was to modify the commercial fishing seasons for vermilion snapper, and the committee made the motion to select Alternative 1 as the preferred for Action 3 and direct staff to add Action 3 to Regulatory Amendment 14 and add additional options. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.

Action 4 was to modify the recreational closed season for vermilion snapper and the committee made the motion to select Alternative 2 under Action 4 as the preferred. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.

Action 5 was to revise the annual catch limit, optimum yield and annual catch target for red porgy. There was a motion to add new Alternative 3 to Action 5, which is to revise the ACL including sector ACLs for red porgy for 2013 through 2015 as shown below, using the OY equals ACL equals ABC formula established in the Comprehensive ACL Amendment. The values for 2015 would remain until modified. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.

The next motion was to select new Alternative 3 for Action 5 as the preferred. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved. The next motion was to recommend to the council that Regulatory Amendment 18 be submitted for formal review. On behalf of the committee, I so move. This is a roll call vote.

MR. MAHOOD: Mr. Amick.

MR. AMICK: Yes.

MR. MAHOOD: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. MAHOOD: Mr. Bell.

MR. BELL: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Jolley.

MR. JOLLEY: Yes.

MR. MAHOOD: Ms. McCawley,

MS. McCAWLEY: Yes.

MR. MAHOOD: Mr. Phillips.

Mr. PHILLIPS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Vice-Chairman Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Chairman Duval.

DR. DUVAL: Yes.

MR. MAHOOD: The motion passes unanimously.

DR. DUVAL: Next we actually have a draft motion or we will need a motion to approve the codified text for Regulatory Amendment 18 as necessary and appropriate. We were not able to do that in committee because the codified text was not yet ready. **I would entertain a motion to approve the codified text for Regulatory Amendment 18 as necessary and appropriate.**

MS. McCAWLEY: So moved.

DR. DUVAL: Motion by Jessica; seconded by Charlie. Discussion? Any objection? Seeing none; that motion stands approved. The next motion was to give staff and the council chair editorial license to make changes to the Regulatory Amendment 18 and the codified text and allow the council chair to deem the codified text as necessary and appropriate. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved.

The next topic was Amendment 27. Council staff gave an overview of public comments received on the amendment and the committee made the following motions pertaining to this amendment. **The first was to approve changes to the purpose and need as recommended by the IPT. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved.**

The first action was to extend the South Atlantic Council's area of jurisdiction for management of Nassau grouper to include the Gulf of Mexico. **The committee made the following motion to approve the IPT's modification to preferred Alternative 2 and on behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved.**

Action 2 was to modify the crew size restriction for dual-permitted snapper grouper vessels. **The committee made the motion to select Alternative 3 as a preferred; and on behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.**

The next action is to modify the bag limit restriction on snapper grouper species for captain and crew of vessels with a South Atlantic charter/headboat permit for snapper grouper. **The committee made the motion to approve the IPT's wording changes to the alternatives and make Alternative 2 the preferred. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.**

The next action was to modify Section 1 of the Snapper Grouper FMP Framework Procedure. **The committee made the motion to select Option 2 below as the preferred and incorporate in the language of Alternative 2 under Action 4. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.**

The next action, Action 5, was to modify placement of blue runner in the fishery management unit and/or modify management measures for blue runner. **The committee made the motion to select Alternative 2 as the preferred. On behalf of the committee I so move.** Discussion? Roy.

DR. CRABTREE: I still have concerns about our record for doing this, particularly when you take into account the actions we took in the Comprehensive ACL Amendment. I know we have some commercial fishermen in Florida who have asked us to address the issue that we discovered with non-permitted fishermen who have apparently for some time been selling incidentally caught blue runner without snapper grouper permits.

My concern is that this may not make it through the process and ultimately be approved; and if it were to be disapproved, that would set us back considerably on the timing of all this. I kind of feel like we're taking a real risk with some folks' income, and it seems a little too risky. When I read through the amendment, the analysis in the amendment indicates that Alternative 3 would address the concerns those folks have raised and allow them to continue their historical practice. **I would make a substitute motion to make Alternative 3 the preferred.**

DR. DUVAL: There is a substitute motion by Roy to make Alternative 3 the preferred alternative; is there a second to that motion? I will give folks a chance to see what Alternative 3 is. Alternative 3 states retain blue runner in the Snapper Grouper FMP but allow commercial harvest and sale of blue runner for vessels associated with the commercial Spanish mackerel permit or a South Atlantic unlimited or 225-pound permit for snapper grouper. Gill nets are an allowable gear for only blue runner in the snapper grouper fishery. That is Alternative 3 under Action 5 and Roy has made a substitute motion to make this the preferred. Is there a second to that motion? Tom Swatzel seconds. Discussion? Jessica.

MS. McCAWLEY: I don't know – and Ben can help me – I don't really think that this fully solves the problems especially since the bulk of these landings are in state waters and from shore. I still think that this would require a federal permit. We don't have that in state rules. I did send around – I sent something to Mike Collins that he sent around to everybody that listed the regulations that are in place in state waters for species.

There was a rule that applies primarily to the Gulf for bait fish. The e-mail that Mike sent around was on the 6th and it came through at 4:33 p.m. and listed in that e-mail are all the regulations that would apply to blue runner at this point. I can explain any of those things if you have any questions about it, but I said I would come back with this information.

MS. BECKWITH: If this doesn't pass, I would suggest that we would add an action to Amendment 19 or 20 and initiate putting blue runner into the CMP FMP. It seems more appropriate.

DR. CRABTREE: Well, you need to think that through; because if you stay with your current preferred, then you're making the argument that blue runner doesn't require federal management. If you make that argument here, you're going to be hard pressed to come back in and add it to

the coastal migratory pelagics, because then you would have to make the argument that it does require federal management.

That would be kind of a weird way to go with it that I think would be problematic. I think fishermen fishing in state waters who don't have a federal permit would be able to sell blue runner unless the state took some action to prohibit that. It seems to me we have got an issue here with some hook-and-line catch of blue runner and some incidental catch in the Spanish mackerel gill net fishery by people who don't have snapper grouper permits, but presumably do have Spanish mackerel permits.

Remember, Spanish mackerel is an open access permit so anyone could get one. Now, I don't believe there is any targeted fishery for blue runners with gill net. I think it is all incidental to Spanish mackerel. It seems to me this would solve our problem. If we retain blue runner in the FMP, if you then wanted to move it into the coastal migratory pelagics plan at some future point, then you could do that. But if you remove it, then I think you're rationales are getting awfully confused if you have some intention of adding it to the coastal migratory pelagics plan down the road.

MR. HAYMANS: I guess I was thinking along the lines of what Roy was talking about with regards to that 56 percent of the fishery occurring from the beach. Really, that can continue, right, and that is recreational harvest from the beach. I don't see where the federal regulations are going to apply to that.

It certainly does, I guess, in the sense of the ACL if it finds its way into the ACL quota. I guess the other thing is why wouldn't we just go with Alternative 4 for now? If anybody has heartburn over them having to buy a Spanish mackerel, it keeps it in the plan; therefore, we can move forward with it; and if we need to move it, it is still under the management plan.

DR. DUVAL: Doug, I am going to let Jessica answer that, but I think part of the issue is that it is being caught incidentally in gill nets, and that is not allowable gear. Jessica.

MS. McCAWLEY: To Doug's second point about Alternative 4; that does not address the gear problem. To Doug's first point about the percentages; yes, there is this high percentage that is caught from shore, but in addition the points that Ben and I were bringing up that 75 percent is caught in state waters. Our cutoff was originally 80 percent.

I would argue that we were very close to that cutoff for pushing it out of the FMP entirely. We're going down this road for federal management and whether it stays in this amendment or it goes over to coastal migratory pelagics, and I just think that ultimately we're not really affecting the management of this species that much if that high a percentage is taken in state waters. Alternative 4 doesn't fix it either because of the gear issue.

DR. CRABTREE: And I don't dispute that we might not be affecting the status of this stock; but just to the point about state landings, in the ACL Amendment the criteria we used 95 percent; not 80. We had an alternative for 80. We had an alternative that looked at 90, but the preferred we chose for what we took out was 95 percent in state waters. That is part of the difficulty we have

here is we appear to be departing from that in this instance, because I think blue runner is closer to 75 percent. It is the inconsistency of it that is a little worrisome to me.

MS. McCAWLEY: I think you just proved my point. If we can't ultimately affect its management, then why are we managing it?

MS. BROUWER: I just wanted to remind the committee that you would have to first remove it from the Snapper Grouper FMP even if your intent was to later on put in the Coastal Migratory Pelagics FMP; so removing it from the FMP does not preclude federal management.

DR. CRABTREE: Well, to that point, if the rationale for removing it from snapper grouper was to put into the coastal migratory pelagics plan, I would agree with you, but the rationale that we're making now and what I'm hearing and what I believe is reflected in the document is we're removing it because we don't believe it requires federal management, and that would have a bearing on putting it back into it. I think it all depends on the rationale on how we're doing it.

MR. HARTIG: Well, the state doesn't classify it as a reef species, so that is one of the determining factors. The other is I don't believe the productivity of blue runner from the SSC's deliberations – the productivity of the stock is higher than that of which the SSC set that, which is not really a determinator in this fishery, but the impacts of that and when they occur will probably be – and it almost happened this year, given the landings already this year, that the gill net fishery is going to be shut out of the fishery, anyway.

The commercial quota will be caught before they get their access to the fish and they will have to throw those animals over dead for no particular reason. To me the determining factor of this when I went through it is when I saw the percentage of fish landed from the shore mode, and that was what really struck me as a significant different from any other species that we manage.

I don't see this being, that I can think of, that any of the other species we're managing where we would have this consideration where 50-something – plus 50 percent is caught from the shore mode. I think this is a unique situation for blue runner. We used a number of different things to characterize what we put in and out of the species in the ACL.

We did not use the 95 percent occurrence in state waters as a total exclusatory action for the number of species we kept under federal management. I think blue runner is an exception and I think that we can lay out the rationale of why it is an exception, and I think that we're on pretty strong footing going forward with the motion that we have.

DR. DUVAL: Is there other discussion on this motion? **We have a substitute motion on the floor to select Alternative 3 as the preferred that was made by Roy and seconded by Tom Swatzel. Is there any other discussion? Could I please see a show of hands for those in favor of the substitute motion? I count two in favor. The motion fails.**

We are back to the original motion, which was to select Alternative 2 as the preferred. Is there anymore discussion on this motion? Can I please see a show of hands of those in objection to this motion? The motion passes with two objections.

The next motion was to approve Amendment 27 for formal review and on behalf of the committee I so move. This requires a roll call vote.

MR. MAHOOD: Mr. Amick.

MR. AMICK: Yes.

MR. MAHOOD: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. MAHOOD: Mr. Bell.

MR. BELL: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Jolley.

MR. JOLLEY: Yes.

MR. MAHOOD: Ms. McCawley.

MS. McCAWLEY: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Vice-Chairman Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Duval.

DR. DUVAL: Yes.

MR. MAHOOD: The motion passes unanimously.

DR. DUVAL: We were not able to look at the codified text for Amendment 27 because of changes that occurred due to committee discussion; so at this point I would entertain a motion to approve the codified text for Amendment 27 as necessary and appropriate. Motion by Jessica; seconded by Charlie. Is there any discussion? Any objection? Seeing none; that motion stands approved.

The next motion the committee made was to give staff and the council chair editorial license to make changes to Amendment 27 and the codified text and allow the council chair to redeem the codified text as necessary and appropriate. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved.

The next item on the agenda was Regulatory Amendment 14 dealing with multiple snapper grouper species. Council staff assisted the committee with a review of actions and alternatives in the options paper for this amendment, as well as timing. The committee offered the following motions.

With regard to Action 2, which is to reduce the trip limit for greater amberjack, the committee made a motion to remove Action 2 from Regulatory Amendment 14. On behalf of the committee I so move. Is there discussion? Any objection? Seeing none; that motion stands approved.

Action 3 was to implement additional regulations to protect mutton snapper during the spawning season. The committee made a motion to remove all actions/alternatives relative to mutton snapper from Regulatory Amendment 14 and forward to the South Florida Management Committee for their consideration. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.

Action 4 was to change the measurement method for gray triggerfish to have consistency between state and federal waters. The committee made a motion to accept the IPT's suggestion to add Alternative 3, which is to specify the minimum size limit for gray triggerfish in inches fork length in federal waters off North Carolina, South Carolina, Georgia and East Florida. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved.

Action 5 is to increase the minimum size limit for hogfish. The committee requested to keep this action in Regulatory Amendment 14 but include it for discussion on the South Florida

Management Issues Committee Agenda. Action 6 is to revise the annual catch limit including sector ACLs, optimum yield and annual catch target for black sea bass. **The committee made the motion to move Action 6 to a separate regulatory amendment. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.**

Action 7 is to modify the fishing year for the black sea bass recreational sector. **The committee made a motion to add another alternative to Action 7 to modify the recreational fishing year for black sea bass to being on May 1 and end on April 30. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved.**

The next motion was to request the Snapper Grouper Advisory Panel provide input on possible regional recreational fishing year start dates for black sea bass. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.

There was guidance given to staff to provide an appropriate analysis of black sea bass landings throughout the region in order for the AP to discuss this. Action 8 is to modify the fishing year for the black sea bass commercial sector. **There was a motion to add an alternative to Action 8 to consider a closed season for the black sea bass pot fishery from November 15th through April 15th. On behalf of the committee I so move. Is there discussion? Objection? The motion passes with one objection.**

The next motion was to modify Alternative 3 under Action 8 as follows: Alternative 3; open the black sea bass commercial season only to the hook-and-line sector on January 1 with a trip limit of 50 pounds. The trip limit ends with the opening of the black sea bass pot season. On behalf of the committee I so move. Is there discussion? Any objection? Seeing none; that motion stands approved.

The next motion was to add an alternative to Action 8 to modify the commercial fishing year for black sea bass to begin on May 1 and end on April 30th. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved.

Action 9 is to modify the recreational bag limit for vermilion snapper. **The committee made the motion to move Action 9 to the considered but rejected appendix. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.**

Action 10, which is formerly Action 3 in Regulatory Amendment 18, to modify the commercial fishing seasons for vermilion snapper. **The committee made the motion to request that staff develop a suite of alternatives that would assign 100 percent of the ACL increase to the second season and consider changes to the start date of the second season on June 1 and May 1. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.**

The next motion was to request that staff develop a suite a alternatives that would assign 25 percent of the ACL increase in the first season and 75 percent of the increase in the second season and consider changes to the start date of the second season on June 1 and May 1. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.

Action 11, which was formerly Action 10 in this amendment, modify the aggregate grouper bag limit. **The committee made the following motion to accept the IPT's recommendation to modify Subalternatives 2A and 2B to include clarification that the bag limit for black grouper would remain one fish. On behalf of the committee I so move.**

I would like to have some discussion about this because as it states – our current regulations state that you can have one black or one gag but not both. So if you say that you can have two gag in the bag limit; does that mean that you have two gag and one black or if you keep a black you can't retain any gag at all. If you allow two gag and one black, that could potentially increase the retention of black grouper and affect the catch. Jessica.

MS. McCAWLEY: Yes, I was asking that same question when we were having the discussion during committee. It seemed like we came around to no matter what we changed it to, you were just allowed one black; but it seemed like our intent was even if we increased gag to two, you could still have that one black. The kind of either/or thing seemed to be going away and instead it is just one black. I don't think it is black or some gag, whatever that some is.

DR. DUVAL: And that is what I think wanted to clarify. That was brought up by staff that you make that either/or go away. Doug.

MR. HAYMANS: I guess I thought that if you had two gags you couldn't keep a black; but if you had a gag, you could have a black.

MR. PHILLIPS: And I'm like Doug, I didn't think we were going to three fish. I thought we were going to keep it at two fish whether it was one gag, one black, or two gags. That was what I was thinking.

DR. DUVAL: We still have this motion on the floor and the next motion deals with basically not increasing the aggregate bag limit but allowing for retention of two gags so we maintain things at a three-fish aggregate limit but would allow for two gags. When this was brought up to me by staff, you can see some highlighted language.

These were some suggestions that I came up with that may – and this is if it is the committee's desire to maintain the either/or on gag or black, but you could maintain the aggregate grouper bag limit at three fish and have a subalternative that says up to two gag are allowed within that aggregate, but possession of gag and black in that same bag limit is not allowed. Similarly, if the bag limit were increased to four fish, you could allow either one gag or up to two, but again possession of gag and black are not allowed in the same bag limit. Jessica.

MS. McCAWLEY: It seems like the highlighted Alternatives 2 and 3 address what Doug was saying his intention was. I had the opposition intention that you could have both instead of either/or.

DR. DUVAL: And I wrote these late at night; so if they don't make sense, I apologize. Jessica.

MS. McCAWLEY: I would be for not approving these new yellow alternatives because I think that you should still be able to have one black. I think that there could be some identification issues. I think that black are doing okay. I just don't think it is necessary.

DR. DUVAL: So, again, it is necessary to maintain the either/or that we currently have?

MS. McCAWLEY: Correct. We're having a debate over here. Is the reason that it is either/or now; is that not because of identification concerns?

DR. DUVAL: We have to ask Myra or Gregg or someone else because I can't answer that question. Jack or Roy, do either of you recall why it is either/or?

DR. CRABTREE: I think it likely had to do with the fact that gag are called black grouper in many areas, and there was the feeling it would concern people. I can't tell you when this was put in place if we were more concerned about black grouper than we were gag or vice-versa, because it has been a long time.

MR. MAHOOD: As I recall, part of it is what Jessica said. We had a lot of people come and just say that you really can't tell them apart in some places. Sometimes a black grouper is more distinctive and sometime it looks like a gag. That was a major problem we encountered when we first started dealing with that.

MR. HARTIG: It is a real problem in Florida because this is a common occurrence of blacks and gags. It is probably the only place in the South Atlantic jurisdiction where it does occur. I'm going to defer to what Jessica suggested on this one because she has to deal with the state management issues of black and gag all the time.

DR. DUVAL: Well, staff just wanted to make sure that this was brought to our attention. We have this motion on the floor to accept the IPT's recommendation to modify Subalternatives 2A and 2B to include clarification that the bag limit for black grouper would remain one fish. We can go ahead and vote this up; and judging by the conversation around people, if people don't have a problem that you would be allowed to retain gag and black in the same bag limit, then we can just move forward. Jessica.

MS. McCAWLEY: Just one more point; you know, scrolling down the page and seeing what other motions are coming, we talked about that accountability measure to decrease the bag limit, and so to me that just confuses things more if you don't just flat out say we're keeping black at one. If you're trying to say either/or, then this accountability measure technically kind of applies to black, also, instead of just gag. I think our intent was to just apply it to gag.

DR. DUVAL: Right. **All right; any other discussion? Is there any objection to this motion? Seeing none; that motion stands approved. The next motion was to add an alternative to not increase the aggregate bag limit but allow for retention of two gag; maintain black grouper at one fish within that aggregate. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved.**

The next motion was to add an alternative to consider an accountability measure that would decrease the bag limit of gag to one fish the following season should the recreational ACL be exceeded. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved. There is guidance to staff to look at the accountability measure from the Gulf that is similar to this.

The next action is Action 12, which was formerly Action 11, to modify the accountability measure for the commercial sector for gag. **The committee made the motion to direct staff to conduct the necessary analysis to arrive at an appropriate date to trigger the trip limit step-down; also consider a range of trip limit options. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.**

Action 13, modify the recreational accountability measure for vermilion snapper. **There was a motion to add a new Alternative 3 that retains the in-season closure authority but removes the payback provision. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.**

The next motion was to move forward with consideration of modification to the vermilion snapper accountability measure but consider changes to the red porgy accountability measure in a future amendment. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none that motion stands approved.

The next motion was to add an alternative that tracks the language of accountability measures in Amendment 18 to the Coastal Migratory Pelagics FMP; payback only if the total ACL is exceeded and the stock is overfished. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved.

The next topic was Regulatory Amendment 16. The committee reviewed the options paper and timing for this amendment and made the following motions. **The first motion was to approve the draft purpose and need for Regulatory Amendment 16. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.**

The next motion was to request that the golden tilefish longline endorsement holders be brought together to discuss long-term management of the fishery once the endorsement program has been implemented and as soon as practicable. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion stands approved.

The next topic was marine protected areas for speckled hind and Warsaw grouper. Dr. George Sedberry, Chairman of the MPA Expert Workgroup, gave a presentation to the committee

summarizing the recommendations from the workgroup. In addition, Mr. Mark Brown, a for-hire captain serving on the workgroup, presented a minority report to the committee. After a lengthy discussion, the committee offered the following motions for the council to consider:

The first motion was to bring the MPA issue back to the Snapper Grouper Committee at the September meeting to develop a purpose and need and potentially consider options for reconfigurations and spawning. On behalf of the committee I so move. Is there discussion?

DR. CRABTREE: So our intent with this would be that staff will bring to us at the September meeting a draft purpose and need that we will review and then that we will look at the different options that have been developed to reconfigure the existing MPAs and then we will look at some of the expert working group areas that we believe contain spawning aggregations and we will review those at the September meeting; correct?

DR. DUVAL: That is my understanding, yes. Gregg.

MR. WAUGH: Just so we're absolutely clear, the staff will work on draft language for purpose and need, but then you all will do the selection of alternatives at the September meeting of which sites meet that purpose and need.

DR. CRABTREE: Yes, but we will be looking just at the reconfigurations and staff will need to go in of the other working group recommendations and flag which ones of those we think are the working group or whoever thinks contains spawning aggregations and then we will look at those, but we will need you guys to flag which ones those are.

MR. WAUGH: Fine; thank you.

DR. DUVAL: Is everybody clear? Ben.

MR. HARTIG: There was a lot of discussion. I kind of sat back in a lot of it and listening to what the committee wanted to do to move forward. I think we need to frame it – and I think I might mentioned this part in the discussion with the committee that we need to frame it in the context of removing the 240-foot closure; that and the purpose and need.

The other thing is that I think we need to take ownership of this action. We have asked the center, the region, the SSC to come up with what we need to do to accomplish our goal. I think we just need to take percent occurrences and have a range of percentages that we're going to be comfortable with, that we think will protect these stocks, and then use that to frame our decisions on how many MPAs we are going to have.

If you use the percent occurrences and use a percentage of whatever that may be, first you start with the MPAs we have and what did that give us. The next I would go is what would the reorientation do; and, number three, I would go with Roy's suggestion about looking at known spawning and suspected – I would both because we have fishermen information of not documented spawning areas but where spawning probably occurred in the past.

If we frame it in that context, that gives staff a little bit of direction on how to move and it gives us a direction, and we take ownership of the percentages. I don't know how you all feel about that. I have thought about it a long time. Given that we can't get a definitive answer from anybody, that is an interesting way forward.

DR. DUVAL: I think that sounds like a reasonable thing to consider. I think the other thing, Ben, that I would add to that size of range of percent occurrences would be percent suitable habitat. That is clearly something that is required. Charlie.

MR. PHILLIPS: Ben, we do need to take ownership of this, but I don't know that I want to lock us into any hard percentages because when I was at the workshop and I asked Joey why weren't they showing occurrences where my fishermen are seeing occurrences, he said we don't sample there; the tide is too bad. I don't think that we would be wise to lock ourselves into the numbers of just what they're showing us because I think we're going to have to use our knowledge and our fishermen's knowledge to have some leeway in there in figuring out what we want to do and where we want to do it.

DR. LANEY: Mel touched on it the other day when I think he made the point and he may be going to make the same point again this morning, but keep in mind – I know the context of this discussion has been speckled hind and Warsaw grouper, but there is ample literature out there that shows the benefits of MPAs for other species, including reports that have been provided to this council.

I'm looking at the one from Stacey Harter and Andrew David from the Southeast Fisheries Science Center, and a couple of their conclusions are, you know, gag – they said gag grouper. This is their report on the benefits of I think the – which one – the South Atlantic Marine Protected Areas; so after six years of evaluation, they're finding in 2010 the highest level of gag grouper that were more abundant in 2010 than any other survey year.

So, clearly, there is a benefit for at least that species and other species. I have other multiple other reports on my hard drive. I won't go into details, but there are plenty of examples out there where establishment of marine protected areas has resulted in tremendously increased biomass of not just target species in those cases where MPAs were targeting a certain species, but of the entire community within side the closed area.

MR. BELL: I guess Wilson is a partial mind reader. I was just going back to that point of purpose and need. Going back to the original establishment of these sites, they were intended to benefit a broad spectrum of deepwater snapper grouper species and not just speckled hind and Warsaw. I guess we will decide this; is the purpose now to shift the focus of these things to achieve maximum benefit for those species.

In other words, if you have got quite a bit of area already encompassed into some of these existing sites and you were to shift that same amount of area one way or the other specifically to focus on those; is that what we want to do?

Then when you do that, you might then lose some benefit to other aspects of what we were already achieving. We just need to be clear on that, is that wasn't the original focused purpose of these sites just to focus on those two species. If that is kind of the intent now, we just need to be clear, I guess.

MR. CUPKA: I agree with Charlie. I don't think we need to get locked into a certain percentage because for one thing we don't know what percentage that we need is, and I don't know that we're ever going to get it. I think George and his group did a great job, if we decide we need some additional area, in providing the areas to look at. Again, I don't think we know what that percentage is. Ultimately I think it is going to boil down to is what is this council satisfied with.

We talked the other day about an insurance policy and all. Nobody is going to provide a concise answer to what percentage we need, and ultimately it, like I say, is going to come down to what we're comfortable with and what we think provides the amount of protection that these species need. I don't think we need to get locked into a certain percentage either, Charlie.

MR. HARTIG: One other thing; Gregg, when Nick did his wizardry, I remember seeing an HAPC percentage that we would have decreased probably fishability from those HAPCs by prohibiting anchor. There is a fishability coefficient, I will just say that. I will characterize it as that. I thought he brought it into the discussion. I saw he had I think a 50 percent CHAPC designation on one of the bottoms of that. I haven't gone into it in detail, but do you remember if that was – I mean, if somehow in his wizardry that was incorporated in this process?

MR. WAUGH: Yes, there was some benefit accounted for in HAPCs and I think that is part of what would go into your no action alternative; what benefits are we getting from our existing MPAs, our HAPCs, the proposed HAPC under Coral Amendment 8. So, yes, that will be accounted for in the no action alternative, and I think that is in the spreadsheet already.

DR. LANEY: I will make it quick, Madam Chairman. I just throw these other numbers out there. This is from one in Cabo Pulmo National Park, which is in the Gulf of California – Mexico. They established this one in 1995, and by 2009 they found that the biomass of top predators and carnivores had increased by eleven and four times, respectively.

Now, the one thing that was a little bit different about this one – and, by the way, these increases occurred without any comparable increases in some other MPAs within the same general area. The reason they say one is so successful – and this is something that I think the council needs to take into consideration as well – is that this one had strong community leadership and a lot of social support locally for it, as well as effective enforcement. We have talked about that an awful lot as well as ecological factors. I will just send this around to everybody so that everybody can read it.

DR. DUVAL: I think everyone is well aware that in order for marine protected areas or any kind of area protection to work, it has to be supported by the community and by the people it is impacting. **Are there any other comments or are people ready to vote on this motion? Is there any objection to this motion? Seeing none; that motion stands approved.**

Then we got into other business, and Dr. Dr. Bonnie Ponwith presented red snapper recreational landings estimates as reported by the MRIP. Committee members expressed concern that the MRIP estimates were not, in their opinion, credible. Also, committee members expressed concern regarding how the states' count estimates from red snapper carcass drop-offs would be utilized to estimate landings. Dr. Ponwith offered that staffs from the Southeast Fisheries Science Center and the states convene to review the issue and figure out a way to produce defensible landings estimates with the available information.

The committee made the following motion to move forward with scheduling an online or telephone meeting of the council to consider the new ABC and setting ACLs for black sea bass soon after the stock assessment update has been reviewed by the SSC. On behalf of the committee I so move. Is there discussion? Bob.

MR. MAHOOD: We didn't say webinar but that is what we would intend to use. I guess online or telephone meeting encompass a webinar.

DR. DUVAL: That is correct. Monica.

DR. SMIT-BRUNELLO: I had a question. That is the ACLs for both the commercial and recreational sectors?

DR. DUVAL: That is correct, yes. Gregg.

MR. WAUGH: Just to clarify; all we're looking at here is increasing the ABC, the ACLs, and if we have ACT adjustments. It would be both recreational and commercial, but that's it. I'm sorry, but did you all talk about the date?

DR. DUVAL: We have not and I think we will get to that when we get to the timing and task motion. **Is there any other discussion on this motion? Any objection? Seeing none; that motion stands approved.** Then there was one item under other business that I know Tom Burgess wanted to bring up, but I think it is pretty important, so I would like Tom to speak to that here. We just ran out of time on Wednesday to do this. Tom.

MR. BURGESS: I would like make a motion to direct staff to begin preparation on a snapper grouper plan amendment to consider a range of alternatives for setting specific allocations for black sea bass commercial hook-and-line and pot fisheries based on historic landings. That range of alternatives is hook and line 15 percent, pots 85 percent; hook and line 20 percent, pots 80 percent; hook and line 25 percent, pots 75 percent.

DR. DUVAL: **Is there a second to that motion? Seconded by Anna.** On the screen, Myra, it looks like it says 86 percent instead of 85. Discussion? Tom.

MR. BURGESS: I worked off of the SEDAR 25 landings information and I have information concerning all the alternatives, but I guess that probably isn't – unless it is necessary at this time to justify them; I am prepared to do that. If that seems like an appropriate range of alternatives, I hope it does, but I am prepared to justify them with information.

DR. DUVAL: I think this is an appropriate thing to look at; particularly if the assessment comes back favorable, we can give some more fish back to the fishermen. I know there has been a lot of dissatisfaction on the water with some of the folks who just missed getting a sea bass pot endorsement. This is something that they would like to see is an allocation specifically for the hook-and-line sector. Is there any other discussion on this motion? Is there any objection to this motion? Seeing none; that motion stands approved.

Now we get into our timing and tasks. The first item Gregg referred to, which is to schedule a council meeting via webinar or a conference call before the June 2013 meeting to discuss adjustment to the black sea bass ABC, ACL, ACT based on results of the stock assessment update. There is a note that we're looking at the afternoon of Monday, May 13, or some day early that week. Gregg, did you want to speak to that?

MR. WAUGH: Yes, if we can go ahead and set this date now, it will certainly make things easier for us, because this isn't that far in future. Trying to get you all together is tough. It will also let us know what our deadline would be for getting this draft regulatory amendment completed and available for the public. If we go with that May 13, on the afternoon, then means by April 26th, which is right after the Snapper Grouper AP meeting, we would have a draft regulatory amendment out for your review and public review and comment.

That timing would give us the opportunity to fold in any recommendations from the AP, and, of course, we will have the SSC recommendations earlier as well. I don't see how we could do it any sooner than that. If you go later than that, you start cutting into any of the benefits from getting this regulatory amendment down to the region a month before our June meeting. We'd really urge, if we could, to go ahead and agree on that date today.

DR. DUVAL: Do people have their calendars with them; can folks take a look at their availability? Jessica.

MS. McCAWLEY: Of course, this is no surprise; I'm not available, but Martha could sit in on it.

DR. DUVAL: Monday, May 13th. Are there any other known conflicts at this point? Monica.

MS. SMIT-BRUNELLO: I do have a conflict, but someone else from my office, I'm sure, ought to be able to attend.

DR. DUVAL: Well, that would be great if between Jessica and Monica you could each find someone to proxy for you. If everyone can block off I guess the afternoon of May 13th on their calendars; was that what it was, Gregg, an afternoon? I don't think we need a whole day.

MR. WAUGH: Starting at 1:00, say, and depending on the – we will have to work with Monica and the region on how to structure this to ensure that we've got time for some mechanism for public comment. We can certainly accommodate e-mail comments and written comments ahead of time, but then to what extent during that webinar we want to allow public comment; and so I'd say let's plan on starting at 1:00 o'clock.

DR. DUVAL: One o'clock then sounds good. All right, I am just going to quickly run through the rest of the items on the timing and tasks and then I will ask for a motion to approve the timing and tasks. The second is to request that staff compile data on average catch of gray triggerfish in commercial landings.

Number 3: Staff should keep track of any actions the council may need to consider in an amendment to the Snapper Grouper FMP to manage gray triggerfish, such as trip limits and different limits for different seasons, et cetera.

Number 4: The Snapper Grouper Committee would like to consider restructuring of the Snapper Grouper Fishery Management Unit to remove the jacks.

Number 5: Request that the Snapper Grouper AP provide input on regional allocations for black sea bass.

Number 6: Conduct public hearings for Amendment 30 in the April/May timeframe. The note here is that they're looking at holding our first hearing April 23rd or 24th in North Charleston while the Snapper Grouper AP is in town for a meeting.

MR. WAUGH: Just quickly; we're checking the sites now but we spoke with our Georgia folks, and they don't feel we need to hold a hearing in Pooler. They can pick up Jacksonville. What we're looking at right now, just so you all know given the short turnaround, is April 15th in Jacksonville/Jacksonville Beach; the 16th in Cocoa Beach; 17th, Key Largo; 23rd, Charleston; 25th New Bern.

MS. SMIT-BRUNELLO: I had a question on Item 4, and I think I know the answer to it, but I would like to get it on the record. I think Doug brought this up; removing jacks from the Snapper Grouper FMU; and then, what, placing them into another FMP?

DR. DUVAL: I think that was Doug's thought, and Ben has spoken to that before, taking the jacks and giving them their own FMP. Any other questions on the timing and tasks? **If not, I would entertain a motion to adopt the timing and tasks. Motion by Charlie; second by Tom Burgess. Any discussion? Any objection? Seeing none; that motion stands approved.** Is there any other business to come before the committee? Mr. Hartig.

MR. HARTIG: I'm sorry; it has been a long week and I neglected to bring an action before you that we could possibly do. In the golden tilefish fishery the reopening was pretty late in the year, and there are 53,000 pounds, I think, Jack, outstanding quota that was not caught on the commercial ACL.

Golden tilefish is one of those few species we have where we have enough room in the ACL to actually be able to add that 53,000 pounds to this year and not have a problem. It would still be under the ABC for the golden tilefish fishery. **I would offer a motion that we develop a regulatory amendment to add the 53,000 pounds of golden tilefish commercial ACL from 2012 to the commercial allocation for 2013. The additional pounds will be added to the longline allocation.**

DR. DUVAL: There is a motion by Ben; is there a second? Seconded by Martha/Jessica.

MS. SMIT-BRUNELLO: Ben, I have a question. This was unused from last year, so to speak, and you want it added to this year's ACL; and so we would be exceeding this year's ACL unless we changed the ACL. It is an annual catch limit and I think you would have to respecify the ACL; or else if you had the ACL we have now and you add these fish on, then you're exceeding the ACL for this year; right. We would have to think about increasing then the ACL for this year.

DR. CRABTREE: That's right; and that is effectively what this would do. I guess, one, you're going to have to look and see how much room is there between the ACL and the ABC. I don't know if it is 53,000 pounds or not, but there is some room there and you may not be able to move all of it.

Are you going to allocate it equally using our current allocation of recreational and commercial; are you going to give all of this to the commercial? And then what happens later this year if you do this; because right now we're planning to raise the trip limit back to 4,000 pounds from March 13 to March 21; and then after that the trip limit is going to kick in. So if you move this forward, it would be fished under the trip limit unless you do something in this amendment to change that. There are several things you need to think about there.

MR. HARTIG: What is specific to being fished under the trip limit? I mean it will be –

DR. CRABTREE: Well, after March 21 the trip limit of 300 pounds, right, will kick in; so if you add this in, it would be added in but it would be still under the trip limit, presumably, and so the longliners wouldn't be able to fish it is what I'm getting at. If you're intent is to add this in and let the longliners fish it, then you're going to have to figure out how to deal with that.

MR. HARTIG: Well, realistically, what is going to happen is Amendment 18B should be in effect by the time we do this, okay.

DR. CRABTREE: And then the trip limit is gone at that point. Okay, so then would the extra that comes in be allocated 25 percent to the handline and 75 percent to the longline fishery? That is the way we did it in 18; right?

MR. HARTIG: Yes. My intent was to give it back to the longline fishermen because I'm not sure we're going to catch the allocation that we have this year.

DR. CRABTREE: Well, I think I agree with you. It is just to do that we will have to make sure all that is covered in the regulatory amendment. My point to this is it is not just as simple as adding it in. There are other decisions that we're going to have to make and they may require alternatives, et cetera, to do that.

MR. HARTIG: Okay, as usual it got more complicated. Given what you see in the analysis in regulatory amendment; do you think we can get this done before the season and be able to add this for 2013?

DR. CRABTREE: Well, I think that depends on where you put it in your list of priorities. We have a tilefish regulatory amendment now that I guess this could go in or if you do this separately. But if this is one of your high priorities, I think we could get it done; but if it is not a high priority, I suspect it wouldn't get done. I'll defer to Gregg on that, but in theory you could get it done.

DR. DUVAL: Can I just say something? This is a quota rollover issue; and once again, this is something that we have dealt with up in the Mid-Atlantic. Generally there are provisions for what percentage of unused quota you can roll over from year to year. I understand Ben is trying to give back some of the fish that fishermen were not able to catch under this year's ACL. A suggestion might be to consider development of a quota rollover provision within Regulatory Amendment 16. That isn't going to solve the problem that you're trying to take care of right here, but it would allow for some thoughtful discussion about it to go on. Gregg.

MR. WAUGH: As for timing, we would have to look at it when we do the Executive Committee. We have got the results when the committee report meets, and that would determine where – obviously it is not ranked now. If you choose to put it in one that is ranked high, then it could get done. I had a question about the 53,000 pounds. Is that from the quota monitoring system or is that from the more detailed landings tracking that is done afterwards when they look at all the trip tickets? My concern would be, quite frankly that we start working on this and that number changes.

DR. DUVAL: That is valid concern. Roy,.

DR. CRABTREE: And I suspect that number will change and I suspect it will come down, but I think Jack is telling me we would probably get the final landings before the next meeting; right?

DR. McGOVERN: Right.

DR. CRABTREE: So we should know the answer to that by June. I think that number that you're talking about is just from the quota monitoring website, Jack?

DR. McGOVERN: That is the last season's report.

DR. CRABTREE: And so to the extent more landings came in, it would likely go down.

MR. PHILLIPS: Yes, and to your point about just rollovers in general, I think we need to consider do we want to spend our time and energy and staff time looking at something that is going to fix things long term versus short term? I think we're just going to have it weigh it all in there, but I definitely think we need to look at this long term.

DR. CRABTREE: Just remember, though, I think in most of fisheries we have the set the ACLs equal to the ABC, and there is no room for carrying over. Then you'd have to go back to the SSC and redo it all then. We could take a look at that, but I'm not sure how many fisheries we have where you could even potentially do this.

MR. HARTIG: Myra, in the one week on and one week off; that is Regulatory Amendment 16?

MS. BROUWER: Correct.

MR. HARTIG: And the timing of that would be – if we stuck this into that one; would it be approved for this year?

MS. BROUWER: Yes, you would look at it again in June and approve it for public hearings in August.

MR. HARTIG: Final approval in September?

MR. WAUGH: Implementation next year.

MR. HARTIG: Yes, it wouldn't work. Well, we've got a motion and we have had a lot of discussion. Roy said we could do this. If it was in its own amendment, we have the workload issues that I'm very sensitive to. We've heard some discussion on both sides of it. Let's vote it up or down.

DR. DUVAL: **All right, could I please see a show of hands of those in favor of the motion. I count five in favor. Those opposed, six. Five in favor, six opposed, the motion fails.** There is one more quick thing. Tom Burgess wanted to give us an update on some research he is going to do that is pertinent to our commercial size limit.

MR. BURGESS: Paul Ruderhausen from NC State and myself were funded to test some bigger trap mesh sizes. We finally found a place in Texas who could do it. They just got the technology to build some larger mesh at a much reduced rate. There are a lot of things that go on to change the sizes. We are going to be testing 2-1/4 and 2-1/2. We feel that the 2-1/4 will be sufficient for the 11-inch bass and going with the 2-1/2 in case there is any increase in size in the future.

We are going to do some outreach as far as sending to all endorsement holders before we start the program or the research and let them know what is coming about. We're going to have some information available in case they want to change. This is not going to be a regulation but provide information to them if they want to do that and then provide information before next year's season in case they want to change some trap sizes, put in a back panel, a whole new trap. I have got a lot of support for it.

People want to start doing it immediately, and we're going to try to provide that to them. I'm pretty excited about having that and try to get discards in this trap fishery down to next to nothing like it was with the two-inch trap and the ten-inch bass. One other thing; I just wrote a check to a fisherman in South Carolina for a snowy grouper that was caught.

We tagged this snowy grouper in the Snowy Wreck MPA or the control box in 2008 at 14 inches. It was caught in February, and the captain guesstimated it at 32 inches. This was tagged in over 300 foot of water – we don't have the exact depth; but of the 40 tagged fish we tagged in

the Snowy Wreck MPA and the control box. One other fish that was just brought to my attention was tagged 2009 at 19 inches and returned – the MARMAP survey ship caught that in June of 2011, and that was at 22 inches, and that was tagged in 350 foot of water, so that was pretty neat.

DR. DUVAL: Thanks for that. Tom. That is great to hear, especially fish that are tagged coming from the depth are having such good survival rates. I also applaud your initiative and doing the cooperative research with Paul with Jeff with regard to the mesh size. Doug had his hand up and he promised me it would be quick.

MR. HAYMANS: The rollover idea is exactly the kind of thing that I would love to see in our visioning discussions.

MR. HARTIG: The snowy information is critical. This is stuff that we had no idea was going to happen. Now we're getting tag returns from animals at 350 feet that we thought was a hundred percent mortality on, and we know now that is not the case. That is critical information. I mean, it is information that I want to go in now and use in Warsaw. I don't catch many speckled hind, so I can't do that.

You know, releasing these animals with the new release gear we have available to us now to get them to depth in a really quick fashion back to the depth that we caught them in may even further increase this kind of release mortality. This is critical.

This information is brand new and it is exciting and it is pushing me on to do something with the bycatch of the fish that I encounter. That is great; really, really interesting information and critical.

DR. DUVAL: All right, is there any other business to come before the committee? Seeing none, Mr. Chairman, that concludes my report.

MR. CUPKA: We're going to go ahead and break for lunch. We will be back at 1:30, and we will start right after lunch with a closed session that I don't think will take real long, but it will be a closed session when we reconvene at 1:30.

The Full Council Session of the South Atlantic Fishery Management Council reconvened in the Frederica Room of the Sea Palms Resort and Conference Center, St. Simons Island, Georgia, March 8, 2013, and was called to order at 1:30 o'clock p.m. by Chairman David Cupka.

MR. CUPKA: Monica, I am going to turn it over to you for our legal briefing.

(Whereupon, a closed session legal briefing was held off the record.)

MR. CUPKA: Did you have anything else, Monica? If not, we're going to open back up and proceed with our agenda. We still have a ways to go.

MS. SMIT-BRUNELLO: No.

MR. CUPKA: All right, continuing on with agenda, the next committee report is Ad Hoc Data Collection. Madam Chair, are you prepared to give that?

DR. DUVAL: I am, Mr. Chairman. The Ad Hoc Data Collection Committee met March 7, 2013, at Sea Palms Resort and Conference Center. The agenda was adopted, and the minutes of the December 2012 meeting were approved. The first item on the agenda was Joint Gulf and South Atlantic Council Generic Dealer Amendment

The committee received a status update on the Joint Gulf & South Atlantic Council Generic Dealer Amendment from Dr. Jack McGovern, NMFS Southeast Regional Office. The amendment was submitted for formal secretarial review on October 30, 2012. In preparing the regulatory package, a number of changes were made to clearly describe the current dealer reporting requirements, clarify the number of potential dealers affected and the number that may be subjected to duplicative reporting for a period of time and elaborate on the impacts if a dealer does not currently own a computer.

The committee discussed these changes and on behalf of the committee I move the following: **Approve the modifications to the dealer amendment and approve the amendment for formal review and deem the codified text as necessary and appropriate. That requires a roll call vote.**

MR. MAHOOD: Mr. Amick.

MR. AMICK: Yes.

MR. MAHOOD: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. MAHOOD: Mr. Bell.

MR. BELL: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Jolley.

MR. JOLLEY: Yes.

MR. MAHOOD: Ms. McCawley.

MS. McCAWLEY: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Vice-Chairman Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Duval.

DR. DUVAL: Yes.

MR. MAHOOD: The motion passes unanimously.

DR. DUVAL: The next motion was to give staff and the council chair editorial license to make editorial license to make editorial corrections to the amendment and the codified text, and on behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.

The next item was CE-BA 3 and council staff, Anna Martin, reviewed the revised and updated CE-BA 3 document that now contains one action addressing bycatch. **The committee made the motion to accept the IPT recommendation for the purpose and need for CE-BA 3. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.**

The next motion was to accept the IPT recommendation to recommended language for Alternatives 2 and 3. On behalf of the committee I so move so move. Is there any discussion? Any objection? Seeing none; that motion stands approved. We did have a substitute motion to adopt the IPT recommendation for Alternative 2 and delete reference “private recreational vessels”; however, that motion failed for lack of a second.

The next motion was to request an analysis from NOAA General Counsel to identify how the South Atlantic Council is meeting its bycatch requirements under the Magnuson-Stevens Act. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.

The next motion was to postpone further consideration of CE-BA until receipt of analysis from NOAA General Counsel. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved. Wilson.

DR. LANEY: Just one quick question; I know Roy had said something when we were discussing that about it moving on to the Gulf Council, but is that going to happen or no? Are we just going to wait until we get the NOAA GC's report before any further action on it?

DR. DUVAL: That is correct. The next item was the Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in South Atlantic Amendment. Council staff reviewed the Gulf Council's February 7, 2013, Data Collection Committee Report. The Gulf Council approved the amendment along with any regulations deemed necessary and appropriate by the South Atlantic Council for formal review.

Council staff reviewed the compliance and catastrophic condition provisions that were added to the amendment to reflect the council's intent. **The committee discussed the amendment and on behalf of the committee I move following: Approve the Joint South Atlantic and Gulf Council Generic For-Hire Reporting Amendment (South Atlantic only) for formal secretarial review and deem the codified text as necessary and appropriate. That requires a roll call vote.**

MR. MAHOOD: Mr. Amick.

MR. AMICK: Yes.

MR. MAHOOD: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. MAHOOD: Mr. Bell.

MR. BELL: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: MR. JOLLEY.

MR. JOLLEY: Yes.

MR. MAHOOD: Ms. McCawley.

MS. McCAWLEY: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Vice-Chairman Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Duval.

MS. DUVAL: Yes.

MR. MAHOOD: The motion passes unanimously.

DR. DUVAL: The next motion was to give staff and council chair editorial license to make changes to the amendment and codified text as necessary and redeem the codified text. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion stands approved.

The council staff noted that since the compliance and catastrophic provisions were added to the South Atlantic For-Hire Reporting Amendment (South Atlantic only), the councils no longer need to prepare a joint amendment. The Gulf Council is preparing a regulatory amendment to the Gulf Reef Fish FMP and to the Coastal Migratory Pelagics FMP. The South Atlantic Council will need to approve the Coastal Migratory Pelagics Regulatory Amendment once it is completed.

Council staff reviewed the Joint South Atlantic/Gulf of Mexico Generic Logbook Reporting Amendment and reported that the Gulf Council approved working with the South Atlantic Council on this amendment. The committee discussed the action and alternatives and provided guidance to staff as reflected below in the Timing and Task Motion.

Council staff reviewed the status of work on charterboat reporting. Preston Pate informed the committee that the MRIP Pilot Study Report has completed the peer-review process and a presentation will be made to the Gulf Council at their April 2013 meeting. The committee discussed this amendment and provided guidance to staff as reflected below in the Timing and Task Motion.

The following draft motion has been developed based on actions taken by the committee. Hopefully, folks have had a chance to review this. **I would entertain a motion to approve the tasks and timing as presented. Motion by Anna; second by Tom Burgess. Is there any discussion? Any objection? Seeing none; that motion stands approved.**

(Whereupon, the following timing and task motion was approved:

1. Make any necessary revisions to the Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in the South Atlantic Amendment and codified text and send for formal review prior to the June Council meeting.
2. Schedule a NOAA GC presentation to identify how the South Atlantic Council is meeting the MSA requirement for a bycatch monitoring program at the September 2013 meeting.
3. Joint South Atlantic/Gulf of Mexico Generic Logbook Reporting Amendment:
 - a. Continue working with the Gulf Council to develop this amendment;
 - b. Coordinate with the SEFSC on removal of several reporting items on the commercial logbook form and provide a status report at the June 2013 meeting;
 - c. Work with the SEFSC to develop a schedule of meetings/workgroup with commercial fishermen in the Gulf and South Atlantic to work on developing the electronic logbook and bring back to the committee at the June 2013 meeting;
 - d. Direct the IPT to work on the wording and structure of the action/alternatives and bring back to the committee at the June 2013 meeting.
4. Coordinate with the Gulf Council to approve their regulatory amendment to the CMP FMP on Gulf Headboat Reporting.
5. Directed staff to keep the South Atlantic Council informed of progress on the Gulf Council's Generic Amendment addressing Charter Reporting:
 - a. Schedule a presentation from MRIP on the Gulf Charterboat Pilot Study at the June 2013 meeting;
 - b. Appoint a South Atlantic Council staff member to participate on the subcommittee working on coordinating potential changes to charterboat reporting with MRIP;
 - c. Work with the Gulf Council on a generic amendment to address charterboat reporting.)

DR. DUVAL: If there is no other business to come before the committee, this concludes my report.

MR. CUPKA: Thank you, Michelle. Vice-Chairman Hartig, are you ready to give the Mackerel Committee Report?

MR. HARTIG: Thank you, Mr. Chairman; I will proceed. The Gulf of Mexico Mackerel Committee and South Atlantic Mackerel Committee met jointly to discuss joint Amendments 19 and 20. The committees received an update on current commercial and recreational landings for king mackerel, Spanish mackerel, and cobia.

Council staff reviewed Amendment 19 and the committees made some changes to the actions and alternatives. The Joint Committee did not review Amendment 20 or the South Atlantic Framework Action, but the South Atlantic Committee reviewed Amendment 20 and the South Atlantic Framework Action on Thursday, March 7.

The South Atlantic Mackerel Committee made the following motions for Amendment 19. Under Action 1, sale of king and Spanish mackerel, the motion was to approve the wording in Alternatives 2 and 3. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

The next motion under Action 1 was to add “in or from the EEZ of the Gulf of Mexico or Atlantic” to Alternatives 1 and 2. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

The last motion under that action I think was to add Alternative 4 to Action 1, and on behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

There was an additional motion; select Alternative 4, which we just approved, under Action 1 as the preferred. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

Under Action 2, sale of cobia, we had a motion to change the preferred to Alternative 1. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

Under Action 3, elimination of latent king mackerel permits, we had a motion to move Alternative 3 to the considered but rejected appendix. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

The next motion under Action 3 was to remove Suboptions i and ii under Alternatives 2D, 4D and 4E. On behalf of the committee I so move. Is there any discussion? Is there any objection to approving that motion? Seeing none; that motion is approved.

The next under that action was to remove Option C under Alternatives 2 and 4. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion is approved. The next motion we had under that action was to change the time series in Alternatives 2B and 4B to 2002-2011. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

The next motion under that action was to add an alternative under Action 3 to allow for a two-for-one permit reduction in the king mackerel fishery similar to the snapper grouper system. On behalf of the committee I so move. Is there any discussion? Michelle.

DR. DUVAL: I guess the only thing I would say is that some fishermen have noted that the two-for-one permit system to reduce permits in the snapper grouper fishery has not worked out quite the way that they would like to see it, and that corporate permits have been exempt from that two-for-one requirement. I guess I would just urge us as we think about this and move forward to see if there is some way that would allow for those corporate permits to not be exempt from that. Thank you.

MR. HARTIG: We also had directions to staff under that to request review and recommendation for the Mackerel Advisory Panel for – I don't think we voted on that motion. Is there any other discussion on that motion? Charlie.

MR. PHILLIPS: Mr. Chairman, considering what Michelle said, we might want to direct staff to let us know how many corporate permits of king mackerel and some things like that because obviously we're going to bring it down to some number, we don't know what, and we don't think it will be quick; but if there are not very many corporate permits, it may not matter. We need to know those kinds of numbers, too; so if staff could get those numbers, it would help us or help me, anyway.

MR. HARTIG: Well, I guess after that, that would be useful to know, but then asking Roy and his staff – I mean, do you know that from just the permit file?

DR. CRABTREE: Whether it is corporate or not? I would think we could tell and I think the corporation would have to give us their Articles of Incorporation, so I think we do know.

MR. HARTIG: Okay, I think that would be useful as well. I think we suffer a little bit from not having the presentation, Roy, you wanted to make several meetings ago on why the agency thinks the two-for-one hasn't been working in the snapper grouper fishery and you wanted to see that go away.

DR. CRABTREE: Well, the trouble with that, Ben, is you all are making me change my mind, I think, on it to do this. I just think it has been full of loopholes and things and it has just stifled permit transfers as far as I can tell, generally. As we have analyze this and take a look at it, certainly it seems to me staff would need to look at the history and how it has worked in the snapper grouper permit, because that is the one example we have had. Maybe we could figure out a better way to handle the corporate permits and things. It is very burdensome on our staff to deal with it and try to keep up with all these corporate changes and things.

MR. HARTIG: Yes, I was looking forward to that discussion when you said that on the record some time back. In my mind I'm not clear on the distinction between the two and why we allow it to go with the assets of the corporation and things of that nature. Let's just take the opportunity in this one to look at that in more detail and have that cleared up.

Is there anymore discussion? Is there any objection to this motion? **Seeing none; that motion is approved.** Then under that alternative we had a request for a review and recommendation from the Mackerel Advisory Panel for a minimum number of permits or a cap for a reduction system under a two-for-one transfer requirement for king mackerel commercial permits.

All right, under Action 4, federal regulatory compliance, we had a motion to move Action 4 to the considered but rejected appendix. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion is approved.

Under Action 5, modify or eliminate income requirements for Gulf and South Atlantic commercial coastal migratory pelagic permits, the motion was to add Alternative 5 to Action 5 and that would be obtain or renew a commercial permit for king or Spanish mackerel at least (Option A) 75 percent or (Option B) 50 percent of the applicant's earned income must have been derived from commercial fishing or from for-hire fishing during one of the calendar years preceding the application. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

DR. McLAUHLIN: I have a question. Because these will go back to the Gulf Council at their April meeting and there are some for 19 that didn't happen at the joint meeting; in particular on Action 2, sale of cobia, on Thursday the South Atlantic Committee changed the preferred to Alternative 1, no action, which is also the Gulf preferred, so I wanted to see if the council wanted to move that action to considered but rejected.

MR. HARTIG: **Can I get a motion to move that action to the considered but rejected; a motion to move Action 2, sale of cobia, to the considered but rejected appendix? Motion by Michelle; seconded by Anna. Any discussion? Any objection to that option? Seeing none; that motion is approved.**

That brings us to South Atlantic Amendment 20, and in Amendment 20 a number of those actions were Gulf actions so we move right to Action 4, establish transit provisions for travel through areas that are closed to king mackerel fishing. **The motion was to adopt the IPT suggested alternatives under Action 4. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.**

Under Action 5, establish state-by-state quotas for Atlantic Migratory Group King Mackerel and Spanish Mackerel North Carolina; the motion was to remove Options B and D under Alternatives 2 and 3 under Action 5. On behalf of the committee I so move. Any discussion? Any objection? Seeing none; that motion is approved.

The next motion under Action 5; add another option under Alternatives 2 and 3 to look at the average proportion of landings for the past 15 years. On behalf of the committee I so

move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

Another motion under that action was to add an alternative under Action 5 to allow for transfer of quota between General Atlantic Group King Mackerel/Spanish Mackerel ACL and North Carolina king mackerel/Spanish mackerel ACL. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion is approved.

We had some direction to staff under that is that Michelle brought up the confidential issues in North Carolina and the data. In her opinion that is not an issue for North Carolina, so we need to check into that. The other direction was to evaluate how North Carolina allocation would work, including ACL monitoring and request for closure by North Carolina and examples of the provision on how it works for summer flounder or horseshoe crab when the North Carolina EEZ would be open or closed.

Under Action 6 we had a motion to select Alternatives 2, 4 and 5 as preferred. On behalf of the committee I would so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

Okay, we had an additional action suggested by the IPT and that was Action 7; modify Gulf and Atlantic Migratory Cobia Annual Catch Limits and Annual Catch Targets. **The motion under Action 7 was to add Action 7, modify Gulf and Atlantic Migratory Cobia ABCs, ACLs and ACTs. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.**

That concluded our discussions under Amendment 20. Moving to the South Atlantic Framework Options, under Action 1 modify the Atlantic Migratory King Mackerel minimum size limit. **The motion was to approve the language for the title of the action and the alternatives. On behalf of the committee I so move. Is there any discussion of that motion? Is there any objection? Seeing none; that motion is approved.**

Under Action 2; modify regulations for Atlantic Migratory Group Spanish Mackerel Minimum Commercial Size Limit; we had a motion to remove Action 2 from the framework. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

Under Action 3, modify restrictions on transfer at sea and gill net allowances for Atlantic Migratory Group Spanish Mackerel; we had a motion to approve the wording in the title of the action and the alternatives as revised. On behalf of the committee I so move. Is there any discussion? Is there any objection? Seeing none; that motion is approved.

Under Action 4, modify king mackerel commercial trip limit in the Eastern Coast Florida Subzone, the motion was to accept the IPT recommendation for Alternative 2 and Alternative 4 with the addition to “end of February” under (A) and change 75 percent to 70 percent under Subalternative B. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion is approved.

I'm just making sure that we didn't already approve the wording. **I think the motion concerning that was approve the wording in the title of the action and the alternatives as revised. On behalf of the committee I so move. Is there any discussion? Any objection? Seeing none; that motion is approved.**

Under Action 5, modify the system of quota and trip limit adjustments for Atlantic Migratory Group Spanish Mackerel; the motion was to approve the wording in the title of the action and the alternatives as revised. On behalf of the committee I so move. Discussion? Is there any objection? Seeing none; that motion is approved. That brings us to the timing and tasks motion. The motion would be to adopt the timing and task items as presented. Charlie.

MR. PHILLIPS: Mr. Chairman, I so move.

MR. HARTIG: Motion by Charlie; second by Michelle. **Any discussion? Any objection to that motion? Seeing none; that motion is approved.**

(Whereupon, the following timing and tasks were adopted: Make the necessary revisions to CMP Amendment 19 and provide the revised document to the Gulf Council for use at their April meeting; make the necessary revisions to CMP Amendment 20 and provide the revised document to the Gulf Council for use at their April meeting; make the necessary revisions to South Atlantic framework action and provide the revised document at the June 2013 meeting; target approval of CMP Amendment 19, Amendment 20, and Framework Action for public hearings at the June 2013 meeting; target final approval of CMP Amendment 19, Amendment 20, and Framework Action for September 2013.)

MR. HARTIG: I believe that ends the Mackerel Committee Report.

MR. CUPKA: Thank you, Ben. Next is our Ecosystem-Based Management Committee Report; Mr. Haymans.

MR. HAYMANS: The Ecosystem-Based Committee met on Tuesday, March 5th, 2013 in St. Simons Island, GA. The committee received an update on development of Coral Amendment 8 and anticipated timing for integration of updated Vessel Monitoring System information into the analysis.

Advisory Panel meetings have been scheduled for April and May 2013 and relevant APs will review an updated Coral Amendment 8 and provide final input to the council prior to the June 2013 council meeting. The committee was presented with a draft Memorandum of Understanding that has been developed in conjunction with the New England and Mid-Atlantic Fishery Management Councils. The intent of the MOU is to coordinate management efforts, foster continuity and sharing of information between Atlantic Councils in the conservation of deepwater coral resources. The South Atlantic Council's role in the MOU is to serve in an advisory capacity on past experiences and lessons learned with management of deepwater coral resources.

The committee also received an update on ecosystem activities in the region. The Ecosystem-Based Management Committee developed the following motion in discussion of the Coral Memorandum of Understanding Document: **This is Motion 1, which is to endorse the Coral MOU and recommend to the council they consider approval during full council continent upon legal council edits.**

Legal council has had an opportunity to look through the letter and make some suggestions. It was e-mailed to you earlier this morning and is now projected on the screen. Monica, would you like to say anything at all about your edits or about the letter in general.

MS. SMIT-BRUNELLO: This is about the MOU? I made mostly minor editorial kinds of cleanup kind of edits that I gave to Anna and Roger. I believe they have incorporated those, I am not sure. They were nothing of the nature that would change any of the major subjects or requirements or anything in the MOU. They're just editorial.

MR. HAYMANS: And those are incorporated? Anna, do you have anything on the MOU?

MS. MARTIN: No, not at all. We haven't yet incorporated them, but we will following the meeting, clear up the draft language and kind of formalize it and upon your consent have Chairman Cupka sign the MOU and send it to the other two councils.

MR. HAYMANS: **On behalf of the committee I so move. Is there any additional discussion on the letter? Seeing none; is there any objection to the MOU? Seeing none; that motion passes?** That then moves us to the timing and task, which is our second motion to adopt the timing and task items, and those are only three.

The council staff will finalize and incorporate the VMS data representative of the rock shrimp fishery from the 2003 to 2006 in the analysis of Coral Amendment 8. Number 2; the relevant APs will review updated analysis and modifications to Coral Amendment 8 during the April and May 2013 meetings. A joint AP meeting session has been scheduled with the Coral and Habitat APs for May 8th in Charleston.

The Chairs of the LE, Snapper Grouper and Deepwater Shrimp APs were also asked to participate in this meeting. Finally, number three, seeing as you have just now approved the MOU, staff will finalize and submit the MOU to the New England and Mid-Atlantic Councils for approval. **Do I have a motion adopt the timing and tasks? Dr. Duval and second by Mel to adopt the timing and task items as presented. Any additional discussion? Any objection? Seeing none, the motion carries.** Mr. Chairman, that concludes my report.

MR. CUPKA: Thank you, Mr. Haymans. All right, next is the Dolphin Wahoo Committee Report. Mr. Swatzel, are you ready to give that report?

MR. SWATZEL: I am. The Dolphin and Wahoo Committee met on March 5th. The committee discussed the comments received from the Dolphin Wahoo Amendment 5 Document taken out to scoping in January of 2013. The committee discussed further development of the amendment. The committee made the following motions: **Motion 1; accept the purpose and need as**

written but remove reference to Section ACLs. On behalf of the committee I so move. Any discussion? Any opposition? Hearing none; the motion is approved.

Motion 2; accept the revised wording for Alternative 2 as presented: “Revise the acceptable biological catches (ABCs), annual catch limits (ACLs, including sector ACLs), and annual catch targets (ACTs) for dolphin and wahoo.” On behalf of the committee I so move. Any discussion? Jessica.

MS. McCAWLEY: Is this where we need to copy the items that we got in snapper and grouper and move them over here?

MR. SWATZEL: No, that will be Action 4, I believe. Any further discussion? Any objection to the motion? Hearing none; the motion is approved. **Motion Number 3; remove Alternatives 3 and 7 from Action 2 and send them to the considered but rejected appendix. On behalf of the committee I so move. Any discussion? Any objection? Hearing none; the motion is approved.**

Motion Number 4; add an Alternative 3 to Action 3 that would look at setting the commercial allocation at its highest percentage of the total catch over the past five years, 2008 through 2012. On behalf of the committee I so move. Discussion? Doug.

MR. HAYMANS: I guess there is quite a bit of interest around the table at looking or reviewing – both in looking at the timeframe, whether it is the highest percentage, whether it is the average of the percentage or whether it is to set an overall cap. There is also some interest in I guess trip limits. I guess to start with I would like to add a couple – at least add an alternative to that, if I could, to Action 3, and that would be basically the same wording but rather than the highest percentage, that it would be an average over the past five years.

DR. CHEUVRONT: I think you have got a motion on the floor right now, so, Doug, are you offering a substitute motion?

MR. HAYMANS: No, I’m adding an addition to the motion. I would like to see the highest percentage remain in order to analyze and to see it.

MR. SWATZEL: I think we might have some proposed language.

DR. CHEUVRONT: Actually, you do have some proposed language up on the screen right now for a motion that is very similar to what Doug just said.

MR. SWATZEL: And the suggestion would be you might want to offer a substitute motion in that form, if that serves your purpose. **Okay, any further discussion on the motion that is on the floor? Any objection? The motion passes with one objection. Doug.**

MR. HAYMANS: Brian, would you put that back up? I guess it just slightly modified it then because the new motion would be the average of the five years; an additional alternative would be for an average of five years.

DR. CHEUVRONT: Okay, so what you're suggesting is slightly different than what is here. It is not replacement. It is adding a new –

MR. HAYMANS: That is correct, because that says to change the wording –

DR. CHEUVRONT: Okay, I need to modify –

MR. HAYMANS: This one says to change the wording of, so it is really the second half of that – it would be to add Alternative 4 to Action 3. There you go, because I would like to see and hear comment at some point if we keep it in there of the differences. **The motion is to add an Alternative 4 to Action 3 that would look at setting the commercial allocation of the average of the percentages of the total catch over the past five years.** That is the motion.

MR. SWATZEL: Is there a second? Anna seconds the motion. Discussion? Michelle.

DR. DUVAL: I have received quite a few e-mails about this particular action. Going back to the AP minutes, it is clear that they wanted to go back to what was in the original FMP; 87/13 capped at 1.5 million pounds. I think if we could just find a way to get back to that 1.5 million pounds, that is really what they're looking for. I will vote in favor of the motion as an alternative. I'm just saying before you here that I think that's really what their goal would be.

MR. HAYMANS: And to Roy; can we have a hard cap of 1.5 million pounds? Is there any reason why we can't have that as an alternative?

DR. CRABTREE: Well, there is certainly no reason you can't have it as an alternative. Whether you can do it or not, I'd want to see how it is analyzed and all that, but you can sure add it as an alternative, obviously.

MR. HAYMANS: That seems to be the magic number that everybody keeps coming back to is a million and a half pounds. If I may, Mr. Chairman, a final alternative for this action would be to examine setting the commercial allocation at 1.5 million pounds.

MR. SWATZEL: All right, just hold it a second; we have got this motion. We haven't voted on this motion yet, so we're still discussing the motion. Any further discussion on this motion?

DR. DUVAL: What is that number; do we have the 2012 landings?

DR. CHEUVRONT: No; you will have it by June, though.

MR. SWATZEL: **Okay, any further discussion? Is there any opposition to the motion? Hearing none; this motion is approved.** Does anybody else want to offer another motion for another alternative? Michelle.

DR. DUVAL: I move that we add an alternative to Action 3 that would establish a 1.5 million pound cap for the commercial sector.

MR. SWATZEL: Seconded by Doug. Discussion? Charlie.

MR. PHILLIPS: Do you mean a cap or do you mean a hard quota?

DR. DUVAL: What is the difference?

MR. PHILLIPS: Well, if you set a percentage or something, then it may be –

DR. DUVAL: Charlie, I think the thing is I am just going back to what the AP motion was, which is they were happy with the original allocation as was set up in the original FMP. Now, recognizing that was a soft allocation of 87/13 with a cap of 1.5 million pounds; that was the motion. I think Anna had some discussion and clarified what the maker of the motion; that was actually it.

I'm just trying to find a way to get to that 1.5 million pounds. This is going to go to the AP at their April meeting so I think we can probably let them hash that out and decide if they can clarify would they want a 1.5 million pound quota or cap. Roy, if you have thoughts on if there is a difference between a quota and a cap, I think that would be good for us to know.

DR. CRABTREE: I believe there is a difference between a quota and a cap. I think a cap means that if the overall total allowable catch goes up, the commercial share of that is now a percentage; and what the cap seems to mean is they can never have more than 1.5 million pounds. I don't know if that is what you mean, but that is kind of how I read it.

DR. DUVAL: And that is how I see it; and, again, I'm just going on the motion that came from the AP not to exceed 1.5 million pounds. Maybe we need to ask the AP to clarify exactly what they mean, but I will go ahead and ask staff if they can the word "cap" to "quota"; if the seconder is okay with that. Doug, I think you were the seconder.

DR. CRABTREE: If we had to reduce the dolphin total allowable catch for whatever reason, you're saying that the commercial quota would remain 1.5 million pounds and you would take all the reduction away from the recreational sector?

DR. DUVAL: Yes, that is probably what would happen, but certainly –

DR. CRABTREE: Well, I don't want to speak for the recreational sector, but that could be a problem.

DR. DUVAL: I see exactly where you're coming from here. Originally the recreational fishery could fluctuate up and down; whereas, the commercial guys got no more than this hard 1.5 million pounds. That is a little bit unwieldy. Brian, remind me what our accountability measures are for dolphin if the commercial sector exceeds its ACL; is there a payback the following year?

DR. CHEUVRONT: You're putting me on the spot here and I can't recall for dolphin if there is a commercial payback. I don't recall if there is. I want to point out a couple of things. One is

the opposite of what Roy just said is that you've got a stock assessment coming up on dolphin. If that ACL is significantly high and you have set your commercial fishery at 1.5 million pounds, all of the gain goes to the recreational fishery; and do you want that to happen as well? That works both ways.

That is why we have always in the past have set these ACLs in terms of percentages; because as those ACLs go up and down, the sectors get affected equally, positively or negatively. In this case it is the only fishery that you are managing where you're trying to set up something different.

Remember, when this 1.5 million pounds was set in place as the cap for commercial dolphin, there was no limit on how much dolphin could be caught in any given year. You now have an ACL that you must stay within. The game has changed a bit, so you need to think about whether you really want to have a hard poundage in there.

MR. BURGESS: One thing that comes to mind is before the ACL Amendment, the allocations that were before that, commercial and recreational, was the term "soft cap" and there was not a hard cap on the 1.5; and if that was reached, that it was going to be looked at by the council, so it wasn't necessarily a hard allocation. I am not sure if the – you know, it gave the council the flexibility, I guess, to see how things are going and examine where the recreational sector is and also the commercial sector and see if something needed to be done at that time.

MR. PHILLIPS: It could go either way. It could go for the recreationals, against the recreationals; for the commercial, against the commercial. Brian's point; we have got an assessment coming up. We do have ACLs. I think there are too many worms in this bucket so I'm going to have to vote against this and hear what the AP has to say and then go from there.

MR. CUPKA: I was just going to say when we originally set this up, Tom is right, the 1.5 million pounds could be exceeded. There wasn't anything to prevent that. The only thing that happened if the 1.5 million pounds was exceeded was that it would trigger the council coming back and looking at the situation; but there were no penalties or there wasn't anything that said they couldn't exceed the 1.5 million pounds. It was just a trigger to examine what was going on in the fisheries and see if we wanted to take any additional action.

MS. SMIT-BRUNELLO: I heard someone – I think it was Michelle – did you want to know what the accountability measures were?

DR. DUVAL: Yes.

MS. SMIT-BRUNELLO: For just commercial dolphin? It is a closure. When you reach the ACL, you close it; and after the effective date of the closure, you're limited to the bag limit. The bag limit applies for the federal for-hire sector without regards to where the species were harvested, state or federal waters.

DR. DUVAL: So no payback then; I guess that is what I was getting at. No payback if the commercial sector exceeds their ACL?

MS. SMIT-BRUNELLO: That's right; no payback.

DR. DUVAL: Okay. I am more than happy to withdraw this motion with the committee's consent. I know that we have had some discussion on it. I guess I would just ask, Brian, I guess when the AP meets, if you don't mind sort of conveying the quandary that we're in in terms of trying to respond to their request of 87/13 up to a cap of 1.5 million pounds and the whole situation we have now with now ACLs and those things move up and down. I will just remind folks that was the AP's intent. I am happy to withdraw the motion.

MR. PHILLIPS: And then we also had discussion of possibly transferring some quota back and to; and if you set a cap, then that may make that impossible; you know, unused quota. If the recreational was far below what they – now you remember – and I don't want to lock that out. I want that discussion to go forward, too, just to see how people feel.

MS. BECKWITH: I just want to point out that in the original FMP the stated purpose of the 1.5 million pound cap was to prevent the potential future expansion of the commercial fishery. Because it was a predominantly recreational fishery, as we all know, and the council at that point made a choice to want to maintain that structure.

The average catches/harvest for the commercial has been under a million on average for the last ten years. Even though the request has been certainly the cap at 1.5 million, I think we need to keep in mind that it is one of the few FMPs that has a clear vision and goal described in it, which is to not allow future expansion in the commercial fishery and to maintain this as primarily a recreational fishery for fears of localized depletion and the impacts on the for-hire industry.

MR. SWATZEL: **Okay, we have a motion that is withdrawn.** Does anybody want to make any further motions concerning Action 3, the allocation issue? Michelle.

DR. DUVAL: Not a motion; just discussion. Anna pointing out that is the goal of the FMP to just maintain this as a primarily recreational fishery and ensure that the commercial fishery doesn't expand; then a cap would fit that purpose exactly. It would never go above that, so I just want to note that for the record.

MR. SWATZEL: Okay, we will move from Action 3 forward. I believe Doug wants to offer a motion.

MR. HAYMANS: Well, addressing that point, what does it take to keep that commercial fishery from expanding into a directed fishery that then will have thousands of pounds limited, so I would like to talk about trip limits for a moment. Is it worth developing a new action in this amendment that would set some trip limits; and what would those trip limits be?

DR. CHEUVRONT: This was discussed after the Dolphin Wahoo Committee and so I helped some folks draft up a potential motion here for you and suggested wording for a new action for this. In the original FMP there was consideration of establishing a 3,000 pound commercial trip limit for dolphin north of latitude 31 and for a thousand pound commercial trip limit south of latitude 31.

Now, apparently when that FMP went forward to the secretary, that action was not approved because at that time there was considered to be no biological need to establish trip limits. But remember in those days you didn't have ACLs and ABCs and all that stuff. There was no upper limit on what you could harvest on dolphin.

Well, now we have the world of ABCs and ACLs, so maybe there is a biological reason for considering a trip limit. In discussion and going back to the original FMP and looking at the action and alternatives that were considered then, what went forward in the FMP – in those days they just gave you what the council's preferred was. In some earlier chapter they mentioned they considered sort of these other options, and they set a range of a 1,000 to 5,000 pound trip limit, and that was all it said.

What I have done is taken what we had in the earlier amendment and translated it into the kind of wording that we use now for our actions, alternatives and subalternatives. What I did was suggested an Action 5, which is to establish a commercial trip limit for dolphin in the EEZ through the SAFMC's area of jurisdiction; Alternative 1 being no action. Alternative 2 would be a thousand pound trip limit.

Then there were subalternatives which allows you to choose south of 31 latitude or north of 31 latitude, and then those same subalternatives work for Alternatives 3, 4, 5 and 6. Alternatives 3, 4, 5 and 6 are 2,000 pound trip limit, 3,000 pound trip limit, 4,000 pound trip limit, 5,000 pound trip limit, respectively.

I think that gets at all of the different thousand pound options that you could have. I offer that as a starting point for you all to work on or from. If you want to do that or just toss it out and do something else, but I thought I might be able to help out to move that conversation along, if you wanted to go with that and add a new action.

MR. HAYMANS: When I was thinking in trip limits earlier on, I certainly wasn't thinking to the 5,000 pound level because that really is a directed fishery in my mind. I was thinking more along the lines of somewhere shy of 2,000 pounds and a couple of options in between.

DR. CHEUVRONT: Well, what this would allow us to do is if you guys decide what that range is that you want to have considered, we will be able to analyze this and bring it back to you at June, and you will be able to see what is the actual range of those commercial trips that have been landed.

You can choose your preferred alternative, and we prefer that you do, because we hopefully are going to vote in June take this out for public hearings in August, and you can then whittle down your alternatives and stuff then. This kind of analysis is not a terribly difficult analysis to do compared to some that we have. I guess at this point I would suggest to be a little bit broader with the idea that you certainly can whittle it down later; but if you feel very strongly and want to whittle it down now, you certainly could do that now.

MR. HAYMANS: And what was the point of the latitudinal difference?

DR. CHEUVRONT: Well, apparently that is what was in the original FMP; that they had decided to have a smaller trip limit south of basically Jekyll Island and a larger one north. Now, I wasn't privy to the discussions at that time on why that was done, but that is why I have them as subalternatives.

You could also choose at some point just to delete all the subalternatives and just make a single commercial trip limit. When this was originally presented to me, I was asked how could we take that original action that the council considered in the original FMP and turn it into something that the council could work with now. That was in the original and so I put it in there.

MR. PHILLIPS: Well, Brian, first of all I can't read how far your times a thousand goes up.

MS. BECKWITH: To 5,000.

MR. PHILLIPS: To 5,000, and I am not totally familiar with this fishery, but I know there are guys that it is a short season. They work out of Jacksonville. I am pretty sure that they're catching in 10,000 pound ranges. Even if you gave the commercial 13 percent and you left the recreational 87 percent; it is mostly recreational.

I don't care how many pounds there are split up; it is mostly recreational. If you take that 13 percent and you give it to – you know, there are a dozen boats in the fishery; that's a directed fishery. There are very few people, but you're going to have to have a directed fishery. This isn't bycatch. You're not going to bycatch 1.5 million pounds or whatever it ends up being.

You're going to have a directed fishery. You can't go for a thousand pounds or 2,000 pounds of mahi and run offshore and do that. We need to consider all this stuff. If we don't want it to grow, it can't grow past the 13 percent or the million and a half cap or whatever happens. We don't want to cut down so much where it is not feasible to go get and then the public doesn't have access to their resource.

DR. CRABTREE: I guess it is not too clear to me where we're going with this. We have got an ACL and they haven't caught it last year. I don't see why we need a trip limit. They're not catching the ACLs and we're not trying to lengthen the season or anything. With the allocation, I mean we just put the allocation that we have in place about 14 months ago; so we're sure rearguing and retreading a lot of discussions that we just made, and I'm just not sure that is a good use of our time.

MR. HAYMANS: The argument from the previous amendment was localized depletion of the stock if you allow a large trip limit. Again, not being privy to those discussions, it was repeated several times that was what they were trying to avoid was localized depletion. A directed fishery for that at 10,000 pound level or 20,000 pound level could potentially do that.

MR. CUPKA: This is like deja vu; I don't know. I can tell you back when I was in the position Mel is in, it was directed fisheries here in South Carolina. There was a lot of concern about this when we first came up with this Dolphin FMP. It was a directed fishery. What happened was

that they wanted to maintain it as a recreational fishery and so they tried putting trip limits on the commercial fishery.

I did an analysis with some data I got from some of the dealers there in South Carolina that showed what some of those trip limits were. I ended up getting hauled into court over this thing, and finally it got overturned. We have tried before to put trip limits in place, but it is definitely a directed fishery for some fishermen, particularly in terms of what we have seen in the past. I saw catches of 10,000 pounds or more. We have gone around and around on this before. It is nothing new, believe me, but it is whatever the council wants to do on this.

MR. WAUGH: Under the social impacts of the Dolphin FMP on Document Page 194, it says, "The council discussed various trip limit options before settling on different trip limits for different geographical areas. Concern was expressed that a longline fishery exists in North Carolina that having a thousand pound trip limit will unfairly penalize this fishery. However, commercial catches south of 31 degrees north latitude have traditionally been taken by hook and line and rarely exceed a thousand pounds.

"In order to better serve the local needs of the fishery participants, it was decided to split the trip limit to 3,000 pounds north of 31 degrees north latitude and a thousand pounds south of that demarcation." Remember, this management unit goes up through New England as well. There is more description in there as well.

MR. BURGESS: What concerns me about this is the timing; and that as we leave the meeting today and whatever is decided, no analysis will be done; and then when we come to our next meeting, preferreds will be developed, and at that time we won't be able to add more alternatives. I didn't know that this was going to be discussed at this meeting.

If I did, I certainly would have consulted with industry and getting their views on that. I feel at a loss to be able to support a range of alternatives without consulting industry. I have concerns about it for those reasons that I have just expressed. A trip limit analysis and things like that seem appropriate and more information. Before I can comfortably go up to the 5,000 pound trip limit, I am uncomfortable with that because of not knowing how industry in North Carolina feels about that and how it will affect them. I'm having a tough time with it for those reasons.

MS. BECKWITH: I am going to go ahead and make a motion to add Action 5 and establish a commercial trip limit for dolphin in EEZ throughout the South Atlantic Marine Fisheries Area of Jurisdiction; and if I get a second, I'll continue.

MR. SWATZEL: We have a motion; second by Doug. Discussion.

MS. BECKWITH: As Tom mentioned, we haven't had a chance to go out and talk to industry but certainly this is the time to prepare these options and to get the analysis. Our next position in our June meeting would be to approve this for public hearings. We would have between now and June to have conversations with the industry and then in June to come back and look at the analysis and then to have those conversations throughout the summertime via the public meetings. I think there is an opportunity to vet this in North Carolina for our industry. If we

have seriously on the table to increase the potential quota for the commercial industry, this has to be part of the conversation. I think it would be unfair to pull this off of the table.

MR. SWATZEL: Anna, just to clarify the motion that you made is having all the subalternatives in there that are up on the screen at this time; is that correct?

MS. BECKWITH: That's correct.

(Whereupon, the following alternatives and subalternatives are part of the motion for Action 5: Alternative 1: No Action

Alternative 2: 1,000 lb trip limit: Subalternative 2a, south of 31° N. Latitude; Subalternative 2b, north of 31° N. Latitude;

Alternative 3: 2,000 lb trip limit: Subalternative 3a, south of 31° N. Latitude; Subalternative 3b, north of 31° N. Latitude;

Alternative 4: 3,000 lb trip limit: Subalternative 4a, south of 31° N. Latitude; Subalternative 4b, north of 31° N. Latitude;

Alternative 5: 4,000 lb trip limit: Subalternative 5a, south of 31° N. Latitude; Subalternative 5b, north of 31° N. Latitude

Alternative 6: 5,000 lb trip limit: Subalternative 6a, south of 31° N. Latitude; Subalternative 6b, north of 31° N. Latitude;

Alternative 7: 10,000 lb trip limit: Subalternative 7a, south of 31° N. Latitude; Subalternative 7b, north of 31° N. Latitude

Alternative 8: 15,000 lb trip limit: Subalternative 8a, south of 31° N. Latitude; Subalternative 8b, north of 31° N. Latitude;

Alternative 9: 20,000 lb trip limit: Subalternative 9a, south of 31° N. Latitude; Subalternative 9b, north of 31° N. Latitude.)

DR. DUVAL: I don't have a problem with this going to the AP and getting their input. I think that would be a good thing. Roy has made a good point that they haven't caught the ACL, so there may not necessarily be utility in the trip limit. As I said before, I would really encourage discussion at the AP regarding clarifying exactly what they meant by that motion and sort of explaining to them the ACL box that we're kind of in right now. Do they want a 1.5 million pound cap that never changes, whatever? I'm happy to support this and have it go before the AP for discussion, but I do want to see that trip limit analysis.

MR. PHILLIPS: I can't support this because, one, even if you went with highest trip limit of 5,000 pounds, I think you would keep the commercial allocation from being caught. If it went up to 10 or even 15,000 pounds where it didn't cause the commercial allocation to be lowered, I could probably support it, but not at 5,000 pounds.

MR. CUPKA: I kind of feel the same way Charlie does. I know what it was like years ago, but I haven't seen any recent data. I would like to see an analysis of that and I would like to bring it back and see where we are on this, because 10,000 I can tell you years ago would have definitely impacted some commercial fisheries.

DR. DUVAL: Tom, now you get to see what it is like to be Snapper Grouper Committee Chair sometimes. Brian, if this motion is approved and these alternatives move forward for discussion and the trip analysis is done; based on the trip limit analysis, when we come back here in June it would not preclude us from adding other subalternatives in terms of other trip limits to then approve to go out for public hearing; correct?

DR. CHEUVRONT: That is correct. I think as long as you decide what you want the alternatives to be before you send it out to public hearing, as long as what you select on is between the range of probably the highest to lowest, Monica will probably say, well, that is within the range of considered and allow that to go forward.

If it is not – I mean if we go to 5,000 and that is what we take out to public hearing and you come back and say, well, we really want it to 10,000, we'd probably have to take it back out to public hearing again. We just need to be careful that when we leave in June, if we vote to send it out to public hearing, that we don't want to add any alternatives outside the range later on because that will delay this.

MR. SWATZEL: I don't want this to bog down too much. Charlie, and then we're going to vote.

MR. PHILLIPS: **I would like to make a friendly amendment and add Subalternatives of 10,000, 15,000 and 20,000, and that should cover all of our ranges.**

MR. SWATZEL: Charlie, let me make sure what you're offering; an amended motion?

MR. PHILLIPS: No, it was a friendly amendment to have the trip limits analyzed at 10, 15 and 20,000 so it would cover hopefully all of the ranges and we wouldn't have to go back out to public hearing twice. I still think trip limits are probably not where we want to go, but I'm willing to look at the analysis – if it is okay with the maker of the motion.

MR. SWATZEL: Anna, do you agree to that; and Doug is the seconder.

MR. HAYMANS: Grudgingly.

MR. SWATZEL: Grudgingly, okay. David.

MR. CUPKA: Let me remind you we're not taking this out to public hearing now. There is going to be another opportunity in June once we see the analysis if we want to change the alternatives. We don't need to load it up with every possible alternative at this point. We aren't committed to anything yet until we see what comes back in June.

MR. SWATZEL: Okay, I want to make one comment before we vote. It has been 11 months since the regulation went into effect to achieve this allocation that we're all now starting to reverse ourselves on. I've got to say this. The fishermen have got to be bewildered over where we're heading with all this stuff. Having said that, it is time to vote. All those in favor of the

motion raise your hands. **I count nine in favor. Those opposed; three opposed. The motion passes. Doug.**

MR. HAYMANS: Michelle, even though this is dolphin and wahoo, reapportionment of allocations is an excellent topic for our visioning workshop.

DR. DUVAL: Doug, I would agree. Anna made an eloquent statement the other day about being consistent with the way something has been done in other places or in other ways doesn't always make it right. I think that is the whole debate that you're hearing here today about dolphin and wahoo. I would agree. Ben has had concerns about the way our allocation formula has been structured in the past, and I think it is an appropriate topic within visioning.

MR. SWATZEL: Okay, we're going to need to take an action concerning Action 4, which had to do with the framework modifications. We had originally had language in there that had the old Snapper Grouper Framework modification language. We have since changed that so we're going to need a motion to change that language in Action 4. Brian.

DR. CHEUVRONT: Yes, I just wanted to remind everybody. This is exactly the same language that you approved for Snapper Grouper Amendment 27. What I did was took your motion from that amendment and modified it for the Dolphin and Wahoo Framework Procedure. This was Section 9 under Snapper Grouper Amendment 27. I am not sure exactly what number it is going to fall under dolphin and wahoo, but the text is exactly the same. There was no reference to snapper grouper within that text that you added there.

What we're suggesting is that since we're trying to keep this the same through the different amendments we're doing these updates to the framework, that we just take that wording exactly the same and apply it to the Dolphin and Wahoo Framework that we're attempting to change here. I have a suggested motion up here if somebody would like to make that or modify it or however you want to do it.

MS. BECKWITH: I move to modify the language to Alternative 2 under Action 4, Dolphin and Wahoo Framework Procedure, by adding the following new wording:

X. Adjustments to ABCs, ACLs, and ACTs according to the existing ABC Control Rule(s) and formulas for specifying ACLs and ACTs that have been approved by the Council and that were implemented in a fishery management plan amendment to the FMP. This abbreviated process is authorized as follows:

a. Following the Scientific and Statistical Committee's (SSC's) review of the stock assessment, the Council will determine if changes are needed to ABC, ACL, and/or ACT and will so advise the RA.

b. The Council will first hold a public hearing during the Council meeting during which they will review the stock assessment and the SSC's recommendations. In addition, the public will be advised prior to the meeting that the Council is considering potential changes to the ABC, ACL, and/or ACT and the Council will provide the public the opportunity to comment on the potential changes prior to and during the Council meeting.

c. If the Council then determines that modifications to the ABC, ACL, and/or ACT are necessary and appropriate, they will notify the RA of their recommendations in a letter with the Council's analysis of the relevant biological, economic, and social information necessary to support the Council's action.

d. The RA will review the Council's recommendations and supporting information. If the RA concurs that the Council's recommendations are consistent with the objectives of the FMP, the Magnuson-Stevens Fishery Conservation and Management Act, and all other applicable law, the RA is authorized to implement the Council's proposed action through publication of appropriate notification in the Federal Register, providing appropriate time for additional public comment as necessary.

e. If the Council chooses to deviate from the ABC control rule(s) and formulas for specifying ACLs and ACTs that the Council previously approved and that were implemented in a fishery management plan amendment to the FMP, this abbreviated process would not apply, and either the framework procedure would apply with the preparation of a regulatory amendment or a fishery management plan amendment would be prepared. Additionally, the Council may choose to prepare a regulatory amendment or a fishery management plan amendment even if they do not deviate from the previously approved ABC control rule(s) and formulas for specifying ACLs and ACTs.

MR. SWATZEL: John, did you offer the second? **Okay, we have a motion and a second. Any discussion on the motion? Any opposition to the motion? Hearing none; the motion is approved.** That brings down to a timing and task motion of which the committee did not make. Brian is going to just a minute put up a timing and task motion for your consideration.

DR. CHEUVRONT: Because there is not that many things that you have asked your staff to do, I probably should have laid this motion out a little more like some of the others, but this motion basically just captures all the stuff you're expecting from your staff between now and through the public hearings in August. If somebody would like to make the motion, that would be great.

MR. SWATZEL: Motion made by Mel; seconded by Michelle. **The motion reads direct staff to analyze the actions/alternatives and begin the formal development of Dolphin Wahoo Amendment 5; bring draft Dolphin Wahoo Amendment 5 to the council at the June meeting for review, selection of preferred alternatives and vote to send to public hearings in August 2013. Any discussion of the motion? Any opposition to the motion? Hearing none; the motion is approved.** Is there any other business coming before this committee? Hearing none; we're finished. Thank you.

MR. CUPKA: Thank you, Tom. Next is the Golden Crab Committee Report. The Golden Crab Committee met on March 5, 2013. We received an update on the status of commercial golden crab landings. The committee discussed the report of the Golden Crab AP meeting of January 31, 2013, including the "Other Business" issues brought up by AP members. The committee discussed the future status of Golden Crab Amendment 6. The committee made the following motions:

Number one was to direct staff to work with the relevant APs regarding examination of modifying the northern limit of the northern zone golden crab fishing area. On behalf of the committee I so move. Is there any discussion on the motion? Any objection? Seeing none; then that motion is approved.

The second motion was that the council to stop work on Amendment 6, including both the catch share and non-catch share actions. On behalf of the committee I would so move. Is there any discussion on the motion? Any objection? Seeing none; then that motion is approved. The committee gave the following direction to staff:

Gather information on data that are available that could possibly be used for a future golden crab stock assessment; follow up with the appropriate federal agencies to determine what needs to be done to notify fishermen when activities occur in federal waters that might affect the fisheries. Contact the State Department and others, including the U.S. State Department representative who recently made a presentation to the council to voice concerns over the entanglement of golden crab fishing gear with a submerged buoy in the Straits of Florida in September of 2012. That concludes the Golden Crab Committee Report. Next is the I&E Committee Report; Mr. Jolley.

MR. JOLLEY: The Information and Education Committee met on Thursday, March 7, 2013. The committee received an update on the Marine Resources Education Program for the Southeast Region, including the MREP Science Workshop scheduled for April 2 through 4 in Tampa, Florida, and the Managing Our Nation's Fisheries 3 National Fisheries Conference scheduled for May 7-9 in Washington, DC. The committee reviewed a summary report from a joint meeting of the Law Enforcement Advisory Panel and the Information and Education Advisory Panel held on February 6, 2013.

The following items were included in the report: 1) Outreach efforts for Vessel Monitoring Systems; 2) Development of the South Atlantic Fishing Regulations Mobile Application; 3) Law enforcement information for the South Atlantic Fishery Management Council Website upgrade; and 4) Improvements in dissemination of regulatory changes to law enforcement field officers.

The committee received a demonstration of the new South Atlantic Fish Regulations App from Outreach Specialist Amber Von Harten. The new app has been completed and was released for both Android and Apple platforms this week. As directed by the council, the App includes regulations and other information for species managed by the council, as well as Highly Migratory Species.

Council staff acknowledged assistance from NOAA Fisheries staff, NOAA Office of Law Enforcement, the Law Enforcement Advisory Panel, and National Marine Sanctuary staff in review of the information within the app. The committee also reviewed the summary report from the meeting of the Information and Education Advisory Panel held on February 7, 2013.

The summary report included recommendations from the advisory panel regarding: MREP Southeast; the use of social media tools; the South Atlantic Fishery Management Council

Website upgrade; Proposed Outreach Activities for 2013-2014; the Council's Visioning Process; and Communications Strategic Planning.

Council staff updated the committee members on the council's use of social media tools, including Facebook and recent implementation of the Council's Twitter account. During the committee meeting, the issue of a policy directive regarding e-mail correspondence for the council members was discussed. NOAA General Counsel agreed to provide legal guidance.

The Committee provided the following directions to staff: There was support for including additional information on the SAFMC website regarding VMS, including a presentation by NOAA Fisheries Service provided at the March 2013 meeting; emphasize success stories for use of VMS in outreach materials; include some information on the council's website and Facebook page regarding the council's consideration of modification/additional marine protected areas to reduce bycatch of speckled hind and Warsaw grouper.

Conduct live question-and-answer sessions during council meetings using Twitter and allow questions to be asked through video streaming during the public question-and-answer sessions. There was support for the addition of a new section of the website to include "Amendments Under Development".

Utilize informal constituent meetings organized by fishermen as an opportunity for outreach on specific issues. The committee requested additional guidance from NOAA General Counsel regarding a policy directive to the Regional Fishery Management Councils specific to email correspondence per a memo presented during the committee. Mr. Chairman, we had no major motions, so we took no formal actions. That concludes my report.

MR. CUPKA: Any questions for Mr. Jolley? All right, we will move on then Law Enforcement; Mr. Bell.

MR. BELL: The Law Enforcement Committee met in St. Simons Island, Georgia, on March 7th, 2013. The committee's agenda included briefings on the Joint Meeting of the Law Enforcement and Information & Education Advisory Panels, and the meeting of the Law Enforcement Advisory Panel. Both meetings were held in Charleston, South Carolina, in February 2013. Because the Information and Education Committee was also scheduled to receive a briefing of the joint meeting, the Law Enforcement Committee Chair deferred to the I&E Committee for that review.

Council staff briefed the Law Enforcement Committee on recommendations made by the Law Enforcement AP (Attachment 1b). The LEAP offered recommendations on three developing amendments to the Coastal Migratory Pelagics FMP, four Snapper Grouper FMP amendments, and three amendments to various FMPs to improve data collection. In particular, the LEAP provided a lot of input on the subject of Vessel Monitoring Systems, a tool that is being considered for the commercial snapper grouper fishery in Snapper Grouper Amendment 30. The Law Enforcement Committee made no motions. Pending any discussion, Mr. Chairman, that concludes my report.

MR. CUPKA: Okay, questions for Mel? Seeing none; then we will move to then to the Executive Finance Committee. The Executive Finance Committee met on March 7, 2013 in St. Simons Island, Georgia. The minutes from the December 2012 Executive Finance Committee were approved. The committee received presentations on the following agenda items:

1. Status of Federal FY 2013 budget: Mr. Mahood provided an overview on the FY2013 budget. He explained that, as we are all aware, the federal government is operating under a continuing resolution, which may be in place for the remainder of 2013. Also, the Sequester has gone into effect, which will affect our 2013 funding.

He related that at the February Council Coordinating Committee meeting the councils were informed that under the Sequester our budget will be reduced by 5 percent across all funding line items. This would amount to approximately \$176,000 for our council. He indicated that we would be able to weather this budget reduction using funds we have carried forward from earlier grant years. He reminded the committee that we have been conserving funds critical to the council's future operations, as we braced for these anticipated budget cuts.

2. CY2013 Council budget expenditures: Mr. Mahood briefed the committee on the council's expenditures for CY2013. He noted that although we do not have a specific CY2013 funding level to date, we have been operating under a proposed budget that would accomplish our goals for the year. He noted that we are in very good shape for CY2013 having expended only 10 percent of the budget through February 15th.

3. Update on the Joint Committee on South Florida Management Issues: Chairman Cupka briefed the committee on the first meeting of the Joint Committee on South Florida Management Issues held via webinar on February 25, 2013. The committee consists of our Executive Committee and five Gulf Council members, with support staff from the councils and the Florida Fish and Wildlife Conservation Commission.

He provided background on the makeup and function of the group and the support staff. The Chairman indicated that the first webinar was primarily an organizational meeting, with the group also addressing a list of issues including yellowtail snapper management and mutton snapper management; commercial grouper harvest in Monroe County; establishing a special management unit that allows for consistent state/federal fishery regulations across the south Florida area; Allocation of fisheries landings in Monroe County.

He told the Committee that the State of Florida representatives had volunteered to take the lead in moving this effort forward. Jessica McCawley indicated that her agency has been working on a number of these issues and they were ready to plan and hold five workshops to allow the fishing constituency an opportunity to make their opinion's known.

4. Council followup and priorities: Bob Mahood provided the committee with background as to how the Council/NMFS Regional Operating Agreement evolved. Gregg Waugh briefed the committee on two documents provided for their consideration, the Follow-Up Document and an action priority form.

He explained how the Follow-Up was developed and the interactions between the council and the Southeast Regional Office staff in completing the operations document. Gregg reviewed where the council stood on meeting the priorities for the current ongoing amendments and other actions that were established at the September 2012 Council meeting.

He pointed out the schedule has been very full, but most of the top priorities have already been accomplished. Committee members were asked to review the action priority form and rank the various ongoing council actions. The intent was for members fill out the form and return it to Gregg where he will report the results to the council for discussion. At this point I am going to turn it over to Gregg to do that.

MR. WAUGH: We sent this spreadsheet around because it is hard to see on the screen, so you all can follow along. The next time we go through this exercise we will have it organized a little better and make it a little more clear. I have added Xs for things that we have completed. What I have done here is tallied your votes.

You have the spreadsheet and you see again the number that rated an item high, we multiplied that times three; and then medium, four people, for instance, voted for Regulatory Amendment 14 as a medium, so that is four times two. This ranking is just a sum of the numbers in the high, medium and low spots.

Then what I have done is put them in order here. Under Column G, that is the order that you all have put them in. It is a little difficult to follow here. What I did was then look back at major council actions and see how we faired there. This is just a different tab along the bottom of the spreadsheet. I can blow this up bigger so you can it; but if you want to follow along, just look along the bottom of your spreadsheet and you can see those little tabs down there; if you click on the one that says "major council actions"

Out of December, again, we finished those three items; and the last one, Regulatory Amendment 15 was sent in on March 1st. So coming out of this meeting, Regulatory Amendment 18 and 27, and the Joint Headboat Reporting Amendment were all approved for formal review. We will be working on those to get them finalized and submitted. The Dealer Amendment was also approved and that will be handled. The Gulf has administrative lead on that, so we don't have any of the detailed work to be done on that.

Once the Gulf Council approves that, then that will be submitted after their meeting. I thought this was an easier way to see how your ranking came out with how our work is distributed right now. CE-BA 3 is on hold until we get the NOAA GC analysis, and that was ranked number 14. VMS we're taking out to public hearings in April and May, and you will be looking at that again in June, so that was number seven.

We have scheduled a phone/webinar council meeting on May 13th, starting at 1:00 o'clock, and that will deal with Snapper Grouper Regulatory Amendment 19, so that is a new amendment. We will pattern that right after Regulatory Amendment 18 and just focus on ABC, ACL and ACT revisions for black sea bass, and that came out number one.

For June, what we're looking at is bringing back public hearing results and AP comments on Snapper Grouper Amendment 30, and that is, again, number seven. You will be looking in June to approve for public hearings these following amendments: Regulatory Amendment 14, which ranked out at number two; Regulatory Amendment 16, number five; Mackerel Amendment 19 – and here you have to keep in mind with 19 and 20, those are joint plans, so we have got some consideration with the Gulf there, but those ranked four and nine, respectively.

The Mackerel Framework came out eleven; Dolphin Wahoo Amendment 5 was sixth; Coral Amendment 8, number twelve. Then to me the next question I asked, okay, what about the other items we're working on; where do those rank? Here are the other items that we're currently working on. Starting with the Gulf, the Generic South Atlantic/Gulf Commercial Logbook Amendment, that ranked number three, so we will be getting back in touch with the Gulf Council and fleshing out timing on that.

Regulatory Amendment 17 comes back to you in September; that is number eight. Snapper Grouper Amendment 29 dealing with allocations and revisions from the ORCHS Process, once we get the results from the SSC, that is number nine. Number ten is Amendment 22, looking at a long-term tag program for red snapper and the deepwater species. Then the Fishery Ecosystem Plan, which we have tagged for starting work on in 2014 to meet a statutory requirement that it be revised – I think it is every five years; that ranked out at number thirteen.

There was a motion in snapper grouper Myra reminded me of to look at black sea bass allocations with hook and line and pots. We were talking about where that might fit in. We do have an Amendment 29 that again is ranked number nine and in our work schedule we would pick that up late this year or starting next year; so perhaps that could go into Amendment 29 to save having to do a whole separate amendment for it. That is the results of your priority ranking.

MR. CUPKA: Thank you, Gregg. Are there any questions for Gregg on how that was done?

MR. BURGESS: Gregg, just a question. I have had a lot of support from this. I didn't mention it as a justification when I made the motion, but sea bass pot fishermen supported it and also, of course, the hook-and-line sector that I spoke to, key stakeholders. Everybody is on board with it so I'm hoping it won't be too controversial; I don't so.

I think the range of alternatives is reasonable. Could you give me any kind of an indication when we might be able an idea of how things are going? I understand the workload and everything. It is just so that when people ask me about things, it is a concern to them, and it is just a question.

MR. WAUGH: Well, we generally plan on going out for public hearings January/February timeframe. I think when we get together in December, that should be a time that we sort of lay out what we want to work on the following year. I would say at September you're going to be approving a lot of amendments for formal review, and we will have a much better idea at that meeting where we stand. We can start to look ahead to next year in more detail at the September meeting, but then at December I would think might be a time to go through this process again and sort of lay out, okay, what are our priorities for 2014.

MR. BURGESS: Just a quick a followup; if we could possibly do the public hearings in January and give the fishermen something to look forward to, and I think it would be a real positive thing for a lot of people. That would be great and I understand your workload, though, and I appreciate that.

MR. JOLLEY: I am just curious as to what Gregg thought about our ranking.

MR. WAUGH: Well, it is perfect, of course. (Laughter) It is interesting. One thing that stands out is that we appear to feel like we have handled habitat issues sufficiently. That is one thing that sort of struck me in looking at this. I don't know whether that is reflective that we really feel like we have handled our habitat issues and don't need to focus on that or that these other issues are so pressing. When you look, number one is Regulatory Amendment 19.

The top items are there, fixing the commercial logbook, so we're getting some fixes to our long-term programs. I guess one question is are you all comfortable with the timing that we're working on. You also have your draft June meeting agenda so you can see what is coming up. Are you all comfortable that our current work plan tracks your priorities sufficiently? In that respect, nothing jumps out like you had a high priority that we're missing and won't address quickly.

MR. CUPKA: In looking it over, Gregg, it struck me they have pretty well lined up between our priorities and what we're working on and all. I think we talked about doing this not every council meeting but every other council meeting, and it kind of gives us a chance to put everything in perspective.

I think it would be useful not only to the council members but to the staff and make sure we're all kind of on the same page. I think it is very useful. I agree with you that maybe next time we can do a little different job on presenting it and whatnot, but I think it has been a useful exercise and one that we will continue doing. Gregg.

MR. WAUGH: And I think one thing that would help – and, again, thanks Monica for all her help in getting that framework in there. Having that framework in and we will still do the necessary analyses for these adjustments when we get new stock assessments, but you can see that will save us several regulatory amendments that we're working on here. I think once we get to September, definitely December, we will have a better idea of how many different amendment documents we will be working on next year, and I think it will be much more manageable.

MR. CUPKA: Yes, I agree, that was a huge step and it should help considerably in the workload not only for our staff but the regional office as well. Are there any other comments for Gregg? If not, I will finish up my report. Under other business I briefed the committee on the February 2013 CCC meeting held in Silver Spring, Maryland.

I kept my remarks to a minimum in the interest of time and indicated that staff would send the minutes of the CCC meeting to council members when they became available. There were no motions made at this Executive Finance Committee. That concludes the Executive Finance

Committee Report. That takes us down to status reports, and I am going to call on Roy. I know he has got one or two things that we need to go over; an experimental fishing permit application and I guess you want to talk about reorganization of the 50 CFR. Roy.

DR. CRABTREE: Yes, just a couple of things. The trip limit on golden tilefish will be increased back up to 4,000 pounds on March 13th through the morning of the 22nd to allow them to reach 75 percent of the quota. David mentioned that we are working on a reorganization of all of our fishing regulations in the southeast.

If you have ever tried to find anything in our regulations, it is very difficult. They're very confusing and that is largely because they're organized based on management measure rather than fishery. We are in the process of reorganizing them by fishery management plan so you can go into the snapper grouper regulations and everything will in one place.

I believe that is all with NOAA Office of General Counsel now, but hopefully will come out some time in the spring. None of the regulations are being changed. There are no substantive changes as to what is allowed or not. It is simply an organization change to try and make them more user-friendly.

Lastly, we have an exempted fishing permit that you need to look at, and this is Attachment 4 in the council session area. This is an application from Dynasty Marine Associates. Do you want to go over it, Jack?

DR. McGOVERN: Yes, I can do it. Dynasty Marine Associates are applying for an exempted fishing permit to collect fish. They intend to sell them for educational purposes, for public aquariums and that sort of sort of thing. They want to get an EFP so they can collect these fish after the commercial ACL is met.

The fish that they want to collect are listed on Page 2 of the EFP. It includes fishes like spadefish and black grouper, cobia, gag, things like that. They only intend to use the EFP after the quota or ACL has been met for a particular species. The locations where they would want to do the collections are in federal waters and state waters of Florida Bay, Gulf of Mexico and the Atlantic Ocean around Marathon, Florida.

They have a snapper grouper permit and a dealer permit. They want to fish for the entire calendar year after the quota has been filled. The methods for collection they intend to use would be hook and line, scuba gear and hand net with scuba net, with some kind of barrier net of something like that not exceeding 500 square feet. They would also want to be able to retain undersized fish.

MR. CUPKA: Roy, were you going to mention about the Gulf action?

DR. CRABTREE: Yes. It is my understanding that these guys do have commercial fishing permits. Despite what their application says, they say they are totally different from a commercial fishing operation, they are in fact commercial fishing. It is not clear to me how they

qualify for an exempted fishing permit. The Gulf Council reviewed this at their last meeting and recommended that the EFP not be approved.

MR. CUPKA: And I think the reason was because they thought it was a commercial operation and usually these are given to aquariums or educational institutes who could then turn around, once they have the permit in hand, and contract with somebody like this group –

DR. CRABTREE: Correct.

MR. CUPKA: – to supply them.

DR. CRABTREE: The exempting fishing permit regulations do allow us to issue exempted fishing permits for display purposes or collection for display purposes. If one of the aquariums came in and requested an exempted fishing permit, we would issue it to them because they would qualify.

They could then hire this gentleman to go out and collect their fish for them, but he is not actually displaying fish. He is simply catching them and selling them, which really makes him a commercial fishing operation, and so that is the difficulty. I think David is right is that is what led to the Gulf Council recommended it not be approved because they essentially saw it as a commercial fishing operation and so they ought to follow the commercial rules like everyone else.

DR. DUVAL: I just had a question. I noticed they wanted six Goliath grouper. Are we allowed that? That is a prohibited species so I'm just curious if we've allowed that in other EFPs.

DR. CRABTREE: We probably have allowed some Goliath grouper to be taken by aquaria, but I don't remember specifically. We have allowed some small amounts of prohibited species from time to time to be approved, but all of those EFPs would come before the affected council and you would have a chance to review it.

MR. CUPKA: Let me remind you, too, that this isn't something we approve or disapprove. We make a recommendation to the regional office who has the approval authority. Jessica.

MS. McCRAWLEY: It is my understanding the Gulf Council also requested that staff do a white paper to look into some type of permitting system that would be more like the HMS permit since this doesn't really qualify for an exempted fishing permit.

MR. CUPKA: Okay, what is the council's position? We need a motion to recommend to the regional office that they either approve or not approve this request. Charlie.

MR. PHILLIPS: I was going to make a comment and then I'll make a motion, I suppose. Had he had a list of aquariums or something that needed five of this, ten of this and said I want to collect it for this group, I would be inclined to do it; but the way it is written up here, I would make the motion that recommend this not be approved.

MR. CUPKA: We have a motion to recommend to the regional office that they not approve the Dynasty Marine Associates application for an exempted fishing permit. We have a second by Mel. Is there any discussion on the motion? Any objection? Seeing none; then that motion is approved. Okay, anything else, Roy?

DR. CRABTREE: No, that concludes my report.

MR. CUPKA: Dr. Ponwith, do you have anything you wish to bring up at this point?

DR. PONWITH: Yes, I do; just a quick update on the headboat fishery. We, as I mentioned earlier, expect the 2012 catch estimates for recreational landings aboard headboats to be available by mid-August. The electronic monitoring aboard the headboat continues to make some really good progress since that program went live earlier this year.

Right now we have 73 percent of the vessels already are registered to use the electronic logbook. Twenty-seven vessels are currently using the mobile applications, and we have got nearly 1,500 trips that have been reported electronically since the system went live at the beginning of the year. We have had two vessels refuse to report electronically, which is still legal until the regulation goes into place.

We're obtaining as much feedback from the broader population as we can on this, and we're using the feedback to make improvements to the system. In general the feedback has been very good. Also, by this April we will be making a transition of the database from D base to Oracle, which will add some efficiencies in the way those data are managed.

The other thing that I wanted to talk about today was the science program review that we're holding. As we have talked before, the purpose of these are to evaluate the science center's current scientific capability and give the center advice and direction on the quality of the science and provide recommendations on how improvements could be made.

Because we're doing this thematically across all of the six science centers, it will enable us to synthesize this information nationally and see if we get kind of emerging patterns across the science centers to help us in our strategic planning going forward. It is going to be on a five-year rotating basis thematically; and the way those themes go, our Year One is going to be on the data that feed the Magnuson-Stevens Act related stock assessments, so this would be fishery-dependent and fishery-independent data collections; the data management; the QA/QC procedures for data-feeding stock assessments.

Year Two are the stock assessment themselves; Year Three, Protected Resources Science. Year Four will be climate and ecosystem science; and Year Five will be economics and social sciences; and then Year Six and beyond we just repeat our way through that cycle. This year, again, our program review is going to be held the first week of June. This will be an open meeting, so anybody from the council who wishes to participate is welcome to come.

The venue for that is going to be in Miami. We're working on the selection of a hotel to hold that meeting in right now. We will have a notice posted to the website here soon on that. The

way the program is structured is we will have five panelists. Three of those will be external experts, external to NOAA.

One will be from within NOAA but from a different line office, and then the last one will be from within fisheries but from a completely different science center. That gives us a breadth of review expertise with some familiarity with the programs, which is going to be helpful. The duration will be three to five days. Again, the program reviews will be open to the public.

We do anticipate that we're going to be including – for the fishery-dependent and independent, of course, we're going to be including the science that we collect directly – the data that we collect directly but also the data that we use and collect in collaboration with our commission partners and our state partners.

It is going to be challenging to figure out how we can collaborate to gather up that information on what we want to portray about how those data are collected and still fit it into that small amount of time. We are working on how to incorporate the state partners and commission partners on that. I guess I will open it up to questions if anybody has questions.

MR. CUPKA: Are there any question for Bonnie? Okay, is that all, Bonnie?

DR. PONWITH: That concludes my report, Mr. Chairman.

MR. CUPKA: Okay, thank you, Bonnie. All right, that takes us down to agency and liaison reports. I just ask that you keep them brief and to the point, and we will start with the Coast Guard.

LCDR GIBSON: Mr. Chairman, this fiscal year District 7 has conducted 244 fishery boardings and observed a compliance rate of 98 percent out of those boardings. The last significant violation we had in your area of responsibility was a shrimp vessel out of Jacksonville with no permit, and that was back in December.

I will break it down by our sectors real quick. Sector Charleston has conducted a couple of pulse operations out to Grays Reef with zero significant violations. In Sector Jacksonville we had a 270-foot ship, the Coast Cutter Tampa out of Portsmouth, Virginia, and we pushed them out for a five-day fisheries pulse operation, a little bit further offshore, and no significant violations out of that either. They were targeting pelagic longline vessels at that time.

Sector Key West, the last pulse operation we did was in February down there, and that was out by Dry Tortugas with no significant violations. A couple of things I want to say: I want to restate the Coast Guard District 7's position remains that we support the broad issues of VMS in the enforcement of fisheries, especially where MPAs are in place.

Then on a side note I think I sent the e-mail around to everyone. Rear Admiral Baumgartner will be relieved this summer. I think the change in command is in June. I don't have the exact date yet. He will be retiring and then Rear Admiral John Korn will be coming in to take over as commander of District 7. Barring any of your questions, that concludes my briefing.

MR. CUPKA: Are there any questions? All right, seeing none; then we will move on. Mel.

MR. BELL: Not a lot to report, luckily. As far as what is going on with us right now, our legislature is in session. Our state budget this year is about as promising as it has looked in a number of years, so that is a good thing right now. We are still fairly early in the session, but that is good.

Of course, we're concerned about the federal budget issues. We are heavily dependent upon different federal grants; MARMAP being a very good example. It would be nice if there weren't any more cuts, but we don't really know what is going on in D.C., I guess. A note of interest; we do have a bill in the General Assembly right now which would, if it passes, give South Carolina a year-round black sea bass season in state waters.

We'd look pretty similar to Florida, I think, in terms of we would keep with the current federal size limit and bag limit but just adopt the year-round season for state waters. Also, on March 1 the Office of Fisheries Management personnel, our creel clerks basically, became – we're working to become subcontractors for the MRIP Survey, so we will actually be doing that now within the agency. We don't have the contract signed, but we've sort of started the work, anyway, in good faith. That concludes my report, Mr. Chairman.

MR. CUPKA: Are there any questions for Mel? Seeing none; then we will move on to Mr. Haymans.

MR. HAYMANS: Mr. Chairman, I will try to keep it brief. Like Mel, we're in the middle of our legislative session. It has been interesting to date. There are very few fisheries issues. The one of note is that the Coastal Conservation Association is pushing through a game fish provision for red drum, which would, of course, make it no sale, recreational, only hook and line. It has made it through one side of the House and it has got ten days to make it through the other side.

Some of you may have seen a case made I guess last week; 111 black sea bass caught and I guess intercepted in Georgia. I guess the good part of that is 22 of those were legal, so there are some big fish out there. But, anyway, that was an interesting case and I guess it will be making its way through hopefully the federal system soon. I guess the final thing is I hope you all have had a good trip to Georgia, and y'all come back soon.

MR. CUPKA: Are there any questions for Doug? Again, we appreciate the hospitality. Wilson.

DR. LANEY: Mr. Chairman, I will make it very brief. I will send an expanded written report out to everybody. Yesterday our director issued a memorandum to all employees with regard to the measures he is taking to deal with the sequestration. There are six of those. The one will probably affect me the most is the travel one, which means that only mission-critical or essential travel will be undertaken. It has yet to be specified exactly how that is going to be defined.

I have turned in council travel through the end of June per request, and it remains to be seen whether that will be approved or not. That's really the biggest thing on the radar screen right

now. If anybody has any questions about the Fish and Wildlife Service activities, I will be happy to address them.

One other thing I will say really quickly is that the Bureau of Ocean Energy Management has specified three offshore wind call areas off North Carolina. There is off Kitty Hawk and then there are two off of Wilmington, Wilmington East and Wilmington West.

I know South Carolina has some interest in those lower two call areas. The Fish and Wildlife Service did respond to their Notice of Intent to issue an EIS for those with regard to just the surveys and the application process for offshore wind. I believe I have provided that to council staff and the chairman and the executive director; so if anybody is interested in that and didn't see a copy of it, I'll be happy to provide it. That constitutes my report.

MR. CUPKA: Are there any questions for Wilson? All right, moving right along, Michelle.

DR. DUVAL: We have a new administration this year which means it is always an exciting time trying to I guess inform new appointees as to how our agency works. As I think I have reported to you in the past, there has been a study bill looking at merging our agency our Wildlife Resources Commission or possibly our Department of Agriculture, so there is a lot of conversation up in Raleigh about that. Louis has unfortunately had to spend a lot of time up there lately.

Just a couple of other things; we have had a bill introduced that would basically clean out all of our rule-making commissions with regard to existing appointments. Our Marine Fisheries Commission was not included in the list. I am sure Anna is happy about that. It has gone from the Senate to the House and there is a desire on the part of the House to kind of slow that down and take a closer look at it, so that is a good thing.

Finally, the only other thing I was going to mention is that last week at our state commission meeting, our commission voted to move forward with an issue paper to our advisory committees, looking at possibly a suite of possible management measures for sheepshead in state waters in North Carolina. Thank you.

MR. CUPKA: Are there any questions for Michelle? Seeing none; then we will go on around to Jessica.

MS. McCAWLEY: Okay, we are also in the middle of our legislative session. We are also awaiting commissioner appointments from the governor's office. We are told that could be any day now. We're expecting either reappointments or new appoints for four of the seven commissioners that we have.

Also, you might have heard a little bit about our game fish/sportfish proposal that went to our last commission meeting. What that would have done is game fish would have made species no commercial harvest or sale. Sportfish would have made species catch and release only. That actually died at our last commission meeting; and so now instead the commission is looking at special regulations for tarpon and bonefish. In fact, I just sent a letter to you, Mr. Chairman,

today about how Florida will be looking to extend our state regulations for tarpon into federal waters. That's all I've got.

MR. CUPKA: Are there any questions for Jessica? Seeing none; then I assume that Bonnie and Roy don't have anything else to add. I will ask Monica if she has anything?

MS. SMIT-BRUNELLO: I do not.

MR. CUPKA: All right, upcoming meetings; Bob, do you have anything you want to say about our upcoming meetings? Ben.

MR. HARTIG: At this upcoming meeting we're going to try and do the same and we will do the same thing we did the last time we met in Stuart. We will have a dinner on the Port Salerno Commercial Dock Authority Docks. We have got a lot of interest in this from a lot of people up down the coast in Florida who want to be involved. This is looking like a seafood extravaganza, so bring your family, friends. We will ask for a tentative number later on, but this is looking pretty interesting.

MR. MAHOOD: Just to let everybody know, we do have our facilities for 2014, so we're moving right ahead. Of course, we do have the rest of 2013. We're only in the third month of the year, but it goes fast. We will be down near Stuart, Florida, in June of this year; back in Charleston in September; and then we will be in Wilmington.

In 2014 we're going to be in Savannah in March; we're going to be at the Sawgrass Marriott down near the PGA Tour Boulevard; then back to our standard Charleston Marriott in September of '14; and then we're going to be back at the Doubletree Hilton in New Bern Riverfront in December of '14. We're pretty well ready to go.

We won't start really thinking about or booking 2015 now a little while. We have got a lot going on. We have got a lot of SEDAR meetings coming up. We've got a lot of APs. The SSC will be meeting at a very critical meeting in April. There are a number of things going on. That's it, Mr. Chairman.

MR. CUPKA: Are there questions for Bob? Ben.

MR. HARTIG: Bob, where are we meeting in Florida in 2014? Did we ever get that squared away?

MR. MAHOOD: Ponte Vedra.

MR. CUPKA: Okay, other questions for Bob? Is there any other business to come before the council? Wilson.

DR. WILSON: Dave, I forgot to mention I just was informed today that the RV Cape Hatteras was in fact sold to Cape Fear Community College, so it looks like it is going to stay in North

Carolina. It is uncertain yet whether it will be available to do work, so I am trying to find that out. At least it didn't get sold to the Chinese.

MR. CUPKA: Okay, any other business to come before the council? If not, let me wish everyone a safe trip home and we are adjourned.

(Whereupon, the meeting was adjourned at 4:00 o'clock p.m., March 8, 2013.)

Certified By: _____ Date: _____

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March 23, 2013

INDEX OF MOTIONS

SNAPPER GROUPEL COMMITTEE MOTIONS

PAGE 28: Motion to request that NMFS extend the temporary rule for yellowtail snapper for an additional 186 days or until Regulatory Amendment 15 is implemented. Motion carried on Page 29.

AMENDMENT 30

PAGE 29: Motion to accept the purpose and need as revised for Snapper Grouper Amendment 30. Motion carried by roll call vote on Page 32.

PAGE 29: Motion to express the council's intent that the same regulations in the Gulf of Mexico EEZ for VMS would apply in the South Atlantic EEZ. Motion carried on Page 29.

PAGE 29: Motion to accept the IPT's wording for Alternative 2 and 3 with the insertion of "120 days". Motion carried on Page 29.

PAGE 29: Motion to move Subalternatives 2A and 3A and 2B and 3B to the considered but rejected appendix. Motion carried on Page 29.

PAGE 30: Motion to move Subalternatives 2C and 3C to the considered but rejected appendix. Motion carried on Page 30.

PAGE 30: Motion to move Subalternatives 2D and 3D to the considered but rejected appendix. Motion carried on Page 30.

PAGE 30: Motion to move the alternative requiring for-hire fishing vessels equipped with VMS to the considered but rejected appendix. Motion carried on Page 30.

PAGE 30: Motion to move the Subalternative 5 to the considered but rejected appendix. Motion carried on Page 30.

PAGE 30: Motion to move Alternative 6 to the considered but rejected appendix. Motion carried on Page 30.

PAGE 30: Motion to approve Amendment 30 for public hearings and DEIS review. Motion carried on Page 30.

REGULATORY AMENDMENT 18

PAGE 32: Motion to accept the IPT recommendation for the purpose and need. Motion carried on Page 32.

PAGE 32: Under Action 1, motion to select Alternative 2 as the preferred alternative. Motion carried on Page 33.

PAGE 33: Motion to add new Alternative 4 to Action 2, first season trip limit is 1,500 pounds and the second season trip limit is 1,000 pounds. When 75 percent of the commercial ACL has been met or projected to met, reduce the commercial trip limit to 500 pounds gutted weight. Motion carried on Page 33.

PAGE 33: Motion to move new Alternative 4 to the considered but rejected appendix. Motion carried on Page 33.

PAGE 33: Motion to make Alternative 3 the preferred alternative. Motion carried on Page 33.

PAGE 33: Motion to select Alternative 1 as the preferred for Action 3 and direct staff to add Action 3 to Regulatory Amendment 14 and add additional options. Motion carried on Page 33.

PAGE 33: Motion to select Alternative 2 under Action 4 as the preferred. Motion carried on Page 33.

PAGE 33: Motion to add new Alternative 3 to Action 5, which is to revise the ACL including sector ACLs for red porgy for 2013 through 2015 as shown below, using the OY equals ACL equals ABC formula established in the Comprehensive ACL Amendment. The values for 2015 would remain until modified. Motion carried on Page 33.

PAGE 33: Motion to select new Alternative 3 for Action 5 as the preferred. Motion carried on Page 33.

PAGE 33: Motion to recommend to the council that Regulatory Amendment 18 be submitted for formal review. Motion carried on Page 35.

PAGE 35: Motion to approve the codified text for Regulatory Amendment 18 as necessary and appropriate. Motion carried on Page 35.

PAGE 35: Motion to give staff and the council chair editorial license to make changes to the Regulatory Amendment 18 and the codified text and allow the council chair to deem the codified text as necessary and appropriate. Motion carried on Page 35.

AMENDMENT 27

PAGE 35: Motion to approve changes to the purpose and need as recommended by the IPT. Motion carried on Page 35.

PAGE 35: Motion under Action 1 to approve the IPT's modification to preferred Alternative 2. Motion carried on Page 35.

PAGE 35: Motion under Action 2 to select Alternative 3 as a preferred. Motion carried on Page 35.

PAGE 35: Motion to approve the IPT's wording changes to the alternatives and make Alternative 2 the preferred. Motion carried on Page 35.

PAGE 35: Motion to select Option 2 below as the preferred and incorporate in the language of Alternative 2 under Action 4. Motion carried on Page 35.

PAGE 36: Under Action 5; motion to select Alternative 2 as the preferred. Motion carried on Page 38.

PAGE 36: Under Action 5; substitute motion to make Alternative 3 the preferred. Motion was defeated on Page 38.

PAGE 39: Motion to approve Amendment 27 for formal review. Motion carried on Page 40.

PAGE 40: Motion to approve the codified text for Amendment 27 as necessary and appropriate. Motion carried on Page 40.

PAGE 40: Motion to give staff and the council chair editorial license to make changes to Amendment 27 and the codified text and allow the council chair to redeem the codified text as necessary and appropriate. Motion carried on Page 40.

REGULATORY AMENDMENT 14

PAGE 40: Motion to remove Action 2 from Regulatory Amendment 14. Motion carried on Page 40.

PAGE 40: Under Action 3, motion to remove all actions/alternatives relative to mutton snapper from Regulatory Amendment 14 and forward to the South Florida Management Committee for their consideration. Motion carried on Page 40.

PAGE 40: Under Action 4, motion to accept the IPT's suggestion to add Alternative 3, which is to specify the minimum size limit for gray triggerfish in inches fork length in federal waters off North Carolina, South Carolina, Georgia and East Florida. Motion carried on Page 40.

PAGE 41: Motion to move Action 6 to a separate regulatory amendment. Motion carried on Page 41.

PAGE 41: Motion to add another alternative to Action 7 to modify the recreational fishing year for black sea bass to being on May 1 and end on April 30. Motion carried on Page 41.

PAGE 41: Motion to request the Snapper Grouper Advisory Panel provide input on possible regional recreational fishing year start dates for black sea bass. Motion carried on Page 41.

PAGE 41: Motion to add an alternative to Action 8 to consider a closed season for the black sea bass pot fishery from November 15th through April 15th. Motion carried on Page 41.

PAGE 41: Motion to modify Alternative 3 under Action 8 as follows: Alternative 3; open the black sea bass commercial season only to the hook-and-line sector on January 1 with a trip limit of 50 pounds. The trip limit ends with the opening of the black sea bass pot season. Motion carried on Page 41.

PAGE 41: Motion to add an alternative to Action 8 to modify the commercial fishing year for black sea bass to begin on May 1 and end on April 30th. Motion carried on Page 41.

PAGE 41: Motion to move Action 9 to the considered but rejected appendix. Motion carried on Page 41.

PAGE 41: Motion to request that staff develop a suite of alternatives that would assign 100 percent of the ACL increase to the second season and consider changes to the start date of the second season on June 1 and May 1. Motion carried on Page 41.

PAGE 42: Motion to request that staff develop a suite a alternatives that would assign 25 percent of the ACL increase in the first season and 75 percent of the increase in the second season and consider changes to the start date of the second season on June 1 and May 1. Motion carried on Page 42.

PAGE 42: Motion to accept the IPT's recommendation to modify Subalternatives 2A and 2B to include clarification that the bag limit for black grouper would remain one fish. Motion carried on Page 42.

PAGE 42: Motion to add an alternative to not increase the aggregate bag limit but allow for retention of two gag; maintain black grouper at one fish within that aggregate. Motion carried on Page 44.

PAGE 44: Motion to add an alternative to consider an accountability measure that would decrease the bag limit of gag to one fish the following season should the recreational ACL be exceeded. Motion carried on Page 44.

PAGE 44: Under Action 12, motion to direct staff to conduct the necessary analysis to arrive at an appropriate date to trigger the trip limit step-down; also consider a range of trip limit options. Motion carried on Page 44.

PAGE 44: Under Action 13, motion to add a new Alternative 3 that retains the in-season closure authority but removes the payback provision. Motion carried on Page 44.

PAGE 44: Motion to move forward with consideration of modification to the vermilion snapper accountability measure but consider changes to the red porgy accountability measure in a future amendment. Motion carried on Page 44.

PAGE 44: Motion to add an alternative that tracks the language of accountability measures in Amendment 18 to the Coastal Migratory Pelagics FMP; payback only if the total ACL is exceeded and the stock is overfished. Motion carried on Page 44.

REGULATORY AMENDMENT 16

PAGE 44: Motion to approve the draft purpose and need for Regulatory Amendment 16. Motion carried on Page 44.

PAGE 44: Motion to request that the golden tilefish longline endorsement holders be brought together to discuss long-term management of the fishery once the endorsement program has been implemented and as soon as practicable. Motion carried on Page 44.

MPAs for SPECKLED HIND AND WARSAW GROUPER

PAGE 45: Motion to bring the MPA issue back to the Snapper Grouper Committee at the September meeting to develop a purpose and need and potentially consider options for reconfigurations and spawning. Motion carried on Page 47.

OTHER BUSINESS MOTIONS

PAGE 48: Motion to move forward with scheduling an online or telephone meeting of the council to consider the new ABC and setting ACLs for black sea bass soon after the stock assessment update has been reviewed by the SSC. Motion carried on Page 48.

PAGE 48: Motion to direct staff to begin preparation on a snapper grouper plan amendment to consider a range of alternatives for setting specific allocations for black sea bass commercial hook-and-line and pot fisheries based on historic landings. That range of alternatives is hook and line 15 percent, pots 85 percent; hook and line 20 percent, pots 80 percent; hook and line 25 percent, pots 75 percent. Motion carried on Page 48.

PAGE 50: Motion to adopt the timing and tasks. Motion carried on Page 50.

PAGE 50: Motion to develop a regulatory amendment to add the 53,000 pounds of golden tilefish commercial ACL from 2012 to the commercial allocation for 2013. The additional pounds will be added to the longline allocation. Motion was defeated on Page 53.

AD HOC DATA COLLECTION COMMITTEE MOTIONS

JOINT SOUTH ATLANTIC/GULF GENERIC DEALER AMENDMENT MOTIONS

PAGE 55: Motion to approve the modifications to the dealer amendment and approve the amendment for formal review and deem the codified text as necessary and appropriate. Motion carried on Page 56.

PAGE 56: Motion to give staff and the council chair editorial license to make editorial license to make editorial corrections to the amendment and the codified text. Motion carried on Page 56.

CE-BA 3 MOTIONS

PAGE 56: Motion to accept the IPT recommendation for the purpose and need for CE-BA 3. Motion carried on Page 56.

PAGE 56: Motion to accept the IPT recommendation to recommended language for Alternatives 2 and 3. Motion carried on Page 56.

PAGE 57: Motion to request an analysis from NOAA General Counsel to identify how the South Atlantic Council is meeting its bycatch requirements under the Magnuson-Stevens Act. Motion carried on Page 57.

PAGE 57: Motion to postpone further consideration of CE-BA until receipt of analysis from NOAA General Counsel. Motion carried on Page 57.

SOUTH ATLANTIC/GULF GENERIC FOR-HIRE REPORTING AMENDMENT MOTIONS

PAGE 57: Motion to approve the Joint South Atlantic and Gulf Council Generic For-Hire Reporting Amendment (South Atlantic only) for formal secretarial review and deem the codified text as necessary and appropriate. Motion carried on Page 58.

PAGE 58: Motion to give staff and council chair editorial license to make changes to the amendment and codified text as necessary and redeem the codified text. Motion carried on Page 58.

PAGE 59: Motion to approve the tasks and timing as presented. Motion carried on Page 59.

MACKEREL COMMITTEE MOTIONS

AMENDMENT 19 MOTIONS

PAGE 60: Action 1; motion to approve the wording in Alternatives 2 and 3. Motion carried on Page 60.

PAGE 60: Motion under Action 1 to add “in or from the EEZ of the Gulf of Mexico or Atlantic” to Alternatives 1 and 2. Motion carried on Page 60.

PAGE 60: Motion to add Alternative 4 to Action 1. Motion carried on Page 60.

PAGE 60: Motion to select Alternative 4 under Action 1 as the preferred. Motion carried on Page 60.

PAGE 60: Motion under Action 2 to change the preferred to Alternative 1. Motion carried on Page 60.

PAGE 60: Under Action 3, a motion to move Alternative 3 to the considered but rejected appendix. Motion carried on Page 60.

PAGE 60: Motion under Action 3 to remove Suboptions i and ii under Alternatives 2D, 4D and 4E. Motion carried on Page 60.

PAGE 60: Under Action 3 a motion to remove Option C under Alternatives 2 and 4. Motion carried on Page 60.

PAGE 61: Motion under Action 3 to change the time series in Alternatives 2B and 4B to 2002-2011. Motion carried on Page 61.

PAGE 61: Motion to add an alternative under Action 3 to allow for a two-for-one permit reduction in the king mackerel fishery similar to the snapper grouper system. Motion carried on Page 61.

PAGE 61: Motion to move Action 4 to the considered but rejected appendix. Motion carried on Page 61.

PAGE 62: Motion to add Alternative 5 to Action 5 to obtain or renew a commercial permit for king or Spanish mackerel at least (Option A) 75 percent or (Option B) 50 percent of the applicant's earned income must have been derived from commercial fishing or from for-hire fishing during one of the calendar years preceding the application. Motion carried on Page 62.

PAGE 62: Motion to move Action 2, sale of cobia, to the considered but rejected appendix? Motion carried on Page 62.

AMENDMENT 20 (SOUTH ATLANTIC MACKEREL COMMITTEE) MOTIONS

PAGE 62: Motion to adopt the IPT suggested alternatives under Action 4. Motion carried on Page 62.

PAGE 62: Motion to remove Options B and D under Alternatives 2 and 3 under Action 5. Motion carried on Page 62.

PAGE 62: Motion under Action 5 to add another option under Alternatives 2 and 3 to look at the average proportion of landings for the past 15 years. Motion carried on Page 62.

PAGE 62: Motion to add an alternative under Action 5 to allow for transfer of quota between General Atlantic Group King Mackerel/Spanish Mackerel ACL and North Carolina king mackerel/Spanish mackerel ACL. Motion carried on Page 63.

PAGE 63: Under Action 6 a motion to select Alternatives 2, 4 and 5 as preferred. Motion carried on Page 63.

PAGE 63: Motion to add Action 7, modify Gulf and Atlantic Migratory Cobia ABCs, ACLs and ACTs. Motion carried on Page 63.

SOUTH ATLANTIC FRAMEWORK ACTIONS 2013

PAGE 63: Under Action 1, motion to approve the language for the title of the action and the alternatives. Motion carried on Page 63.

PAGE 63: Motion to remove Action 2 from the framework. Motion carried on Page 63.

PAGE 63: Under Action 3 motion to approve the wording in the title of the action and the alternatives as revised. Motion carried on Page 63.

PAGE 63: Action 4, motion was to accept the IPT recommendation for Alternative 2 and Alternative 4 with the addition to “end of February” under (A) and change 75 percent to 70 percent under Subalternative B. Motion carried on Page 63.

PAGE 64: Under Action 4; motion to approve the wording in the title of the action and the alternatives as revised. Motion carried on Page 64.

PAGE 64: Under Action 5, motion to approve the wording in the title of the action and the alternatives as revised. Motion carried on Page 64.

PAGE 64: Motion to adopt the timing and task items as presented. Motion carried on Page 64.

ECOSYSTEM-BASED MANAGEMENT COMMITTEE MOTIONS

PAGE 65: Motion to endorse the Coral MOU and recommend to the council they consider approval during full council continent upon legal council edits. Motion carried on Page 65.

DOLPHIN WAHOO COMMITTEE MOTIONS

PAGE 65: Motion to accept the purpose and need as written but remove reference to Section ACLs. Motion carried on Page 66.

PAGE 66: Motion to accept the revised wording for Alternative 2 as presented: “Revise the acceptable biological catches (ABCs), annual catch limits (ACLs, including sector ACLs), and annual catch targets (ACTs) for dolphin and wahoo.” Motion carried on Page 66.

PAGE 66: Motion to remove Alternatives 3 and 7 from Action 2 and send them to the considered but rejected appendix. Motion carried on Page 66.

PAGE 66: Motion to add an Alternative 3 to Action 3 that would look at setting the commercial allocation at its highest percentage of the total catch over the past five years, 2008 through 2012. Motion carried on Page 66.

PAGE 67: Motion to add an Alternative 4 to Action 3 that would look at setting the commercial allocation of the average of the percentages of the total catch over the past five years. Motion carried on Page 67.

PAGE 67: Motion to add an alternative to Action 3 that would establish a 1.5 million pound cap for the commercial sector. Motion withdrawn on Page 70.

PAGE 73: Motion to add Action 5 and establish a commercial trip limit for dolphin in EEZ throughout the South Atlantic Marine Fisheries Area of Jurisdiction. Motion carried on Page 76.

PAGE 76: Motion to modify the language to Alternative 2 under Action 4, Dolphin and Wahoo Framework Procedure, by adding the following new wording:

X. Adjustments to ABCs, ACLs, and ACTs according to the existing ABC Control Rule(s) and formulas for specifying ACLs and ACTs that have been approved by the Council and that were implemented in a fishery management plan amendment to the FMP. This abbreviated process is authorized as follows:

a. Following the Scientific and Statistical Committee's (SSC's) review of the stock assessment, the Council will determine if changes are needed to ABC, ACL, and/or ACT and will so advise the RA.

b. The Council will first hold a public hearing during the Council meeting during which they will review the stock assessment and the SSC's recommendations. In addition, the public will be advised prior to the meeting that the Council is considering potential changes to the ABC, ACL, and/or ACT and the Council will provide the public the opportunity to comment on the potential changes prior to and during the Council meeting.

c. If the Council then determines that modifications to the ABC, ACL, and/or ACT are necessary and appropriate, they will notify the RA of their recommendations in a letter with the Council's analysis of the relevant biological, economic, and social information necessary to support the Council's action.

d. The RA will review the Council's recommendations and supporting information. If the RA concurs that the Council's recommendations are consistent with the objectives of the FMP, the Magnuson-Stevens Fishery Conservation and Management Act, and all other applicable law, the RA is authorized to implement the Council's proposed action through publication of appropriate notification in the Federal Register, providing appropriate time for additional public comment as necessary.

e. If the Council chooses to deviate from the ABC control rule(s) and formulas for specifying ACLs and ACTs that the Council previously approved and that were implemented in a fishery management plan amendment to the FMP, this abbreviated process would not apply, and either the framework procedure would apply with the preparation of a regulatory amendment or a fishery management plan amendment would be prepared. Additionally, the Council may choose to prepare a regulatory amendment or a fishery management plan amendment even if they do not deviate from the previously approved ABC control rule(s) and formulas for specifying ACLs and ACTs. Motion carried on Page 77.

PAGE 77: Motion to direct staff to analyze the actions/alternatives and begin the formal development of Dolphin Wahoo Amendment 5; bring draft Dolphin Wahoo Amendment 5 to the council at the June meeting for review, selection of preferred alternatives and vote to send to public hearings in August 2013. Motion carried on Page 77.

GOLDEN CRAB COMMITTEE MOTIONS

PAGE 77: Motion to direct staff to work with the relevant APs regarding examination of modifying the northern limit of the northern zone golden crab fishing area. Motion carried on Page 78.

PAGE 78: Motion that the council to stop work on Amendment 6, including both the catch share and non-catch share actions. Motion carried on Page 78.

STATUS REPORT MOTION

PAGE 85: Motion to recommend to the regional office that they not approve the Dynasty Marine Associates application for an exempted fishing permit. Motion carried on Page 86.

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✓ = DONE @ MARCH - FINAL REV.

MASTER SHEET 1

W/INVENT

SAFE/CY 2012/13 SCHEDULE	ORDER (9/12)	HIGH	MED	LOW	RANK	ORDER (3/13)
FMP/AMENDMENTS/FRAMEWORKS						
Snapper Grouper Regulatory Amendment 13 Adj ACLs MRFSS/MRP Calibration	1	✓	✓	✓	32 X	2 X
Snapper Grouper Regulatory Amendment 14 Multiple Species	5	✓	✓	✓	32 X	2 X
Emergency Rule for Yellowtail Snapper	2					
Snapper Grouper Regulatory Amendment 15 Yellowtail Snapper Gagg Trigger & Red Snapper	6					
Snapper Grouper Amendment XX Yellowtail & Mutton (SAFE/C Management)	14					
Snapper Grouper Regulatory Amendment 16 Golden Tilefish (2wt on & 2 off)	7	✓	✓	✓	29 X	5 X
Snapper Grouper Regulatory Amendment 17 MPAs Speckled Hind/Marlin	10	✓	✓	✓	23 X	8 X
Snapper Grouper Regulatory Amendment 18 Vermilion & Red Porgy	3				20 X	10 X
Emergency Rule to remove Gag-triggering element of all shallow-water groupers	12	✓	✓	✓	20 X	10 X
Snapper Grouper Amendment 22 (Bag Program Golden Tilefish, Snowy & Wreckfish & Red sn)	9					
Snapper Grouper Amendment 27 Blue snapper, Nassau, bag & fmvk						
Snapper Grouper Amendment 28 Red Snapper Framework						
Snapper Grouper Amendment 29 29 (Allocations, ORCS revisions?)	11	✓	✓	✓	22 X	9 X
Dolphin/Mahoe Amendment 5 (Fmvk, ABC/ACL, adj, Alloc)	13	✓	✓	✓	26 X	6 X
Golden Crab Amendment 6 (Catch Shares)	12	✓	✓	✓	15 X	13 X
Fishery Ecosystem Plan (Update #1) - start in 2014	12	✓	✓	✓	10 X	14 X
Comprehensive Ecosystem-Based Amendment #3(2012), #4(2013) & #5(2014) (Bycatch only)						
Generic SG, DW & CMP For-Hire Reporting (SA Only)		✓	✓	✓	31 X	3 X
Generic Commercial Logbook Reporting		✓	✓	✓	25 X	7 X
Snapper Grouper Amendment 30 (VMS)		✓	✓	✓	18 X	12 X
Coral Amendment 7 8 (Coral HAPCs & Transit thru Ocullina Bank HAPC)	16					
Shrimp Closure Work (if required; done in 2011)	16					
Shrimp Amendment 9 (Closure process & MAST)	4	✓	✓	✓	30 X	4 X
Joint Blackened Amendment 10 (Prohibit Bag Limit Sales & Penalties) - timing	7	✓	✓	✓	22 X	9 X
Joint Blackened Amendment 20 (Biomass & Timing) - timing	8	✓	✓	✓	19 X	11 X
Joint Blackened Framework (Steelhead/Trip Limits) - timing	47					
Joint Spiny Lebellet Amendment 11 (NMFS lead, Protected Resource Issues)	6					
Joint GMSA Dealer Amendment	10	✓	✓	✓	22 X	9 X
Workshops with Fisheries - start in 2012	15	✓	✓	✓	10 X	14 X
Calico Sailfin FMP? (Separate FMP or include in a Comprehensive FMP Am)		✓	✓	✓	36 X	1 X

SC Regulatory Amendment 19 (Black SeaBass)

Rec/Act/Act

FULL COUNCIL – ROLL CALL VOTE

Date: 3/8/13

Meeting Location: St. Simons Island, GA

Issue: EXTENSION OF YELLOWTAIL SNAPPER RULE

	YES	NO	ABSTAIN
CUPKA	X		
HARTIG	X		
AMICK	X		
MS BECKWITH	X		
BELL	X		
BURGESS	X		
Dr CRABTREE		X	
Dr DUVAL	X		
HAYMANS	X		
JOLLEY	X		
MS MCCAWLEY	X		
PHILLIPS	X		
SWATZEL	X		

FULL COUNCIL – ROLL CALL VOTE

Date: 3/8/13

Meeting Location: St. Simons Island, GA

Issue: SNAPPER/GROUPER
REG AMENDMENT 18 and codified text

	YES	NO	ABSTAIN
CUPKA	✓		
HARTIG	✓		
AMICK	✓		
MS BECKWITH	✓		
BELL	✓		
BURGESS	✓		
DR CRABTREE	✓		
DR DUVAL	✓		
HAYMANS	✓		
JOLLEY	✓		
MS MCCAWLEY	✓		
PHILLIPS	✓		
SWATZEL	✓		

FULL COUNCIL – ROLL CALL VOTE

Date: 3/8/13

Meeting Location: St. Simons Island, GA

Issue: SNAPPER/GROUPER AMENDMENT 27

	YES	NO	ABSTAIN
CUPKA	✓		
HARTIG	✓		
AMICK	✓		
MS BECKWITH	✓		
BELL	✓		
BURGESS	✓		
DR CRABTREE	✓		
DR DUVAL	✓		
HAYMANS	✓		
JOLLEY	✓		
MS MCCAWLEY	✓		
PHILLIPS	✓		
SWATZEL	✓		

FULL COUNCIL – ROLL CALL VOTE

Date: 3/8/13

Meeting Location: St. Simons Island, GA

Issue: JT GENERIC
DEALER AMENDMENT

	YES	NO	ABSTAIN
CUPKA	✓		
HARTIG	✓		
AMICK	✓		
BECKWITH	✓		
BELL	✓		
BURGESS	✓		
CRABTREE	✓		
DUVAL	✓		
HAYMANS	✓		
JOLLEY	✓		
MCCAWLEY	✓		
PHILLIPS	✓		
SWATZEL	✓		

FULL COUNCIL – ROLL CALL VOTE

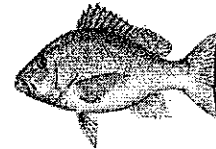
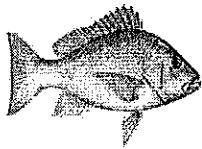
Date: 3/8/13

Meeting Location: St. Simons Island, GA

Issue: JOINT HEADBOAT AM (SA ONLY)

	YES	NO	ABSTAIN
CUPKA	✓		
HARTIG	✓		
AMICK	✓		
MS BECKWITH	✓		
BELL	✓		
BURGESS	✓		
DR CRABTREE	✓		
DR DUVAL	✓		
HAYMANS	✓		
JOLLEY	✓		
MS MCCAWLEY	✓		
PHILLIPS	✓		
SWATZEL	✓		

SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

Saturday March 02, 2013

To: South Atlantic Fishery Management Council (SAFMC)

SGRegAm18Comments@safmc.net

The Southeastern Fisheries Association (SFA) East Coast Fisheries Section (ECFS) appreciates the opportunity to submit the following comments about proposed actions with SG Regulatory Amendment 18 to set annual catch limits (ACLs) and other actions for the Vermilion snapper and Red porgy stocks.

Thank you for considering the SFA ECFS comments.

Jimmy Hull, Chairman
SFA ECFS rhh

2.1 Action 1: Revise the Annual Catch Limit (ACL, including sector ACLs) and Optimum Yield (OY) for Vermilion Snapper.

Alternative 2. Revise ACL (including sector ACLs) for vermillion snapper for 2013 through 2016 as shown below and set $ACL=ABC=OY$. The acceptable biological catch (ABC) and ACL values for 2013 onwards are based on landed catch only; discards are accounted for in specifying the ABC in terms of landed catch and not total kill. The values for 2016 would remain until modified.

Note: The values for **Alternative 2** are shown in **Table 2.1.1**.

SFA ECFS Preferred Alternative 2 to revise the ACL (including sector ACLs) for Vermilion snapper for 2013 through 2016.

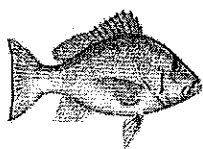
Table 2.1.1 ABC/ACLs for 2013-2016 from the recent SEDAR assessment and the South Atlantic Council/SSC-approved ABC control rule.

Year	ABC ww	Total ACL ww	Comm ACL ww	Rec ACL ww
2013	1,372,000	1,372,000	932,960	439,040
2014	1,312,000	1,312,000	892,160	419,840
2015	1,289,000	1,289,000	876,520	412,480
2016	1,269,000	1,269,000	862,920	406,080

Table 2.1.2 Current and proposed values for MSY and FMSY for vermillion snapper.

Management Reference Point	Current Value (Alternative 1 (No Action)) (SEDAR 17 2008)	Proposed New Value (SEDAR 17 Update 2012)
MSY	1,665,000 lbs ww	1,563,000 lbs ww
FMSY	0.386	0.75

SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

2.2 Action 2: Modify the commercial trip limit for vermillion snapper.

Alternative 3. Reduce the commercial trip limit for vermillion snapper to 1,000 lbs gw (1,110 lbs ww). When 75% of the commercial ACL has been met or projected to be met, reduce the commercial trip limit to 500 lbs gw (555 lbs ww).

SFA ECFS Preferred Alternative 3 to reduce the commercial trip limit for Vermilion snapper to 1,000 pounds gutted weight (1,100 pounds whole weight) and when 75% of the commercial ACL has been met or projected to be met, reduce the commercial trip limit to 500 pounds gw (555 pound ww).

2.3 Action 3: Modify the commercial fishing seasons for vermillion snapper.

Alternative 1 (No Action). The commercial fishing year for vermillion snapper is split into two seasons of equal duration, each with its own ACL. The first season begins on January 1 and ends on June 30 (6 months). The second season begins on July 1 and ends on December 31 (6 months). The commercial ACL is split equally between the two seasons.

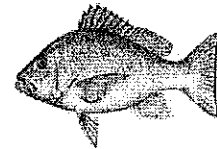
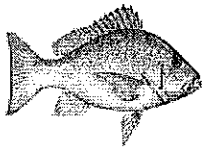
Note: The figures with the new commercial ACLs, assuming Alternative 2 is chosen for Action 1, split by the current seasons (**Alternative 1, No Action**) are shown in **Table 2.3.1**.

SFA ECFS Preferred Alternative 1, (No Action) for the commercial fishing year for Vermilion snapper and keep the two seasons of equal duration, each with its own ACL. SFA ECFS supported Alternative 2 for Action 1 to revise the commercial ACLs.

Table 2.3.1. ABC/ACLs and commercial split season ACLs using the current fishing season for 2013-2016 based on the recent SEDAR assessment and the South Atlantic Council/SSC-approved ABC control rule.

Year	ABC ww	Total ACL ww	Comm ACL ww	Comm ACL Jan-June ww	Comm ACL July-Dec ww
2013	1,372,000	1,372,000	932,960	466,480	466,480
2014	1,312,000	1,312,000	892,160	446,080	446,080
2015	1,289,000	1,289,000	876,520	438,260	438,260
2016	1,269,000	1,269,000	862,920	431,460	431,460

SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

2.4 Action 4: Modify the recreational closed season for vermilion snapper.

Alternative 2. Remove the recreational season closure for vermilion snapper.

SFA ECFS Preferred Alternative 2 is to remove the recreational season closure for Vermilion snapper.

2.5 Action 5: Revise the Annual Catch Limit (ACL, including sector ACLs), Optimum Yield (OY), and Annual Catch Target (ACT) for Red Porgy.

Alternative 1. No action. For red porgy, retain the current ACLs, OY, and recreational ACT:

Current ACL = 395,304 lbs ww = 380,100 lbs gw

Commercial ACL = 197,652 lbs ww = 190,050 lbs gw

Recreational ACL = 197,652 lbs ww = 190,050 lbs gw

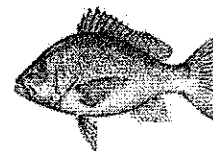
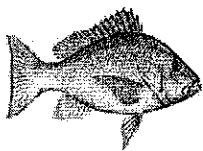
Recreational ACT = 160,098 lbs ww = 153,940 lbs gw

OY = 395,304 lbs ww (OY=ACL=ABC)

Note: These values are based upon the results of SEDAR 1 (SEDAR 1 2002); Current ABC = 395,304 lbs ww landed catch; allocation of 50% commercial and 50% recreational. MSY = the yield produced by FMSY. MSY and FMSY are defined by the most recent stock assessment. MSY = 625,699 lbs ww.

SFA ECFS Preferred Alternative 1 for No Action with Red porgy lasts until the 2014 Full Benchmark is completed. Anecdotal evidence by fishermen suggest that the Red porgy stock is healthier than the recent 2012 Red porgy Update Assessment seems to indicate. Also, it is obvious that the Update Assessment was influenced by a large spike in estimated recreational landings that is not realistic and the Assessment should have been sent back by the SSC to the NMFS Science Center for further analysis.

SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

Robert Mahood, Executive Director
South Atlantic Fishery Management Council (SAFMC)
4055 Faber Place Drive, Suite 201
North Charleston, South Carolina 29405

DWAmend5Comments@safmc.net

Thursday January 31, 2013

Regard to: Dolphin Wahoo (DW) Fishery Management Plan (FMP) Amendment 5 Scoping Document

To: Bob Mahood,

Thank you for considering this Southeastern Fisheries Association (SFA) East Coast Fisheries Section (ECFS) written comment with regard to the DW Amendment 5 Scoping document for the four Actions with various Alternatives. Below are the choices we wish to support for this scoping effort.

Action 1: Revise ABC, ACL (including sector ACLs), sector allocations, and recreational ACT for dolphin and wahoo based on MRIP estimates.

SFA ECFS Prefers Alternative 2 for Action 1 to revise ABC, ACLs (including sector ACLs), sector allocations and the recreational ACT for DW with updated data from MRIP, commercial, and for-hire landings.

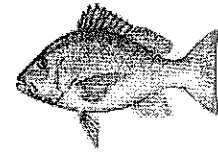
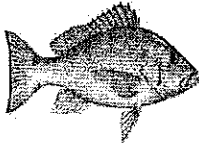
Alternative 2. Revise the ABC, ACLs (including sector ACLs), sector allocations, and the recreational ACT for dolphin and wahoo with updated data from MRIP, commercial, and for-hire landings.

Action 2: Revise the accountability measures for dolphin and wahoo

SFA ECFS supports the existing Accountability measures as detailed with Alternative 1 and the addition of Alternative 2 if a future Dolphin stock assessment finds this species to be overfished.

Alternative 2. If the commercial ACL for dolphin and wahoo is exceeded, the Regional Administrator (RA) shall publish a notice to reduce the ACL in the following season by the amount of the overage, only if the species is overfished.

SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

Action 3: Modify the dolphin sector allocations

SFA ECFS Prefers Alternative 2 for Action 3 in combination with Alternative 2 of Action 1. Like the DW AP we support Alternative 2 for Action 3 to increase the commercial ACL from the current ACL.

Alternative 2. Establish the sector allocations for dolphin that were in place prior to the Comprehensive ACL Amendment making the "soft cap" allocations the sector allocations. The recreational sector allocation for dolphin would be 87%. Should the Council select **Alternative 2 of Action 1**, the new recreational ACL would be 13,350,016 lbs ww (**Table 2**). The commercial sector allocation would be 13%. Should the Council select **Alternative 2 of Action 1**, the new commercial ACL would be 1,994,830 lbs ww.

Action 4: Revise the framework procedure in the Dolphin Wahoo FMP

SFA ECFS supports Alternative 2 for Action 4 to revise the framework procedure in the DW FMP.

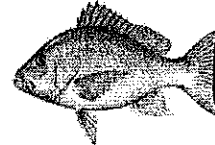
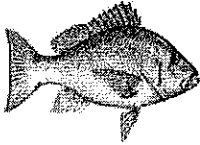
Alternative 2. Include the following in the Dolphin Wahoo FMP framework: Update the framework procedure to revise the specification of Total Allowable Catch (TAC) for the Dolphin Wahoo FMP in terms that incorporate ACLs, ACTs, and AMs. Such modifications would be based upon new scientific information indicating such modifications are prudent. Changes to the ACLs, ACTs and AMs will be made using the following procedure once the new ACLs, ACTs and AMs are established by the Council.

Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs) and Annual Catch Targets (ACTs) Adjustment Procedure

1. Stock assessments will be conducted for Dolphin Wahoo species in the management area through the SEDAR process.
2. Following the Scientific and Statistical Committee (SSC)'s review of the stock assessment and a public hearing, the Council will determine if changes are needed in the OFL, ABC, ACLs, and ACTs and so advise the RA.
3. Following a review for consistency with the FMP and applicable law, the RA may reject or may implement changes by notice in the *Federal Register* to be effective for the next fishing season.

Jimmy Hull, Chairman
SFA ECFS
JGH/rhh

SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

Robert Mahood, Executive Director
South Atlantic Fishery Management Council (SAFMC)
4055 Faber Place Drive, Suite 201
North Charleston, South Carolina 29405

SGAmend27Comments@safmc.net

Thursday January 31, 2013

Regard to: Snapper Grouper (SG) Fishery Management Plan (FMP) Amendment 27 Public Hearing Document

To: Bob Mahood,

Thank you for considering this Southeastern Fisheries Association (SFA) East Coast Fisheries Section (ECFS) written comment for this Public Hearing period with regard to the SG Amendment 27 for the five Actions with various Alternatives. Below are the choices we wish to support for rulemaking.

Action 1. Extend the South Atlantic Council's area of jurisdiction for management of Nassau grouper to include the Gulf of Mexico

SFA ECFS supports the Preferred Alternative 2 for Nassau grouper management.

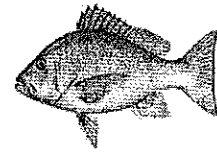
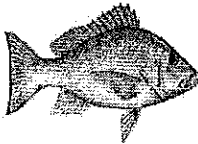
Alternative 2 (Preferred). The South Atlantic Council would extend its jurisdictional authority for management of Nassau grouper to include federal waters of the Gulf of Mexico. Harvest of Nassau grouper in the Gulf of Mexico EEZ would continue to be prohibited.

Action 2. Modify the crew size restriction for dual-permitted snapper grouper vessels

SFA ECFS supports Prefers Alternative 2 to eliminate the limit of 3 crewmembers for dual-permitted vessels.

Alternative 2. Eliminate the limit of 3 crewmembers for dual-permitted vessels

SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

Action 3. Modify captain and crew retention restrictions on bag limit quantities of snapper grouper species

NOTE: All of the alternatives below apply only to vessels with a South Atlantic Charter/Headboat Permit for Snapper Grouper

SFA ECFS prefers Alternative 2 to allow the captains and crew of vessels associated with a South Atlantic Charter/Headboat Permit for Snapper Grouper to retain a recreational bag limits of SG for personal consumption.

Alternative 2. Remove the snapper grouper species retention restrictions for captains and crew of vessels associated with a South Atlantic Charter/Headboat Permit for Snapper Grouper.

Action 4. Modify Section I of the Snapper Grouper FMP Framework procedure

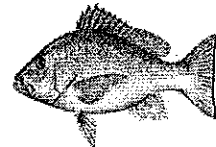
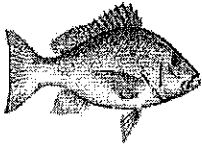
SFA ECFS along with the Snapper Grouper AP supports the Preferred Alternative 2 to modify Section I of the SG FMP Framework procedure. SFA ECFS encourages the NOAA General Counsel to determine the extent to which additional actions such as revising ACLs may be revised by the NMFS Regional Administrator (RA) through notice action.

Alternative 2 (Preferred). Modify Section I of the Snapper Grouper FMP Framework Procedure for Specification of Annual Catch Limits, Annual Catch Targets, Overfishing Limits, Acceptable Biological Catch, and annual adjustments. The modification would add the following language:

Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs) and Annual Catch Targets (ACTs) Adjustment Procedure

1. Stock assessments will continue to be conducted for snapper grouper species in the management area through the SEDAR process.
2. Following the Scientific and Statistical Committee (SSC)'s review of the stock assessment and a public hearing, the Council will determine if changes are needed in the OFL, ABC, ACLs, and ACTs and so advise the Regional Administrator (RA).
3. Following a review for consistency with the FMP and applicable law, the RA may reject or may implement changes by notice in the *Federal Register* to be effective for the next fishing season.

SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

Action 5. Modify placement of blue runner in a fishery management unit and/or modify management measures for blue runner

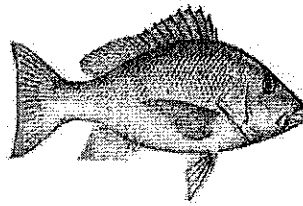
SFA ECFS Prefers Alternative 3 to retain Blue runner in the SG FMP and allow commercial harvest and sale of Blue runner vessels associated with a Spanish Mackerel Permit, or a South Atlantic Unlimited or 225-pound Permit for SG. Gillnets would be an allowable gear for only Blue runner in the SG fishery.

Alternative 3. Retain blue runner in the Snapper Grouper FMP but allow commercial harvest and sale of blue runner for vessels associated with a Spanish Mackerel Permit or a South Atlantic Unlimited or 225-pound Permit for Snapper Grouper. Gillnets are an allowable gear for only blue runner in the snapper grouper fishery.

Jimmy Hull, Chairman
SFA ECFS
JGH/rhh

DIRECTED SUSTAINABLE FISHERIES, INC.

A CONSULTING COMPANY



South Atlantic Fishery Management Council (SAFMC)
4055 Faber Place Drive, Suite 201
North Charleston, South Carolina 29405

Sunday March 03, 2013

Re: Coastal Migratory Pelagics (CMP) Fishery Management Plan (FMP) Amendment 19 Sales and Permits

To: SAFMC Members and Mackerel Committee members,

Directed Sustainable Fisheries (DSF) fishing industry clients want to submit this written comment about CMP FMP Amendment 19 Actions and DSF Preferred Alternatives that will effect Sales and Permits.

Thank you for the opportunity to proffer comment on the CMP FMP Amendment 19 about sales and permits.

Actions in CMP FMP Amendment 19

Action 1. Sale of King and Spanish Mackerel

South Atlantic Preferred Alternative 1: No Action - No federal permit requirement to sell king and Spanish mackerel. Sale of king and Spanish mackerel harvested under the bag limit is allowed for persons that possess the necessary state permits. However, if a commercial closure has been implemented, the sale or purchase of king or Spanish mackerel of the closed species, migratory group, subzone, or gear type, is prohibited, including any king or Spanish mackerel taken under the bag limits.

DSF Action 1 Preferred Alternative 1: No Action

Action 2. Sale of Cobia

South Atlantic Preferred Alternative 4: For a person to sell cobia in or from the EEZ of the Atlantic or Gulf of Mexico, those fish must have been harvested under a commercial quota aboard a vessel with at least one of the following commercial vessel permits: king mackerel, Spanish mackerel, Gulf reef fish, South Atlantic snapper/grouper, or South Atlantic dolphin/wahoo.

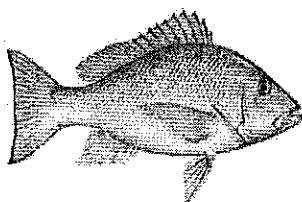
DSF Action 2 Preferred Alternative 4

PO BOX 9351
DAYTONA BEACH, FLORIDA 32120-9351
386-239-0948 TELEPHONE
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DSF2009@AOL.COM

PAGE 1

DIRECTED SUSTAINABLE FISHERIES, INC.

A CONSULTING COMPANY



Action 3. Elimination of Latent King Mackerel Commercial Permits

Alternative 4: Allow transfer of latent commercial king mackerel permits only to immediate family members and allow transfer to another vessel owned by the same entity. Permits will be considered latent if average landings did not meet the threshold (defined below) during:

Option c. Five years (2006-2010)

Suboption i. Average of all years

Option d. The threshold for average reported landings of king mackerel would be:

Suboption iv. 1,000 lbs

DSF Action 3 Preferred Alternative 4 Option c Suboption i AND Option d Suboption iv

Action 4. Federal Regulatory Compliance

Gulf Preferred Alternative 1: No Action - All vessels with federal commercial king and/or Spanish mackerel permits, as well as CMP charter permits are subject to applicable federal CMP regulations when fishing in the EEZ, and are subject to applicable state CMP regulations when fishing in state waters.

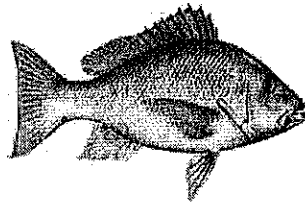
Alternative 2: All vessels with federal commercial king and/or Spanish mackerel permits, as well as CMP charter/headboat permits, must comply with federal CMP regulations when fishing in state waters if the federal regulations are more restrictive.

Alternative 3: If a cobia permit is established in Action 2, all vessels with federal commercial cobia permits must comply with federal cobia regulations when fishing in state waters if the federal regulations are more restrictive.

DSF Action 4 Preferred Alternative ?

DIRECTED SUSTAINABLE FISHERIES, INC.

A CONSULTING COMPANY



Action 5. Modify or Eliminate Income Requirements for Gulf and South Atlantic Commercial Coastal Migratory Pelagic Permits

Alternative 1: No Action – Maintain existing income requirements for Gulf and South Atlantic commercial king and Spanish mackerel permits. To obtain or renew a commercial vessel permit for king or Spanish mackerel, at least 25% of the applicant's earned income, or at least \$10,000, must have been derived from commercial fishing or from charter fishing during one of the three calendar years preceding the application.

Alternative 2: If established in Action 2, establish an income requirement for the cobia permit consistent with the requirements for Gulf and South Atlantic commercial king and Spanish mackerel permits. Maintain existing income requirements for Gulf and South Atlantic commercial king and Spanish mackerel permits.

Gulf Preferred Alternative 3: Eliminate income requirements for commercial king and Spanish mackerel permits.

Alternative 4: Modify the current income requirements to allow the Gulf or South Atlantic Council to recommend suspension of the renewal requirements by passage of a motion specifying: (a) the event or condition triggering the suspension; (b) the duration of the suspension; and (c) the criteria establishing who is eligible for the suspension. The affected Council would then request that the Regional Administrator suspend income requirements according to the terms outlined in the motion.

Note: Alternative 4 may be selected alone or with Alternative 2.

[Ben Hartig notes below from February 27, 2013 Mackerel Meeting in Sebastian, Florida]

New Alternative 5: To obtain or renew a commercial permit for king or spanish mackerel or cobia, at least 75% of the applicants earned income, must have been derived from commercial fishing or from charter fishing during one of three calendar years preceding the application. The individual income qualifier or, in the case of corporations, the qualifying officer must be on the vessel when engaged in commercial fishing for king or Spanish mackerel or cobia. *(There was not full support for the owner/operated corporate officer language, however without this verbage this option would not work as there would be loopholes making the alternative ineffective).*

All the fishermen in attendance want the 2 for one permit requirement back in the document.

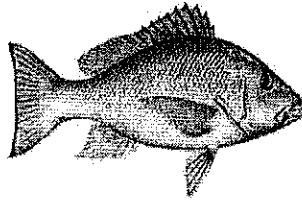
DSF Action 5 Preferred Alternative ? [Note from DSF: Minimum permits threshold rule]

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Retired 100-ton United States Coast Guard (USCG) Licensed Sea Captain
Seafood Coalition (SFC) member
National Marine Fisheries Service (NMFS) Highly Migratory Species (HMS) Advisory Panel (AP) commercial member 2013-2015
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SOUTHEASTERN FISHERIES ASSOCIATION (SFA)



EAST COAST FISHERIES SECTION (ECFS)

SFA-ECFS comment: SAFMC's Proposal for "Re-orientation" of Marine Protected Areas (MPAs) and Establishment of "new" MPAs to protect the Speckled Hind and Warsaw Grouper

March 2, 2013

Following the second convening of the Council's MPA- Expert working group (EWG) on Monday February 04, 2013, the SFA-ECFS would like to provide the Council with the following guidance as they move forward with consideration of proposed MPA alternatives.

We support the Council's directive to staff and the EWG to develop "re-orientation" alternatives to existing MPAs that do not presently cover habitat where stocks under rebuilding plans may benefit from protection. Alternatively, these "re-oriented" MPAs should no longer continue to close areas of associated habitat for species that are not "overfished" or undergoing "overfishing," such as the Golden Tilefish.

However, we continue to be concerned that the Council's primary motivation for the use of MPAs as a conservation tool is driven by the threat of legal action by environmental NGOs over their contention that Speckled Hind & Warsaw Grouper are "endangered" per ESA definition. We re-iterate that the Council must develop fisheries stock conservation plans based upon "sound science," and not the specter of legal threats.

Specifically, we continue to support the Council's SSC position that there is no scientific justification that an expansive MPA network for protection of Speckled Hind and Warsaw Grouper in the South Atlantic, now estimated at 29 MPA alternatives, can protect these species without an adequate SEDAR stock assessment, per MSA guidelines.

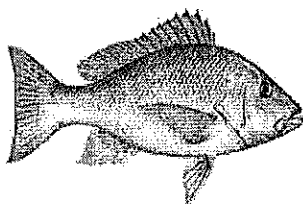
- 1) We applaud the SSC's attempts to develop methods to evaluate stocks of "rarely encountered" (but not necessarily, "rare") species, such as Warsaw grouper.
- 2) We support the SSC's perspective that protecting a percentage (e.g. 30%) of a species' associated habitat in an MPA, would not result in protection of an equal proportion (e.g. 30%) of a fisheries stock.
- 3) We take exception to NMFS (SERO) staff usage of scant "fish observation" data and scant "spawning information" to insinuate historical population distribution and sites of "spawning aggregations." This isn't good science to guide proper stock conservation.

In summary, we advise the Council to "stay the course," and let the SEDAR stock assessment process provide the basis for Fishery Management Plans for managing and rebuilding stocks. We don't believe that this hastily formulated plan for "new" MPAs constitutes a legitimate action plan.

Jimmy Hull, Chairman
SFA ECFS
JGH/pjb/rhh

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South Atlantic Fishery Management Council (SAFMC)
4055 Faber Place Drive, Suite 201
North Charleston, South Carolina 29405

Sunday March 03, 2013

Re: Coastal Migratory Pelagics (CMP) Fishery Management Plan (FMP) Amendment 20 Zones and Boundaries

To: SAFMC Members and Mackerel Committee members,

Directed Sustainable Fisheries (DSF) fishing industry clients want to submit this written comment about CMP FMP Amendment 20 Actions and DSF Preferred Alternatives that will effect Zones and Boundaries.

Thank you for the opportunity to proffer comment on the CMP FMP Amendment 20 about zones and boundaries.

Actions in Amendment 20

Action 1. Modify Subzones and Allocation of Gulf Migratory Group Eastern Zone King Mackerel

Alternative 1: No Action – Retain the existing Northern and Southern Subzones and retain the existing allocations for these areas.

DSF Action 1 Preferred Alternative 1: No Action

Action 2. Modify the Commercial Hook-and-Line Trip Limits for Gulf Migratory Group King Mackerel

Alternative 1: No Action – Retain the existing commercial hook-and-line trip limits.

Option a: Western Zone at 3,000 pounds

Option b: Eastern Zone Northern Subzone at 1,250 pounds until 75% of the quota is taken, at which time the trip limit decreases to 500 pounds

Alternative 5: Set the commercial hook-and-line trip limit at 3,000 pounds with no reduction.

Option c: For the Eastern Zone Southern Subzone

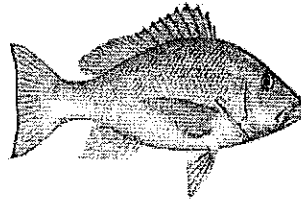
DSF Action 2 Preferred Alternative 1 No Action Option a AND Option b AND Preferred Alternative 5 Option c

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Action 3. Change the Fishing Season for Gulf Group King Mackerel for the Eastern and Western Zone

Alternative 1: No Action - the fishing season remains July 1 – June 30

DSF Action 3 Preferred Alternative 1: No Action

Action 4. Establish transit provisions for travel through areas that are closed to king mackerel fishing

Alternative 1: No Action – do not establish a transit provision.

Alternative 2: Establish a provision allowing transit through the Florida west coast Northern and Southern Subzones when those zones are closed for vessels possessing Atlantic group king mackerel that were legally harvested in the EEZ off Monroe County.

Alternative 3: Establish a provision allowing transit through Collier County when the Florida west coast Southern Subzone is closed for vessels possessing Atlantic group king mackerel that were legally harvested in the EEZ off Monroe County.

South Atlantic Preferred Alternative 4: Establish a provision allowing transit through Collier County when the Florida west coast Southern Subzone is closed for vessels possessing Atlantic group king mackerel that were legally harvested in the EEZ off Monroe County only from April 1 – June 30

IPT SUGGESTION Alternative 5: Establish a provision allowing transit through areas closed to king mackerel fishing for vessels possessing king mackerel that were legally harvested in the EEZ off areas open to king mackerel fishing.

IPT SUGGESTION Alternative 6: Establish a provision allowing transit through the Florida west coast Northern Subzone when that area is closed for vessels possessing king mackerel that were legally harvested in the EEZ off Collier County.

Note: For Alternatives 2-4, the following conditions apply:

Only from April 1 – June 30

For Alternatives 2-6, the following conditions apply:

Only for vessels in direct and continuous transit and with gear stowed

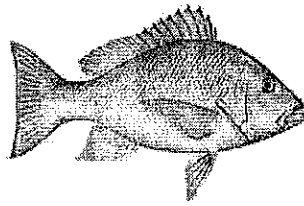
Only for fishermen holding a federal commercial king mackerel permit

DSF Action 4 Preferred Alternative ?

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Action 5. Establish State Quotas for Atlantic Migratory Group King Mackerel and Spanish Mackerel for North Carolina

Alternative 1: No Action - retain one commercial quota each for Atlantic migratory groups of king mackerel and Spanish mackerel

DSF Action 5 Preferred Alternative 1: No Action

Action 6. Modify the Framework Procedure

Alternative 1: No Action – Do not modify the framework procedure adopted through Amendment 18.

Gulf Preferred Alternative 2: Modify the framework procedure to include changes to ABCs, ABC/ACL control rules and, accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

Inseason AMs

- Closures and closure procedures
- Trip limit reductions or increases
- Designation of an IFQ program as the AM for species in the IFQ program
- Implementation of gear restrictions

Postseason AMs

- Adjustment of season length
- Implementation of a closed season
- Adjustment or implementation of bag, trip, or possession limit
- Reduction of the ACL to account for the previous year overage
- Revoking a scheduled increase in the ACL if the ACL was exceeded in the previous year
- Implementation of gear restrictions
- Reporting and monitoring requirements

Alternative 3: Modify the framework procedure to include changes to accountability measures (AMs) under the standard documentation process for open framework actions. Accountability measures that could be changed would include:

Inseason AMs

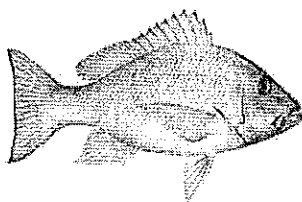
- Closure procedures
- Trip limit reductions or increases

Postseason AMs

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-
- Adjustment of season length
 - Adjustment of bag, trip, or possession limit

Gulf Preferred Alternative 4: Modify the framework procedure to include designation of responsibility to each Council for setting regulations for the migratory groups of each species.

This pertains to:

Responsibilities of Each Council:

1. Recommendations with respect to the Atlantic migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the South Atlantic Council, and those for the Gulf migratory groups of king mackerel, Spanish mackerel, and cobia will be the responsibility of the Gulf Council, with the following exceptions: a. The South Atlantic Council will have responsibility to set vessel trip limits, closed seasons or areas, or gear restrictions for (1) the Eastern Zone - East Coast Subzone for Gulf migratory group king mackerel and (2) the east coast of Florida including the Atlantic side of the Florida Keys for Gulf migratory group cobia.

2. For stocks where a stock assessment indicates a different boundary between the Gulf and Atlantic migratory groups than the management boundary, a portion of the ACL for one migratory group may be apportioned to the appropriate zone, but management measures for that zone will be the responsibility of the Council within whose management area that zone is located.

3. Both councils must concur on recommendations that affect both migratory groups.

Gulf Preferred Alternative 5. Make editorial changes to the framework procedure to reflect changes to the Council advisory committees and panels.

Note: Alternatives 4 and 5 could be selected in addition to Alternative 2 or 3.

DSF Action 6 Preferred Alternative ?

[Ben Hartig notes below from February 27, 2013 Mackerel Meeting in Sebastian, Florida]
Possible [Alternative] Option 7: Was not discussed.

DSF Action 7 Preferred Alternative ?

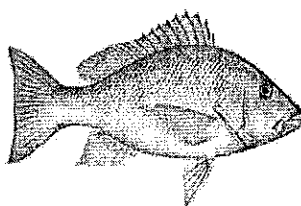
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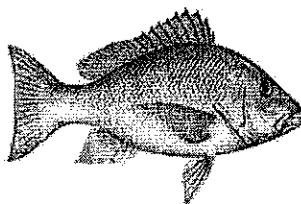
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South Atlantic Fishery Management Council (SAFMC)
4055 Faber Place Drive, Suite 201
North Charleston, South Carolina 29405

Sunday March 03, 2013

Re: Coastal Migratory Pelagics (CMP) Fishery Management Plan (FMP) Framework
Amendment

To: SAFMC Members and Mackerel Committee members,

Directed Sustainable Fisheries (DSF) fishing industry clients want to submit this written comment about the CMP FMP Framework Amendment Actions and DSF Preferred Alternatives that will effect modifications to CMP FMP regulations.

Thank you for the opportunity to proffer comment on the CMP FMP Framework Amendment for modifications to regulations.

Framework Actions

Action 1. Modify the Atlantic migratory group king mackerel minimum size limit.

Alternative 1 (No Action). Do not change the Atlantic migratory group king mackerel minimum size limit of 24 inches fork length (FL) for the commercial and recreational sectors.

Alternative 2. Reduce the Atlantic migratory group king mackerel recreational and commercial minimum size limit to 23 inches FL.

Alternative 3. Reduce the Atlantic migratory group king mackerel recreational and commercial minimum size limit to 22 inches FL.

Alternative 4. Reduce the Atlantic migratory group king mackerel commercial minimum size limit to 23 inches FL for the commercial sector only, from the Georgia/Florida line south to the Miami-Dade/Monroe County line. The commercial minimum size limit in areas north of the Georgia/Florida state line and South of the Miami-Dade/Monroe County line would remain 24 inches FL. The recreational minimum size limit would remain 24 inches FL.

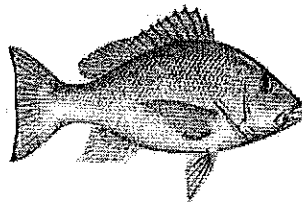
Background:

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-
- In 1998 the minimum size limit was increased from 20" FL to 24" FL to increase likelihood of spawning before being caught.
 - Size at first spawning for females has been reported as small as 18 inches with most females mature by 35.5 inches. Males are usually mature at 28 inches.

[Ben Hartig notes below from February 27, 2013 Mackerel Meeting in Sebastian, Florida]

Action1) The attending fishermen were split on suggesting Alternative 2. This is more of a problem from mid-March into April, from Ft Pierce into southern Florida. It was noted that release mortality would be reduced during this short window as most of the regulatory discards are within 1 inch of the size limit.

DSF Action 1 Preferred Alternative ?

Action 2. Modify regulations for the Atlantic migratory group Spanish mackerel minimum commercial size limit.

Alternative 1 (No Action). Continue to prohibit harvest of undersized Atlantic migratory group Spanish mackerel except for vessels fishing under a quota for Spanish mackerel specified in Section 622.42(c)(2), which may possess undersized Spanish mackerel in quantities not exceeding five percent, by weight, of the Spanish mackerel on board. The current commercial and recreational minimum size limit is 12 inches fork length (FL).

Alternative 2. Allow commercial harvest of undersized Atlantic migratory group Spanish mackerel in waters off North Carolina with pound nets between August 1 and September 30 each year.

Sub-Alternative 2a. Decrease the minimum size limit to 11 inches FL.

Sub-Alternative 2b. Eliminate the minimum size limit.

Alternative 3. Allow commercial harvest of undersized Spanish mackerel with pound nets in waters within the Atlantic northern zone (GA-NY) between August 1 and September 30 each year.

Sub-Alternative 3a. Decrease the minimum size limit to 11 inches FL.

Sub-Alternative 3b. Eliminate the minimum size limit.

Background:

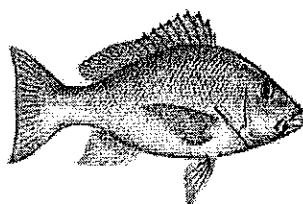
- Spanish mackerel migrate to warmer waters in North Carolina August and September, and smaller fish are caught in pound nets. An exemption from the minimum size limit during those months would reduce waste and increase economic benefits to the pound net fishermen.

[Ben Hartig notes below from February 27, 2013 Mackerel Meeting in Sebastian, Florida]

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Action 2) No discussion

DSF Action 2 Preferred Alternative ?

Action 3. Modify restrictions on transfer-at-sea and gillnet allowances for Atlantic migratory group Spanish mackerel.

Alternative 1 (No Action). No more than two gillnets, including any net in use, may be possessed at any one time; provided, however, that if two gillnets, including any net in use, are possessed at any one time, they must have stretched mesh sizes (as allowed under the regulations) that differ by at least .25 inch (.64 cm) (622.41(c)(3)(ii)(B)(3). A species subject to a trip limit specified in this section taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place, and such species may not be transferred in the EEZ (§ 622.44).

Alternative 2: Modify commercial gear specifications for Atlantic migratory group Spanish mackerel.

Option a. Remove the maximum number of gillnets.

Option b. Remove the requirement for different mesh sizes.

Option c. Allow federally-permitted Spanish mackerel vessels to possess three gillnets.

Alternative 3. Allow transfer of a portion an Atlantic migratory group Spanish mackerel gillnet and its catch from one vessel that has reached its trip limit to another vessel that has not caught the trip limit.

Option a: Transfer is allowed if directed harvesting gear used to harvest the Spanish mackerel being transferred is allowable net gear. Spanish mackerel harvested with other than directed allowable net harvesting gear shall not be transferred.

Option b: Transfer shall only take place in the EEZ between vessels with valid Spanish mackerel commercial permits.

Option c: The Spanish mackerel removed from the directed harvesting gear aboard the harvesting vessel shall be isolated aboard the vessel and shall not exceed the applicable daily vessel limit specified in this subsection. All fish exceeding the applicable daily vessel limit shall remain entangled in the meshes of the net until another vessel operated by a person possessing a valid permit (applicable to himself or the vessel) is within 50 yards of the vessel from which the transfer shall take place. The fish shall then be removed from the net in a continuous process and transferred singly or in a container to the second vessel. The quantity of fish transferred to any single vessel shall not exceed the applicable daily harvest limit.

Option d: Vessels must transit together after transfer. Call-in and immediate termination of the fishing trip is required for both vessels.

Option e: Transfer allowed [x] times per year per vessel.

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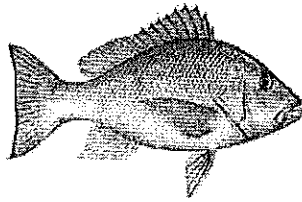
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Background:

- Prohibition of transfer at sea for fish under a trip limit.
- No more than two nets on board, each must be a different mesh size.

[Ben Hartig notes below from February 27, 2013 Mackerel Meeting in Sebastian, Florida]

Action 3) No discussion in Sebastian. However, there was a Port Salerno commercial Dock Authority Meeting that I attended on Feb 28. The spanish mackerel gillnetters in attendance supported a simplified version of Alternative 3.

DSF Action 3 Preferred Alternative ?

Action 4. Modify the king mackerel commercial trip limit in the East Coast Florida Subzone.

[Ben Hartig notes below from February 27, 2013 Mackerel Meeting in Sebastian, Florida]

Action 4) New Alternative same as IPT alt 4, except to change the dates in A) to Nov 1 through the end of Feb. And change the percentage to 70% in 1) and 2).

There was considerable discussion and heartburn concerning Alternative 5 and where that alternative came from as none of the fishermen in attendance had heard any form of a 25 fish limit in the mixing zone discussed during scoping. They unanimously supported removing this option from the document!

DSF Action 4 Preferred Alternative ?

Action 5. Possible see below:

[Ben Hartig notes below from February 27, 2013 Mackerel Meeting in Sebastian, Florida]

Possible Action 5) There was no opposition for removing the Unlimited Season. The fishermen want to see the results of the SSC's P* analysis before deciding on trip limit alternative. The fishermen in Salerno want to meet after the SSC meeting and before the June meeting to make an informed decision on trip limits. They also want the council to revisit the allocation of spanish mackerel. The recreational landings have remained stable and below their allocation while the stock continues to rebuild.

DSF Action 5 Preferred Alternative ?

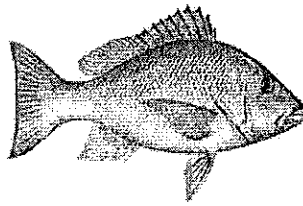
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3/3/2013

MARINE PROTECTED AREA EXPERT WORK GROUP

Minority Report

Submitted by

Marine Protected Area Expert Work Group Fishing Industry Panelists'

In Response To Promulgated

Marine Protected Area Expert Work Group Meeting Report Drafts

To the South Atlantic Fishery Management Council

When the expert witness fishermen of the South Atlantic Fishery Management Council (SAFMC) Region were asked to join this meeting as panelists of the "Marine Protected Area (MPA) Expert Work Group (EWG)" it was on the premise of providing critically needed factual expertise to historical accounts of Speckled Hind (SH) and Warsaw Grouper (WG) and to consider alternatives and recommendations for reorientation of existing marine protected areas (MPAs) in the South Atlantic Council's region.

From the beginning of this MPA work group meeting process, some of the expert witness participants have felt misled and confused by the initial intent of this meeting and that their suggestions of expert understanding of SH and WG were not taken for full value.

As members and participants of this workgroup there was much that was discussed and not included within the final EWG draft. We would like to file this minority report and grievance with regard to the submittal of the draft EWG Draft II document because it did NOT address ALL of our concerns for any NEW marine spatial planning or our concerns about the incorporation of ANY additional MPA sites throughout the South Atlantic Council's management region. Last, both draft reports were later than scheduled due to the work load and we did not get to properly respond to the second draft.

As members of the MPA EWG, we feel that we contributed important expert knowledge and understanding on the location and distribution of SH and WG within our respective areas of the SE coast.

Since incomplete scientific information exists with regard to spawning aggregations of these two species, we have requested multiple times that the number and size of these sites be kept to an absolute minimum so as to not adversely and economically impact local fishing economies adjacent to these areas of the Southeast coastal region.

We have individually submitted concerns to the EWG leaders (via email) and asked, prior to Council submission, that our requests be incorporated into this final draft which is being submitted at the March 2013 SAFMC meeting.

Our specific complaints are:

1. In the second meeting, being presented with a new power point presentation, by Dr. Nick Farmer (NMFS-SERO), which carried multiple new MPA alternatives that were unfamiliar and that we were led to believe the alternative sites presented, were only for discussion purposes, not a primary task for consideration by the panel, and not for a final draft under "Other Business".
2. Our understanding of the exact purpose for this second meeting was that it was still an effort to bring about better understanding and a unified consent for realignment of existing MPAs. Clearly, there was more time spent by the EWG panel on the consideration of "new" MPAs, versus the Council's request to consider alternatives for reorientation of existing MPAs.
3. We had very little of our suggestions made at meeting or via emails incorporated into this final draft. The EWG Report was also completed in a very short time frame, without opportunity for sufficient review of drafts.

We asked that this minority report and letter of grievance be given serious consideration by the South Atlantic Council regarding the final draft of the MPA EWG and ultimately any decisions the Council make concerning MPAs relating to SH and WG protection.

Sincerely,

Mark Brown
Rusty Hudson
Jack Cox
Mark Marhefka
Bobby Freeman

How to rebuild Atlantic King Mackerel stocks to 1960 levels

This simple three step plan will rebuild our Atlantic King Mackerel stocks to 1960 levels!

- 1st Change the daily landing limit to 500 lbs a day instead of 50 fish
- 2nd Ban live bait wells to all fishermen (all fisheries)
- 3rd Shut down King-fishing to all fishermen for 2 eight day periods during the two major spawns.

Most marine biologist consider the big fish the main spawning stock. I would guess this is because one 40 pound fish has more spawn than ten 10 pound fish.

The big fish, those that are 38 to 60 pounds need to be protected. Back in 1960 there were over a million of these big fish off Florida's East coast, maybe as many as 1.5 million of these big cows! Today there are about ten thousand of these big fish left, maybe as many as 25,000 but I doubt that. So the main spawning stock is 1% to 3% of what it should be. These fish need to be protected.

The only way to catch these fish big regularly is to use live bait with a rod and reel. The commercial trolling boats have no drag on their gear, this results in most big fish getting away. They straighten the hook, rip off, break the wire, break the mono, or spit the hook. They hurt the fishermen and tear up our gear. The ten to twelve pounders are the fish we like.

I believe that 60% or more of these big fish are killed with live bait every year (70% of the 25 to 38 pound fish are also killed with the live bait). Another 8% to 12% are killed with conventional fishing.

The number of 33 to 38 pounders that grow to over 38 pounds ever year doesn't replenish the big fish that were killed. Ever year this spawning stock is reduced by another 3% to 10%. A ban on live bait wells will stop this decline. With-out using live bait the big fish stock will increase by 25% or more each and every year!

A ban on live bait wells will decrease our King-fish fleet on the East Coast by 25% to 30%, most of these jokers can't catch fish without live bait. A fleet reduction is needed.

Change the daily landing limit from 50 fish a day to 500 pounds a day, this will result in most all commercial fishermen targeting the smaller fish. The fish that exceed 15 pounds pay about a quarter less a pound than the fish that weighs 6 to 15 pounds.

The King Mackerel aren't recovering like they should; restraint during the spawn is a must! At 75 fish a day some of these limits exceed 1200 pounds. A 500 pound limit would make a difference.

What would really make a giant difference would be to close the fishery down to all fishermen for six days before the full-moon, the day of the moon, and give them one day after the moon to get out of dodge. The big fish spawn on the full-moon the last of April. The full moon in May is the main spawn, a good number of big fish spawn again then. If there is a blue moon in May the first full moon that month is the big fish spawn and the second full moon in May is the major spawn.

About half of the King-fish that are killed in this six week period are killed during these two eight day periods. Over half of the big fish killed every year is killed during this six week period. These three steps will reduce this number of big fish killed during spawn by 92%.

A ban on live-bait wells should have been done decades ago. Mexico banned live-bait wells decades ago. Why are we behind third world countries on fishery management? Stupidity or corrupt government?

Here is a chart so you can see what these three steps will do to or fish stocks. The number of big fish will double every four years (increase by 25% a year or more). Do nothing the number of big fish will decrease by 10% or more every four years (3% decrease or more every year)

	Do nothing		three step rebuilding plan	
Today	25,000	big fish	25,000	
4 years 10%	- 2,500		+ 25,000	
	22,500	big fish	50,000	
4 years 10%	-2,250	big fish	+ 50,000	
	18,225		100,000	
4 years later	- 1,822	big fish	+ 100,000	
	16,403	big fish	200,000	
4 years later	-1,640	big fish	+200,000	
	14,763	big fish left	400,000	stock is healthy
4 years later	- 1,476	big fish melt-down	+400,000	
	13,287	lost cause	800,000	

Today I figure there are about 10,000 (or less) of these big fish left alive, so it will take two or three years to reach the starting point of 25,000 fish. This means that the do nothing starting point

should actually start at 10,000 fish. Then decrease this number by 3% every year. This I did and the number of big fish alive in twenty years 5,445 fish. That is un-acceptable.

Since the King-fish tournament targets the big fish, I suggest a ban on all King-fish tournaments for a period of twenty years. There are dozens of sport fish that they can kill in tournaments. The Sport-fisherman never helps rebuilding fish stocks, never.

Huri-Kane Dan

Daniel C. Kane 2-22-2013

Gold Card plan (2012 edition)

Today there are 300 to 400 too many King Mackerel permits in use, for the seven million pound commercial quota. This has resulted in me losing my best three months of King-fishing.

Here's one solution to this problem created by the NMFS. I call it the Gold Card plan.

1st to stop the over-sized King-mackerel fleet from growing I suggest that the sell and/or transfer of any/all King-mackerel permits be prohibited forever.

2nd remove all King mackerel permits that have less than 10,000 pounds landed in the past three years, unless the owner is 62 years or older.

Next use the Log-book program data to identify all Hook-n-line King-mackerel fishermen that have landed one million pounds (or 750,000) of King fish in the past. These fishermen are to be awarded a Gold-card/Gold King-mackerel permit. Also any senior citizen (62 or older) that is currently King-fishing also be awarded the Gold-card. All fishermen with a net permit now or in the past should be ineligible for the Gold-card because the use of nets in this fishery destroyed the stocks in seven short years. When the King-fisherman reaches 62 years of age he will be awarded the gold card no matter how many pounds of King-fish he landed.

These Gold-card owners are to be allowed to fish during the dates as follows, regardless of current quota system.

Tex, La, Miss, Alabama:	July 1 st thru Oct 24 th
Florida Pan-handle to Ft. Myers	July 1 st thru Dec 31 st
Florida Keys	Nov 1 st thru April 1 st
Florida East Coast	Nov 1 st thru April 1 st

Here's the reason for this Gold card plan. I lost \$50,000 last year because the King Mackerel stocks are recovering and are in good shape as a result of our conservative fishing. Fifteen or seventeen years ago the East Coast King-fishermen requested to have our daily landing reduced from one thousand pounds a day to fifty fish a day.

At one thousand pounds a day we were filling our winter quota in six to eight weeks. This resulted in the King-fishermen being out of work for three months. We didn't get to fish during Lent, and that hurts!

The fifty fish a day worked great! We were fishing November 1st right on thru till April 1st. At this conservative fishing we left 250,000 to 350,000 pounds of our winter quota live each year by not filling our little one million pound quota. We didn't care because we were making more money by catching less fish. We were fishing during Lent. This was a great portion of my income!

In ten years these fish that we didn't kill totaled over three million pounds. Fifteen years later these three million pounds of fish grew to fifteen to twenty million pounds. These fish grew three or more pounds a year and spawned repeatedly. So by the year 2007 there were twenty million more pounds of fish off our coast in the winter than there would have been if we would of continued fishing at one thousand pounds a day. This great show of King-fish plus the fact that there were fifteen hundred too many King-fish permits in circulation resulted in our fleet over-growing our little quota.

Instead of being punished (I lost over 120,000 dollars in the last 4 years) for our conservative fishing that rebuilt the King-fish stocks, we should be rewarded! It wasn't us that issued 1,500 too many permits.

In 2004 there were over 1770 permits in circulation when there should have been only 250 or less! Today there are 550 to 600 permits in use when there should be only 250.

For over twenty-five years the Old King-fishermen have fished at low catches to rebuild our stocks. In 10 to 15 years we will all be gone! We will be too old to fish or to dead to fish. Give us the respect that we deserve and let us fish during our last years. This Gold card plan is well deserved!

In 12 years or less under this plan there will be 300 or less permits in use and the fish stocks should be large enough that new permits could be issued again. In 12 years the Gold card plan will be obsolete.

This Gold card plan will allow me and others to finish our lives fishing like we did from 1998 thru 2006.

Weren't you taught to respect your elders? We deserve a little respect!

The new fishermen and the part-time fishermen did nothing to help rebuild these King mackerel stocks. In 12 years the new King-fishermen will inherit a healthy fishery. This Gold card plan will not hurt the new-comers and it will reward the ones that deserve it.

I got out of the Navy in 1983. I had to wait eight years before I had the possibility to pay my bills King-fishing (that was when a world-wide drift-net ban was imposed). It wasn't until 1998 that King-fishing got really good again. That was a fifteen year wait plus the seven years I was in the Navy. I had to wait 22 years. With-out this Gold card plan I'll never see another good year King-fishing for as long as I live.

Here's your chance to do the right thing, implement the Gold card plan immediately.

Daniel C. Kane

1-28-2012

Respect and Common Decency

Thru history all Civilizations have treated their elderly citizens with respect and common decency!

The National Marine Fishery Service treats the Senior Fisherman like dirt! They have ruined my life! There are about twenty or more "Old" King mackerel fishermen, like me that face a future of months of unemployment. That can result in foreclosures and other financial disasters. This is a result of Roy Crabtree and company's incompetence. They can't properly manage the King mackerel fishery.

In the past the MNFS issued 1500 too many King mackerel permits. Since 2008 our fleet has grown by over 300 new participants, when there wasn't room for another fifty boats.

Now there are so many King mackerel fisherman that I've lost my three best months of Fishing. That's a loss of over \$ 50,000 last year, this year I'll lose more than that. Since 2008 these 300 too many fishermen have cost me close to \$200,000. That's no way to treat your senior fishermen!

If Roy Crabtree and company had any common decency they would correct this problem by implementing the "Gold Card" plan that I suggested. This Gold Card plan would allow me other "Old Timers" to King-fish twelve months a year like we used to. The new fishermen should not displace the good old "Historic Fishermen".

The too many fishermen catch too many fish. The result is a flooded market. A flooded market gives the fisherman a low price for his fish, and the consumer receives a poor quality fish. We can't afford any new King mackerel fishermen!

Before 2008 I used to get a good price for 70 to 80 percent of the Kingfish that I caught. Now I get a good price for about fifteen percent of the Kingfish that I sell, with the bonus of losing my best three months of fishing.

The Gold Card plan would give me a good price for fifty percent of the Kingfish that I'll catch and will allow me to fish for King-mackerel twelve months a year like I used to (for fifteen years).

On Florida's East Coast there are 15 to 20 Old King mackerel fishermen 62 to 86 years old that should be allowed to King-fish any time they feel like it. These King-fishermen sacrificed big catches by limiting their daily landings to fifty fish a day. They did this to ensure they could fish during Lent. Today they can't fish during Lent because the NMFS betrayed them for their conservative fishing.

There should be a law that allows the old King-mackerel fisherman to King-fish anytime anywhere he wants to after the age of 62. If you spent five years or more commercial King-fishing this should your right as long you live. If your over sixty-two the only requirement should be that you are on the boat during fishing and unloading. Also you must obey the local landing limits. 8-25-2012

King Mackerel management

Consider these daily landing limits for the King Mackerel:

Fla. Panhandle to Ft. Meyers Beach:	500 pounds a day all year
Texas to Fla/Ala border:	July 1 st – Nov 1 st 3,000 pounds a day for residents 2,000 pounds a day for non-residents
Fla. Keys	Nov. 1 st – April 1 st 1,000 pounds a day (no nets)
Fla. East Coast	500 pounds a day. With 2 eight day closures during Spawning moons late April and May
North Fla. - Carolinas	3,000 pounds a day (no nets)

The last stock assessment for the Gulf stock King Mackerel says these King mackerel are healthy enough to support this plan without exceeding the MSY.

The Atlantic King Mackerel yearly landings will probably decrease using the 500 pound daily limit instead of a 50 fish a day limit. With the 2 eight day closures and a ban on live bait wells these fish will recover to 1960 levels in 25 years.

All the King Mackerel caught on Fla. East coast in Nov. and Dec. and March are Atlantic stock! In Jan. and Feb. Gulf stock King fish caught here are less than 12% of what we catch, while 25% to 30% of what is caught in the Fl. Keys are Atlantic stock King Mackerel. Your mixing zone is the Keys not the East Coast.

King fishing in the Panhandle is no longer a secret! Today's King Mackerel Fleet is 40% trailer-boats. These boats have tripled the Panhandle Fleet. The Fla. Panhandle is the place to King-fish during Oct. and Nov. the North East winds this time of year makes the East Coast dangerous with very few fishing days. This is going to cause this fleet to grow more every year.

There are boats out of Tampa that would like to King-fish. This year-long 500 pound limit will give them the opportunity to try.

It was about 18 years ago we went to 125 fish a day in the keys. Pete Gladden stood up and told the Gulf Council that we wanted 1,000 pounds a day in the Key's. His reasoning was that our fish averaged eight pounds and that 125 fish would be about 1,000 pounds. That year the five pounders were everywhere and most limits were 600 pounds or less. The next year it was changed from 125 fish to 1,250 pounds, it should have been changed to 1,000 pounds.

What I'd like to see is a 1,000 pound a day limit in all Florida waters in 25 years when the stocks have recovered. This is why I'm suggesting a decrease to 1,000 pound limit in the Keys. It's what we were aiming for originally.

Nets destroyed this Fishery three decades ago! Why are they still being used today?

King Mackerel stocks will never fully recover as long as Live-bait wells are legal!

Life; Liberty; and the pursuit of Happiness

NOT IN AMERICA!

Not with Roy Crabtree & company in charge of our Fisheries!

Not with President Obama running (ruining) our country!

The National Marine Fishery Service Gulf of Mexico Councils amendment 19 and 20 to the King Mackerel Fishery is a conspiracy fueled by Criminal Intent!

Roy Crabtree of the NMFS is in charge of the Southern Fisheries. The Gulf Council is currently attempting to make my Commercial King Mackerel fishery a Sport- Fisherman's Fishery and a part-timers Fishery. To do this they are going to destroy all the Full-time King Mackerel Fisherman's lives. My Constitutional rights are being eliminated; that's beyond being violated!

For over twenty years I've been King-fishing full time. Occasionally I had to participate in other fisheries to supplement my income. I've learned that to fish King-fish full time you have to travel continuously. For over twenty years I've been chasing these fish up and down the East Coast of Florida, before that I King-fished out of Key West part time starting in 1984 (I King-fished there in 2011). I've been King Fishing Louisiana and the Fla. Pan-handle for over twelve years now. To be one of the best King Mackerel Fishermen you better travel continuously. Few men have caught king fish in more places than me.

The Gulf Council wants to split the ocean up in different zones and allow the King fisherman to fish in only one zone. I thought this was the Land of the Free?! They plan to steal the King Fish from the King Mackerel Fishermen and give my Fishery to the Charter Boats, to the Shrimpers, to the Snapper/Grouper fishermen, to the Lobster fishermen, the stone crabbers and they also plan to give the Sport fishermen 65% to 75% of the Commercial King Mackerel Permits. If you don't believe me read amendment 19 and 20 to the Gulf King Mackerel Fishery.

King Mackerel are a pelagic fish, which means that these fish continuously travel. They do not stay in one zone all year long. Therefore to make a living King fishing you must travel.

With Roy Crabtree's one zone law, for the rest of my LIFE I will not have the freedom (LIBERTY) to PRESUE these fish to pay my Bills. There will be no HAPPINESS when I lose my house and everything as a result of Roy Crabtree and company's criminal activity.

I lost over \$50,000 in the past six months because Roy Crabtree and company are totally incompetent. They are beyond incompetent. The NMFS is a criminal organization.

I have an ancestor that fought with General George Washington at Valley Forge and other major battles of the American Revolution. so this countrv would be free!

I've grand -parents that fought in WW II, so the world would be free.

My Father spent 24 years in the Air Force Flying planes for the security of this country. He spent a couple of years fighting in the Vietnam War, receiving many honors and medals. One medal was for actions of valor while under fire (a real hero's story).

I served this country for over six years in the Navy. Three years of which were on the aircraft carrier USS Constellation.

My family has been doing the Honorable thing by serving this country for longer than America has been a Country! All this service has been for naught. Why did we serve this country when my freedom is just a farce?!

There is no honor in the Obama Administration. The President is too busy playing King of the Hill to spend any time and protect the American working man from the Illegal activities of our Federal Government.

I've repeatedly requested help from President O'bummer to fix our Fisheries. I've also sent him bill's for wages lost due to Roy Crabtree and company's incompetence (I've lost over 130,000 dollars since Obama took office). There is no help from The White House! God I hope he isn't re-elected!

CRIMINAL INTENT: For years I've been sending letter's with solutions to the NMFS, to the President, and to the Secretary of Commerce. Explaining the fact that there are too many active King Mackerel permits, for our little seven million pound quota. Our fleet is still twice the size it should be with the current eight million pound quota.

On February 2nd I asked Roy Crabtree how many Commercial King Mackerel permits there should be in the U.S.A. His answer was "DUH...I don't know"? There is not one person in the NMFS that can answer that simple question! You can't manage anything without doing the math.

In amendment 19 & 20 Roy Crabtree wants to drop all qualifications to possess a Commercial King Mackerel permit. This is a Conspiracy to place 65% to 75% of all commercial King Mackerel permits in the hands of the Sport-fisherman! This is Criminal Intent! It doesn't stop there.

For over twenty years I've been trying to get the Sport Fishing Tournament King fish off our Fresh Fish Market. These Sport Fish are not iced properly. These Tournament fish are really big and the Fresh Fish Market doesn't want real big fish. These are Big, Rotten fish that drive the price of King fish down by over a quarter a pound and it takes weeks for the market to recover. This illegal practice cost the commercial fishermen over a quarter million dollars a year.

Because of this Roy Crabtree and company want to issue a commercial fishing permit to all Sport-Fishing tournaments. I call this a license to steal. It's Criminal Intent is what it is!

These Tournament fish have been counted against the commercial quota for years. I feel a ban on all King Mackerel Tournaments for a period of three years is deserved to teach the Sport Fishing community that stealing is wrong!

Will someone please remove Roy Crabtree from the National Marine Fishery Service, he hasn't a clue!

Daniel C. Kane

4-22-2012

Designate King Mackerel as a Commercial Fish

The National Marine Fishery Service has completely screwed up managing the commercial King Mackerel Fishery. The NMFS has no idea on how to correct this problem they created. I have six or seven solutions!

Here's my favorite solution!

Designate King Mackerel as a Commercial Fish! Doing that, then give the Commercial Fishermen fifty five percent of the total allowable catch. If that was done, then like magic all the problems created by the NMFS in this fishery would be solved.

While doing that the NMFS should ban the use of all nets to harvest King Mackerel. The reason the nets should be banned is that the use of nets in this fishery destroyed the stocks in seven short years, that was over two decades ago. That nets are still allowed in this industry is criminal activity perpetuated by the NMFS for job security.

There are about two dozen Salt-water fish that are designated as Sport-fish only. There should be at least one fish that is designated as a Commercial Fish. The difference is that the Sport-fishermen still be allowed to catch the King Mackerel. Forty five percent is plenty King Mackerel for the Sport-fishermen. After all Sport fishermen don't eat King-fish! Do a survey, you will find that the Sport-fishermen eat less than 25% of the King Mackerel they catch.

At fifty-five percent of the total allowable catch there would be enough King-fish to support the big commercial fleet we have today.

There is still the problem of too many King Mackerel permits in circulation. That problem should then be fixed by voiding any permit with low catches.

To remove Sport-fishermen from this Fishery I suggest that any boat with a Commercial King Mackerel Permit be banned from all Sport-fishing tournaments. That should be the boat, the boat owner, and the Captain. If the boat is owned by a corporation all principle owners of said corporation, Captain, and boat be banned from all tournaments.

Huri-Kane Dan

Daniel C. Kane 12- 14- 2011

The luck of the Irish

My name is Dan Kane, I'm known as Huri-Kane Dan.

I started Commercial fishing before I graduated High School in 1976.

I served my country in the Navy from 1977 to 1983. During that time I wanted, I dreamed of becoming a King Mackerel fisherman when I got out of the Navy.

In 1983 I was dismayed to find that king-fish stocks had been decimated/destroyed in seven short years. There was less than 20% of these fish left. The Red Snapper were in worse shape, less than 10% of these fish were left on the East Coast.

This is the reward I got for serving my Country, the luck of the "Irish".

Back in the 70's nobody realized that fish stocks could be destroyed. What happened to the Snapper is that the Electronic revolution made good fishermen, great fishermen. The Loran C let Fishermen return to the exact same spot. The bottom machines (fish-finders) became fantastic tools. The boats (fiberglass) became modern fast and efficient. The Snappers days were numbered.

The King Mackerel story was different. The Spotter-plane assisted Roller-rig net boats slaughtered the King Mackerel in the winter, the worst of it was that 35% to 40% of what they killed fell out of the nets and went to the bottom. These massive kills destroyed the Massive King-fish stocks in just seven years.

On top of that in the summer these same boats Drift-netted the King-fish. The King-fishing was so bad in 1983 that 90 to 95% of the King-fishermen were in the river catching clams to pay their bills.

Instead of King-fishing (my dream job) I had to leave home, I went down to the keys and learned how to catch Yellow-tail snapper.

When a world-wide Drift- net ban was imposed (I believe in 1992) I decided it was time to pursue my dream of commercial King-fishing.

The King-fishing was horrible back then! I would King-fish at home (Sebastian Fla.) for three months then I'd go to Key West and fish for Yellow-tail Snapper for three Months. Then back home for three more months of King-fishing, then back to the keys for another three months. To pay my bills I had to diversify.

Around 1995 Florida East Coast King-fishermen asked to have our 1000 pound a day limit reduced to 50 fish a day (50 fish is about 500 pounds normally). This allowed us to fish all winter long, let us fish during Lent. With these small catches we were making more money despite the fact that we were leaving 250,000 to 350,000 pounds of our winter quota live.

These fish that we didn't kill grew about three pounds a year, and they lived to spawn repeatedly. This practice increased our winter King-fish stocks at a rate that resulted in an extra 15 to 20 million more pounds of King-fish swimming in 2006. I'm saying there would have been 20 million pounds less fish if we would have filled our quota that decade, and we would have if we continued fishing at 1000 pounds a day.

By the year 2000 I had become a top-hook in the King-fish industry. My dream had become a reality! King-fishing was absolutely great!

In 2008 my King-mackerel fishery was destroyed by the NMFS. Now my life is in ruins.

"The luck of the Irish"

In 25 years the MNFS can't figure out how many king-mackerel permits there should be. How can you manage anything if you can't do simple math.

At a seven million pound commercial quota the correct number of permits is 200 or less. I can do simple math!

The National Marine Fishery Service is a corrupt and incompetent criminal organization and should be shut-down. This organization is given millions or billions of American tax- dollars to destroy Americans lives! Why?

Daniel C. Kane 12-14-2011

Congress was duped into declaring war on American Commercial Fishermen

Congress needs to take responsibility and stop the criminal actions perpetuated by the National Marine Fisheries Service! The National Marine Fishery Service needs to be eliminated. Roy Crabtree should be incarcerated!

I believe it was in 2006 that Congress had some Eco-terrorist organization re-write the Magnuson-Stevens Fishery Conservation and Management Act. Since then the National Marine Fishery Service has waged war contentiously on Americas Commercial Fishermen. Roy Crabtree and company repeatedly tell us that their hands are tied that they have been instructed by Congress to destroy our lives!

Jesus Christ best friends were Commercial Fishermen!

All is fair in love and WAR! The National Marine Fishery Service favorite tricks in this war are conspiracy; lies and deceit to pass prejudice laws; biased laws to oppress us and ruin our lives.

Conspiracy: To pass laws in an unlawful manor.

The data they've been using to pass laws is incorrect (lies) and they know it! Because of these lies half of their recent laws (battles) they've lost. The battles that they've won (illegal law's that passed) have destroyed American lives.

Conspiracy: In the Red Snapper Fishery

Conspiracy: In the Grouper Fishery

Conspiracy: In the Spanish mackerel Fishery

Conspiracy: In the King Mackerel Fishery

Conspiracy: In the Yellowtail Snapper Fishery

There seems to be a pattern here. Almost every fishery that I participate in is under attack by the NMFS. I bet this war on Commercial Fishermen extends beyond Florida's Commercial Fishermen.

Isn't there a House Ethic's Committee or some other government agency to stop the criminal activity in our Government Agencies (like Internal Affairs in police departments)? If so please start an investigation and stop this war.

In my King Mackerel Fishery I've asked the President for help at least four times, to no avail! I realize this war was initiated before Obama was a President, he was a Congressman then. I demand a truce! I am an American!

I'm treated as a secondary citizen because I'm a Commercial Fisherman. This is not right!

I volunteered my service for this country in the Navy, over six years of my life was given. When the Iranian's took American's hostage I went to the Persian Gulf on the Aircraft Carrier USS Constellation we were at sea for 113 days.

My father was an Air Force pilot. He served in Vietnam, had his plane shot-up and received many ribbons and medals while there. After that he was with the Apollo Program for over a decade and was given possession of an atomic bomb on dozens of missions, he flew the fastest jet bomber America had during the Cold War.

My Grandparent's served in WW 2. I've two ancestors that helped build the first railroad across this country. I've an ancestor named Joshua McQueen who fought with George Washington at Valley Forge and many other battles to liberate this Country.

Despite my American heritage I'm treated as a secondary citizen. I've done nothing wrong. Commercial Fishing is not a crime!

The battle we're fighting now in the King Mackerel Fishery is amendment 19 and 20. I call these amendments criminal intent. The problem in this fishery is there are too many participants. The NMFS will not address this problem; the true problem is the NMFS!

If Congress would designate King Mackerel as a Commercial Fish and give the Commercial Fishermen 55% of the total allowable catch all the problems in my fishery would be solved. There are over two dozen fish that are designated as Sport fish (no commercial fishing allowed) and zero fish designated as Commercial fish, why?

Today there are more Red Snapper in American waters than there were in early 1970's!

Today the number of Yellowtail Snapper in American waters is three times the number there was in 1987. The NMFS propaganda claims these fish are in danger of being over-fished, lies nothing but lies!

Congress started this war! Congress needs to act with rectitude and end this war. Congress needs to have the NMFS investigated and stop all impending laws and amendments until investigation is completed.

The President should be made aware of the lawless actions of the National Marine Fisheries service.

HELP please help us!!!

Daniel C. Kane 3-1-2013

The Cloud Machine

Will it work, if so what purpose will it serve?

It could be used to stop the El Nino!

It could be used to stop Global Warming?

It could be used to reduce the number and the intensity of Hurricanes and Typhoons world-wide.

The machines side effects:

Fertilize vast stretches of fish-less South Pacific Ocean (the birth place of the El Nino).

The Cloud Machine could change Trade-winds and could change ocean currents.

The Cloud Machine

My idea is to go to the Tropics where the climate is more than hot.

Go out into the ocean where it's deep. Pump ice cold water from about 2000 feet to the surface. You might have to go deeper to pump Diatoms to the surface to fertilize the ocean. Diatoms are the bottom of the food chain.

Next pump massive amount of air into this ice cold column of water at 200 feet below the surface.

It's my thought that as this ice cold moisture laden air hits the tropical climate it's going to expand. This will compress the tropical air above it. I believe this will create a fog bank at night, which will rise during the daytime heating creating a cloud. Hopefully this cloud won't be a rain cloud. What I'm looking for is to create shade for the hot ocean below.

This cloud should be in the same spot every-day, cooling the ocean below in its shadow.

The El Nino is a product of a large piece of the Southern Pacific Ocean getting so hot it adversely affects the Earth weather world-wide (and kills over a hundred thousand people every time it forms).

I believe a quarter million of these cloud machines in this area would cool the ocean's surface enough to stop the El Nino.

Global Warming: 1.2 million of these machines strategically placed could stop Global Warming and reduce the number and the intensity of Hurricanes and Typhoons world-wide.

I suspect that the Cloud Machine would be a true Perpetual motion machine. The water at 2000 feet is under tremendous pressure. As this water is pumped to the surface a release of some of this pressure will result. This water will be replaced by the surrounding water that's still under tremendous pressure helping force water up the column just like a spring.

By pumping air down 200 foot into the stream, the raising air will help lift/draw the water below. This air would be like a pump.

To pump the air you could tap into the stream of upward flowing water to power the air compressor. A true Perpetual Motion Machine. Will this work?!

Yours truly: Daniel C. Kane

Huri-Kane Dan 3-7-2013

How to rebuild Atlantic Grouper stocks

Before 1972 there were no live bait wells. Before 1972 there were no divers commercial (spear-fishing) grouper-fishing.

If you wish to rebuild our grouper stocks you're going to have to ban live-bait wells and phase out commercial diving for grouper.

Live bait wells should have been banned a decade ago. There are so few grouper left that you have to use live-bait to catch them, that's wrong.

When the water gets cold the grouper get really sluggish (just like reptiles) and the divers destroy them when they reach this stage.

Eighty-five to ninety percent of the grouper killed today are killed with these techniques. Stop these practices and the grouper stocks will recover!

The commercial divers should be phased out. First try to buy out these permits. The ones that won't sell I suggest a twenty year phase-out plan.

A twenty year phase-out will give the current grouper-divers sufficient time to prepare for the change. I believe that most divers that own the Snapper-Grouper license are over the age of 30. Commercial diving is a young man's game. I also believe that before the age of 50 these divers are done diving regularly because of their age.

Today the Grouper fishing is closed for four months. To phase-out the diving I suggest you remove one week a year for 19 years and on the twentieth year ban commercial spear fishing in the grouper complex forever thereafter. I suggest you start at December 31st and go backward from there. In this way you will be removing the windy weeks first. Also these weeks are when the water temperature is declining.

This will rebuild our grouper stocks. Although it will take about three decades to do so, I feel this is the fair way to it.

Red Snapper fish stocks are recovered!

The National Marine Fisheries Service claims they are over-fished. They are lying!

Red Snapper fishing is better today than it was back in 1976.

Today the Red Snapper stock is 30 to 50 times greater than it was in 1983!

The National Fisherman January 2010 issue page 19 states that Red Snapper on Florida's Atlantic coast, supply is sufficient enough to undercut the Gulf price by nearly a dollar. That is a lot of Red Snapper!

How can the NMFS be so wrong? Their scientist must be paid to lie!

Let me explain where all these Red Snapper came from. The scientist and marine biologist hired by the NMFS haven't a clue. In 2005 the Atlantic King mackerel and the Atlantic Golden tile fish stock's also exploded!

Mother Nature works in mysterious ways!

When I got out of the Navy in 1983, The Red Snapper were gone! The King Mackerel were gone. The Golden Tile fish were getting mopped up. At home in Sebastian Florida the commercial fishermen were Clamming to pay their bills.

I wanted to King fish for a living but there weren't enough left. I moved to the Florida Keys and Fished for Yellowtail Snapper.

New Law's...size limits; quota's; and seasonal closures were passed to rebuild these fish stocks.

All three fish stocks were recovering nicely by 2003, then the 2004 Hurricane season came and just like magic the Red Snapper stocks are recovered! The King fish stocks exploded! The Golden Tile fish grounds are slap full of fish!

Here is what happened.

There were so many Hurricanes in 2004 that they ran out of names and had to use the Greek alphabet as names.

A 25 to 35 foot sea touches bottom at 250 foot. If the Snapper, the Grouper, or other bottom fish stays on the reef in these sea's they will die. The first wave will pick the fish up then slam him into the reef...this will stun him. A moment later the next wave will slam him back into the bottom and knock him out. The next dozen waves will beat him to death!

In Big Hurricane sea's, Bottom fish go mid-water or die. In 2004 there were so many Hurricanes that before the sea's calmed down enough for the fish to return to the bottom another hurricane came then another then another....The fish had to go mid-water for 90 to 110 days. During this time the ocean currents (The Gulf Stream) pushed a solid wall of Red Snapper into U S A waters from the south Gulf. The smaller fish (six pounds and smaller) didn't make it, they were probably eaten because they had no place to hide.

It wasn't magic it was Mother Nature. Now there's excessive Red Snapper in the Gulf of Mexico from Brownsville Texas to Naples Florida. In Louisiana they are taking over the bee-liner bottom. The South West Florida Grouper Fishermen can't get past the massive schools of Red Snapper on most of their Grouper spots! That's a lot of Red Snapper!

On Florida's East coast the Mangrove Snapper spots have been taken over by the Red Snapper.

I tried to explain this to Roy Crabtree. That Roy Crabtree is one dumb son-of-a-gun. Who-ever put Roy in charge is a fool.

The National Marine Fisheries Service is run by liars and conspirators!

I WROTE AND SUBMITTED THIS ARTICLE
BACK IN 2009 OR 2010. IN 2008
I PERSONALLY TOLD THIS TO ROY CRABTREE
AT THE ROUND TABLE DISCUSSION...

D. C. Kane
DANIE C. KANE

3-7-2013

Where the Red Snapper came from

The article "Red Snapper stocks are recovered" that I wrote and submitted explains where, how, and why!

The scientific study of the Gulf of Mexico's currents and Red Snapper Spawn explains that I was exactly right!

I suggest that everyone in the National Marine Fisheries service reads this study. The "Connections between Campeche Bank and Red Snapper Populations in the Gulf of Mexico via Modeled Laval Transport" <http://dx.doi.org/10.1080/00028487.2012.720630>

This article proves my theory that I understand the Oceans and the fish that live there better than everyone ever hired by the MNFS combined!!!

Daniel C. Kane

3-7-2013

Huri-Kane Dan

Destroying the 12th Wonder of the World

Roy Crabtree and company are sitting on their thumbs giggling as the twelfth wonder of the world is being destroyed (removed)! Will someone please remove Roy Crabtree from office! The National Marine Fisheries Service should be shut-down for being instrumental in the destruction of the only critical habitat in the Dead Zone (the Twelfth wonder of the world). It is not only in the Dead Zone this critical habitat is being destroyed but for thousands and thousands of square miles outside of the Dead Zone critical habitat is being removed (destroyed). To add insult to injury millions and millions of Red Snapper (10 to 30 million pounds?!) have been senselessly slaughtered in the last ten years to remove this critical habitat! Roy Crabtree and company's job is to rebuild and to protect all of our fish stocks. Roy doesn't deserve a leadership job. Roy deserves a prison sentence for destruction of America's resources!!!

Back in the 1970's and the 1980's the oil industry created the greatest artificial reef system in the world! I call this the Twelfth wonder of the world! This artificial reef system was so great that for over a decade more than 50% of Red Snapper caught in the Gulf of Mexico was caught in the Dead Zone off these Oil Rigs. Before the Oil Rigs were built less than 1% of the Red Snapper caught in the Gulf of Mexico were caught in the Dead Zone area!

This area I'm referring to starts at the Mississippi River and goes west for 140 miles or more. There are only two or three rocks for fish to live on for over five thousand square miles in this area. These Oil Rigs are the only habitat. The only habitat is CRITICAL HABITAT! Removing these Rigs is three times more damaging to our fisheries than the BP oil spill was!

I've been King-fishing this area for fifteen years and the loss of these Rigs is devastating. It's enough to make a grown man cry! There are hundreds of Rigs gone that I've caught from 1 to 30 thousand dollars of King-fish on. I'll never catch a fish there again.

Each and every one of these Oil Rigs is an eco-system in themselves. They attract Minnows and crustaceans which attract bait fish. This attracts the Snapper, the Grouper, the King-fish and all the other fish. This is a perfect food chain that supports the Porpoise, the sharks and many others. The waste from these fish is food for the shrimp. The shrimp can't be caught that are living really close to these rigs. Each Oil Rig is also a miniature shrimp nursery. These shrimp will stay right there getting big until a big storm displaces them.

When they remove these Oil Rigs they use explosives. When they use these explosives they kill every single fish, minnow, crab, everything living there is senselessly killed. Roy Crabtree you suck at your job, you are a piece of #*&#!*#!!!

I was at a National Marine Fisheries Meeting in Alabama last February. While waiting to tell them how they destroyed my life with their incompetence in my King-mackerel Fishery I sat thru hours of their meetings. For an hour they discussed how important these Oil Rigs are, they had charts, graphs, and movies. Despite all this information they just sit on their thumbs giggling and applauding the destruction of this critical habitat. If there was just one person in the National Marine Fishery with intelligence and integrity he/she would have informed the Secretary of Commerce of this disaster.

In a competent Government, the Secretary of Commerce would then inform the President of the United States. Then the President would then stop this senseless destruction of American resources.

Huri-Kane Dan

Daniel C. Kane

2-23 2013

Intelligence and Integrity

Intelligence and integrity are qualities you won't find in Roy Crabtree and company (NMFS)!

This is what is wrong with America today. Today our Government agencies are run by people with the morals of the common thief.

I was raised better than that!

Integrity: moral soundness; honesty; uprightness; rectitude.

Rectitude: rightness of principle or practice; exact conformity to truth, or to the rules prescribed for moral conduct.

I might not be intelligent, but I did the 9th grade in 45 minutes. I didn't go to school the last half year of the 12th grade. My last six years of school I did in four and a half years. I'm not slow!

I'm a man of honor and integrity! I volunteered to serve my country. I did six years and ten months in the Navy. I was an electronic technician those years. That job I was paid to use my brain. I doubt Roy Crabtree and company could do that job or that they served in the military, they lack the intelligence and integrity and honor required.

There's an old saying: nobody knows how stupid you are until you open your mouth. Roy Crabtree and company put their stupidity on paper. Amendment 19 and 20 are criminally stupid and will only complicate the problems in my King Mackerel fishery. I call amendment 19 and 20 criminal intent!

Integrity: My father flew the fastest jet bomber America (and the world) had in the 1970's. During the cold war my dad was given possession of nuclear bombs on dozens of missions. Believe me when I tell you that the U.S.A. military does not give these missions to people with less than perfect integrity!

My mother's intelligence and integrity equals that of my Father's. Besides raising seven children she was the president of the Silver hair legislator's for the state of Florida for three years. Before that she was a substitute teacher, a candy striper at school, a little league coach, a cheerleader coach, sold real estate and much more.

Three of my siblings are Intelligent. All my siblings are people of integrity and high morals. Alas I'm the black sheep of the family.

Believe me when I say that no one in the National Marine Fisheries Service measures up to Kane standards! I was raised better than all of you!

I was taught that you are responsible for your actions. That if you break it, you fix it, or you pay for a new one. Roy Crabtree and company are totally irresponsible!

Roy Crabtree and company have destroyed my life with their incompetence. I used to fish King Mackerel twelve months a year. I've lost my three best months of fishing because these fools can't do simple math. In the past two years my loss totals \$100.000 to \$120.000.

I can do simple math. My calculations tell me there should be about 300 commercial King Mackerel permits in the U.S.A. There is not one person in the NMFS that can figure out how many commercial permits there should be with the small 8 million pound commercial quota.

This proves my point that there is not one person in the NMFS that possess intelligence and integrity! You cannot manage anything without doing the math!

We've had a mackerel committee for years. Why wasn't this committee used to create amendment 19 and 20?

Intelligence: 1. Act or state of knowing. 2. Capacity to know or understand; the intellect. 3. Information communicated; news; notice; advice. 4. Knowledge acquired; general information.

Amendment 19 and 20 were created behind closed doors. Without the knowledge that the problem in the King Mackerel Fishery is that there are over two hundred too many commercial permits in use. Intelligence what's intelligence? Read the previous paragraph sections 3 and 4!

I feel that amendment 19 and 20 is criminal intent. The NMFS intends to double or triple this commercial fleet with sport fishermen. They're throwing gas on a runaway fire.

Roy Crabtree and company have no integrity, just criminal intent to destroy our lives!

The National Marine Fisheries should be shut-down!

Roy Crabtree should resign. Roy Crabtree should do time. Roy Crabtree and company should be held responsible for their criminal incompetence.

We will see what Congress thinks of your shenanigans!

P.S. Roy Crabtree and company: may the fleas of a thousand camels infest your crotch!

Daniel C. Kane AKA Huri-Kane Dan 10-29-2012

Restraint during the Atlantic King Mackerel Spawn is necessary!

I've been King-fishing commercially for decades and I'd like to suggest these restraints during our King Mackerel Spawn.

1st Shut-down the King Mackerel fishing to all fishermen for eight days during the full moon phase that falls between April 15th and June 1st. Close the fishery six days before the full moon and re-open the fishery 24 to 36 hours after the hour of full. That would be two, 8 day closures. This will result in our killing about half of the fish we normally kill during this 46 day period. This decrease in production will cause the price to increase dramatically!

2nd From April 15th thru June 1st our daily limit should be changed from 75 fish to 500 pounds of fish. This alone will decrease our catches by 30 to 40%. A decrease in production will result in an increase in price.

3rd Ban Live-bait wells to all fishermen from April 15th thru June 1st (Live-bait wells should be banned from all ocean fisheries). This will reduce King mackerel catches by more than 55%. The fish are here to spawn, let's give them a chance!

If you follow these three restraints during the Spawn the catches will be reduced by 65 to 75% and the commercial fishermen will still be able to pay their bills. The fish we sell will all be worth twice as much (or more). The eight day closures will ensure the market isn't saturated with fish!

I believe these restraints will result in our Atlantic stocks of King Mackerel doubling in the next seven years. Then doubling again in the next four or five years. After that our King-fish stocks will grow on a geometric scale doubling every few years with just a little restraint during this Spawning-time.

Reasons to ban Live-bait wells:

Most marine biologist consider the "Big Fish" the spawning stock. I'd guess their way of thinking is something like this. One 45 pound fish has as many or more eggs than ten, 10 pound fish have. I know that the bigger fish is the older fish which is always the smarter fish. Some of these "Big Fish" are so smart that the only way to catch them is with live bait. If there was a ban on live-bait wells to all fishermen all the time (especially tournaments) 85% of these "Big Fish" would live to spawn repeatedly.

If you want to rebuild the Grouper stocks a ban on live-bait wells is the only solution!

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.

SAFMC Council Meeting: FULL COUNCIL SESSION March 8, 2013 St. Simons Island, GA

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
Kenny Fee	916-205-847	Kennedy Fee	132 38th Ave Island A
Lea Dunmore		L.Dunmore@gaia.com	
Kate Quigley	843-327-1114	quigley.kate@yahoo.com	
Rushing Johnson	386-239-0948	ASof2009@aol.com	3220-9351
Brian Gorski	467-854-7002	bgorski@caflorida.org	4715 Braden Run Bradenton, FL 34202
Ken Strong	802-390-9500	kenstrong@smif.com	Calif. DC
Liam Carr		liam@gaia.com	Wash DC
Adam B. Green	772-589-4903		
Brecher Martin	252-696-5641	gmartin@edf.org	Wilmington, NC

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

PLEASE SIGN IN

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

SAFMC Council Meeting: FULL COUNCIL SESSION

March 8, 2013
St. Simons Island, GA

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

EMAIL
ADDRESS

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

Barnett Colby 1950 N Tropical Tr ~~1950 N Tropical Tr~~ Meritt Island

Emily Helmer

Jacobsen's Shore Sport Club ED KALAGOS 23-5994 - USKAL K.S.C. ~~Ed Kalagos~~

TTSI/RI 904-394-2938 Joe @TTSI/RI.org 10752 Da-wood Park S Jax 3228

South Atlantic Fishery Management Council

4055 Faber Place Drive, Suite 201

North Charleston, SC 29405

843-571-4366 or Toll Free 866/SAFMC-10



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Council Meeting - Public Comment Session

LOCATION OF MEETING (CITY & STATE)

St. Simons Island, GA

DATE OF MEETING

March 8, 2013

YOUR NAME (PLEASE PRINT)

Kate Quigley

TELEPHONE NUMBER (& AREA CODE)

843-327-1114

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

SAFA

CHECK IF YOU WISH TO
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☐

SG Regulatory Amendment 18

☐

CE-BA 3 (Bycatch Reporting)

☐

SG Amendment 27

☐

Extension of Yellowtail Snapper Emerg. Rule

☒

Other

☐

Joint SA/Gulf Generic Dealer Amendment

☐

Joint SA/Gulf Generic Headboat/Charterboat Reporting Amendment



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Council Meeting - Public Comment Session

LOCATION OF MEETING (CITY & STATE)

St. Simons Island, GA

DATE OF MEETING

March 8, 2013

YOUR NAME (PLEASE PRINT)

Rusty Hudson

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PO Box 9351 Daytona Beach 32120-9351

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DSF2009@aol.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CCFS

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SG Regulatory Amendment 18

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SG Amendment 27

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St. Simons Island, GA

DATE OF MEETING

March 8, 2013

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

DANIEL C KANA

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3293 TOROHO AVE SE. PALM BAY FL 32909

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

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SG Regulatory Amendment 18

☐

CE-BA 3 (Bycatch Reporting)

☐

SG Amendment 27

☐

Extension of Yellowtail Snapper Emerg. Rule

☒

Other

☐

Joint SA/Gulf Generic Dealer Amendment

☐

Joint SA/Gulf Generic Headboat/Charterboat Reporting Amendment

19 & 20 Km



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DATE OF MEETING

March 8, 2013

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Leda Dunmire

305-393-0934

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LDunmire@pewtrusts.org

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Pew Charitable Trusts

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SG Regulatory Amendment 18

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CE-BA 3 (Bycatch Reporting)

☐

SG Amendment 27

☐

Extension of Yellowtail Snapper Emerg. Rule

☒

Other

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St. Simons Island, GA

DATE OF MEETING

March 8, 2013

YOUR NAME (PLEASE PRINT)

Kenny Fox

TELEPHONE NUMBER (& AREA CODE)

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122 NE 38th St OAK Island NC

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Snapper grouper A/C

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SG Regulatory Amendment 18

☐

CE-BA 3 (Bycatch Reporting)

☐

SG Amendment 27

☐

Extension of Yellowtail Snapper Emerg. Rule

☐ Other

All

☐

Joint SA/Gulf Generic Dealer Amendment

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Joint SA/Gulf Generic Headboat/Charterboat Reporting Amendment



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March 8, 2013

YOUR NAME (PLEASE PRINT)

Ken Stump

TELEPHONE NUMBER (& AREA CODE)

902-390-7520

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Interested member of public

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SG Regulatory Amendment 18

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☐ Other

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St. Simons Island, GA

DATE OF MEETING

March 8, 2013

YOUR NAME (PLEASE PRINT)

Barrett Coby

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(321) 453-4458

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1950 N TROPICAL TR MENAIDT ISLAND FLA

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Fishmax

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SG Regulatory Amendment 18

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DATE OF MEETING

March 8, 2013

YOUR NAME (PLEASE PRINT)

Mason Bowes

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772 589 4203

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365 Orange Ave. Seb. FL.

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

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Session Details

Attended	Interest Ra	First Name	Last Name	Email	Registration	Join Time	Leave Time	In Session I
Yes	27	jeanna	merrifield	jeannam@	Mar 08, 20	Mar 08, 20	Mar 08, 20	347.18
Yes	38	cardin	robert	finchaser3	Mar 08, 20	Mar 08, 20	Mar 08, 20	361.95
Yes	38	stephen	holiman	stephen.hc	Mar 08, 20	Mar 08, 20	Mar 08, 20	7.15
Yes	77	Anthony	Austin	redress@e	Mar 08, 20	Mar 08, 20	Mar 08, 20	447.48
Yes	30	rich	malinowski	rich.malino	Mar 08, 20	Mar 08, 20	Mar 08, 20	27.13
Yes	31	m	c	mec181@y	Mar 08, 20	Mar 08, 20	Mar 08, 20	484.43
Yes	27	a	g	andrea.gra	Mar 08, 20	Mar 08, 20	Mar 08, 20	367.6
Yes	22	NICHOLAS	FARMER	nick.farme	Feb 15, 20	Mar 08, 20	Mar 08, 20	71.52
Yes	30	Julia	Byrd	julia.byrd@	Mar 04, 20	Mar 08, 20	Mar 08, 20	437.77
Yes	34	Rick	DeVictor	rick.devict	Mar 08, 20	Mar 08, 20	Mar 08, 20	473.12
Yes	33	jack	holland	jack.hollan	Mar 08, 20	Mar 08, 20	Mar 08, 20	167.35
Yes	36	david	plowden	dplowden@	Mar 08, 20	Mar 08, 20	Mar 08, 20	221.75
Yes	34	Anik	Clemens	anik.cleme	Feb 15, 20	Mar 08, 20	Mar 08, 20	415.82
Yes	48	greg	davis	gcdavismar	Mar 08, 20	Mar 08, 20	Mar 08, 20	262.88
Yes	63	steve	branstetter	steve.bran	Mar 08, 20	Mar 08, 20	Mar 08, 20	40.55
Yes	63	Nikhil	Mehta	nikhil.meht	Feb 15, 20	Mar 08, 20	Mar 08, 20	457.82
Yes	20	Matthew	Ruby	warriorfish	Mar 08, 20	Mar 08, 20	Mar 08, 20	161.92
Yes	63	Vic	Lloyd	vic_lloyd@	Mar 08, 20	Mar 08, 20	Mar 08, 20	112.82
Yes	31	joe	klosterman	grkjfk@cor	Mar 08, 20	Mar 08, 20	Mar 08, 20	82.55
Yes	30	Joseph	Ballenger	ballengerj	Mar 08, 20	Mar 08, 20	Mar 08, 20	445.8
Yes	44	jack	cox	dayboat19	Mar 08, 20	Mar 08, 20	Mar 08, 20	43.78
Yes	30	Anne	Eich	annemarie	Mar 06, 20	Mar 08, 20	Mar 08, 20	467.52
Yes	38	phil	steele	phil.steele	Feb 15, 20	Mar 08, 20	Mar 08, 20	430.07
Yes	29	Marcel	Reichert	reichertm	Mar 08, 20	Mar 08, 20	Mar 08, 20	429.3
Yes	30	kate	michie	kate.michie	Mar 08, 20	Mar 08, 20	Mar 08, 20	414.67
Yes	26	john	larson	john@beac	Mar 08, 20	Mar 08, 20	Mar 08, 20	154.27
Yes	20	Steve	Park	atlanticpro	Mar 08, 20	Mar 08, 20	Mar 08, 20	1.87
Yes	32	scott	sandorf	scott.sand	Mar 08, 20	Mar 08, 20	Mar 08, 20	409.88
Yes	20	I	Las	captaindrif	Mar 08, 20	Mar 08, 20	Mar 08, 20	442.4
Yes	23	Abby	Furnish	aaf6@duke	Mar 08, 20	Mar 08, 20	Mar 08, 20	37.28
Yes	37	Samantha	Port-Minne	sport-minn	Mar 04, 20	Mar 08, 20	Mar 08, 20	453.77
Yes	37	Anthony	Bresnen	anthony.br	Feb 15, 20	Mar 08, 20	Mar 08, 20	451.03
Yes	31	Bill	MacLauchli	billmac@cl	Mar 08, 20	Mar 08, 20	Mar 08, 20	398.7

Yes	54 jimmy	hull	hullsseafo	Mar 08, 20 Mar 08, 20 Mar 08, 20	448.97
Yes	35 Fan	Tsao	fan.tsao@r	Mar 05, 20 Mar 08, 20 Mar 08, 20	249.87
No	Holly	Binns	hbinns@pe	Mar 08, 2013 09:14 AM EST	
No	Gerald	Pack	gerald@sa	Mar 07, 2013 10:12 AM EST	
No	Vic	Lloyd	vvic_lloyd@	Mar 06, 2013 09:40 AM EST	
No	miguel	lugo	miguel.lug	Mar 08, 2013 02:21 PM EST	
No	Karla	Gore	karla.gore@	Mar 08, 2013 09:27 AM EST	

*If an attendee left and rejoined the session, the In Session Duration column only includes their first vis

City	State	Unsubscrib Questions Asked by Attendee
titusville	FL	No
fort pierce	FL	No
st. pete	FL	No
Hubert	NC	No
St Petersburg	FL	No
mtp	SC	No
chs	SC	No
ST PETERSE	FL	No
Charleston	SC	No
St Pete	FL	No
Wilmington	NC	No
wilm	NC	No
Saint Peter	FL	No
wilmington	NC	No
st pete	FL	No
St. Petersburg	FL	No
Charleston	SC	No
Atlantic Be	FL	No
Ft Pierce	FL	No
Charleston	SC	No
newport	NC	No
St. Pete	FL	No
st petersbu	FL	No
Charleston	SC	No
St. Petersburg	FL	No
port canav	FL	No
Atlantic be	FL	No
st petersbu	FL	No
Jupiter	FL	No
Atlantic Be	NC	No
Saint Peter	FL	No
Tallahassee	FL	No
Stockbridge	GA	No

Ormond Beach FL	No
Silver Spring MD	No
Tallahassee FL	No
Atlantic Beach FL	Bounce
Atlantic Beach FL	Bounce
St. Petersburg FL	No
Sarasota FL	No
it.	