

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **FULL COUNCIL SESSION**

**Charleston Marriott Hotel  
Charleston, SC**

**September 17-18, 2009**

### **SUMMARY MINUTES**

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Duane Harris, Chairman  
Robert Boyles  
Mark Robson  
George Geiger  
Dr. Wilson Laney  
Lt. Brian Sullivan  
Tom Swatzel  
Charlie Phillips

David Cupka, Vice Chair  
Dr. Brian Cheuvront  
Dr. Roy Crabtree  
Mac Currin  
Rita Merritt  
Susan Shipman  
Ben Hartig  
Vince O'Shea

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Dr. Julie Neer  
Kate Quigley  
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#### **Observers/Participants:**

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Tony Lamberte  
Dr. Bonnie Ponwith  
Dr. Erik Williams  
Dr. Carolyn Belcher  
Nik Mehta  
Hal Robbins  
Dr. Joe Uravitch  
Red Munden

Dr. Jack McGovern  
Bob Gill  
Dr. Jim Waters  
Phil Steele  
Dr. Marcel Reichart  
Dr. Nick Farmer  
Otha Easley  
Dr. Bonnie Ponwith  
Karyl Brewster-Geisl

Other observers attached to the end of the document.

## TABLE OF CONTENTS

Call to Order, Chairman Duane Harris.....	4
Approval of Agenda.....	4
Approval of June 2009 Minutes.....	4
Election of Chairman and Vice-Chairman.....	6
Committee of the Whole – Snapper Grouper Amendment 20.....	6
Full Council Session – Public Comment.....	9
Committee of the Whole:	
Update on the National Marine Protected Area Program.....	36
Draft Amendment 3 to the Consolidated Atlantic HMS Fish FMP.....	45
Snapper Grouper Committee Agenda:	
Continuation of Snapper Grouper Amendment 20.....	57
Discussion of the Comprehensive ACL Amendment.....	89
Fishery-Independent Monitoring Program Development Workshop.....	94
Other Business.....	96
Joint Ecosystem-Based Management & Habitat Committees Agenda:	
Comprehensive Ecosystem-Based Amendment 1:	
Summary of DEIS Comments.....	105
Summary of Law Enforcement AP and Coral AP Recommendations.....	106
Habitat AP Recommendations.....	106
Overview of Proposed Changes.....	107
Discussion of the Shark Gillnet Fishery.....	111
Comprehensive Ecosystem-Based Amendment 2:	
Overview of Options Paper.....	114
Summary of Law Enforcement and Coral AP Recommendations.....	114
Habitat AP Recommendations.....	116
Discussion of Option Issues.....	117
Update on Ecosystem Issues.....	125
Other Business.....	130
Golden Crab Committee Agenda:	
Approval of Agenda.....	133
Discussion of Golden Crab Catch Shares Report.....	133
Discussion of Golden Crab Amendment 5.....	146

Other Business.....	148
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## TABLE OF CONTENTS

Dolphin Wahoo Committee Agenda	
Approval of Agenda and Minutes.....	148
Presentation of Advisory Panel Motions.....	148
Presentation of Dolphin and Wahoo Landings.....	149
Comprehensive ACL Amendment Options.....	155
Other Business.....	163
Full Council Session:	
Snapper Grouper Committee Report.....	163
Joint Executive/Finance Committee Report.....	170
LAPP Committee Report.....	172
Spiny Lobster Committee Report.....	173
Mackerel Committee Report.....	174
Law Enforcement Committee Report.....	175
Status Reports.....	176
NMFS SEFSC Status Reports.....	176
Agency and Liaison Reports.....	176
Other Business.....	180
Adjournment.....	181

The South Atlantic Fishery Management Council convened in the Charleston Marriott Hotel, Charleston, South Carolina, Thursday afternoon, September 17, 2009, and was called to order at 1:40 o'clock p.m. by Chairman Duane Harris.

MR. HARRIS: I call the September 2009 meeting of the South Atlantic Fishery Management Council to order and ask your adoption of the agenda, recognizing that we are behind, and I will need some latitude, if that's okay with the council, to move us forward and onward to complete our agenda for this meeting. With that, is there any objection to adopting the agenda; any additions to the agenda? Seeing none, the agenda is adopted.

The next item is the approval of the June 2009 meeting minutes. Are there any additions or corrections to those minutes? Seeing none, is there any objection to approving those minutes? Without objection, those minutes are approved.

MR. GEIGER: Mr. Chairman, will we continue to receive transcripts of council minutes? Joe no longer takes the transcription; is that the case?

MR. MAHOOD: If I'm right, Mike, Joe will be at the meetings where we have the SSC or the Council and the AP where he actually records and transcribes the minutes. Otherwise, he transcribes them but he will not be here except at those times.

MR. GEIGER: And December is the last one of those?

MR. MAHOOD: And December is the last one of those and so we will be doing something accordingly in December.

MR. HARRIS: Does that answer your question, George?

MR. GEIGER: Yes, thank you.

DR. LANEY: I had said something to you earlier in the week, Mr. Chairman, about possibly having a short discussion about audio files, but in deference to our tardy schedule here I'll defer that until later unless we have time at the end of the session under other business.

MR. HARRIS: Yes, and I'm hoping we're going to get back on some semblance of schedule today; so under other business that would be an appropriate topic to bring up. Let me welcome you all to this meeting and welcome particularly the members of the public. We appreciate your being here. At two o'clock we will be going into a public comment so just be prepared for that.

There are some people I do want to recognize, too; Red Munden, who is the Mid-Atlantic Fishery Management Council's designee for this meeting; and Bob Gill, who is the Gulf of Mexico Fishery Management Council designee to this meeting. There is somebody in the audience that I want to recognize, Ben Laws, who is the National Sea Grant Fellow, living in Washington now but originally from Brunswick, Georgia; a good friend of ours, and we're glad he accepted that Sea Grant Fellowship. At this time Bob has reminded me it's time to call the roll, so we will do so starting on my right with our vice-chairman.

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

MR. ROBSON: Mark Robson, Florida.

MR. CURRIN: Mac Currin, North Carolina.

MR. HARTIG: Ben Hartig, Florida.

MR. PHILIPS: Charlie Philips, Georgia.

MR. SHIPMAN: Susan Shipman, Georgia.

MR. GEIGER: George Geiger, Florida.

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

MR. MUNDEN: Red Munden, Mid-Atlantic Council member from North Carolina.

MS. MERRITT: Rita Merritt, North Carolina.

DR. CHEUVRONT: Brian Cheuvront from North Carolina.

MR. O'SHEA: Vince O'Shea, Atlantic States.

MR. ROBBINS: Hal Robbins, Office of Law Enforcement.

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

DR. PONWITH: Bonnie Ponwith, NOAA Fisheries Service.

DR. McGOVERN: Jack McGovern, NOAA Fisheries Service.

DR. CRABTREE: Roy Crabtree, NOAA Fisheries.

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

MR. STEELE: PHIL STEELE, NOAA Fisheries.

MR. GILL: Bob Gill, Gulf Council.

MR. BOYLES: Robert Boyles, South Carolina.

MR. SWATZEL: Tom Swatzel, South Carolina.

MR. MAHOOD: Bob Mahood, council staff.

MR. HARRIS: Duane Harris, council member from Georgia. The next item on the agenda is the election of the chairman and vice-vice chairman, and I will turn it over to our executive director to conduct the election.

MR. MAHOOD: I will start by asking if there are any nominations for chairman? Susan.

MS. SHIPMAN: I would like to nominate my colleague and protégé, Duane Harris, for chairman for the council for the coming year. I think he has proven himself in this past year and will do a fine job.

MR. GEIGER: I would like to second it and move that nominations be closed and we elect Duane by acclamation.

MR. MAHOOD: Is there any objection to that motion? Hearing none, Duane is elected for his second term as chairman by acclamation. Okay, are there any nominations for vice-chairman?

MS. MERRITT: I would to nominate David Cupka as vice-chairman.

MR. BOYLES: I would like to second the nomination and move that nominations be closed and David be appointed as vice-chairman by acclamation.

MR. MAHOOD: Is there any objection to the motion? Hearing none, David is elected as vice-chairman by acclamation.

MR. HARRIS: I think I speak on behalf of both David and myself – George.

MR. GEIGER: And when we do that, unfortunately, we never get to say any glowing words about the people we're nominating and consequently appointing by acclamation, but I think, Duane, you have done a magnificent job this past year, especially handling the press and representing the council to the public, so thank you very much.

MR. HARRIS: Thank you, George; and as I said I think I speak for both David and myself, we appreciate your faith in us and we will try to continue to do the job that you expect us to do. Bob.

MR. MAHOOD: For those that think our elections go rather smoothly, we actually used to have ballots and we used to actually have contested elections. As a matter of fact, I think we had one council member who served for six years but was never able to get elected. We have had the days that we did that, but we like to pride ourselves down south as being very gentlemanly about how we do our elections and move forward.

MR. HARRIS: We are going to convene at this time a committee of the whole, and the first item that we still have left to do is reconvene the Snapper Grouper Committee, Amendment 20, and we're going to start on that and get as far along as we can. At two o'clock we will go into recess for public comment.

MR. ROBSON: We have a couple of items on Amendment 20, and we will go ahead and get started on those, reviewing some of the alternatives, including some recommendations from the APs.

MS. QUIGLEY: Okay, we have a couple of different alternatives in Amendment 20, which are shown. Alternative 1, no action; Alternative 2, eliminate the current Wreckfish ITQ Program and replace with alternate effort limiting criteria for participation; Alternative 3, eliminate the current Wreckfish ITQ Program and do not replace it with any effort or participation limiting criteria; and Preferred Alternative 4, modify the Wreckfish ITQ Program to keep the Wreckfish ITQ Program and then update it to meet the new requirement of MSA.

Those have not changed at this point in time, so that's Action 1. Action 2 was put in as Wreckfish MSY Options; so a couple of different options here based on past stock assessments. Option 2, MSY of 1.946 million pounds, which is the average landings from 1988-1994; Option 3, MSY of 0.835 million pounds, the average landings from 1988-2007, except for 2001 and 2003.

Then we go down those other actions as well. There is the Wreckfish OFL options and the Wreckfish ABC options. Then the Snapper Grouper AP had made a motion that recommended a 1.1 million pound ACL for the Wreckfish Fishery, and that was put forth by Paul Reese. We've have got a number of different options here, and so the idea would be to review the alternatives under Action 1, to make sure that those are the ones that you want; and then to review the other actions; and if the committee wishes, to choose preferreds for MSY, OFL and ABC so that we have something to go to the SSC with in December to ask them if they have any objection to those preferreds or if they have additional information. If they okay those we can go ahead with analysis at that time.

MR. ROBSON: All right, so going to Action 1 on the Wreckfish ITQ, we have the existing alternative. The preferred alternative that has been selected is Alternative 4 by the council at this point. Any comments or suggestions? Mac.

MR. CURRIN: I just had a question about the confidentiality. I don't quite understand why including two years of confidential data to derive an average for, I don't know, 20 years of data is a problem. I mean, they're hidden. As long as they aren't published in the individual year with the individual landings; is that a problem? I know that's a problem but is it a problem to use them to generate an average, including them in that long-term average or there is there some other reason that they're not included?

MS. QUIGLEY: I'm trying to recall. I might have to defer to Gregg. I can't quite remember why 2001 and 2003 weren't included.

MR. WAUGH: Well, not wanting to go to jail for disclosing confidential data, we took the conservative approach of not including it because those years are confidential and don't want to have a way that someone could calculate what the landings were in those years. We are proceeding in trying to get those the fishermen and hopefully the dealers involved are willing to

sign a confidentiality agreement so that we can release all of this data. But that's the reason, Mac, just to be absolutely sure that we're not disclosing confidential data.

DR. CHEUVRONT: Mathematically, if you have two numbers missing, there is no way that you could calculate the value of those numbers when they're combined in an average. It was just one year that was confidential, I could see leaving it out because you could do the math backwards; but if somebody wanted to look at the individual year's landings, you would have to leave those two years out, but there would be no way that anybody could figure out what the values were in those two years that are missing.

MR. ROBSON: Monica, can you shed some light on this>

MS. SMIT-BRUNELLO: Well, I guess this doesn't give you much help right now, but we're working to try to get this straightened out because it just seems a bit odd that you wouldn't be able – I understand about the confidentiality nature of the Magnuson Act, but I'm very hopeful that we'll be able to include those numbers in there for those years so that you can have a full picture. This isn't the final word that you can't include them, but I appreciate Gregg doing it the way he did it because I think that's the right way to handle it for right now.

MR. MAHOOD: As a matter of fact, Monica and I talked about this. We thought, well, why can't we go ahead and close the meeting and let the council members see the confidential data. It's kind of a Catch-22 because under the Magnuson Act there are only certain things that we can close the meeting for and to look at confidential data doesn't happen to be one of them. We're caught in a bind where we can't talk about confidential data in a closed session. Although we believe the council members should be privy to confidential data, we can't do it.

DR. LANEY: Well, a question for Monica; if there is a limited access privilege program in place, as there is for wreckfish, I thought there was some provision that rendered the data non-confidential if there was a limited access privilege program in place. That's question one. Question two is has there been any consideration for the fact that public trust resources should be more subject to transparency when they're being harvested?

MS. SMIT-BRUNELLO: The answer is to your first question, yes, there are exceptions under the Magnuson Act for those kinds of programs. We're having a bit of legal debate as to what is all covered under those programs, so I'd to like to get that resolved so that Gregg doesn't get in trouble for releasing confidential information. I'm sorry that it's not resolved prior to this meeting. As to your second point, yes, that discussion is going on as well at the same time.

MS. SHIPMAN: And we've had these discussions for decades, and part of it goes to the Magnuson Act. I don't believe congress has yet – even though these are public trust resources, I don't think congress has elected yet to remove some of that confidentiality language that's in there. Many people have brought this to the attention. Everytime we've commented on the Act and reauthorizations we've brought this up.



MR. ROBSON: All right, I don't know more we can do to resolve this. It is two o'clock and we may need to end our review of the alternatives in Amendment for now. Mr. Chairman, is that your wish?

MR. HARRIS: Yes, it is. Let's go ahead and recess the Committee as a Whole at the present time and we'll come back to the Snapper Grouper Committee Agenda as a Committee as a Whole once we conclude the public comment.

It is two o'clock and so at this time I'm going to open the meeting to public comment on items that are on the agenda for this meeting. I don't know how many people have asked to speak. We have scheduled one hour for public comment, but I would ask you to try to limit your comments to three minutes. If you go on and on and on I may interrupt you and ask you to wrap it up.

Also, if you have written comments please provide those to us. If you're representing an organization please let us know what organization you're representing. If you're representing yourself please let us know that, too. The first person that has signed up to speak is Kerry Marhefka. Kerry is a former council staffer and, Kerry, welcome.

MS. MARHEFKA: I'm actually really nervous to talk to all of you so bear with me. It's very weird being in this position. For those of you who don't know me, my name is Kerry O'Malley-Marhefka. I'm a former biologist with the South Atlantic Fishery Management Council. My husband is a 30-year veteran of the commercial snapper-grouper fishery.

We also wholesale our own fish to local restaurants in Charleston, South Carolina. You may or may not know my father-in-law was also a commercial snapper fisherman who died while snapper grouper fishing. My brother-in-law is a snapper grouper fisherman in Southport, North Carolina. My husband is a member of the Snapper Grouper AP, the MPA AP and the LAPP Workgroup.

I say all that to sort of demonstrate the fact that I think you know what we bring to the table as far as – well, my husband was the one who brought his fishing numbers and showed you where to put MPAs, so we come here really trying to work out solutions on things with you. Before I get into my specific points about LAPs and red snapper, which you should be getting something around shortly, I just wanted to make a few broad points about the snapper grouper fishery.

Yesterday during the LAPP Committee meeting you spoke about moving the ball down the field – you used that euphemism – and it got me wondering do we know yet what we're going to do when we get to the other end of the field. This is outside of the context of red snapper, knowing you have to do what you have to do with red snapper. This is when that's all over.

I think it's time to take a step back and look at the snapper grouper fishery, the commercial fishery in general and think about what we want that fishery to look like in the future. I implore you that what you do want is very small, professional, commercial fishery. I think it's time to really do what we need to do to make that happen. In order to meet that goal one the things I would request you really start thinking about is mandatory VMS and electronic reporting on the entire snapper grouper fleet.

Personally we will pay for it. I believe that is the cost of doing a professional business in the fishery. I really hope that the council moves forward down that road with whatever mechanism you need to do that. Moving on, I will give you my few thoughts I would like to put in your head about LAPs, knowing this is going to be a long process, but there are some things that I really want to be in your head as you go down it.

I'm very concerned about the potential of the setup of those with the deepest pockets wins in this fishery. There has been a tremendous amount of speculation since the council started talking about LAPs. I put in my list of requests that I think you all need to look at are the number of permits and catch histories that have been sold in the past two years.

We are hearing about a lot of that happening. I can tell you as an individual owner-operated vessel we do not have the finances to be out there trying to jockey so we're in a good position when LAPs when go into effect. The way the allocations look now we would lose well over a hundred thousand dollars, and there is no way we would be able to buy shares.

The people who you see who are coming to you and asking for LAPs are people who own more than one permit and more than one boat. I request that you strongly think about the dynamic you could be setting up there. At this point, if it came down the way it would look today, Mark would have to fish Phil Conklin's quota and sell his fish to Phil Conklin.

We have just made inroads selling our own fish to restaurants. We don't want to work for the company store. Please, please, please just think about that as you move down the line. I'm not saying don't look at LAPs; I think they're a great tool. I think we need to be very careful about how we set them up.

Secondly, I think in order to do those sort of things I think if it's an economic solution for this fishery, then we need to have a better economic picture of this fishery. The last socio-economic study that was done was in 1994. We know nothing about the age of the fleet. We know nothing about how many owner-operator vessels versus corporately owned or fish house owned vessels there are. We know nothing about the age of fishermen.

We know so little anymore about this fishery; so much has changed since 1994. Think about how many amendments ago that was. Those were the good old days. Anyway, I would request that as the council down you have a clear picture of what the industry looks like right now. Please do not think that financing is going to be out there for us to go and buy shares if we need to. Things that happen in the Pacific Northwest and things that happen in New England are not comparable to things that happen down here.

I sort of equate that get-financing thing as when we did MPAs and people would say, "You put in MPAs and your tourism will increase." Well, no one is coming to Charleston to see each South Carolina MPA. It's just a different world here. We have a different fishery. We do not have communities that will rally around as we do not have banks that will give Mark and I a loan to buy more quota shares.

I also think you need to be careful about the fact that fishermen are sold the idea that regulations will decrease. I've heard things thrown around like shorter spawning area closures. Those are proven measures that work. I think whether or not we have a LAPP we still need to keep those in place. My red snapper proposal is on the table. I need to wrap up. What I'm requesting is that in the amendment include it for analysis. I know the analysis will be difficult, but I think that it meets the criteria so it should be in there.

If some sort of allocation scenario where we allocate out only by sector and not by state, those individual sectors take the required hit in the size of area that is closed, and personally for the commercial sector we would have mandatory VMS and then mandatory discard reporting and some subset that would have observers or electronic video monitoring in order to make sure we are reporting discards. It is in more detail here and you can certainly ask me questions about it, but I think there needs to be some alternative in there where we look at allocating by sector. Thank you.

MR. GEIGER: Thank you for being here, Kerry, and we certainly couldn't tell you were nervous. You made very good points and very good presentation. You made a statement earlier in your presentation about the professionalism of the snapper grouper commercial industry and the fact that you all wanted to see VMS on all snapper grouper boats. You went on to say that you'd be willing to pay for those VMS units yourself. I know you can't speak for the entire industry, but how many people who you know personally within the industry would share that same thing about paying for the units themselves?

MS. MARHEFKA: I don't feel comfortable giving a number, but I can tell you that if it was between that and that bottom getting shut down off of South Carolina for no bottom fishing, it is a no brainer if you do the math there. I mean, I think everyone would if that was the choice. I'm not saying it is an either/or scenario.

MR. BROWN: My name is Mark Brown. I'm a charter/headboat fisherman here out of Charleston. I'm coming to the council to try to bring something similar to what Kerry was just talking about towards the end of her presentation, but to reiterate this about dividing out the sectors for the allocations on the ACLs for Alternate 3 that the council did vote on. I think everybody was pretty much in agreement on that.

We already have in place ways to monitor the discards for everything except for I think that the private sector is the only thing that I think that we've had issues with. We have had some things that have been brought up at this council meeting, too, about the texting and ways to monitor it. I think that this would be something that could be actually brought forward, and there are ways to monitor the private sector.

The allocation I believe was brought up at 79,000 for Alternate 3. My suggestion is to divide it out into sectors. The commercial sector could be 28 percent of that, which would be 22,120. The private sector be 43 percent at 33,920, and the for-hire sector at 22,910, which would make that 79,000. Like I said, I think that you have already looked at that and have pretty much agreed that would be a good alternative.

It would also accomplish what you're trying to accomplish, and that is the least restrictive socio-economic impact that is also in the Magnuson-Stevens Act. I think that is the goal that everybody is trying to achieve is least amount of impact. That way we could go with some type of an alternative where we have road, we've got a path or something that we can follow that we can see how we can make this work for everybody.

Here in South Carolina we don't catch that many red snapper. We catch some, but we don't need to catch red snapper. We can throw them back. We will report on that. We have the logbooks. We're willing to work with the DNR and do whatever we need to do to provide the information for that. That's pretty much it as far as dividing everything out in some sort of fashion or not.

As far as the commercial fishery I also hold unlimited red snapper fishery permits and king mackerel permits. I haven't done any commercial fishing over the last five or six years simply because I was devoting a lot of time to the for-hire sector trying to develop another fishery so that I could sustain my livelihood and keep going.

I have concerns now that if we go towards these LAPs, that it may eliminate some of the old-time fishermen like myself that have a lot of landings from back in the seventies, eighties, nineties and even the early part of 2000 that actually participated in the fishery but have had to switch their fisheries at certain times and do different things to try to survive. If it does go to that, I hope you keep into consideration the people that have been in the fishery for many years.

MR. HUDSON: Mr. Chairman, Rusty Hudson, Director of Sustainable Fisheries. A brief history on myself; I'm a fifth generation waterman. My family has been fishing out the Central East Coast of Florida since the late 1800's. Basically I caught my first red snapper in 1963 at the age of eight; and as far as a big red snapper in 1968, a 20-something pounder. That was my role as a recreational and then a for-hire, working with my grandfather and my uncle on their vessels out of Daytona Beach, which is extremely dependent on red snapper.

I guess my comments will be towards 17A in particular. I, like Don DeMaria, the new chairman of the Snapper Grouper Advisory Panel, have a deep concern about the large red snapper aggregations that occur inside of 98 foot of water as far shoreward as five miles off the beach in 60 foot of water.

The last one I participated in as far as what we call a bonanza was found in late June 1989. We had six people on a charter boat. In one hour we put 43 of these 25-pound red snappers on the boat. Then we went into a different dock, unloaded those animals, got another two people on this vessel that could carry 12 people, and then went back out and in two hours and something put 117 animals on the boat and then went and unloaded them; none of them small, all of them 25 pounders, as they normally aggregate like that to do their breeding.

That's 160 animals, 4,000 pounds whole weight. What I'm trying to tell you is that we fished on those animals for nearly three weeks before they then dispersed besides those that went to heaven. What I guess I'm trying to tell you is that what Ben Hartig brought up yesterday about

hooking mortality studies, that was in SEDAR 7 for the Gulf of Mexico Red Snapper, kind of confirms what I know is that it's not barotrauma.

These animals fight themselves to death; and when they swallow that J-hook it will wind up ripping their gills, ripping the lining down into the stomach and stuff like that, and so it makes it so that's it better that you mandate circle hooks for those type of animals, particularly if you're going to wind up, hopefully not, closing red snapper altogether; because you know with Dr. Hester that I've retained, we have serious concerns over the data and the science and the way it was all used. Hopefully that will be resolved later next year with the update.

But the fact is that if people decide to go in June, July, August off of our area, particular around the Flagler/Volusia County Line where Martin Moe's 1963 survey for Florida offshore fishing indicated these aggregations of these large red snappers, a catch-and-release fishery will probably kill 50 percent of those animals hooked up.

Furthermore, if they have a swivel above the lead when they hook these animals up and they break that line, they'll be dragging those darned leads around with them. I know that from a 1979 bonanza we called Paul's Jet Wreck, which also yielded many thousands of these 25-pound animals. I can go right on back into the late forties with these kinds of stories of these bonanzas that occurred that various relatives, friends and others out of our area have participated in through the generations.

My family has had the headboats out of St. Augustine as well as out of Ponce Inlet, which is the Greater Daytona Beach area. I would strongly advise that you look after those people because with the things that you're considering, trying to debate 80,000 pounds of whole weight, what part of zero does everybody not understand; because with discards, that is what everybody is looking at is zero landings.

I hope that you will take my words and our concerns over the science into heart and not destroy these communities, because these are for-hire communities. Just like the commercial guys, once you've got them gone they're gone. And as far as the private guys, if you're just going to have them playing with their food and not allowed to bring them in, that is causing some serious concerns. I will address 17A and B with more extensive written comments later, and I thank you for your time.

MR. GEIGER: I do have a question. Rusty, did you distribute this letter from Dr. Hester?

MR. HUDSON: Bob Jones asked me to distribute what was a media tear-out for Carl Wickstrom and that's what I did. I had it copied this morning and I distributed it around.

MR. GEIGER: This letter?

MR. HUDSON: Yes, sir, if it says on behalf of the SFA East Coast Fisheries Section, yes, sir, and it is signed by Frank Hester, PhD.

MR. GEIGER: And I guess, Mr. Chairman, my comments are kind of aimed at the Southeastern Fisheries Association. We've received a number of comments from Dr. Hester concerning the science that has undergone our process of peer review via the SEDAR. I don't know how many of these letters have come in over the transom in the intervening months since we've undertaken 17A and embarked on that journey.

Rusty, I don't know how to put this, but I appeal to you that these letters really don't help and they don't help me in my perspective because we've already accepted the science, and we're operating on the best available science that we have, which has been peer reviewed. I would suggest that perhaps the information that you're challenging here could be written up in a scientific paper and be peer reviewed, and you could bring it to us with that type of scientific backing.

I know Dr. Hester is a PhD scientist and is well-respected, but the information that's on here is not peer reviewed in any way and it now causes us to have to respond in some way or do some additional analysis and additional analysis; and it seems like no matter how many of these we answer, another one comes in.

I just think we have an awful lot of work to do and I would like to see Dr. Hester's work peer reviewed and brought to us in that forum so we could act on it based on an assumption that there is some real scientific backing to his proposal.

MR. HARRIS: Thank you, George; and as we've already discussed, it would be appropriate to take a look at his in this next update to the red snapper assessment and see if there is anything that Dr. Hester's comments add to that process.

MR. HUDSON: To that point, yes, we do want to have Dr. Hester and maybe an additional scientist participate in the update next year; but as Dr. Crabtree indicated, we cannot get started on that process with the data until probably June of next year when the 2009 numbers will become available, which will give three full years to add to the process.

We do have particular concerns with the SEDAR Review Process, the Center of Independent Experts, but I will not discuss that today. Basically speaking, as far as the transparency, the lack of working documents in the SEDAR 15, that concerns us; because with SEDAR there are copious amounts of documents, so the transparency we believe is not there.

As far as another document that we're asking Dr. Erik Williams to follow up on from September 1<sup>st</sup>, that was a response to the internal review that seemed to neglect certain aspects of the document that we submitted at the Stuart meeting in June. There are a lot of concerns. Our concern is the destruction of our communities. I hope you can understand that.

MR. GRIFFITH: I've distributed hard copies and electronic copies of my statement to you guys which has a little more detail than what I'm going to present today. I'm David Griffith; I'm an anthropologist at East Carolina University. I've been doing a study of fishing in Little River and Mount Pleasant for about the past year.

A number of fishermen asked me to come and speak somewhat on their behalf to just give my observations about what I think the consequences of closures will be. I have ten different consequences that you can consider. Again, I have written comments with more detail involved. First of all, the fear of pending closures may lead to derby fishing. I think this was mentioned last night.

The fear of a quota being reached may lead to unsafe practices because people may leave the port in iffy weather because they want to get their share of the quota. There will be an increase in the uncertainty of commercial fishing because people won't know exactly how long the closures are going to last or when they're going to take effect when the quota is going to be caught.

Consequently, this makes it difficult for fishermen to develop business proposals or do business planning. There will be a shift in effort towards species that are less highly regulated. There will be a shift in effort towards species that are less well known among seafood consumers, less highly valued and lower in quality and probably result in loss of income or market share to commercial fishermen, as well as professional recreational fishermen like charterboat captains and headboat captains.

A number of fish houses, of course, have already closed up and down the east coast, but more fish houses may have to close because of a lack of a steady supply of seafood. Closures will increase the seafood marketing sector's dependence on imports, which is always a sore point with commercial fishermen.

Closures will increase the migration of commercial fishermen into the professional recreational sector where they can become headboat captains or charterboat captains and crew, and this is going to increase competition in that sector. Closures will alter food webs by protecting some species over others, allowing some species increased opportunities for predation on other species, and this is in violation of the spirit of ecosystem-based habitat management.

Finally, closures will shift fishing pressure from the United States to foreign waters in the case of pelagic species with a loss of capital to foreign countries and an increase in the carbon footprint of targeting those pelagic species. Now, these consequences are not going to be evenly distributed over the whole southeast region, but will hit particularly hard members of the professional recreational fishery, the charterboat captains and headboat captains between Calabash, North Carolina, and Charleston, South Carolina, as well as coming close to wiping out the entire Little River Fishing Fleet. I would ask that you consider this in your ongoing process of decision-making. Thank you.

MR. HEIL: My name is Dave Heil. I'm the president of the South Atlantic Chapter of the Fishery Rights Alliance. I'm also here on behalf of the Central Florida Offshore Anglers, an offshore fishing club out of Orlando, Florida; and the Florida Sportfishing Association out of Merritt Island, Florida.

I'd like to first make a comment in regards to one of the things Rusty was talking about with the bonanzas. He kind of mentioned some old bonanzas, but let me assure you that bonanza

occurred again this year as it does every year off East Central Florida. Those fish come in every year to spawn, to aggregate, and that's when the bigger fish are caught. That's one of the problems that we've had with the collection of data.

Going to the collection of data, one of the things that I'd like to address what Mr. Geiger said. Mr. Geiger said that he did not want – you know, the council had already made its mind up in regards to the science. That is absolutely wrong. This council is obligated to take any and all science into effect and look at it and appreciate it and take it into consideration.

To close its mind to any data that is presented to it that is good science from Dr. Hester is illegal on behalf of this council and it will not be tolerated. Further, I might remind the council that the data that they have has been peer reviewed as Mr. Geiger talked about. Unfortunately, both reviews in regards to the data failed; it did not pass. Your data has failed two peer reviews.

In fact, the last peer review the chairman of the council, the National Research Council, stated that the data and the methods were fatally flawed. Even the use of MRFSS in regards to this matter is not correct. We've had many conversations. In fact, John Carmichael has even admitted that MRFSS is being misused in regards to the allocations and the setting of these quotas. This is something that is not done; this is not the best available science. This is trash science is what they're using.

Further, in regards to 17A, National Standard 8, the council is supposed to minimize the economic impact upon the fishing communities. That is in this. There was a discussion yesterday in regards to the – well, does one trump all the other nine national standards? It does not. This council has taken the most draconian measures in regards to managing the snapper fishery and not the one that would coincide with National Standard 8.

We've not seen anything in regards to the dropping of mortality. In fact, even this morning when they were talking about the circle hooks, that was not even anything that was required or mandated. Ben Hartig was talking about this yesterday. The use of circle hooks will and does lower the mortality rate for all the fish. The use of venting tools does lower the mortality rate of fish.

Neither of these are done. That is something also that is mandated under National Standard Number 9 that you have to take into consideration. This council has neglected to do that at this point in time. Further, the closing of the vast areas violates the stock exception in regards to the federal law. It is in violation of that. To this end, we've also filed letters in regards to this on behalf of the Florida Sportsfishing Association, the CFOA.

In regards to 17B we feel – and this is actually still part of the Amendment 16 lawsuit that these have to be – the golden tilefish have to be – the quotas have to be 50/50. They can't be the 97/3 that was talked about this morning. It has to be 50/50 to give the recreational anglers. This council is using bad logic in regards to that. They're saying that the historical use is such. It is. Why is it such? It's because traditionally this council has kept us out of the fishery. I've also filed letters on that.



Last, in regards to 18 the fishermen of Florida would prefer that Florida be set out as an independent state as opposed to being grouped in with Georgia, but if the council does we would prefer the alternative that does have the Florida/Georgia. Thank you.

MR. HARTIG: David, one of the questions I had is it says you guys had further peer reviews, and I'm not privy to them. I haven't seen them yet.

MR. HEIL: We can get those for you.

MR. HARTIG: Yes, I'd love to see them. I would like to see those peer reviews. The other question I have is were they done by scientists with fishery backgrounds.

MR. HEIL: It was done at the behest of congress by the National Research Council, so, yes.

MR. HARTIG: Well, I'll talk to you about it, thanks.

MS. KOURY-HILL: I'm Carolyn Koury-Hill. I'm part owner in Stars Seafood at Holden Beach, North Carolina. We have five commercial fishing snapper grouper boats. I am going to try to speak for my partner who has written this, William Greer. We've had our business for six years with a bank loan on my home, his house and various other sources. I employ 15 fishermen. Most of them have been doing this for most of their lives and are very good at it.

Saying this, putting them out of work based on lie is just crazy. This affects restaurants, fish markets, people who eat seafood and state and local dealers and a lot more. With four boats, we have had in 2005 70,000 pounds of vermilion snapper with one boat, and in 2009, as of September 15<sup>th</sup>, 101,757 pounds of vermilion snapper. It was projected 175,000 pounds for the year with three to four boats.

As you can see, the numbers are up with less full-time snapper grouper boats. From Hatteras to the southern tip of Florida, there are approximately 70,000 square miles of fishable bottom from 20 miles offshore has snapper grouper that we don't fish. We leave that area for the recreational fishermen, so we fish about 50,000 square miles of bottom.

Currently there are less than 200 full-time boats with two to four fishermen per boat, one rod per man with only two hooks per line. You cannot hurt the vermilion stock in a million years. The council has ignored all the good state and federal data, the earbone samples in excess of 15,000 that prove beyond a shadow of a doubt that we have vermilion from infants to 25 years with no years missing.

The fishing industry is in great shape. The data taker – well, I won't say that. We are being put out of work three to four months ahead of January 1<sup>st</sup>, 2010, the Magnuson-Stevens deadline. The fishermen and fish house owners have no time to get their houses in order, besides the fact the council's decision states that 23 years ago the Secretary of Commerce was authorized to buy out our boats and licenses to reduce fishing pressure.

MR. HARRIS: Carolyn, if can wrap it up and if you've got that, we can print that out and send it around the council.

MS. KOURY-HILL: Anyway, I guess that's all. I just want to say we hope you will try to look into finding some sort of alternatives for the fishermen to be able to fish. Thank you.

MR. HARTIG: Can I ask you a question, Carolyn? One of the things that I've been trying to determine is in the assessment – I mean; our commercial fishery was compared to much the way that it's done in the Gulf, and you indicated that your fishermen fish one rod with two hooks per man; is that common practice for your boats; is that how you fish?

MS. KOURY-HILL: Yes. We have bandit reels for each man on the boat and there are two hooks, and we do use circle hooks.

MR. HARRIS: Caroline, if you have those written comments and you can provide them to staff, we'll take and make copies for everybody or send them to us.

MR. KOURY-HILL: Okay, I will. Thank you.

MR. BROWN: My name is Derek Brown from Savannah, Georgia. I'm mostly a full-time charterboat captain, part-time commercial spear fisherman. I've been spearfishing offshore Georgia for 25 years. My big concern is the growth and reproductive rate of the lionfish. I dive anywhere from 200 to 50 feet of water. I was the first one to bring in and verify lionfish in the year 2000 to Matt Gilligan, Savannah State professor, who identified it, and it was in a morning newspaper and all that.

Since then it has just become such a common sight when I dive. Everywhere I do dive, 100 feet or greater – I really don't see them shallower than a hundred feet. And, thinking of how they act towards me, they're totally fearless; you know, no predators. I see them 18-20 inches. I see them up underneath ledge looking like, you know, just vampires, just totally kind of – it looks like they're taking over.

I dove in like 50 feet of water, next to an anchorage with the big container ships – and everybody waits their turn, but unverified sighting of lionfish – I mean, not lionfish but box jellyfish. So it got me to thinking that these lionfish and other invasive species are coming from these container ships.

If we're having the problem of overfishing red snapper, then with this growth rate of lionfish consuming red snapper and grouper and sea bass, my finger points at container ship traffic and other ship traffic from foreign ports that may dump their ballast water that has contributed to these invasive species. I know that it was reported that Hurricane Andrew, aquarium fish – I don't know, but I would like for you to look into that.

But as fishermen, if we going to be banned from working our trade because of invasive species, I suggest looking at them. They've got the money. If there is some kind of fund, some kind of surcharge that they can be, you know, into this fund to, you know, when we're out of work that

can keep our boat payments and dockage, storage or maintenance, you know, paid for, I would look at trying to do something along those lines. With spearfishing, I can kill a lot of them. I've pole-speared 7 in 45 seconds. If there is a bounty on these fishes' head, then a lot of divers can contribute to keeping them in check.

MR. HARRIS: Thank you, Derek; have you eaten one yet? If you haven't, try it.

MR. BROWN: You have?

MR. HARRIS: Yes.

FROM THE AUDIENCE: Just like chicken.

MR. HARRIS: Actually, they kind of are, but I share your concern about lionfish; but I'll tell you what I learned when I went out on a research cruise with Grays Reef about a month ago, and we collected 42 lionfish in four dives, so they are as abundant as you said, but the folks that are the experts on this have determined that those lionfish came from eight individuals.

They didn't come in on container ships as I once thought. They came from eight individuals down in South Florida. Whether they were all from Hurricane Andrew or aquarium releases or what they were, but they've been genetically tied to eight individual animals.

DR. LANEY: We did discuss this issue at the last State-Federal Management Board Meeting at ASMFC, and Robert and Vince can feel free to weigh in, but Dr. Louis Daniel of the North Carolina Division of Marine Fisheries has asked that we look into the possibility of establishing a fishery management plan for lionfish. One other thing we're investigating is whether or not we can get them listed as an aquatic nuisance species and then thereby free up some additional federal funding to deal with them.

MR. JOHNSON: I would first like to thank the council for letting me speak with all the council members I've spoke with earlier this week for letting me bend their ear. My name is Robert Johnson. I've got about 29 years experience as a charterboat/commercial fisherman; over 6,000 days at seat. I have two charterboats I operate, and one of them does have South Atlantic Snapper Grouper Permit, which allows me to sort of see all angles of this dilemma we're in.

I wanted to talk to the council about some of the things that we've talked about as far as the biomass, age of fish. We have discussed that already this week so I'll just touch on it briefly; the fact that we do have some collected earbone samples from some fish in the fifties year age. I don't know if that's a benchmark that's normal for that species and I think more work needs to be done on that.

As far as the biomass number, I'm really not sure from what I've heard. I know we're sure of what we're shooting for, but I'm not sure if we know what it was to begin with. I've also spoke with many members about the consequences of these actions, how it is going to be devastating to economies.

The Magnuson-Stevens Act clearly states that coastal communities are dependent on these fisheries for their livelihood. Among other things in that Act, it talks about management decisions. It talks about habitat and I would encourage this council maybe to put more work into establishing more – I know in Northeast Florida the offshore clubs have done a great job of artificial reef building, and I think that's something we can do in the future to provide more habitat for these fish to live.

If they've got places to hide when they're smaller, the predation is not going to be as great on them. I have some solutions or some recommendations for the council on how to manage the red snapper. We've talked about closures during the peak spawning period. I know we're talking about a complete closure of red snapper, but I wanted to get this on the record.

Change in bag limits from perhaps two fish to one fish per person – I think this is really key because we've been talking about discards all week long. I keep hearing this discard number. I think maybe as mandatory requirement for someone to obtain a saltwater fishing license, perhaps it would be some kind of state-initiated course. It could be something that would generate a little bit of income because you could have venting tool supplied.

We really need to educate the recreational sector on how to release these fish properly. I mean, this bycatch issue is the issue in the snapper fishery; it's the discards. That's all I've heard all week; you know, if you catch a fish he's going to die whether you keep him or throw him back. We have got to work on that, and that's one way we could do it.

We could have a short video showing people where to vent them, how to properly handle them, make it mandatory. When they go to get a fishing license; before they can get that license issued to them that they have some kind of card that they can show whoever is issuing that license, "Look, I've seen it, I know how to do it, I possess a venting tool. It will be on my boat." I think circle hooks is another great thing the council needs to consider. I'm not a fan of circle hooks but if you tell me I can go fishing and use a circle hook or not go fishing at all, I'm using a circle hook. I think I can speak for all fishermen when it comes to that aspect.

Increase the minimum size limit to 22 inches; this council should be applauded on the abundance of red snapper. Myself and a lot of fishermen feel it is the result of the '92 decision to go to 20 inches; therefore, giving the fish – they start spawning at 13 inches, so you're giving them more spawning cycles if you bump that up a couple of inches.

Real quick about the commercial end of it; they're talking about going to this catch share program. Myself, like Mark Brown, predominantly I'm a charterboat operator. The reason I have a commercial permit is in case bad economic times I could be allowed to make a living for my family.

I bought this permit; I played by your rules. You put into effect you had to buy two permits to make one. I did that; it cost me a lot of money. I hear decisions being made about basically rendering my permit useless, and that really disturbs me. You're pretty well taking away all my avenues to provide for my family. Thank you very much. I will be e-mailing all of you a copy so you won't have to read all my chicken scratch. Any questions?

MR. GIORDANO-SILLIMAN: My name is Joshua Giordano-Silliman. My homeport is Shem Creek, South Carolina. I am the founder of the South Atlantic Sustainable Fishery. I'm going to keep my comments very limited today and to Amendment 17 and red snapper management. I'm basically going to rehash a comment that I made under 16 about a year ago here.

As far as all the alternatives that we've had, be it 16 or 17, we're really shortsighting overfishing and building the stocks back for the future. I look to be a participant in this fishery for many, many years to come. I look at the plans and I read the information, and I want what is best for everyone, be it myself right now as a recreational person, be for a commercial fisherman, for a for-hire fisherman or even for a consumer who has no direct access to the fishery.

The alternatives I see just don't work in my eyes for the future. It might be for the short-term gain, but they just don't work. I actually believe that we need to go in cyclical year closures; extended years into periods of five years of direct closure for no participation of any sector. Be it fishery-dependent data, be it fishery-independent data, nobody touches it. You let nature do its own thing.

After that fifth year, you can allow one year for fishery-independent data to start and to begin. The reason why is that it is a step-wise function after a while. You can stagger it. You can have good year classes in a row. If they're not good year classes, then that's things that we have no control over because we're really managing humans here.

We're not managing the environment. We don't have that control. That's the basis of my comments. I wouldn't want to have a five-year closure unless there was counter-balancing social and economic provisions for every member of the community to participate in. I will field any questions if there are any.

MS. SHIPMAN: Joshua, you said you wouldn't want to have a closure unless you had counter-balancing or mitigating socio-economic measures; what is your recommendation in that regard?

MR. GIORDANO-SILLIMAN: My recommendation is it depends on the overall interaction within the fishery. Be it for commercial or for-hire individuals, they would obviously need to have some type of provision so that they can maintain their boats, their tackle, their gear; potentially work into programs that would develop and to work either into other open fishery areas; you know, be it crabbing or trapping or even other industries for the time being or even educational opportunities.

I understand that this council has no control on the money basically coming down from the top. I have worked a lot in the last two years in the political realm trying to work with various congressmen to work on such provisions for not only just this council but for every individual that's in the room right now.

As far the recreational sector, the individuals would go out there – if I have to quit fishing so that my grandchildren can enjoy the same type of fishery and actually enjoy the same level of regulations that I enjoy, I'll do it. I will do it because I've been very fortunate being able to fish

since I was eight years old offshore and enjoying what would be considered very liberal limits in a fishery.

MR. DEL PORTO: My name is Sal Del Porto. I am 33 years old. I was born and raised here in Charleston. When I was born, we had a 34-foot fishing boat Hatteras called the Nana. After that we got a 41-foot Hatteras called the Miramar and then we sold it. Then we got a 36-foot trawler. I've been on those boats fishing my entire life here as a recreational fisherman; very rarely charter, but sometimes from North Carolina all the way down to the Bahamas, et cetera, et cetera.

So, I've seen a lot. I remember when there was a tremendous commercial fishery here. I've kind of seen its demise. I've seen the recreational fishery come in. I've got a lot of friends on both sides. I'm here today as a recreational fisherman. I'd like to ask the council a few questions because some things aren't entirely clear to me when I read this letter and when I've looked on the website.

MR. HARRIS: This is not a question-and-answer session. That was the other night. This is simply to receive public comment.

MR. DEL PORTO: Okay, well, I'll give you mine. Of these alternatives, the two right here on the bottom, as you state, follow grid lines – fish don't follow gridlines. I'm not sure how you can say that was done in accordance with any sort of best available data or best available science. The one up here kind of cuts off, you know, all the really good fishing bottom off the coast. The one down here doesn't really affect me at all.

It would be selfish of me to say, well, I think you should do this, because then I don't think that's very fair to the people down in Florida. What I've seen throughout this council's existence and as a recreational fisherman is, as the person said before me, very liberal limits; and not only for commercial fishermen but for recreational fishermen as well. I think in Amendment 16 we finally got into having some reasonable limits; you know, I mean where we've got the three grouper per person limit and where we've got a four-month closed season and the MPAs, things that I don't think are necessarily ideal.

While I didn't agree completely, I could live with them, and I think they will increase fishing, increase the abundance of fish. When I look at this, though, I still see a 15 per person black sea bass limit. I think you need to be a little bit more proactive in your management. I don't see any reason to have 15 black sea bass per person.

When you cut down the vermilion limit down to whatever it is now, six or five from twelve; I mean, you should have put it down at eight ten years ago and you could have avoided a lot of this. I really would like to see a little more proactive management from the council's end. You know, you just kind of let things go until they collapse and then you say we're going to shut it down. Well, it's like you shut down the forest but the trees are gone already. You know, I think you'd be more proactive. You're not allowing questions? Okay.

The red snapper fishery will always be an exploited fishery. When you google red snapper, the first thing that comes up is red snapper recipes. I mean, if you really want to protect red snapper, then you really need to change the status of the fish to a game fish or just flat out protect it. I mean, we're always going to have an overfished red snapper fishery.

One thing I read in this amendment was that spearfishing will be allowed in these areas. My question to the council would have been does that mean the commercial spear fishermen can fish in these closed areas, because I don't think you're ever going to get anywhere if you allow that to happen.

If the closure is that warranted, then you either need to shut it down or you need to go with the last amendment for about five years and see if it is actually working; but to shut it down and allow a spearfishing loophole in there, I don't see where that is helping anything or anybody, okay, because as a spear fisherman that sat up here before me, he made some great points, but, you know, spearfishing, as he said he speared however many live fish in a minute is a very effective way of taking out fish. You could be very selective and take all your large year class fish out, and I just think it's extremely unfair to the rest of the fishery to allow that loophole. I think you should wait about five years and examine Amendment 16 before you do anything else.

MR. FEX: My name is Kenneth Fex. I'm the owner and captain of the Fishing Vessel Raw Bar and just got appointed to the AP. I went to my first meeting not too long ago. George said that some people had abstained on a few things – I was one of them – because of the same you had made that I didn't have a dog in that fight, and that's where it leaves me a bit where I'm at now.

This right here we all know is a rod and reel. They come in different sizes and everything. We use them – you guys have caught fish. I've caught big fish on small rod and reels. The technique is just to fight them longer, and that's how you catch a bigger fish. Well, that gets to my point about our stock bycatch mortality.

This right here is a longline snap. It's stuck on a pile of gear and laid on the bottom. That represents a longline gear. Every mile there are about 250 hooks. You lay the gear, you come back, you pick it up. Fish sit on that gear for a long time. They fight for their lives. Sorry, that's a messed-up leader, but there are 20 hooks on that leader. The Gulf of Mexico uses 20-hook rigs on their bandit gear to catch snapper. When you catch fish on a leader that's all tangled up or whatever, 20 hooks, you're going to interact with that fish for quite a long time.

The longline gear is going to interact with the fish for hours. That gear is going to interact with the fish for five to ten minutes at least before they ever make it back into the water. This right here is the gear that I use. It's a two-hook rig. We catch fish one by one or two at a time. I drop it down. By the time I hook that fish he is out of the water within 25 seconds.

By the time I probably dehook him and put him in the water, the most time I've ever interacted with him is one minute. My point to the council is sometimes it might be that you think that the depth is the difference, but I think it's the time that you interact with that fish and he sits on that line and fights for his life.

What I'm trying to get at is that you guys get a bycatch mortality from the Gulf of Mexico which uses totally separate gear types then we do. The red snapper is not the fish I catch. What I propose to the council is I've working with Sea Grant for red porgy research for a long time, for the last year and half to two years. I've done many other research with other people.

What I suggest to the council is maybe I will come down here off South Carolina or Georgia. I will take a month out of my time to come down here and do research via Sea Grant, because I'll still be doing the red porgy research and co-op it at the same time. In that time you guys are more than welcome, one or two of your guys, on a two-day trip or something to see what we interact in our time that we do it.

I don't believe that nine out of ten red snapper die, whether they be on a circle hook or a straight hook, because I interact with these fish. I caught actually a snapper the other day in 120 foot of water, and I got a gill plate on the side of my finger that cut my finger open because he was so alive. My point is that if we interact within one minute, how can you consider that our bycatch mortality would be the same as the Gulf of Mexico when they interact with them for a lot longer?

I would hope that maybe the council would consider it, and I will work with Sea Grant and Scott Baker, which is the guy I work with, to maybe coincide some kind of research down here so I will find out or prove to the council that maybe the bycatch mortality ain't as great as you guys think. That's what I would hope.

MR. HARTIG: Kenny, what depths do you usually catch most of your red snapper in?

MR. FEX: That's the thing, I don't interact with red snapper that often. I caught one last trip and I haven't caught many this year, but I catch them from, I don't know, from 90 foot to 150 foot. When I come to these council meetings I listen to everything you guys say, so when I go out there and I fish out there I watch what is going on.

Those fish, actually, I don't think it really affects them until 130 foot, but then that's my opinion, but that's where our research is going to help that maybe give you guys a better idea of what is going on out there. I'm just trying to help you guys learn a little bit more. The bycatch that is going to kill me is the red snapper, and I'm going to be closed down and I don't even catch none of that. That's my point.

MR. GEIGER: Kenny, do you fish with bandit gear? Are you using bandit gear and two hooks?

MR. FEX: Yes, that is correct, sir.

MR. GEIGER: And as Ben said, you don't interact that much with snapper, but you said you caught one in 120 feet of water the other day. It would be interesting in your research – we've heard testimony a couple of meetings ago – I think it was during the venting presentation, Dr. Rudershausen, who talked about the effects barotrauma and how the fish experienced barotrauma problems much like other animals do.



You said it takes you about 25 seconds to get a fish in the boat; it would be interesting to know if it took longer to get the fish into the boat if the release mortality was less and the fish had an opportunity to depressurize on the way up.

MR. FEX: I totally understand where you're coming with that point. My point to that is if the fish fights for his life for three or four minutes before he even gets dragged through the water, I believe that it would be a lot different. It would like getting in a fight or just barely knowing what happened. I vent these fish sometimes when their bellies are kind of full of air, but I watch them go down. I stick them in buckets.

What I would do if I did do some kind of research is catch some red snapper, stick them in an aquarium on the boat, a live well for over an hour or something and see if he swims around in there or not. I can't see how I could catch ten snappers and nine of them will be floating or die. It's hard for me to fathom that because I don't interact with them that long. I can't believe it.

MR. HARRIS: We are past our three o'clock to change into our ecosystem public hearing. I still have six people that have signed up. We're going to go ahead and hear from those six people. If there is someone that has signed up to provide public comment on the Ecosystem Comprehensive Amendment and you have to leave, just come up and let me know and I will work you in as soon as possible.

MR. PROCHARUA: My name is Frank Procharua; I go by Joey. I'm a local Charleston native. I work for Z-Man Fishing Products as the director of their Saltwater Division. I'm also an executive board member of the Recreational Fishing Alliance. I've got a ton of statistics that I can throw at you guys. I'm going to keep this real short and sweet to the point.

The bottom line, the way we feel the science is bad. I'm not to going to say why right now because you guys can read the letter can read the letter from Jimmie Donofrio. Basically, what we're asking for is to maintain the status quo of what the management program is now to give us the additional time to get the good science that we need, the correct science to figure out where the holes are.

It is the inherent mission of the Recreational Fishing Alliance to protect anglers' right and the businesses associated with them while maintaining a sustainable fishery. We also feel that Magnuson-Stevens' ultimate goal is that as well. In this particular situation the RFA is saying that we think we should maintain the status quo from here on out until we can come up with better science. I think you have Jimmie's letter. I can distribute that amongst you if you would like to see those. I can e-mail it to you.

MR. HARRIS: If you have them, please do.

MR. GIBSON: Good afternoon; I'm Terry Gibson. Many of may know me from my years at the Outdoor Life and Florida Sportsman and Shallow Water Angler and Surfer Magazines, just about every hunting, fishing, surfing and diving magazine in the country I've written or worked for. I'm also on the Habitat AP.

These days one of the hats that I wear is the Recreational Fishing Outreach Consultant for the Pew Environment Group. When I first saw the stock assessment for red snapper – and I’m going to speak to 17A here today – I thought that the mathematicians must be as bad at math as I am because I’m catching in Stuart, Florida, in places I have never seen before.

My friends at Pew I was like “You guys are crazy; there are plenty of them. I have never seen more of them. I mean, I’m shooting fishing TV shows in two minutes.” I started to look really hard at the science again and again and again and talking to a lot of my friends in the scientific community. I realized, well, there is a lot of agreement in all this; and hang on; what is this otolith stuff?

You know, I have a lot of respect for old-school biology where you roll up your sleeves and get your hands bloody and slimy and dig into the fish and look at his life history and see what is going on. The confirmation you get with those otoliths; that was the tipping point for me. I think these stocks are in woeful shape.

I think that the council can set probably a precedent in terms of implementing science-based management here and actually bringing discipline to the fisheries management process. I’m not going to say there hasn’t been discipline before, but as a society, as we’ll all seen, we’re trying to spend our way out of debt and we can’t do that here.

We need to build up the bank account again. We need to get the amount of money in the account high enough to live off the interest, so to speak. Whatever decision you do here today, I just hope that you will get the stocks up to a place where they’re stable and looking forward that we make sure we never get in this horrible predicament again.

I mean, I have many, many friends in Northeast Florida and Georgia and South Carolina that are going to lose their livelihoods because of this decision. It’s a horrible position to be in. Anyway, I applaud you all for taking a science-based approach and being so rigorous in your analysis of that time.

Moving forward I am concerned about the single-species management issues. I’m concerned about where the effort is going to go. We might in the case of Georgia and Northeast Florida have people that can’t go red snapper fishing really whaling on red drum, so on and so forth. I haven’t had a chance to go through your ecosystem plans yet, but I hope that somewhere in those there is a way to deal with shifting effort and, of course, to do everything you can to protect habitat that these fish depend upon. Again, I applaud you for your rigor and thank you very much.

MS. BINNS: Good afternoon, Chairman Harris and the rest of the council members. My name is Holly Binns, and I am the Pew Environment Group’s campaign to end overfishing, the southeast manager. The Pew Environment Group is the conservation arm of the Pew Charitable Trust. I really appreciate the opportunity today to address you guess regarding Amendment 17A and 17B to the fishery management plan.

We also really appreciate the hard work that you as council members and that the staff of the council have put into developing these amendments. I think that over the last couple of days there has been a lot really good discussion. Your decisions have relied pretty heavily on the advice of your SSC, and I think that's the right thing to do for the resource and it's also required by law, and we really appreciate that.

We are also pleased that both of these documents look to be in pretty good shape and probably ready to go out for public hearing this fall. We're excited about that because we think it is important to get as close to the 2010 deadline as you can. We are, however, concerned about some of the optimistic assumptions that compliance with the closed areas will be a hundred percent.

I think we're asking the folks in the room and in this region to make some pretty significant sacrifices to ensure the long-term health of the red snapper population. I don't think anyone wants to go through this exercise again because of overly optimistic assumptions. We also appreciate the discussion this morning about relying on the SSC's catch level recommendations in 17B.

We do urge the council to request a formal presentation of the SSC's ABC Control Rule at the December meeting and that you adopt the ABC Control Rule at that time. That would allow the Comprehensive Catch Limit Amendment to go forward and facilitate getting that in place by the 2011 deadline.

We finally urge the council to request OFL numbers for species with no stock assessment from the Science Center. I think this is central to the ability of the council to be able to establish annual catch limits for these species and to get that comprehensive amendment in place by the 2011 deadline. Again, thank you guys very much for your hard work to ensure the long-term health of species in the South Atlantic Region. We really appreciate it and we look forward to continuing to work with you all and with the staff to end overfishing.

DR. CRABTREE: Holly, thanks for being with us. You guys are okay with holding off on the ABC Control Rules in 17B given that it would delay us some and then readdressing that in the Comprehensive Amendment?

MS. BINNS: Yes, we think the council is largely on the right track in moving forward with measures that will end overfishing. It doesn't look like the council is going to be able to meet that January 1, 2010, deadline for the species undergoing overfishing, and so what we're really interested in is minimizing potential delays at this point if the council is committed to addressing our concerns in the Comprehensive ACL Amendment. Given that commitment, I think we're okay.

MR. BRAME: Good afternoon, I'm Dick Brame with the Coastal Conservation Association. I first would like to thank or welcome Ben and Charlie to the council. We look forward to working with them. We're glad they're appointed; we think they will be fine appointees. I know that they're happy came at a time when it is a very slow time. There is not much going on and very uncontroversial issues to deal with, so they can sort of ready for this council process.

I'll keep my remarks short. They're about red snapper. We hate that it has gotten to the point that it's in. In years past this would have been a perfect sort of issue to ramp up regulations to where you needed them. Unfortunately, with the law and the science now we can't do that, and we feel it is paramount that you end overfishing and restore abundance to these stocks.

There is one thing that has been alluded to but not really talked about that I would like to bring up. There is a section in Magnuson that deals with if you close areas to recreational fishing, and there is a set of criteria you have to use to do that, and you have met most of them. You have to have some science, which you have peer-reviewed science. You have to have a process. You have to have review.

But the fourth one is you must set out the criteria you're going to use to reopen an area after you close it, and we believe that's an obligation of this council and the National Marine Fisheries Service before you implement the rule if you do these bottom closures. The public needs to know what criteria they're going to have to meet or will have to be met to open the bottom.

I know when they closed the striped bass, and that's not exactly analogous, but there was a juvenile abundance index in Maryland that you had to meet in order to open to; and when it was met, they reopened it. I think it will give the public faith that there is some criteria that has been to met in order to reopen the fishery. I think you need to look strongly at that. I think it's an important point and I think it will add a little more faith in the process. Thank you very much.

MS. FETHERSTONE: My name is Libby Fetherstone. I'm here representing the Ocean Conservancy. I'll try to be brief. Since we started at 7:00, I think we'd all like to get out here before 7:00 maybe. Regarding Amendment 17A, I really thank you guys for what has been a difficult set of discussions and decisions have had to be made. We had a really robust discussion yesterday, the day before and again today on what we're doing and why.

I think it has been an excellent discussion with some outcomes that none of us particular care for, but with regards to the law I think we're on the right track. I would just like to note that I found the discussion of the tradeoffs between enforcement assumptions and the percentage chance you have of meeting your rebuilding goals to be particularly instructive. I will be paying close attention to those as we move on, and I look forward to some commentary from our Law Enforcement Panel on some those issues.

Also, with 17A I would like to note that I think Mr. Philips' presentation or discussion of his alternative has a lot of merit, and I hear you guys have been discussing that further. I know Kerry O'Malley-Marhefka had some discussion on that as well, and I think that's an interesting option to take out to public comment and I look forward to hearing a bit more about that at full council.

With regards to 17B I have some of the same concerns that my friends and colleagues from the Pew Environment Group raised about the timing and substance of the various amendments they're seeking to achieve in the Magnuson Reauthorization implementation and goals. It does appear that the Amendment 17B that is set to end overfishing of these ten species is on track and is on time to go out to public hearing, which is very encouraging, but I, too, would really

appreciate some strong commitment to get the Annual Catch Limit Comprehensive Amendment moving forward.

I think the idea to formally approve the ABC Control Rule is an excellent one at the December meeting, and I would echo Holly's request for you guys to formally adopt that there. In closing, I'd like to say that the inclusion of the scientific uncertainty is really important, and we were hoping that would happen in Amendment 17B with sort of a P-star value-based ABCs, but realize that the timing just doesn't necessarily line up with your intentions. We look forward to seeing all of that discussed at length in the comprehensive document. Thank you for all your hard early work today and probably again tomorrow.

MR. HARRIS: Thank you, Libby; are there questions for Libby. Bill Samples is the last person that signed up to speak on this public comment period; and then after his comments we will go right into the ecosystem comments.

MR. SAMPLES: My name is Bill Samples from Islamorada, Florida. I'm a tropical marine life fisherman. I have been doing it for pretty close to 30-plus years. I wanted to take a minute to discuss about the mortality rate that I've been hearing about for the last couple days with returning the fish back to the water, the snapper and the incidental bycatch.

When I reviewed your venting cards, I've been venting fish for 30 years. I do tropical fish. We have to decompress them up and decompress them back down for different reasons. When I'm waiting for my fish to come up and I'm in 80-90 feet out on the reef, we'll do some line fishing. We bring up silk grouper, we get big parrots. We get a lot of things other than the fish we're targeting to eat that we have to return back to the water, and our tropical fish.

We vent them because when they come up from 70 feet it butterflies like a balloon. We take decompression steps and it takes about three hours to bring them up to top and then they're vented or we vent them underneath boat at 10-15 feet under the water. This form is venting, this is like almost prehistoric; that when we first started fishing, this is how we used to vent the fish was through the side.

It's the easiest and quickest way to the bladder, but whenever you hit him in the side – I can't tell you exactly why – they die. It gets infected. It leaves a nasty mark on the fish. If it's for sale it's no good, but if you're returning a grouper, a parrot back to the water, it's dead. I would guess the mortality rate higher than maybe 70-80 percent; that we pin them – we call it a pin.

There are two kinds of pins we use. They're showing a hollow pin. If you don't keep that pin really clean and in alcohol, everytime you hit fish there is a piece of meat of debris that could still be in the pin, the syringe. We either use a syringe or a needle, and it depends on the guys which they want to use.

Some guys don't want to use the needle because the air doesn't travel up through the center. Other guys prefer a needle because it doesn't plug up. You've got your 50/50 either way, but what I'm coming to, because when we hit the fish, we hit it by the rear opening. When a fish typically bloats, right back by the rear opening is where the bladder meets. There are a few fish

that you've got to go in and it doesn't quite come out to where you can see it, but if you look at hogfish when it comes up the swim bladder is outside the fish.

We never puncture the bladder. We take and we hit the rim of the opening. When we go through the rim or sometimes just under the rim, we hit that bladder like this (snapping of fingers) and it takes care of the fish and it mends real well. We never go up through the tube or the anal opening.

If you do, you're taking fecal material, you're running right through their intestines, and it will get a line, you will see, going right from the opening up to the center of the dish – it looks like blood poisoning – and they're dead. What I'm saying is if you keep that pin clean and in alcohol, you hit him where you're supposed to hit them, you'll go from a success rate when you vent to may 90 percent or 95 percent. We do not lose fish when we vent it the proper way.

We have to make sure that needle is clean. Like I say, a lot of guys, they just put the needle in there and wiggle it and the air comes out around the pin or they use the hypodermic and put it up through so the air can come up. It's humane and it's quick. The other thing you guys were asking about fish, from what I know after 30 years, if you bring him up and he is on the boat for more than three to five minutes, eat him or grind him up for chum.

Just like a diver needs to decompress and has trouble with an embolism, the fish after – well, basically we try to get something down within a minute. We try to get them down as quick as possible because the air embolizes and gets big as up on your boat, it goes back to the tail where it gets into the capillaries and that's where it stops. Two days later that fin rots off.

Where else it gets is in their eyes. When it affects their eyes, they blind in two or three days from the bubbles forming and then blood can't get past that part of their vein, you know, into their eyes. Your fish are going to either be blind or have fin rot or they're going to be infected through the side. That's all I wanted to say.

MR. HARTIG: Bill, if you e-mail us a character of that – I've forgotten the word, but if you can e-mail us a picture of how this is done, where you go and what size needle you use, I think it would be very informative. Also, we know all fish aren't created equal as far as barotrauma goes, so I think this council in the long term should look at the species-specific barotrauma considerations and in the I&E have a public education program. Thank you; I appreciate that.

MR. GEIGER: Fascinating presentation and certainly logically it makes sense to me, but you made you made one statement in there and I'm going to ask you. Towards the end of your statement you talked about in a couple days seeing fin rot and problems with fish going blind, but in your statement you said they mend real well. I'm curious as to how you know this. Have you taken fish and isolated them for 72 hours?

MR. SAMPLES: Before you could not sell grouper – we used to sell to a lot to the aquariums; we sell bigger fish – we have to hit them fish and hold them. That's what I've done all my life. I don't throw fish back in the water unless it is an incidental bycatch on the boat. Typically, I'm targeting what I want; and if it comes up past 45 feet I've got to vent. But when I said "mend

fast”, that’s not for the eyes and the fins. That’s only where I’ve made the opening to vent them. The eyes and the fins, if they’ve been on the boat too long and they started to embolize, there is no way to bring them back.

MR. HARRIS: Next we are going to take public comment on the Comprehensive Ecosystem-Based Amendment 1.

MS. BINNS: Holly Binns with the Pew Environment Group again, and I’ll be very brief. I just wanted to take a second to thank the council and staff and everyone else who has worked so hard to bring the Coral Amendment to fruition and encourage you to move forward with final approval today. That’s it.

MS. STILES: I think everyone in this room has contributed something to this Ecosystem Amendment. While it has shrunk a little bit in volume, I think the grand vision that it started with is still intact. I guess I’m just here to thank you, but I can’t resist saying a couple of more things than that.

If you look back in history these seemed like pretty sober times. We’ve got a lot of hard things on the table right now that however you deal with them they’re not going to be easy, but I think you should step back even a little bit more. We’re going in the right direction. If you think of the history of fishing of blind expansion into new areas to catch new species, there is some innovation there but there has also been some sort of expanding blindly and damaging things that we didn’t know about.

I’m really heartened to see the boundaries in this amendment and to know that the Golden Crab and Royal Red Shrimp Advisors have told us what they need and that those boundaries respect that. The scientists and the map data and John Reed’s life work all went into these boundaries, and I really believe in them. I think they’re good boundaries.

We all need these reefs as a reservoir of fish. We need the spawning sites. Even if we don’t know exactly where they are, they’re out there. And especially now we need this healthy habitat for snappers and groupers. I hope we don’t end up eating rattails, but if we do at least we’ve got a couple out there that we saw in the video there. Maybe they’re good; I shouldn’t talk ill of them.

But, anyway, in the five years since this amendment was first proposed, we’ve seen a lot of warning signs of reasons to act more quickly. We’ve seen snapper grouper decline. In many cases we’ve seen more information of acidification, and we’ve seen more pressure from non-fishing activities than ever before.

I think the timing today is particularly exciting. I hope that you will bring this amendment for a vote today. I was just kind of looking at my e-mail, I confess, during the meeting, and I saw a notice that the President’s Ocean Policy Task Force has completed their first sort of crack at a National Ocean Policy.

I think it is especially telling that in the amendment that you're looking at today the corals are being protected under the rubric of a Fishery Ecosystem Plan. No, the plan doesn't cover the whole ecosystem but it is just the first amendment. I think the fact that it is an Ecosystem Amendment and not just a Coral Amendment is telling and it's timely, and it leaves you with the tools and an approach that will allow you to carry forward this vision that the President or more accurately some poor souls holed up in some cubicle somewhere have tried to their crack at it.

I think it reflects a larger trend and it reflects the leadership that this council has shown earlier in habitat and now in ecosystem management. I just wanted to leave you with three reasons to be hopeful as you go forward with all your difficult decisions late into tonight. The first reason to be hopeful is I think actually – and this is kind of ridiculous given the previous comments, but I think the science on deep-sea corals in this region is world class.

It's actually spectacular. We're right up there with Alaska. We may have a lot to learn on snapper grouper, but on the corals these scientists are recognized around the world for the quality of their work, and that's something to be proud of. I think the other thing to be hopeful about is that we're going in the right direction. I mean we may not be there yet, but I think some of these actions that you're taking today will outlive all of us that are taking us in the right direction.

The third thing is I just wanted to reflect on the fact that the ocean is revealing. My jaw drops when I see these videos from the submarines, and partly just because it looks like a really cool toy, but partly because it's amazing. I mean we've lost most of the Oculina Banks. We're running out snapper and grouper at the moment, but I do think the ocean is just revealing if we just give it the chance.

There are big momma groupers out there full of eggs just ready to bring us some more fish if they have a chance to do it. There are lots of little teeny snapper out there getting bigger, and there are lots of Lophelia corals growing really, really slowly and doing their thing. I just find that as something to hold on to as we spend most of our time talking about problems. There are still things to be hopeful about out in the ocean. Thank you for recognizing that and trying to protect that through the Ecosystem Amendment.

DR. RADER: Mr. Chairman, my name is Doug Rader. I'm here, like usual, wearing two hats, less hair but two hats. The first hat formally is as chief ocean scientist with the Environmental Defense Fund. The second hat in this case, more importantly, informally representing the Habitat and Environmental Protection Advisory Panel, the Coral Advisory Panel, their current members, but all the previous members who have been involved with this process over the years.

As I say, informally – I haven't polled them so I can't speak for them. The reason I'm here today is to celebrate your dramatic success. It is in fact a dramatic success in making real a vision from ten years ago, from 1996-97, to identify and protect every square mile of valuable deep-water corals in the region.

This is a world class accomplishment of which you should all be proud as should every person who has been involved along the way. I want to call out Roger's name along with the rest of the staff. It was Roger's vision in '96 that began this; Myra has taken the baton and running it over



the line; the great work that all of Bob's people have done; the great work that Roy and Monica and their staff have done to take our ideas and turn them into a world class approvable amendment for everyone else to celebrate; the fishermen who have given of their time to negotiate point for point, the more than 200 points identifying these coral habitat areas of particular concern; every single one important.

Just to illustrate that very quickly, the fantastic footage you saw from Dr. John Reed this morning came from one of the cutouts that Roy and I and the fishermen created sitting in his office to ensure that those high-quality resources were protected while heritage fisheries were also maintained with gears not damaging to the corals.

Like I said, I'm here to celebrate – Monica dinged me for not bring champagne and I accept that ding; that's absolutely right. I'm on your hook for a case personally, not Environmental Defense Fund. If I can find it tonight, I'll bring it for tomorrow. If not, I owe you one. But, seriously, there is a very important model created here – a set of models here; one for scientists trusting us together, managers, advocates to take cutting-edge science, pre-publication, real data hot off the boat and turning it into world class management. That doesn't happen often.

I can't think of a case where it has happened. It is a stunning accomplishment that you should all be proud of. Then, similarly, the trust imbued in this process by particularly the golden crab fishermen and royal red, et al, shrimp fishermen working with us together, all of us to create this thing. That's something that we should acknowledge.

It has taken time but the answer in front of us today is right. If you'll conclude this action today, I'm certain that Roy and Dr. Lubchenco will take this amendment from the council and turn it as expeditiously as possible into the rule of the land. As a personal matter, I've been privileged to be a part of it for the decade and I thank you.

MR. HARRIS: Are there questions for Doug. Let me on behalf of the council express our appreciation to you for your leadership in moving us in a timely fashion I think through this process. It wasn't as timely as some would have hoped, but we're at the road I think and hopefully today we will adopt the plan.

DR. RADER: I think that's right, Mr. Chairman, and this answer is exactly the right answer. If it has taken longer than some had hoped, the answer is nonetheless better for it.

MR. ALLISON: This is going to be repetitive, Mr. Chairman. Ben, Charlie, other members of the council and staff, this is another example of God's ability to negotiate. I'll put you in the box and then get someone else to let you out. For those who don't know me, I'm Dave Allison. I'm senior campaign director for Oceana. This is my 30<sup>th</sup> year involved in fisheries councils. I've had the opportunity to work with all of the councils and the HMS folks at one time or another.

I've worked for fishing companies as well as for environment organizations and started an environmental group. As a result, I've had a chance to watch a lot of actions and a lot of progress in different areas, including the, quote, best-managed, quote, council of fisheries, and yet I don't think that there is a better example of an organization that has chosen to follow

science-based management and used the best available science repeatedly in establishing your rules and establishing your policies here.

I think you've had great leadership throughout. The work that Roy has done in keeping us on track has been remarkable but no more remarkable than the chairman and the folks on staff. I would second virtually everything that Doug said except for the champagne. I would also note that there are no other councils that have food or socials as good as this one.

Most importantly, thank you and congratulations on your commitment to ecosystem management and protection of deep-sea corals and other benthic habitat. It is out of sight, has been out of sight, but for this council it has never been really out of mind. It's a tribute to your early commitment to management using best available science even as you press for better information and better data.

As you move to adoption of the Ecosystem Amendment 1, I just want to assure you that Oceana will continue our support and be there to provide what help we can as you move on to adopt additional amendments in ecosystem management. Again, I just personally had an amazing time this past five years working with you and working with folks like Doug and with the fishermen that Doug mentioned, the people who are willing to sit down and talk and listen and make, not demand, but request and explain what and why and listen to the science and work with the science. So, on behalf of Oceana and our 200,000 members I want to thank all of you.

MR. HARRIS: Thank you, Dave, and thank you for your help throughout this process as well. I remember a couple of times when the process seemed to get getting off track, and Dave would come up behind me and stuck some kind of sword in my side and did prodding us along. That is what we need and we appreciated that.

MS. FETHERSTONE: Libby Fetherstone. On behalf of the Ocean Conservancy, I do think this is a really exciting thing. It really demonstrates the South Atlantic Council's commitment to ecosystem-based management. I must admit, though, I was substantially less excited about it than I was before I heard Margo and Doug talking about it and now I'm really learning to carry the banner around.

I really do think Margot eloquently highlighted why we get to feel excited about the work that we do even on days when we really hate that we have to do it. Thank you, Margo, and thank you all for your deep commitment to ecosystem-based management. I look forward to seeing more of it in the future and participating as well.

MR. GIBBENS: This is going to be extremely short. I wanted to speak to you after you've had your chance to review what the AP has advised for you and see what your decisions were that came up. Really, I don't have anything that I can add to this other than when you do hear this that I've been collecting octocorals for approximately 26 years using the same grid area for those 26 years, and the decline of octocorals have not been present. I'm working the same places that I started 26 years ago. When you review this and make your decisions just bear this in mind and be aware that the people that are out there actually doing the work aren't seeing the changes.

MR. CURRIN: Mr. Gibbens, when you say the same grids; is this a commercial logbook grid that you're referring to?

MR. GIBBENS: No, the octocorals are so abundant that we actually go out from our – we live off the edge of the water. We go straight out from our place and we dive the same area for the 26 years that we've been actively working with octocorals.

MR. CURRIN: What I'm trying to get at, I guess, is how big an area are you talking about, roughly, a square mile, less?

MR. GIBBENS: At the most.

MR. SAMPLES: This is a little premature, but the one thing I wanted to bring up is the accountability for the trip tickets has some serious problems. The state of Florida started the trip tickets back when we were licensed so that we could record our landings. They said we'd never have to divulge how much we pay or sell our stuff for; like lobster people have to put it in. We use a trip ticket that is for the lobster industry.

Since '91 until now we don't have a trip ticket, so what has happened over the years Florida changed it and they use the trip ticket now to qualify for your new license; that you used to do it through a CPA and then you would show and qualify with your records what you harvested. So I guess to condense it, they started requiring us to put in the amount of how much we sell it for so that we can renew our license for the next year.

So what I'm saying is first it was to count for what was harvested. Then it was to count for how much money you made to qualify. Actually it should have been almost like two different trip tickets, one that is what I harvested, this is what I sold. So there is a real problem here that when you have to requalify for your license, they're cutting our licenses down.

There was a big reduction in our fishery about two years ago when limited entry came in. The trip ticket, to keep it up a dollar amount, people might fudge it; where when you're collecting it is just to record how much comes off the bottom, those are numbers. But when you're taking trip tickets and using to requalify you for your license that you could possibly sell for twenty or thirty thousand dollars, okay, there is a little problem there.

The other problem is they were counting state and federal waters together, that there was no division in this. It's in the advisory that brings you up to this. What I'm talking about is a little premature, but it will kick the ball on down the way. That's it in a nutshell with using up anymore time.

MR. HARRIS: This concludes those who have signed up to speak, so at this time I'm going to reconvene the Committee as the Whole and we're going to go ahead and have the presentations that are scheduled for the agenda. Dr. Joe Uravitch is scheduled to make us a presentation on the National Marine Protected Area Program. Then we will move back into the committees.

DR. URAVITCH: It's great to be back with some old friends and thank you to the council for having me today. I really appreciate the time to tell you where we are with the implementation of the MPA Executive Order. Sam Roush, NOAA Fisheries, and I have been pretty much tag teaming it with the councils around the country since the NOAA process started.

I am the director of NOAA's National Marine Protected Area Center, but we are run under the executive order in cooperation with the Department of Interior, which is why you see the sea buffalo up there next to the NOAA Logo. I'm going to run very quickly through what the executive order is about and then go into where we are in terms of the national system and now the second round of the nomination process.

We started under an executive order signed by President Clinton in the last six months of his administration with support throughout the Bush Administration and implementation. We have two priority tasks. One is to develop and implement a scientifically based national system of MPAs representing diverse U.S. submarine ecosystems' natural and cultural resources and also to improve the stewardship, coordination and effectiveness of these MPAs.

I want to emphasize up front because the question has come up before that the system and the work that we're doing are intended to support and not interfere with agencies independent exercise of their own authority. That's in the executive order. We have no authority to establish new MPAs, to amend existing MPAs, overrule the regulations of law or anybody at the federal, state, territorial or tribal level.

Just a quick note on terminology; that's probably been one of our biggest issues for ten years now; it still is. You've got reserves, preserves, sanctuaries, parks, fisheries management zones. MPAs by definition are pretty much a generic term for – if you want to put it as the most simple – an area defined in the water that has higher level conservation regulations inside the boundary than outside.

A lot of times they're confused with the marine reserves and that is because there are a number of programs that are still called no-take areas that the Navy established within their larger MPA an MPA, so that has caused us no end of confusion. So we're a range of sites ranging from no-take reserves all the way to multiple use with very limited regulations.

In terms of the national picture of MPAs there are somewhere between 1,600 and 1,700 MPAs already in existence under that definition in the United States established by close to 200 federal, state, territorial or local MPA authorities. About a third of the U.S. EEZ is in some form of an MPA, many of those fishery management zones. They're probably some of the largest outside of the new monuments.

The vast majority of them, over 99 percent of the area, allow multiple use. Less than 1 percent are in what you'd call no take or marine reserves. The federal government, of those 1,600 to 1,700 sites, has probably the largest area managed, but 85 percent of those 1,700 sites are managed by states and territories, so a lot of small state sites but a lot of them; fewer federal sites, but they're quite large in most cases.

In terms of how we got to where we are today, in the late 1990s there was a consensus about the importance of MPAs as one of the conservation tools that's out there. MCBI, the Marine Conservation Biology Institute, held a workshop on the need for MPAs, resulting ultimately in the executive order by President Clinton, endorsed by President Bush. He also put us in the NOAA budget as a line item so that means we're actually real in terms of the federal government.

We're part of the NOAA budget under the National Ocean Service. Right now we are in a draft for a possible inclusion in the Coastal Zone Management Act that had been pre-considered by the previous administration to try and put us beyond the executive order stage and put a little more definition into what we're doing.

We don't know where that is going to happen with the new administration. They're looking over the CZM Bill that they have in draft. In terms of the system itself the final framework or constitution for the system was published last November of 2008, and we went through our first round of nominations of existing MPAs to determine which of those 1,700 would be incorporated in the system, and I'll get to that process in a moment.

We also, for background, have an MPA Federal Advisory Committee consisting of 30 members. They serve four-year terms. They're all non-federal, but we also have nine federal agencies sitting on there ex-officio. About half of them show up for meetings most of the time. It is a pretty broad-brush group representing commercial and recreational fishing. Actually, they just elected our new chair last week in our meeting in Anchorage, and it's Eugenio Pineiro Soler, the chair of the Caribbean Council as our new chair; and Lori Arguelles of SeaWeb as the vice-chair for the committee.

There are 30 members. They're from the fishing industry, recreational and commercial; oil and gas; undersea cables; natural and social science; archeologists, tribes, states, environment organizations; a pretty strong and robust group. They've been around for six years. We've gone through two rotations. They've been really key in helping us define the policies and the objectives and the goals that you'll find in the framework.

The framework is really our sort of policy bible in terms of how we function. It defines what the system is, what its goals are, what its priority conservation objectives are with the intent of trying to bring together these different programs, these hundred and some programs that is at all levels of government to define and focus on some common objectives, to solve problems that they couldn't necessarily solve on their own because it may be beyond their jurisdiction either politically in terms of their authorities or geographically when you look at critters that are going up and down the coast.

Also, internationally, we're involved in cooperative work with Mexico and Canada. When you think about the potential effects of climate change, this kind of structure or framework is probably a really positive thing in terms of moving forward cooperatively together to try and at least some of the effects of that problem.

To me that's probably one of the major benefits of the system itself. It provides this comprehensive framework to work cooperatively on common issues. Our authority really, as I said, is not to designate new sites, but we do have the authority to convene, to bring people together to get them to think about things in a cooperative manner on a regional, national and international scale.

We're also, obviously, looking at represented ecosystems and resources, both natural and cultural, as directed by the executive order. But when I say natural, that also means sustainable production. Unlike a number of countries, very early on the fishing community came to us and said we're involved in conservation as well; we want to be part of this.

So we have three goals, natural heritage conservation, which you can think of sort as ecosystem management; cultural heritage, which is mostly historical. We're also dealing with indigenous people. Sustainable production is the third because there is a recognition of the amount of management that really is done through the councils and through the Magnuson-Stevens and the National Fisheries Service, as well as your counterparts at the state level. We want to make sure that you all are a continuing part of this process, both in terms of developing the system, which we have done, and now in terms of implementation.

In terms of what we're doing with the MPA Center, helping our partners, one of the big issues is just really a better understanding of what is happening out there, recognitions for programs particularly down at the state level where people don't have a lot of appreciation for what is going on in other states. There is a broader of what is happening in the MPA community and the conservation community around the country.

We also are doing consistent sets of data and information that are available on our MPA.gov Website, including an inventory of all the sites. It has been online for several years. The next year we'll be able to have a searchable data base, which currently has 15 fields of information about all 1,700 sites, comparable information for every program at every level of government, including GIS data layers for boundaries, so that you can, for the first time, start comparing different programs and locations and bring that kind of data together in a rational analysis. We'll be continuing to expand the data that we have available through there.

We're working on an Ocean Uses Atlas. We are wrapping up our final work with California going from the shore out to the EEZ, looking at 30 commercial and non-commercial consumptive and non-consumptive uses of ocean resources, so that we'll suddenly have a layer of information about not only where the existing MPAs are but who uses oceans in various places and for various purposes.

We're also starting to work with NOAA Fisheries and the states and others to look at important ecological areas, including linkages with the ecosystem analysis work that is being done within NOAA. When we're done, what we're hoping to have is knowing where the existing sites are, what they are capable of doing or not doing, knowing where existing uses are and knowing where the important ecological and cultural areas are of the ocean so you can start to do things in a very rational manner.

This is starting to intersect with the marine spatial planning work that we're starting to see around the country. It's something that we've been involved in for years, but that's now coming through, so we're still trying to see where we fit with that. We're also looking at how we integrate with other programs. We're working with Integrated Ocean Observing System to deal with things like monitoring and effectiveness.

We're trying to develop a standard means of monitoring the system and developing condition reports so that you could start to get a nation-wide view of what is happening in our marine protected areas. Again, everything will be available online as we move forward.

I also mentioned that we do work internationally. I'm the U.S. representative working with Canada and Mexico on something called the North American MPA Network, which is a network of people and places, looking at how we can cooperate throughout North America in Marine Protected Area Programs.

Now, getting to how you get into the national system, as I said, it's really a federation of existing programs. If you look at existing sites, and this could sites designated under Magnuson-Stevens, you have to meet the definition of a marine protected area, and that includes some key terms in the executive order defined in terms of area, what are marine reserves relates to the kinds of regulations or protection. The last thing is duration, et cetera.

Whether the site has a management plan or not that includes goals and objections; that was something that was added by our advisory committee who said that we're not interested in paper parks that don't do anything. We want to at least have some proxy for management in substance. They felt that the best we could do, given what we know, is we at least know if you have a management plan, and that could include program-wide management plans that have goals and objectives and call for monitoring and evaluation with the hope at least that indicates some substance to a protected area.

It also has to contribute to one of the priority conservation objectives of the national system, and I've got a few examples of that shortly. There are some additional criteria for the cultural resources related to what is historic and what is not. I did mention the priority conservation objectives. We have a set of these under our three goals for natural heritage, cultural heritage and sustainable production.

It was the start to define some common objectives that the individual programs could help focus on, because obviously every program is set up under its own legal authority. It has its own goals, its own regulations, et cetera. So we started to look for ways that we could look across these programs to set some common goals and some common objectives together so we could start looking for how we could provide some cooperation and for some means of cooperation on specifics.

We have a set of goals both for natural and sustainable production, and there is a considerable amount of overlap there. If you look at the sustainable production goals, one is conserve and manage key reproduction areas, including larval sources and nursery grounds, conservation of

key habitats and sustain or restore high-priority fishing grounds, et cetera. I can make a copy of this available to everybody.

These priority conservation objectives were developed working with our advisory committee and then went through two public comment periods as we went through the process of developing the final framework, so they are now part of our operational framework. In terms of the nomination process, obviously the relationship under Magnuson-Stevens between NOAA Fisheries and the councils is a special relationship.

The way the nomination process normally works, I send a letter to the managing program at the federal or state agency that is involved and say here is the list of existing MPAs on our inventory that appear to meet our definition, that appear to have a management plan with goals and objectives and monitoring and evaluation, et cetera. We then provide them an opportunity to comment back to us.

Obviously, you have own requirements under Magnuson-Stevens in terms of public review and comment and voting, et cetera, so that green bar running across the bottom is a special section that relates to the relationship between the councils, NOAA and its regions and the MPA Center. The way this process is working for the Fisheries MPAs is basically I've sent the letter to the National Marine Fisheries who then sent the letter to the regions.

The regions then pass that down to the councils for their review. We're in the midst of that process now, and there should be a letter that has come down from the Regional Administrator to you all on this process. We're now in our second nomination round, and I'll get to the dates on that shortly. Just some examples of NOAA Fisheries MPAs, and we just pulled some of these examples out of the inventory. These are just some examples of sites that appear to meet the criteria, and we've just brought a few examples from the different regions around the country.

In terms of the national system our goal is to be representative in terms of both geography and ecosystem type as well as level of government and conservation goals. We went through our first round, which ended last April, and we now have quite a scattering of sites around the continental and the insular of the United States.

The first round brought in 225 existing marine protected areas; half of which are state sites and half of which are federal sites. All the national marine sanctuaries are now in the system. There are about a dozen national parks, nearly a hundred coastal national wildlife refuges. Then we have sites in nine states and territories, including three estuarine research reserves.

In terms of the distribution of those 225 sites, a large majority right now are on the west coast and the Pacific Islands, obviously, because of the large monument Papahānaumokuākea really throws off the statistics in terms of area just given its size. The three new monuments that were designated by President Bush are not yet even in our inventory at this point. Since they're in the development stage, they don't officially exist from a management perspective.

We're going to actually have to start preparing two sets of data; one that includes the monuments and one that doesn't, so we get a more realistic picture when we start throwing these kinds of



statistics up. In terms of the nine states that are participating, basically Washington, California, Massachusetts, New Jersey, Virginia, Maryland, Florida, Hawaii and American Samoa.

In terms of our own operational perspective and priorities for the executive order, basically we're continuing to build on the stewardship capabilities of existing sites. We have set up a National Management Committee. We met with the partners last June, and they basically said we want to work together on this. We'll be meeting again this year.

We're still trying to design how this is going work when you deal with such a large number of sites in a large number of independent states. In terms of institutional networks we're very involved with training and technical assistance. We're getting started on a partnership with the Coral Reef Conservation Program as well as the National Marine Sanctuary Program, which has been running some international MPA training for capacity building, but hasn't yet brought it home in part because they've been supported by USAID.

We're trying to take that capability and bring it in domestically so that we can start using existing training capabilities and apply them throughout the United States. In terms of the next round of MPA nominations, we just started in August when programs were invited to nominate sites. The packages are due back to us November 6<sup>th</sup>, at which point we will publish that set of sites in the Federal Register for public comment so people know that this is going on.

The way the public comment process works is we are basically announcing that these sites are proposed for nomination into the national system. It is then up to the managing agency to respond to that public comment and not us because it is a voluntary decision on the part of the managing agency as to whether or not they want a site in the system.

One of the other important aspects of this part of the process in terms of nomination is to correct our data. We have a fairly broad inventory of sites, but we know that we're not always accurate. We have missed some in some cases, and so we've had new proposals come in or at least new information for our inventory to be added even if people don't nominate them to the system.

I will mention that we're also talking with NOAA Fisheries about how we and their data bases can match so we can have some common, consistent information to maybe actually do a little collaboration within the agency. As I said, the agencies themselves, after public comments, make the final decision as to what they want in and what they don't want in.

We will publish the second set of new sites into the MPA System in the Federal Register in January. That's the end of my presentation. Jim Toomey, who does Sherman's Lagoon, who many of you probably read, did this especially for us. He did something for us eight years ago when we first got started. He's a really nice guy, and he has had a lot fun with it.

MR. HARRIS: Thank you, Joe; are there questions for Joe? Robert.

MR. BOYLES: Joe, great presentation and I really appreciate your spending some time with us here. One of the things that's not clear to those of us in the state are really kind of, you know, what is in it for us? Quite frankly, I look at it with my constituents and with the dwindling

resources at the state level, we feel in South Carolina, for instance, that we could pump up that percentage of MPAs in the southeast considerably with participating in the system, but we're a little skeptical.

It's just not very, very clear to us what the benefits are back home to this. I know you've got your work cut out for you, and it's more of a comment than a question. I think morally and conceptually I'm on board and a number of our staff is on board, but it's not exactly clear to our constituents what the benefits are going to be.

We say this having gone through the National Estuarine Research Reserve designation process and fears of black helicopters coming down from points beyond and telling us how to management things. I just offer that as a comment, but again appreciation for your coming down and giving us a briefing on this.

DR. URAVITCH: I will also say it has been a question that I get routinely. Two quick things I will mention is what resources we have – and we don't have a lot. We're not a big program in terms of money – is we've recently made an agreement with the National Fish and Wildlife Foundation to start an MPA fund. We've put some seed money into that. They're looking to at least match that this year. They're also out trying to do some major fundraising for us.

We're also, then, looking at partnerships like I just mentioned with the Coral Reef Conservation Program and the National Marine Sanctuary Program to do some cooperative training. Obviously, if you're in the system you get first priorities of those kinds of resources.

MS. SHIPMAN: Thank you, Joe, good presentation. My comments are sort of along Robert's. I think Henry Ansley worked with you for about a year. We were identifying areas. I think one of the stumbling blocks for us was the definition of that had been defined, so that was of the things that kind of was a hurdle for us. The other thing I wanted to ask you, I think there is a webcast or a teleconference coming up.

DR. URAVITCH: Yes, one that is coming up, yes.

MS. SHIPMAN: Yes, could you talk a little bit about that and what the purpose of that is?

DR. URAVITCH: Yes. Okay, for those who aren't familiar with it, there is a way to basically get online together on computer and with your phone and do some interaction. I can't remember the date; I wish I could but it's coming up soon.

MS. SHIPMAN: It's next week, I think.

DR. URAVITCH: I thought it was next week.

MS. SHIPMAN: Wednesday afternoon, I believe.

DR. URAVITCH: Right, it has been set up by Loren Wenzel, who is our manager for the national system. The purpose of that really – and the notice went out to all the program

managers around the country – is to give them an opportunity to ask us questions so that we can clarify any concerns people may have, whether they're just technical like how do I fill out the form to what is in it for me? That's the whole purpose of it is to do some reaching out in advance to people so that it's not just a letter that's sitting out there.

MS. SHIPMAN: Could I follow up? Did the invitation just go out the coastal zone programs or to the fishery programs as well, because in most states those are two different entities?

DR. URAVITCH: It probably didn't go to any coastal programs that I'm aware of unless they had –

MS. SHIPMAN: No, actually, our coastal program is the one that got the notice; the fisheries program didn't so I was –

DR. URAVITCH: I'm surprised because –

MS. SHIPMAN: -- hoping that both would get it.

DR. URAVITCH: The notice should have gone out to the managing agency itself, the people that have responded to us in the past, so that's probably why. We would be happy to welcome others into this. It's not a closed club.

MR. BOYLES: Joe, to that point, my boss got it; the agency director got the request, so I think you're hitting some real high-level folks for whatever that's worth.

DR. URAVITCH: Who passed it on to someone.

MR. BOYES: Yes, who passed it on to folks with some skepticism.

DR. URAVITCH: If you know of anybody that ought to be on the call, let them know because it's certainly open. That's who we're trying to reach are the people that are the managers.

MS. SHIPMAN: Well, I've asked my coastal zone folks to make sure my fishery folks know about it and they're on the call.

MR. MAHOOD: Joe, first I want to thank you for flying all the way across the country to make a half an hour presentation and we really appreciate that. At one time we used to have a contingent of your folks over here out at the old navy base out at the Coastal Center.

DR. URAVITCH: We did; yes, about a third of our team was out there at one time.

MR. MAHOOD: I did want to assure Susan and Robert that, believe me, there is a lot of concern on the council's part. As a matter of fact, sometimes I'm a little embarrassed when Joe comes to speak with us, some of the cold shoulders that are turned to him from some of our constituent councils. You won't find that with us down here.

As you're aware, there is some concern on the councils of where this is going and what kind of authority may be granted to that group down the road. And the same kind of questions Robert had is if they're in the program, at some point will somebody from Big Government begin telling them what they will and won't do in those MPA areas. The councils had the same concern.

Certainly, we have eight MPAs and then we have an area of 23,000 square that after this meeting and action by the Secretary which may be one of the bigger areas around that is protected. I passed the letter around we received from way back in April. We haven't taken it to the next step with the region and the council to look at it yet.

Like Roy and I were talking it; we've been so busy it just hasn't been on our radar. I don't think you're going to see anything in this round of proposals from the council. It's something I think all the councils will be considering. We do want to keep in touch and be kept up to date with what is going on; and at some point in time down the road we may be making some nominations from the council.

DR. URAVITCH: I hope so. Actually, the first council that will probably come forward is the Mid-Atlantic. I was at their meeting about a month or so ago. They've got four tilefish closures around canyons that they moved forward in their process, and I think it's going to come to a council vote at their next session.

MS. SHIPMAN: I guess where I'm still confused is, for instance, our MPAs that we have just gotten designated through Amendment 14; we've got the Oculina Bank, and, you basically, we've got 15 areas out there, so what would be the advantage of dovetailing them into this system when we've got them under the system of the Magnuson Act? I'm just not sure.

DR. URAVITCH: Well, I would say a couple of things. One is it's comparable to the discussions I heard earlier in which your figuring how you're going to cooperate with the Gulf and with the Mid-Atlantic and the North Atlantic. This is also an opportunity to cooperate with that broader set of marine protected area programs that go beyond Magnuson-Stevens throughout the east coast and down into the Gulf and into the Caribbean.

The other is basically I think we're going to have to deal with things in that kind of approach when we think more broadly about what is happening to the oceans as a result of climate change. We're going to see species' migrations. We're already starting to see species' movement. We're going to have to have some forum for planning together on this broader scale, and that is part of what we try to do. Everybody has got too much to do already.

One of the resources that we have at the MPA Center is it is our responsibility to actually look across the programs and to try and convene the programs together. Rarely do things get done if it's not somebody's job, and in that case this is one of our responsibilities. On the practical scale, if there is training and technical support and even cooperative work we can do with people, that's part of our mission as well, to try and convene these folks not only in the U.S. but with our counterparts in Canada and Mexico.

MR. MAHOOD: Joe, I had mentioned to you earlier about the appointments to the advisory panel. That has been held off for some time. I guess it has gone on –

DR. URAVITCH: Yes, I can bring you up to speed on the advisory committee. The advisory committee, there are 30 of them on there. They serve four-year terms and then half of them rotate off. We currently have 14 vacancies on the committee. Nominations closed for that several months ago, actually under the waning months of the Bush Administration.

And as what has happened within the Clinton Administration, the new administration wants to look at what is on the list. We already briefed Dr. Lubchenco about the recommendations that are moving forward. The way this works is staff from NOAA programs and staff from Interior programs sit down.

We had about 130 people nominated for these 14 vacancies. We do a sort and do a set of recommendations to the political leadership in both departments. We've met with Dr. Lubchenco. She had some questions and we've been bouncing back and forth, and so it is sitting up that political level in both departments right now.

MR. MAHOOD: As you may be aware we have nominated someone, and I'm sure we'd feel much more comfortable if we had that person participating on the advisory committee.

MR. HARRIS: Any other questions of Joe? Thank you once again, Joe. I appreciate you updating us on the National MPA Program. At this time I am going to ask Karyl Brewster-Geisz to come forward and give us a couple of updates related to HMS Species.

MS. BREWSTER-GEISZ: Thank you, Mr. Chairman; thank you members of the council. My name is Karyl Brewster-Geisz. I'm from the Highly Migratory Species Management Division. We really appreciate the opportunity to be here and talk to the council about Amendment 3. We also had a request recently to give you an update on our pelagic longline closed area research, so I will run through both presentations, hopefully quickly because I know you still have a lot of work to do today. With me today in the back is Gieter Beck. He is a colleague and will be taking notes for me.

Moving on to the research, this is a presentation that Margo Schulze-Haugen gave to the advisory panel last week. The slides I'm handing out are from that presentation. It is all the same information. As many of you know, we closed the Florida East Coast and Charleston Bump in 2001. Since that time we have had a lot of changes in the pelagic longline fishery. The swordfish stock is almost rebuilt. We have another stock assessment coming up this year, so we might have a different status the next time we meet.

The fishery itself has changed a lot. There are not as many people in the fishery. The gears have changed. They are now required to have circle hooks. In 2008 we authorized issuance of an exempted fishing permit to collect information in these two pelagic longline closed areas. Those goals of the research are to collect baseline data under the current fishery conditions, evaluate the existing bycatch reduction measures and also examine the effectiveness of the closed areas.

When we issued this exempted permit, we had lots of conditions; one of which was maximum of three boats fishing at one time – well, two at one time but a maximum of three in this fishery; 289 sets total, half of which would be inside the closed areas, half of which would be outside; and then a hundred percent observer coverage.

Last year, because of the late start, they were unable to accomplish all of the fishing sets that they had wanted to, so in November we requested comments on both expanding the area that they would be fishing in along with expanding the amount of time that they could go fishing. We approved that in February. We also approved the extension to the boundary where they would be fishing in the closed area.

We wanted to make sure the council knew that we thanked them for their comments on that closed area extension. Right now we're still in the situation that less than half of the research sets have been completed, and we're having a hard time finding vessels that are able to or that are interested in fishing within the closed areas.

This is a map of the closed areas. The orange box, as you know, is the Charleston Bump. The blue box is the Florida East Coast Closure. The hash mark is the area that they're allowed to fish in for this research. Down in the Florida East Coast you can see the little pencil-like extension that we added this past year.

We have eleven trips completed in 2009; 122 sets altogether. About half of those are in the closed areas. As I said, we're hoping for 289 sets; so far we only have 122. You will notice in the chart Charleston Bump does not show up in Quarter 3 or Quarter 4. That is because that area is not closed during this time.

Overall none of the sets have taken bluefin tuna. They've all taken swordfish, billfish and sea turtles. None of the sea turtles have been dead. I'm not going to go through the numbers since you have all the numbers in front of you. That's all I have for the closed area; and if you are okay, I will go right into Amendment 3.

MR. HARRIS: Are there any questions regarding the presentation so far? Okay, there is a question by Mac.

MR. CURRIN: Karyl, you may have said this and I missed it, but the BUM designation, WHM, is that white marlin and blue marlin and then sailfish on that; is that what those are.

MS. BREWSTER-GEISZ: That's correct. I am now going to move into Draft Amendment 3. This is in draft and it is mainly dealing with small coastal sharks, pelagic sharks and smooth dogfish. As I said, I'm going to be very brief on this, so there are going to be a lot slides that I pretty much just skip over. If you have questions or need me to go back, just let me know. There is lot of information to go through.

Our need for action, blacknose sharks are overfished with overfishing occurring. Shorts and mako sharks are not overfished. They are approaching an overfished condition and overfishing

is occurring. As you all know, under Magnuson we need to take action to rebuild blacknose sharks and prevent overfishing of both blacknose and shorts and mako.

Smooth dogfish at this time are not federally managed. They are managed now through ASMFC, Atlantic State Marine Fisheries Commission. We've had requests for federal management so we are taking a good close look at that. This slide here is just a very brief overview of the objectives.

More specifically, we want to implement a rebuilding plan for blacknose sharks that would result in rebuilding by the year 2027. That rebuilding timeframe gives us a 70 percent chance of success at rebuilding the stock. We need to end overfishing of blacknose and shorts and mako. We want to provide opportunities for sustainable harvest of all the other sharks and prevent overfishing of all the other sharks.

Consider management measures for smooth dogfish in federal waters; and then as council members you are all familiar, we also need to implement annual catch limits or ACLs and accountability measures or AMs. Those are our objectives in this plan. I'm sure you all remember; I believe I came last summer during the scoping time period.

We had a very long scoping for this. The pre-draft we released to our advisory panel last February, and we are now in the proposed draft environmental impact statement portion of this. The comment period opened at the end of July and will remain open through September 25<sup>th</sup>. We welcome any and all comments. We hope to have the final rule in place in early 2010.

I'm sure all of you are very familiar with this slide so I'm not going to spend much time here, but I do want to just explain a little bit about what we're doing to implement ACLs in Atlantic sharks. This is for all Atlantic Shark Fisheries. Overfishing limit; we are establishing that through the stock assessment.

At the moment the stock assessments do not give us an ABC. We will be requesting that from all future stock assessments. In the interim we are assuming that ABC is equal to our ACL level, and that ACL level we get from stock assessments for stocks that are overfished to make sure that we have a rebuilding plan with 70 percent probability. That is what our ABC and our ACL is. Our ACL is equal allowable catch.

From that we split out the recreational portion, dead discards and the commercial portion. We are establishing a commercial quota on the landings' portion of the commercial sector. Then for accountability measures we close the fishery when we project that 80 percent of the quota has been taken, and then we account for over and underharvest the following year. That in a nutshell is our plan for implementing ACLs and AMs.

I'm now going to go through what we're proposing species by species. This is slightly different than how it is laid out in the EIS if you're following along in that where we did all the commercial measures first and then the recreational measures followed by smooth dogfish.

Starting with blacknose sharks, as I mentioned before, they are overfished with overfishing. The stock assessment indicated that about 86,000 blacknose sharks are taken across all fisheries per year. Most of that mortality comes from both the Gulf and South Atlantic Shrimp Trawl Fisheries along with the HMS Gillnet Fishery.

We've provided on this chart the average weights from the difference fisheries so you can see both number, which is what we get from the stock assessment, and by weight what those percentages are. The assessment told us that we need to bring that 86,000 sharks down to 19,200 sharks per year. That's a 78 percent reduction across all the fisheries, and that will give us rebuilding by the year 2027.

One of the things to note in my presentation, we are not proposing any actions for the Shrimp Trawl Fishery. We're hoping to work with this council and with the Gulf Council to come up with measures to reduce shrimp trawl bycatch by 78 percent, and I believe you should have gotten letters from us last or the week before, which were sent out late. I believe you have those letters. If not, I have a copy.

Our proposed measures; no action is always something that we take a look at, so that would be a quota of 454 metric tons for all small coastal sharks. We also looked at Alternative A2 which would take that 454, remove the average of landings of blacknose sharks, and leave us a small coastal quota of 392.5, and then the average landings would be reduced 78 percent to come up with 13.5. We found when we did that that the number of blacknose sharks that would be discarded while they're catching the other small coastals would cause us to exceed our portion of that ACL for the commercial fishery.

We looked at Alternatives A3 and A4. Both of these are very similar. The numbers change because in our preferred Alternative A4 we are preferring to remove the gillnet fishery. If you remember, most of the mortality came from both the Shrimp Trawl Fishery and our HMS Fishery. Then the last alternative we looked at was Alternative A5, which would be to close the small coastal fishery in its entirety.

Part of looking at how to come up with Alternative 4, we looked at several alternatives for the authorized gear. No action would maintain our current authorized gear of pelagic longline, rod and reel, bandit gear and gillnet gear. Alternative B2 would remove gillnet gear from the entire fishery. We thought that would not meet the objectives at looking at smooth dogfish, including that in the management.

Right now smooth dogfish is caught almost entirely with gillnet gear; so if we removed gillnet gear from the whole fishery, they would not have a chance to use or be in that fishery. Alternative B3 is our preferred alternative and that is removing gillnet gear from the HMS Fisheries, using the border between South Carolina and North Carolina.

South Carolina south would be no gillnet gear, and North Carolina north there would be. We felt that border was appropriate based on the range of both blacknose sharks and the range of smooth dogfish. Basically the range of those fisheries is not much of a gillnet fishery for blacknose above South Carolina, and there is no gillnet fishery for smooth dogfish below North Carolina.



For the recreational fishery, maintaining the current recreational limit, which is one shark per vessel per trip with a minimum size of 4-1/2 feet. There is an exception for sharpnose and bonnethead, which is one per person per trip with no minimum size. Alternative D2 would modify that minimum size from 54 inches fork length to 36 inches fork length. Based on the biology of blacknose, that would increase our catches of blacknose sharks. We didn't feel that was appropriate given the status.

Alternative D3, we looked at sharpnose, but we felt that increase in retention, while it's a healthy stock, would go against some of the comments from the stock assessment. Alternative D4 is prohibit retention of blacknose in the recreational fishery. That is what we're preferring. Under the current size limits, they should not be landing blacknose sharks right now anyway; and so we felt prohibiting it sends a stronger message.

Moving on to shorts and mako sharks, as I said, overfishing is occurring in this fishery. The U.S. proportion for this fishery is very low. It's less than 10 percent. The fact is we were pointed out in the advisory panel meeting it's closer to 5 percent and that's Atlantic wide. I'm going to really go through these fast. Keep in mind the management measures we looked at for commercial are pretty much the same as what we looked at for the recreational.

We looked at keeping the shorts and mako sharks in the species complex, which is the no action; removing them and establishing its own quota based on the average landings; removing them and prohibiting shorts and makos. We also looked at a commercial minimum size. This minimum size would be based on interdorsal; that is, from the rear of the first dorsal fin to the front of the second dorsal fin.

Those two sizes we looked at were based on sizes of female and male maturity; roughly nine feet for female maturity and six feet fork length for the male maturity. For the commercial fishery neither one of these size limits had any impact. Most the fish are already above those. We only had one fish observed caught below six feet and very few caught below nine feet.

Our preferred measures are to actually take action at the international level through an organization such as ICCAT, but not necessarily limited to ICCAT; and then also to promote the release of any large shorts and mako sharks. This is not regulation. We would be asking the fishermen if you catch a large shark, please release it.

As I said, the recreational management measures we looked at are the same ones. The difference here for the minimum size in the recreational fishery, these two sizes, the nine feet fork length and the six feet fork length, would have huge impacts on the recreational fishery. Most of the shorts and mako sharks caught in the recreational fishery especially at tournaments are below six feet. Nine feet was almost every one of them. We are preferring to take action at the international level and promote the release of large sharks.

Moving on to smooth dogfish, as I mentioned before, they're not managed at the federal level. We do not have a stock assessment. In fact, we have very little data at all on the smooth dogfish. There are also taxonomic classification issues with the Florida smoothhounds. There is a very

small way of telling the difference based on the shape of some of the fins, but there is some genetic work underway that shows that they may be the same species.

We looked at not adding it into NMFS management at this time. We also looked at adding it in and that is our preferred alternative. What that would mean at this time is we would require the fins be attached, similar to the other shark fisheries. There would be commercial and recreational permit requirement. These would be different than the current shark directed and shark international permits. They would be open access permits.

There would be dealer reporting. Gillnets, as I said, would be allowed North Carolina north mainly to accommodate this fishery. We have an essential fish habitat designation proposed. Observers would be required if selected, and we have a quota that we are proposing. At this time the fishermen would not be required to go to the handling and release workshop as they are in the other HMS fisheries. There would be no logbook requirements.

We are really trying to just collect data on this fishery at this time, so we also would not have any recreational size or retention limit and no commercial size or retention limit. In looking at the quota, we are mainly doing this to try to establish an ACL. As you all know, it is required. We looked at the landings that are reported in the vessel trip reports and through ACCSP.

Most of the fishery happens in the Mid-Atlantic, mainly from Virginia and North Carolina, although there are some landings from South Carolina and all way up through Massachusetts. The reported landings we have, we looked at the average of those over a ten-year period, the maximum of those, and then one standard deviation above the maximum. That maximum is what we're taking, the one standard deviation of one maximum.

Adding smooth dogfish in, we're also considering we would need to allow some research on this, so we are looking at adding in a set-aside quota of six metric tons. As I mentioned before, ASMFC is managing these species at the state level. We looked at whether or not we could mirror their management measures.

They had proposed management measures out when we were proposing so we weren't sure what they were going to final with. We couldn't do a full analysis on that, but then there were also measures that we are required to do that they are not, such as the ACLs and essential fish habitat. We felt at this point we couldn't exactly mirror their management measures though we are trying to be as consistent as we can with them.

This is just a map showing what we are proposing right now for essential fish habitat. We do have an entire chapter in our EIS on these designations. As I said, the comment period closes on September 25<sup>th</sup>. There are lots of ways to submit comments, including through regulations.gov with a little quick summary of how to do that.

We're requesting comments specifically on a set of questions mainly regarding the gillnet fishery and smooth dogfish. I'll just briefly go through those; if the quotas are appropriate; if the EFH is accurate. We're expecting about 223 vessels to be in the smooth dogfish fishery. As you know, we're trying to figure out is that accurate or are there more vessels that we're not counting from

the South Atlantic and from the Gulf of Mexico. We know the species is there but we don't have any commercial landings really from those areas.

Is the boundary for gill nets appropriate – that is that boundary between North Carolina and South Carolina. Our gillnet fishermen right now are required to carry VMS during right whale calving season. If we close the gillnet fishery which happens in the main portion of the right whale calving area; should they still be required to carry VMS?

Alternately, if we have smooth dogfish permit holders that don't currently have the shark directed and incidental permits, which is the key for the VMS, should those smooth dogfish permit holders be required to carry VMS? Should the smooth dogfish permit holders be required to tend the gear and have it attached to the vessel and do net checks every two hours? This is a requirement for our gillnet fisheries through our biological opinion to help with marine mammal and sea turtle release.

Should there be a recreational size and retention limit for smooth dogfish? The other gear; a lot of fishermen catch smooth dogfish in this trawl gear. That would be a new gear for HMS. We don't have trawl gear for any of our other fisheries, and should we bring that into our HMS management? We're almost done with our public hearings. We have two more next week. This is just the information on where to submit comments.

MR. HARRIS: Thank you, Karyl. You heard me announce earlier, perhaps, that Susan Shipman is retiring at the end of November, and I would give her the opportunity to make the first comment or question regarding this.

MS. SHIPMAN: I distributed our comments. We combined our comments in with our federal consistency certification and concurrence, which is the first one that we have ever issued to HMS with regard to sharks. Since finally you are recommending the prohibition of gillnets, I cannot salute you enough and tell you how glad we are to finally see that.

All of our comments on all of it, they were fairly extensive. Carolyn Belcher puts them together, who also serves on the AP. She came to the meeting, and I just commend those comments to the council for your information and particularly to South Carolina and Florida. I think I've provided them to both of our sister states. I just want to thank you. Hopefully, finally the prohibition will go through. It has been much needed and long overdue.

MR. MAHOOD: I don't know how many sleepless nights the shark gillnet fishery in Georgia caused Susan, but it was a bunch. Karyl, what I wanted to ask you is you requested that the councils help with the shrimp fishery. Right now BRDS are required, which I think would take care of the smaller sharks, and then TEDS are required, which I think eject larger sharks. What else is there that could be done in the shrimp fishery?

MS. BREWSTER-GEISZ: I'm not sure. That is part of the reason why we are asking the councils to think about this problem. I know it has been tossed around about smaller TED openings that might help prevent the smallest of the blacknose sharks from getting in there. The other thing to keep in mind is we are planning to do a new stock assessment on blacknose sharks

next year. If you have a specific person on the council who might be able to talk with us about that issue, that would be wonderful.

MS. SHIPMAN: Again, I really urge everyone to take a look at our comments with regard to the bycatch in the shrimp fishery. Carolyn has looked at that fairly extensively. As many of you know, sharks are her area of expertise. She also chairs our SSC. She is just not seeing the blacknose in the shrimp fishery, but I know that she has been in contact with Sea Grant and some of the others and they are looking at that issue and will also be forwarding comments to you as well.

MR. HARRIS: When did you say the deadline was for receipt of comments, the 25<sup>th</sup>?

MS. BREWSTER-GEISZ: September 25<sup>th</sup>, next Friday.

MR. BOYLES: Karyl, on the boundary do you envision; is it the seaward extension of the state boundary or is it the latitude of the boundary?

MS. BREWSTER-GEISZ: It's the latitude going out.

MR. MUNDEN: Karyl, in your presentation one of your questions concerning to exclude dogfish was whether or not NMFS should manage smooth dogfish. As you know, the Mid-Atlantic Council asked for management authority for smooth dogfish, and that was denied by NMFS, so what is the purpose of going forward to the public saying should NMFS manage smooth dogfish? It appears to me that decision has already been made relative to our request and the justification we provided based on our track record for managing spiny dogfish.

MS. BREWSTER-GEISZ: The Mid-Atlantic Council requested management, as Red explained. NMFS did deny that response – denied that the Mid-Atlantic Council should have management authority of smooth dogfish based on mainly the range. These are fish that go all the way down off of Brazil, shallow water Caribbean.

We have seen them in fisheries across – the question that we are looking at is, one, we feel NMFS, specifically HMS, should have the management authority of it, but just because we have the management authority does not mean that there is an overwhelming need at this time to establish management measures.

We have had smooth dogfish in our management units before. Back in '99 we had deep water and other sharks added to our management unit to prevent finning. When the Shark Finning Prohibition Act went into place, we removed all of those sharks from our management unit. We're now asking the question on smooth dogfish is there a need for us to bring it back into management and establish management measures.

MR. MUNDEN: Now the followup, I believe 95 percent plus of the smooth dogfish are harvested in the Mid-Atlantic Area of Jurisdiction, primarily North Carolina and Virginia; basically the same fishermen using the same gear, just a different season. The argument could be

made that a lot of our species cross the jurisdictional management area of more than one council; spiny dogfish being an example.

Again, my real question is whether or not it would do the Mid-Atlantic Council any good to provide comments that we feel like that the Mid-Atlantic should be the council that is responsible for managing smooth dogfish?

MS. BREWSTER-GEISZ: That would be up to the council whether they want to submit that comment. We would appreciate comments from the council and the chance to work directly with the councils since the smooth dogfish and spiny dogfish, a lot of those fishermen are interrelated and we wouldn't want to miss the opportunity or misregulate smooth dogfish to the effect that it impacts the spiny dogfish fishermen.

MR. HARRIS: I don't see any other questions. Is there any desire on the part of the council to prepare a letter in response to what you've seen today? Staff could draft it and perhaps have something available for us tomorrow if we can give them some guidance as to what you want to see. If there is not, then we'll move on to the next agenda item. Susan.

MS. SHIPMAN: Certainly, this council has been on record for years just about everytime this came up with regard to the gillnet issue. I would very much like to see the council support their preferred alternative with regard to prohibit gillnets from the South Carolina/North Carolina boundary south, at least within our area of jurisdiction.

MR. HARRIS: Do you want to make that in the form of a motion?

MS. SHIPMAN: Yes, I would.

MR. HARRIS: Okay, there is a motion on the table; is there a second?

MR. CURRIN: Second.

MR. HARRIS: Discussion on the motion?

**MS. SHIPMAN: The motion is for the council – and I assume we're a committee as a whole right now –**

MR. HARRIS: Yes.

**MS. SHIPMAN: -- is for the council to submit a comment to the Highly Migratory Species supporting the preferred alternative of the prohibition of gillnets in the shark fishery from the South Carolina/North Carolina Boundary south through our area of jurisdiction.**

MR. HARRIS: There was second; discussion on the motion?

MR. CURRIN: I would just note that not only would a favorable comment on that alternative benefit Georgia but it would benefit the fishermen in North Carolina who do harvest those fish in the wintertime using gillnets.

MR. HARRIS: Are you ready to vote? Is there objection to the motion? Seeing none, that motion carries. Is there anything else that should be included in a letter regarding this issue? Seeing none, thank you very much, Karyl.

MR. GEIGER: I apologize; I was called out of the room for a few minutes, but I did have one question, and it concerned the experimental fishing permit down south. In this beginning when this thing was contemplated it was commonly believed that they were going to establish – one of the problems and one of the comments that we had as a council, I believe, is that there were no parameters set up in terms of bycatch interactions and what would be the cutoff because the claims were made that they would be able to shut the fishery down within 24 hours, quote, if the interactions exceeded the bycatch limits that were established under the program. We've never been able to see what those bycatch limitations are or if in fact there are any and on what criteria would you base shutting a fishery down within 24 hours.

MS. BREWSTER-GEISZ: There are no bycatch limits right now on the fishery. We do have the capability for any of our exempted fishing permits to end the exempted fishing permit right then and there, to modify it, to make adjustments to it. If something happens and there is a set in the closed area or an area that they catch lots of sea turtles or whatever other type bycatch, we would take a close look at that and determine if we need to modify or close that fishery down.

To some extent it would be really useful to find out if they go into a closed area and catch a whole bunch – why, what happened there, was that a random incident or was that because of being in the closed area?

MR. GEIGER: Well, a couple of words, if I may, Mr. Chairman, something happening is kind of a loose definition for what should be a research program. I mean, that's the grounds under which this was approved – correct me if I'm wrong – and it just seems awful loose. I mean, what is a whole bunch? The whole bunch to you could be different than a whole bunch to me which could be different from a whole bunch to somebody else.

It would just seem like if you're going to have a scientific research program or a program that was going to determine a scientific result that there would be some parameters under which both these vessels would operate. If you have the ability to close it down within 24 hours, there should be some criteria that they should know about on what can close them down within 24 hours.

MS. BREWSTER-GEISZ: When establishing this and establishing the number of sets and the number of vessels, there was a power analysis done on how many sets we needed in order to tell anything statistically significant with the results and that's what we're basing everything off of. We're looking at a whole wide range of species. We did not feel it was appropriate to, as you said, set up the limitations because those different – what is a whole bunch to me might be

different to you or to somebody else. We look at it on case-by-case basis and at this point we do not have those issues.

MR. GEIGER: At the expense of being considered petulant again, I'm just going to let it go. It's absurd.

MR. MAHOOD: Bill Hogarth is now down in Tampa, Florida. You can contact him there.

MR. HARRIS: Okay, thank you, Karyl, we appreciate you being here. Susan, does that capture the motion? I just want to make sure. We've already approved it, so –

MS. SHIPMAN: Yes, it does.

MR. HARRIS: We have approved that motion that is up there on the board right now.

MS. MERRITT: When we send this letter to HMS supporting the preferred alternative, it may be prudent that we might want to discuss whether or not we want to support having MAFMC to take over the management since they have the expertise with the spiny dogfish.

MR. MUNDEN: Mr. Chairman, on Monday of next week there will be a meeting of the Mid-Atlantic Council Spiny Dogfish Committee, which I chair, and our Highly Migratory Committee to draft comments to the National Marine Fisheries Service relative to Draft Amendment 3 for the HMS Plan.

One of the things that we will be discussing at that joint meeting will be management authority for smooth dogfish although, as I've said earlier today, NMFS denied our request and said it was more appropriate for smooth dogfish to be managed under HMS. I am not a voting member of the full council, but if I were I would offer a motion that the South Atlantic support the Mid-Atlantic's request for management authority for smooth dogfish.

MR. HARRIS: Rita, would you like to make that motion?

MS. MERRITT: Well, I was thinking of asking Susan if we wanted to just amend her motion or do we need to do this separately. It has already been voted on, okay. Yes, I would like to make that motion. Red, do you want to wordsmith it for me?

MR. HARRIS: Go ahead, Red, repeat what you said and that will be Rita's motion.

**MR. MUNDEN: If I were voting member of the South Atlantic Council, I would offer a motion that the South Atlantic Council support the Mid-Atlantic Council's request of the National Marine Service for management authority of smooth dogfish.**

MR. HARRIS: Okay, that's Rita's motion; is there a second to the motion? Second by Brian. Discussion of the motion. Mac.

MR. CURRIN: I don't know how to feel about this, to be honest with you, because I don't what kind of precedent it sets. I'm just sitting here thinking about another circumstance under which the Pacific Council might be looking for support for one of their fisheries that I wouldn't have any idea what it was like.

I mean, I do know, Red, a little bit about the smooth dogfish fishery because it occurs off of our coast, but I don't know how common it is for one council to support another council's initiative to do anything, for that matter, and whether that's appropriate or not. That's just a concern I might have.

MR. MUNDEN: The New England Council also supported the Mid-Atlantic Council when we asked for this authority. Some spiny dogfish are caught right at the North Carolina/South Carolina border. As Karyl pointed out, they're found all up and down the Atlantic coast, but the fishery that occurs for smooth dogfish is basically North Carolina and Virginia.

MS. MERRITT: Also, if HMS decides that they are not going to manage the smooth dogfish, this may give NMFS the impetus to go ahead and make a move through the Mid-Atlantic.

MR. BOYLES: Can somebody school me on what implications that would have? Would the council be expected to jump in with a joint plan, the South Atlantic Council?

MR. MUNDEN: The plan we currently have is a joint plan with New England, and the Mid-Atlantic Council is the lead council. We handle the administrative workload, but I would not envision it would be a joint plan between the South Atlantic and the Mid-Atlantic and New England.

MS. SHIPMAN: The management unit; does it just run to Hatteras, Red, to the North Carolina line or what is the definition of the management unit?

MR. MUNDEN: Mr. Chairman, I believe it's throughout the range of the species for spiny dogfish. That's how most of our plans are written now.

MR. HARRIS: Yes, but we're talking smooth dogfish.

MS. SHIPMAN: No, I know that, yes.

MR. HARRIS: Okay, but I don't know that we might be mixing apples and apples.

MS. SHIPMAN: Well, I was thinking about this one, what the management unit –

MR. HARRIS: What is the management unit for smooth dogfish, Red?

MR. MUNDEN: There is no fisheries management plan, no stock assessment has been done. It is basically a wide open fishery right now.



MR. HARRIS: I understand, okay, so what the motion does is request that the Mid-Atlantic Council be allowed to establish a management plan for smooth dogfish and manage it within the range. Further discussion of the motion? Are you ready to vote on the motion? Is there objection to the motion? That motion carries without objection. You can bring it back up later if you need to. Bob.

MR. MAHOOD: Red, perhaps you could provide our staff with a copy of your request or have the staff from the Mid-Atlantic Council provide us with a copy of your request.

DR. PONWITH: Mr. Chairman, it has been brought to my attention that the management unit's range goes all the way from Massachusetts down to essentially to Brazil, including the Caribbean and the Gulf of Mexico. I just wanted to bring that your attention as you contemplate this.

MR. HARRIS: Well, we voted on the motion and there can be a motion to reconsider it given that information if you want to reconsider. Susan.

MS. SHIPMAN: I think it may give us more impetus and rationale for commenting with regard to who is going to do a management plan for it. That's one reason I wanted to know what the range was. In a sense did we have a dogfish in this fight potentially down the road?

MR. HARRIS: Okay, I don't see any desire to do anything different at this point in time. We can always bring it back up later. At this point in time, unless I see another hand raised in the next two seconds, we're going to move on with the snapper grouper actions of the Committee as a Whole, so, Mark, are you ready to proceed with snapper grouper?

MR. ROBSON: Where we left off on the agenda was to go through Amendment 20.

MR. HARRIS: Yes, we did recess right in the middle of considering an action on wreckfish, I believe.

MR. ROBSON: Yes, we had just started on the first action and that was regarding the changes to the Wreckfish ITQ.

MS. QUIGLEY: Okay, I think where we left off we were looking at the four different actions that are in the amendment. Action 1 was changes to the Wreckfish ITQ. Is there any input to me from the council?

MR. ROBSON: We have a preferred alternative on – there are four alternatives for the Wreckfish; we have a Preferred Alternative 4 in the document now. Any discussion? Okay, go to the next action.

MS. QUIGLEY: Okay, I'll go through each of the actions and then NMFS staff and council staff have reviewed a couple of different things that the committee and the council might want to consider. Action 2, Wreckfish MSY Options – there is no action, MSY of 1.946 million pounds; and MSY of 0.835 million pounds.

MR. CURRIN: Just a question, and I guess, Monica, we had this discussion earlier about those two years of confidential landings. Would it be reasonable for me to assume that if we are permitted to include those landings, then that would just simply modify Option 3 to include those landings and establish whatever the MSY was indicated by those average landings?

MS. SMIT-BRUNELLO: I think that's a great way to approach it.

MR. CURRIN: Do I need to make a motion to suggest that? It would seem logical to me that if the time is defined – we have two exceptions because of confidentiality – if we solve the confidentiality problem, then I would ask that those two years of landings be used to re-establish that average.

MS. SMIT-BRUNELLO: I guess your record is even more clear if you'd make a motion and approve it, so I think that's a great idea.

**MR. CURRIN: Okay, then I would move that if the confidentiality problems are addressed and we are allowed to include 2001 and 2003 in the landings, that Option 3 MSY value reflect the inclusion of those two years of data. Is that clear?**

MR. ROBSON: We have a motion and a second. This would apply to Option 3 under Action 2.

MS. MERRITT: For clarification when was the last assessment done and when is the next assessment planned?

MS. QUIGLEY: It seems the next assessment is planned for 2013, I believe, and the last stock assessment I would have to check unless Gregg can remember off the top of his head. He is taking a look, but I believe the next one is planned for 2013, and that's what we discussed in the LAP Committee. 2001 was the last one, and some of these numbers are based upon that, I believe.

MS. MERRITT: Well, I'm concerned that we would be using the more current landing numbers, since it's in such a tremendous lack of participation in the fishery, whether that's really an accurate number regarding Bmsy. I understand that's all we have for now and we probably won't be able to change that until there is a stock assessment; correct?

MR. ROBSON: I don't know what other basis you'd have to change it. Roy.

DR. CRABTREE: Well, kind of touching on all this, we've got this ABC Control Rule Report that the SSC gave us. It seems to me we would apply that to this species. Doesn't it have tiers and that sort of thing and it could be applied to wreckfish. I would think that we need to look into that.

Then the other question I have is if you look at the next action, which is the OFL, those are based on SPR, and so it's hard for me to see why you would have an OFL based on a 30 or 40 percent

SPR but then not have MSY based on 30 or 40 percent SPR. Is there a reason why they're constricted differently like that?

MR. WAUGH: It's just trying to use what is available.

DR. CRABTREE: Well, it's hard for me to see how OFL could be constructed off a totally different frame than MSY.

MR. WAUGH: You have values of OFL from one of the assessments. That's where those values come from. There is no MSY presented anywhere. That's just a mere calculation of the landings. We're certainly open to other ways of doing it. We can't use the SSC Control Rule because that's not set up to handle species just based on landings' data.

You have to have the P-star distribution or some estimate of P-star, so this won't work for – the SSC Control Rule the way it's structured will not work for wreckfish and golden crab. That's why they made a request to the council and the council I think made a request to the Center for some additional analyses so that then they could come back with some recommendations for us.

DR. CRABTREE: Yes, and I don't think we're expecting to get that. Do we have an estimate of what the landings associated with F 30 percent or F 40 percent would be?

MR. WAUGH: No.

DR. CRABTREE: Then it's hard for me to see how we could use those for an OFL because the OFL is going to have to be a number or a weight of fish or something like that. At any rate, it seems to me that the way OFL is going to be set up needs to be consistent with how we define MSY, because I don't know what good an OFL would be to us if we can't translate it into an amount of fish.

MR. WAUGH: So you're talking about then coming up with an OFL based on some average landings?

DR. CRABTREE: In this particular case I would say it's whatever we come up with for MSY is going to be –

MR. WAUGH: An OFL.

DR. CRABTREE: I guess. I mean it seems to me we've got to go to the SSC and get their advice on this before we're going to get anywhere.

MR. WAUGH: We tried.

DR. CRABTREE: Well, and if they decline to give us any, then we can see what the Center has to say about it.

MR. WAUGH: This is the quandary we're in. We've asked the SSC for guidance and they've said they're not – well, the last time they tried to use average landings they got highly criticized for it, so they're not likely to go down that road again. We made a request to the Center for some analyses.

Initially we asked the Center if they could update wreckfish and golden crab, but due to workloads they couldn't. Wreckfish is now on the schedule. There is nothing for golden crab. We're faced with a deadline to put some values in and our approach was going to be to cobble together some values and try and get the SSC to not object to them, to using it until we get an assessment. That's about the only approach we can think now. If there is some other approach, then we need to hear about it and get that guidance so we can pursue it.

DR. CRABTREE: And I don't really have any other approach to offer except using some type of average landings. I'm not sure that we ought not have an option in here that doesn't – I mean, it's really hard for me to make anything out of these alternatives. Do we have a graph showing the landings' trends by years in the document that we can look at?

MS. QUIGLEY: You just mean landings over time?

DR. CRABTREE: Yes; is there something in here?

MS. QUIGLEY: Well, some years are confidential. We have a table in the program review showing the years that we can. That's in the program review, which is an attachment.

DR. CRABTREE: I don't know if this is enough range for landings or not. It's hard to say without seeing what the trend in landings – and I think the trend in landings has been largely down over the history of the fishery. But it does seem to me that whatever we do for MSY here, the OFL is going to have to be based on that in some way or another, and the ABC is going to have to be – well, we may not have an ABC, but what I would like to hear from the SSC is speak now or hold your peace because we're going to need to move forward.

What I don't want to have us do is get way down the road with this and then have them come up with something. Of course, there is the whole issue of reducing for uncertainty in this instance, but I don't know if we don't get some specific guidance from the Center or the SSC – I don't know how much to do that for.

But I would think the OFL ought to be structured off of the MSY. It may be that you folks need to look at the landings' trends and see if you can find a period of somewhat stable landings. I can tell you now I don't think there is any way you could justify going back and using those very high landings early in the time series for it, but beyond that I don't know.

MR. ROBSON: Kate, and then remind everybody we have a motion on the floor with now to modify Option 3. We're kind of going beyond that.

MS. QUIGLEY: Landings are shown in Table 1 up on the screen. We have 1987-2001, but you'll notice the 1997, 1999 and 2000 are confidential because of low numbers of vessels or low

number of dealers and includes the reasons for that in the program review, I think just a little bit below the table.

MR. CARMICHAEL: The control rule the SSC has proposed it essentially goes through a way of objectively quantifying the amount of adjustment to make for uncertainty. So in case of assessed stocks, it's really presented in terms of how you adjust the P-star or the probably of overfishing, and it gives you a critical value.

But the vision of the SSC is that same approach, that objective approach to evaluating uncertainty to could be applied to MSY, to come up with a way of telling you what proportion of MSY is appropriate for ABC, and it might be something where they decide in the best case ABC could equal MSY or they could decide there is some default position where they drop down from.

That's put in the perspective of what we've already done with regards to the probability of overfishing, they would have some information that the starting point should be 50 percent, that the highest probability of overfishing occurring is acceptable at 50 percent, so then they came up with the plan that gives you essentially a range of 10 to 50 percent.

So there would have to be some decision made, and it is kind of a score risk decision just as the probability of overfishing about what is the maximum percent of MSY that they should consider when they set ABC when all they have is landings and some period of years that's chosen for MSY. And if that MSY is taken from average landings, whether it be done by staff somewhere or by the science center or whoever, I think the SSC can act on it from that point. They just don't want to the ones to take the year.

DR. CRABTREE: And I'm looking at the document, and it's got these tiers, I think they call them, where they go through a series of – hierarchies of dimensions and tiers, and just looking at this it looks to me like for wreckfish you could go through this and determine these percent numbers that they're talking about, so it appears to me you could apply this control rule to wreckfish, and I think that's what – so I don't know if you want a motion, but I think we ought to have some alternatives in here that apply this to it and at least that would give us the notion of how we might – then, you look at, okay, what years should we choose and this would be the way you make an adjustment from that. That would seem to make sense to me.

MR. ROBSON: Okay, we have a motion now on the floor. Mac, do you have a question?

MR. CURRIN: Yes, I have a question about my motion. After seeing that table, Kate, there were several more years in there other than 2001 and 2003 that were listed as confidential; am I to assume that those have been excluded from the average value you used to calculate MSY or were they included?

MS. QUIGLEY: It was revealed to us by Dave Glockner that 1997, 1999 and 2000 are likely confidential, in his opinion, after the June meeting, which is when these MSY, OFL and ABC options were come up with. There is a little bit of inconsistency between the table and between the MSY options.

MR. CURRIN: So the answer then to be clear is that those are included in the average landings that were used to calculate the MSY in Option 3? 2001 and 2003 and the only ones that have been excluded at this point?

MS. QUIGLEY: That's right.

DR. CRABTREE: Well, perhaps it will work out that the ACL is confidential and so we'll have it, but we won't be able to tell anyone what it is. How in the world can we take average landings and come up with this if they're confidential; we've got to find a way to do that.

MS. QUIGLEY: This is something we're actively working on with Monica, so one approach is to ask the fishermen who have volunteered to do so and the dealers to sign some sort of waiver so that we can take a look at their logbook landings if not the other components of the logbook. We expect to solve this problem sometime soon, and at that time you will be able to see a full table where landings are shown after 2001. That is the hope; that is what we're working on at this point in time, so we don't think this is going to be permanent problem, and we hope that it won't be.

MR. ROBSON: So it sounds like we're hopeful that we can get more years and get over this confidential issue. We do have this motion on the floor. Mac has another question.

MR. CURRIN: Yes, one more question just to clarify on the motion here because if it doesn't do what I think that I want to do with it, then I want to change it. But, currently, Kate, then 2001 and 2003 are the only years missing in that time series from 1988-2007; is that correct?

MS. QUIGLEY: That's correct.

MR. CURRIN: Okay, then I call the question, if I can, on my motion.

MR. ROBSON: All right, we have the motion and the question has been called. All in favor of the motion raise your hand; all opposed. Okay, show one opposed. All right, the motion passes. Roy.

DR. CRABTREE: Well, do we need a motion to try to apply the ABC Control Rules and to bring the OFLs into consistent format with the MSYs, Mark, or do we just need some discussion and instructions to staff? How do you want to do this?

MR. ROBSON: Well, the committee could choose if they want to include another option.

**DR. CRABTREE: Okay, I would move that we include an alternative that applies the ABC Control Rule Methodology developed by the SSC to the time series that are in the document now.**

MR. ROBSON: Okay, is there a second to the motion? Rita seconds. Gregg.

MR. WAUGH: In discussing this with John further, what the SSC will need is an MSY, and so I presume, then, we would give them the range of MSY alternatives that we've included in the documented thus far, and they'll use that to come up with a set of –

DR. CRABTREE: Well, the intent of the motion is you would base it on the time series alternatives for MSY that are in the document now, so you would have I guess under Option 2 and Option 3, then you would have another alternative that would take that value and adjust it based on the control rule.

MR. ROBSON: We have a motion and it has been seconded. Any discussion? Is there any objection to the motion? The motion passes. Are there any other potential alternatives for MSY? So, the OFL.

MS. QUIGLEY: As you can see we've got a couple of different OFL options.

DR. CRABTREE: My opinion is that we ought to take Actions 3 and 4 out of the document. If no one gives us an OFL, then I don't see why we would have one. ABCs are to be provided by the SSC, so I don't know why the council would want to vote on an ABC. We have MSYs and it seems to me then we need to come up with an ACL that would be based on some variant of what we determine the MSY is.

I guess I have a question for John about the ABC Control Rule. Is the way that is structured, John, is that the time series average landings would be MSY; and then when you applied the control rule, that would then be the basis for the ABC?

MR. CARMICHAEL: The control rule gives you ABC from MSY and it doesn't say anything about how MSY may be derived.

DR. CRABTREE: Okay, so it seems to me the way this would be laid out is we would have those time series average landings for MSY. We would then apply the control rule and that would give us the number that would then be the ACL ceiling. I guess we could go below that if we wanted. That's how I would structure this is you have your landing series for the MSY; you then apply the control rule and that then gives you the value that would be at least the starting point for the ACL.

I essentially wouldn't worry about OFLs and ABCs if someone doesn't give us one of those, and that I think would be sufficient in the absence of any particular scientific advice. Does that seem reasonable, John?

MR. CARMICHAEL: I think so; and if you had, say, three options for a time series for MSY, you could still just have one critical adjustment factor and then you'd then have your three options for ABC based on whatever MSY you change. They all may be, say, 75 percent of MSY becomes the ABC, whatever MSY is.

MR. ROBSON: All right, so do we need a motion to delete Actions 3 and 4 from the document?

MR. WAUGH: If we delete them now and the SSC gives them, then we're going to have to come back to you guys to give us a motion to put them back in.

DR. CRABTREE: Well, if the SSC gives us an ABC or an OFL, then we don't need an action to establish it; they just gave it to us. Then what we need would be the action that would construct the ACL off of that, but I don't think we need an action to set up unless we get into a situation where there is uncertainty about proxies and all those kinds of things. Do you follow what I'm saying?

MR. WAUGH: And we don't have anything in place now for those, so we're not altering a value so we'd just be using the value from the SSC.

DR. CRABTREE: What did we do in the SFA Amendment, Gregg, on wreckfish? We must have had some sort of proxy. I'm assuming it's 30 –

MR. WAUGH: SPR; 30 or 40 percent SPR.

DR. CRABTREE: --or 40 percent, something like that? But, yes, so that doesn't help us if there is no way to calculate a number off of this. It seems to me if they give us something, we wouldn't have to add actions to set it; we would just have it.

MR. ROBSON: All right, we still would need a motion to that effect?

DR. CRABTREE: Well, I don't know; I guess I want to see if that seems clear to staff what the discussion is. I think rather than trying to make a motion out of all that, we just need them to go back and work on restructuring the alternatives along those lines, if that is good with everyone else.

MR. ROBSON: I see no objections to that approach. Is staff clear on what you need to do?

MS. QUIGLEY: Yes.

MR. ROBSON: All right, let's move on.

MS. QUIGLEY: Okay, then the only other thing to discuss for Amendment 20 are some suggestions on recommendations and actions that could possibly be considered under Amendment 20. I'll go through the possible action items that the council might want to consider.

MR. GEIGER: I apologize, Kate, I didn't realize we were moving off the technical aspect of this. In all of our other amendments when we talk about MSY, ABC and OFL we also talk about allocations. We talked about allocations, I think it was earlier this week although it seems like it was a hundred years ago. Should allocations be included and specify allocations along with MSY, ABC and OFL in this portion of the document?

MS. QUIGLEY: Allocations were something that we were going to bring up in the program review, but there is not a whole lot for us to talk about without the council putting some options



on the table. I would suggest making a motion and making it an action in Amendment 20. That would allow us to have something to analyze.

MR. GEIGER: Based on that, Mr. Chairman, I would make a motion that we include allocation along with the other technical aspects for consideration or for development by staff.

DR. CRABTREE: I think you're going to need to give them a little more guidance on how they might do that because I guess in this case there are no recreational landings, and so we can't use landings' history. I think you need to give them some percentages or something so they have some guidance as to how to construct alternatives.

MR. GEIGER: Well, then develop an alternative of a bag limit of one per boat; one per person; one per vessel; one per person.

DR. CRABTREE: Well, those are management measures but not really allocation, and I don't believe we have any data that would allow us to calculate what the recreational sector might catch at a one per boat or one per person bag limit, because there is no fishery data to do that.

MR. GEIGER: So you're looking for a percentage allocation between the commercial and the recreational sector of 90 percent commercial and 10 percent recreational.

MR. ROBSON: That is your motion? Robert, is that a second?

MR. BOYLES: That's a second.

MR. ROBSON: Discussion. Rita.

MS. MERRITT: I guess the whole Wreckfish ITQ situation is bothersome to me because to me because of the lack of information over the years. It has been neglected, and I think we all know that. It hasn't had an assessment. The assessment is so far off and now we're trying to address so many issues regarding this.

I think at this point we have nothing whatsoever to indicate whether that percentage is even near what it should be. It could be way too high; it could be way too low; we don't know. As far as I know we don't have any indication to give us any comfort level with it.

MR. GEIGER: And the journey to a thousand amendments starts with the first step, I guess, and we have to have a departure point. I understand, Rita, that there is no basis for establishing this. My question was, when I came on the council and in reviewing the Wreckfish ITQ as it was, why there was not a recreational component included in that ITQ.

I was told that, quote, unquote, the recreational community never came forward and asked for any. If that's the basis; I mean, we're talking about developing these documents and moving them through a public process. I'm not saying 90/10 is the right number, but it's a departure point and it gives the public an opportunity to look at something.

Perhaps we need to look at ranges above and below that, and, of course, I'm certain we do because of NEPA. Maybe we need to make the amendment read "develop a suite of alternatives from a hundred percent commercial to 90 percent commercial and 10 percent recreational and throw in another there of 85 percent commercial and 15 percent recreational. Is that reasonable? No? How many do we need, Rick; do we need a 95 and a 5 to make a full range? Erase the 85; we won't use that.

**So, to include a suite of allocation alternatives in the amendment of 90 percent commercial and 10 percent recreational; 95 percent commercial and 5 percent recreational; and 100 percent commercial. Did anybody second?**

MR. ROBSON: Yes, Robert seconded your motion.

MR. GEIGER: Is that okay with you, Robert?

MR. BOYLES: Yes.

MR. ROBSON: So this alternative would have these three – this action would have these three alternatives; is that your motion?

MR. GEIGER: Yes.

MR. ROBSON: Okay, Kate was going to respond originally.

MS. QUIGLEY: I was just going to say that, yes, staff needs a range of alternatives and then we can analyze it.

MR. CUPKA: Susan can remind me, but back when we set this program up we weren't aware of any recreational catches, but since then you've had a development of these deep-drop fisheries and we're hearing reports that they are taken occasionally. I think one way we will find out is by taking it out to public hearing with a range of alternatives and see what kind of input we get.

MR. GEIGER: And to that point we've had public testimony that indicated they're catching them in shallower areas than the traditional very, very deep waters that the commercial fishery is prosecuted in, which is what is leading to this.

MR. CURRIN: Most of what I was going to say has been said. We do have evidence in Virginia where we're talking about extending the management area that they're encountered not only in the recreational fishery but in the commercial fishery there as well. I think this is a reasonable range to me. It certainly would allow us to interpolate between those values if we wanted to choose something, say, at 97 or 92 or 93 or something like that, so I'm comfortable with that range at this point.

DR. CRABTREE: I was just going to suggest one way you might come at this in developing a rationale for alternatives is to by analogy look at some of the other deep water fisheries like

tilefish and snowy grouper where you do have some historical mix of the fishery and assume that something along those same lines would be appropriate.

MS. MERRITT: And, yes, if ITQs go away – if the Wreckfish ITQ goes away, which is one of the options, then I was thinking along the same lines as Roy that perhaps the alternative should fall in line with some others that we have done. I guess because it's in the snapper grouper complex perhaps the suite of alternatives should be the same that we've used in the snapper grouper complex.

MR. GEIGER: And this is one of the very real conundrums you get into with catch shares, LAPPS or whatever you want to call them when you have mixed-use fisheries. I understand, as David said, I agree. As I said when I came on the council and I asked it was the recreational community never asked for it because they never encountered them.

With the expanding recreational fishery and technology in the recreational fishery, they are now encountering these fish in shallower waters. There are encounters, there are landings; and in keeping with the chairman's mantra to eliminate dead discards, I think it's appropriate to establish some form of retention for these fish that are encountered. Again, you know, catch shares are great in its sole use in a single-use fishery, but here we have a dual-use fishery and they present a bit of a problem.

MR. CURRIN: I was going to make a suggestion that we include 97/3 as we have in snowy, I believe, and golden tilefish as well, but this range will allow us to interpolate real close to that value, halfway in between those two, so at this point I'm very comfortable with the range that we have.

DR. CRABTREE: I just wanted to come to George's comment. It doesn't seem to me that it is relevant whether there is an IFQ Program for wreckfish or not. Whether there is or isn't, if you think there is a need to have some recreational allocation, then you can do that. I don't think whether the IFQ stays in place or doesn't stay in place changes the rationale you're putting forth to have some recreational component to the fishery.

MR. ROBSON: Okay, we have a motion and a second to add this action for allocation. Ben.

MR. HARTIG: I'm going to speak against the motion for a different reason. In some of the testimony you heard earlier about why we're protecting these people is directly applicable to this. All the anecdotal information I've heard in South Florida is that these fish are coming from off of that same depth contour where these catches are occurring.

It's primarily in the swordfish fishery where the new gear, especially fishing in the daytime, in the last three or four years has become very popular. The last thing I would want to see is a recreational fishery expanding into those areas using large weights in the coral habitat. That's a real problem. Eventually I would like to see this council have an allowable area for wreckfish harvest and that's why I would speak against the motion.

MR. ROBSON: Other comments to the motion? Duane.

MR. HARRIS: I would speak in favor of the motion simply because we're taking it out to public hearing right now. We'll do whatever we do later on with respect to that issue, but it's a good issue and we've got to consider it. I thought we had some testimony at one time from those deep-droppers that they were not using those really large weights. That's my memory and it's never very good.

MR. CUPKA: I was going to say the same thing and my memory is not that good either, but I do recall getting some testimony and maybe even some written testimony that they had modified their technique somewhat to where that was less of a problem, but I still think we need to take it out and see what kind of input we get.

MR. CURRIN: In thinking about this whole thing – I would like to see it and whether we do it in this motion or somewhere else – there are encounters in commercial fisheries that aren't permitted right now and they have a devil of a time currently receiving any sort of coupons because they don't have permits.

It's kind of that Catch-22 with the whole permit thing so whether this could be clarified or if not I will do it in another motion, but I'd like to see something with a similar sort of range that would perhaps allocate to permitted fishermen and non-permitted fishermen. That non-permitted fishermen would include – well, non-wreckfish permitted fishermen. I don't know how you'd get there from here, but that's kind of where I want to go with it.

MR. HARTIG: Well, to that, could you include them in this allocation scheme here?

MR. CURRIN: That's kind of what I was getting at, Ben, and whether we do that in this motion or do it in another one, I'd like to see them lumped in there with the recreational fishermen as far as I'm concerned. That's why I would suggest wreckfish permitted ITQ holders versus non-permit holders or whatever it takes to get there.

DR. CRABTREE: Well, why wouldn't you look at opening up the IFQ Program to allow other people to come in, buy quota shares and participate? It appears to me you have a lot of shareholders who don't fish and haven't fished in years, and it's not clear to me why they ought to continue in this fishery.

It's also not clear to me why in any IFQ fishery you would close it up like this one is to just the initial shareholders. I think what you ought to look at is fundamentally redesigning the whole program, and I think you ought to look at some alternatives that, one, consider revoking a quota share that has been idle for many years; and, two, look at opening this up at least to the remainder of people holding snapper grouper permits, if not beyond that.

MR. PHILIPS: Well, what would be the problem with just revoking the share program totally and then they don't have a problem with trying to go get a coupon or whatever; you know, it's just an open fishery. We don't have that many people working on it anyway and they're not catching anywhere close to their quota.

DR. CRABTREE: Well, I think then you're talking about withdrawing an IFQ Program. Well, that's one of the alternatives in here, but I think the concern would be then that you develop a derby fishery, which I guess we had years ago and which is why the program was put in place. I guess that's certainly an alternative worth looking at, but I think there are lots of ways you could modify this program.

You know, the idea with the IFQ Program is to get the shares in the hands of the people who want them the most and want to go fish. This program is set up in a way where that just hasn't happened because of all kinds of hurdles, so I think what you're talking about is certainly an alternative, but then I think we ought to look at ways to removing the hurdles that have kept new entrants and other people from getting into this and from the shares to be transferred to the people who need them. I think we ought to look at all those things.

MR. ROBSON: Okay, I think we're ready to vote on this motion. Is there any objection to the motion? The motion carries. Okay, Kate, we were on some additional issues.

MS. QUIGLEY: Okay, we've got some ideas – these are included in the program review – just ideas to think about possible actions that you might want to put into the document. Here we're showing Action 1; create mechanisms for increased participation by interested parties without decreasing the current value of the fishery to active fishermen and shareholders. Basically, what they're talking about is a use-or-lose provision, so use-or-lose provision is one option.

MR. ROBSON: Can you help find what page they're on.

MS. QUIGLEY: This is not something that has been distributed to the council. This is just a list that NMFS staff has worked on and these reflect some of the changes that myself and NMFS staff have suggested in the program review. Basically, Action 1 is that simpler language might be a useful use-or-lose provision. That's one idea.

Another idea, which Roy just alluded to, was redistribution of shares belonging to deceased quota shareholders, which we know there are at least three; shareholders that are not able to be contacted over a long period of time, although this hasn't been identified, how long are we talking about; or those with violations on their records. There are just some ideas.

Another idea is we've got the cost-recovery fees as an option to go in there; implement a VMS requirement for all vessels fishing for wreckfish, especially if the fishery is expanded; another one is allow for overages or a banking and borrowing type system. Several of these actions would need to be supported by some administrative actions such as everyone would need to have their own computer account and then the landings would be monitored on that computer account.

We've got some recommendations up top, so what I can do is just go through those real quick, but distribute these to you. Web-based management is one suggestion; registration and account setup doesn't necessarily need to be an action in the document, we don't think, but a recommendation for changes in administration.

Allocation of a commercial TAC/landing transactions and transfers should be signed to be conducted online via a Wreckfish IFQ Website. All participants must have access to a computer and the internet. Number 2, provide a venue for sellers and interested buyers to post quantities and prices for available shares and allocations on the Wreckfish IFQ Website.

Identify what would be considered excessive shares, and we talked about a presentation in December or March on excessive shares, some sort of guidance. Provide allocation to be available in pounds' increments instead of the current 100 and 500 pound increments so fishermen can avoid forfeiting their annual allocated poundage. We think that might be an administrative action that doesn't require an amendment action.

Fishermen can select landing sites, but the sites will need to be created pre-approved by NMFS Office of Law Enforcement. Five, create a separate vessel account for each vessel participating in the Wreckfish IFQ Program; six, convene wreckfish shareholder meeting to discuss changes to the program to more accurately meet these or revised objectives.

We talked about me coming back with a draft agenda of some sort to show you in December. These are just a few suggestions of actions that we could go through. There is use-or-lose; redistribution of shares that belong to deceased shareholders; shareholders not able to be contacted over a long period of time; cost recovery; VMS; banking and borrowing type system.

MR. GEIGER: Kate, again, I apologize for my faulty memory, but didn't we discuss also resource rent?

MS. QUIGLEY: Resource rent was discussed in the LAP Committee. This was put together before the LAP Committee, so that's another option is some sort of resource rent beyond cost-recovery fees.

MR. GEIGER: Correct, so that is going to be added to this list?

MS. QUIGLEY: This is just a brainstorming list; so I'd suggest if you want to have that as part of the program you put in a motion. Any of these things you would have to put in a motion; none of these are sufficient; this is just a brainstorming list. Yes, if we were going to make another list, I would add resource rent.

MR. GEIGER: **Okay, I would make a motion that we direct staff to begin considering and developing parameters associated with resource rent based on the new catch share policy to be released at the end of September.**

MR. ROBSON: There is maybe a second to the motion, but I have a question. Do you want to just deal with this or do you want to look at all of those proposed actions and recommend staff develop them?

DR. CRABTREE: Well, that would be my preference. I think we ought to develop alternatives to look at all those ideas and, George, you could add this to the list.

MR. GEIGER: Well, that's what I wanted to do and she said I needed a motion and I can't do that.

MR. ROBSON: No, I think you misunderstood. I think what she was saying is any or all of those actions we want to do a motion to get them into the document, and I think maybe the approach would be to go ahead and include of them, including the resource rent, as actions for staff to develop as alternatives or actions with alternatives.

MR. GEIGER: And I'll take that as a friendly amendment to my motion, Mark.

**MR. ROBSON: Okay, we have a motion to include all of those proposed actions, including the resource rent, and staff will develop those with alternatives. Second by David.**

DR. CHEUVRONT: I just want to make sure that in the second line of the motion is "resource rent".

MR. ROBSON: That would be the use it or lose it; redistribute shares; cost recovery; resource rent; VMS requirement; and an overage allowance or banking provision. The other part of that is Kate went through administrative actions or measures that would go along with these and wouldn't necessarily actions in an amendment. We don't know they would be, but do you want to go ahead and include those in this motion to develop those in the document.

MR. GEIGER: Just take out the parameters, Rick, and say including resource rent, period; take out the "based on catch share policy". Direct staff to include alternatives for Actions 1 through 5 – is that clear, Kate; is that fine.

MS. QUIGLEY: Yes, that's clear and we can go ahead and explore those recommendations that are above that, the administration recommendations as well. They don't need to be actions in the document, we don't think, but we'll check it out.

MR. GEIGER: It's okay with the seconder?

MR. CUPKA: Yes.

MR. ROBSON: Okay, we have a motion to develop these five actions and staff will go ahead and also look at the administrative recommendations that would go along with those. Any objection to this motion? Seeing none, the motion passes. Kate, is there anything else?

MS. QUIGLEY: That's it.

MR. CURRIN: It may be in there and I didn't see it, but I'm real interested in making sure we include something that is going to facilitate and simplify the transfer of coupons or quota shares, whatever it ends up being, to currently non-wreckfish permitted commercial fishermen. I don't know the best way to go about that, but I want to make sure that people who hold snapper grouper permits, unlimited or limited permits are able to easily purchase, if they're available, quota share coupons.

MS. MERRITT: And to that point, Mac, I think that's right; I do believe that if it's going to be opened, it needs to be opened up to those, first of all, who have federal snapper grouper permits to begin with to be eligible to get a wreckfish permit. Now, the wreckfish, just for your information, as far as I know – and I think we were going to get this clarified by Monica – a wreckfish permit is a permit to the vessel that has no eligibility requirements. However, you've got to have that – in order to wreckfish you still have to have quota share under the current IFQ system.

You can get a wreckfish permit easily but you can't fish it unless you have a share; and if you buy it from a shareholder, all the shareholders originally had to have snapper grouper permits and history. I just think it would only be right to make that an eligibility requirement. And the good side of that is there are so many snapper grouper fishermen right now who have been shut out for one reason or another, and they have been shifted around to different fisheries.

This gives them an alternative to go to, if available, depending on what we wind with, ACLs and allocation. To Roy's earlier point about these inactive permits, well, you know, it's a very difficult fishery to prosecute so some of these people have – they've either abandoned it or they've gotten older and they don't have the boats anymore, or for one reason or another they might want to go back into it.

MR. GEIGER: Kate, refresh me, please, is there anything in the program review – I looked at it and I couldn't find it – about time limits on the duration of the quota shares?

MS. QUIGLEY: There is nothing in the program review or this list about the duration of the program.

MR. GEIGER: Not the program, the quota shares. It says we have to review it every seven years; we have to review the program every seven years, not later than every seven years.

MS. QUIGLEY: The program review talks about – I believe it talks about doing a program review every five to seven years or something.

MR. GEIGER: Well, I believe we ought to have a consideration in there about the time duration for these shares as well.

MS. MERRITT: Well, the new authorization of Magnuson-Stevens, if I'm not mistaken, Monica, ten years is the duration of an IFQ or ITQ. No.? I thought it was contained –

MR. GEIGER: I think that's up to the discretion of the council when we establish the plan.

MS. MERRITT: But, nonetheless –

MR. GEIGER: Roy, is that correct?

MS. MERRITT: -- there is something in there and this was pre-Magnuson, anyway, so I think when we redo it then we come under the new –



MR. GEIGER: But that's what we're doing, we're bringing this plan under new Magnuson, correct?

MR. ROBSON: Action 1 is changes to the Wreckfish IFQ and right now the preferred alternative is to modify the program and to update it and to meet the new requirements of MSA.

MR. GEIGER: Correct, and it's up to the council as to whether or not we have during durations applied to the quota shares within that ITQ Program.

MS. SMIT-BRUNELLO: When you say time durations applied to them; do you mean a use or lose, because there is a use or lose in there?

MR. GEIGER: Use or lose it is in there but what is the time duration? What if somebody uses it every year; do they get it forever? Is it something that once it is granted to them they have in perpetuity or do they have to reapply for it within ten years?

MS. QUIGLEY: There is no sunset provision. Usually it's called a sunset provision on quota share ownership. There is no sunset provision talked about in the program review, and there is no sunset requirement as far as I'm aware in the Reauthorized MSA. There is no sunset provision talked in these yet.

MR. GEIGER: There is no requirement for a sunset provision –

MS. QUIGLEY: That is correct.

MR. GEIGER: -- but there is nothing that precludes a sunset provision.

MS. QUIGLEY: Correct.

MR. GEIGER: Do I have to make a motion to get that included in the administrative thing again? Okay, direct staff to include alternatives for a sunset provision in addition to Actions 1 through 5, including resource rent. Well, I didn't want to lose anything here. It seems like things get – that helps wrap it up into one? **Okay, that would be my motion, direct staff to include a suite of alternatives for a sunset provision in addition to the items in the previous motion.**

MR. ROBSON: We have a motion and I haven't heard a second, I don't think. Is there a second?

MS. SHIPMAN: I'll second.

DR. CRABTREE: George, is the sort of situation you're envisioning is one where – and you talk about rent, so, for example, a quota share would be auctioned. People would buy it and that's how they pay their rent, potentially. Then when they buy the quota share, they would get

it for X number of years and then it would go back up for auction or something like that? Is that the kind of situation you're wanting alternatives of that line?

MR. GEIGER: Yes.

MR. ROBSON: Is the motion clear to everyone? Is there any further discussion of the motion?

MR. CURRIN: George, I'm not sure that is needed. The council has the capability and the authority to go in and modify that program any way they want to at some point or anytime they want to and future councils can, also. You're trying to set up a system – one of your alternatives that you envision then would be one where an auction would occur every specified period of time to essentially reallocate those shares; is that where you're going with this?

MR. GEIGER: Yes, and, again, this is a public hearing document –

MR. CURRIN: I understand.

MR. GEIGER: -- and it gives the public then an opportunity. One of the concerns that's out there is about awarding these IFQ catch shares without a sunset provision or in perpetuity. There are pros to it and there are cons to it. The con is if you want to get into the discussion of it at this point, okay –

MR. PHILIPS: I think I'd have to vote against this. I think we're going to do something to let other people into the fishery. I really don't see as this being the way to do, though.

MR. GEIGER: And to that point, Charlie, what this does is it gives a guaranteed opportunity for people to get into the fishery in a set period of time. I mean, if you have a sunset provision on the ITQ shares and there is no sunset provision, you know, somebody has to decide to get out or get rid of their shares before somebody can get those shares. If you have a sunset provision in there, it affords a new entrant the opportunity. Without a sunset provision, I envision it as people who want to get into the fishery is being frozen out of it until somebody to sell their shares.

MS. MERRITT: I found the sentence that I was referring to about ten years, and it's in this document called "Draft Wreckfish ITQ Program Review". It's on Page 34 of 38. At the beginning of this is Appendix B, MSA Text Regarding Limited Access Privilege Programs". It says, "a limited access privilege established after the date of enactment of the Magnuson-Stevens Fishery Conservation Management Reauthorization Act of 2006 is a permit issued for a period of not more than ten years that" – then it lists some provisions regarding that.

MR. ROBSON: Can we get a verification of that from Monica?

MS. SMIT-BRUNELLO: Attorney Merritt is correct in the sense that there is a section. It's in 303A of the Magnuson Act, and it's 303A(f). It talks about the characteristics of a limited access privilege. It does say it is a permit issued for a period of not more than ten years that will be renewed before the end of that period unless it has been revoked, limited or modified as provided in this sub-section. Then they go on to talk about revocations, limitations or modifications.

We'll work on that and put something in there, I guess, at least to tell the public that this is the kind of thing that is in there, but it looks to me like --

MS. QUIGLEY: One thing we talked about earlier in the week is that the Wreckfish Program is not subject to new rules in the Reauthorized MSA, so the question is does this apply to the Wreckfish Program?

MS. SMIT-BRUNELLO: Well, you know, I think there is a line. What we said earlier about that 303A(h), that this is a program that existed before the Act was reauthorized and therefore there are a number of things that aren't required of the program review, but if you're -- and I'm not saying that this will happen now and go ahead and take these out to public hearing as you will, but at some point is this such a wholesale change that it is not just the program that existed before the Magnuson Act was authorized, but is a whole really new program; and when that happens then I think it tips you over into having to meet all the requirements of the Reauthorized Act. I can't tell you where that is, but I'll know it when I see it.

MR. ROBSON: So in that case if we do modify the program, then this trigger would kick in?

MS. SMIT-BRUNELLO: Well, I think it probably depends on how much you modify the program. I mean is it completely different looking than it was before? We just have to go through a weighing and evaluation of those factors.

MR. GEIGER: Well, it looks like it is being modified pretty heavily. I mean if you take it from a hundred percent commercial to some allocation for the recreational sector, you're talking about now a pretty significant change, especially if you talk to the current shareholders.

MS. SMIT-BRUNELLO: If that's what you choose to do, but you may take it out to public hearing, and then there are some things you will want to change and some things you won't want to change.

MR. ROBSON: And, again, the preferred alternative, the way it reads, it says to keep the rest of the ITQ Program and update it to meet the new requirements of MSA. That's part of the modification.

MS. QUIGLEY: I was just going to suggest that you could have a motion -- I realize there is a motion on the table, but after this motion you could have a motion that said "direct staff to develop alternatives that allow new entrants or those that are not commercial fishermen to participate in the fishery," and we could come up with a number of different things, one of which being what Rita has suggested, but other things, too.

You could buy coupons without a quota share. That's another option; you could buy a 100-pound coupon without quota shares or something like that. We could develop all these different things that you're bringing up as a way for others to participate.

MR. ROBSON: That's different than the motion right now. Okay, we have a motion and a second to include a suite of alternatives for a sunset provision. There has been discussion about whether that would automatically kick in if the program is substantially updated. Ben.

MR. HARTIG: Just one short thing; I think this provides a disincentive for the conservation benefits you get in an ITQ Program.

MR. GEIGER: There again it's based on your definition of what conservation benefits are associated with an ITQ Program. Some people believe that having an ITQ Program and increasing the efficiency and the profitability of the commercial sector who were involved in it equals the conservation benefit.

This is the very argument I had on one of the Catch Share Task Force telephone calls, and not everybody agrees that really is the equivalent of a conservation benefit. I mean, it is to the commercial sector and the people who participate in it, but if you talk about a real conservation benefit it doesn't, in mind, satisfy that block. To me taking part of the resource that would – well, that's the problem with this. This is all devil in the details type stuff when you're designing one of these programs. This program is old. It needs a redesign which is why we I think included that language that we need to update it based on new Magnuson. Again, we're just developing here a public hearing document.

MR. HARRIS: Mr. Chairman, I call the question.

MR. ROBSON: All right, we have a motion. I don't know if we need to take a vote on this one or not, but is there any objection to the motion? Let's do a hand vote on this. This would be those objecting to the motion on the screen; all those in favor of the motion.

MR. CURRIN: Kate, you had a good suggestion there, I think. I still want to make sure that we do have some alternatives in the document that will allow the transfer of coupons to non-wreckfish permitted snapper grouper permit holders. **I guess my motion would be to develop options to allow non-ITQ permittees to buy and possess coupons.**

MR. ROBSON: Do we have a second; Charlie seconds.

MR. CURRIN: My intent is to not allow just anybody to buy them but only snapper grouper permittees.

MS. MERRITT: I have a question for the motion maker. Mac, did you also intend, though, for it to be holders of federal snapper grouper permits –

MR. CURRIN: Yes.

MS. MERRITT: -- with history?

MR. CURRIN: No, no, my intent, Rita, is that any snapper grouper commercial permit holders be allowed to purchase ITQ coupons, quota share, whatever. Yes, that looks good to me.

DR. CRABTREE: I support this, but I would have read that this was implicit in that list of things we already voted to put in there. I'm not convinced right now there is a need to even have a wreckfish permit anymore. You have got snapper grouper permits and you have wreckfish allocation; and if you have wreckfish allocations and a snapper grouper permit, you can fish, but I would have read – and I'll support the motion, but I would have thought that was implicit in the list of things that we've already asked them to do, but maybe not because I don't have that list in front of me.

MS. QUIGLEY: No, it's included under the action items. Under the recommendations it talks about coupons, making them one-pound increments instead of 100-pound or 500-pound, but it's not under the action items, the one through five that we have been referring to in the motions.

MR. ROBSON: George, you said you had a point of order.

MR. GEIGER: I consider that a great compliment, Mark, but, anyway, a point of order, yes. I just asked the executive director if our Mid-Atlantic representative was authorized to vote in our committee as a whole, and he informed he wasn't, and I believe he has voted against motion previous. I think we need to maybe recount.

MR. MAHOOD: The motion at six to six would still fail.

MR. GEIGER: But that gives the chairman an opportunity to cast his vote, sir.

MR. ROBSON: All right, let's go back to the motion and take a vote.

MR. MAHOOD: I apologize, Red, I should have said something since we're in full council session now.

MR. MUNDEN: I thought this was a meeting of the Snapper Grouper Committee.

MR. HARRIS: This is a Committee of the Whole. Anything we do here now is basically being acted on by full council.

MR. ROBSON: We have a motion on the floor now, too.

MR. GEIGER: Well, handle the motion that is on the floor and then go back and revote the other one.

MR. HARRIS: My parliamentarian is telling me that Red cannot legally vote on that motion because we were a Committee as a Whole acting as the council, so it's a tie vote, six to six, and it's up to the chair. Did Mark vote?

MR. ROBSON: No, I did not.

MR. HARRIS: Well, he can vote and do whatever he wants.

MR. BOYLES: I'm not going to make a motion, but I was a little turned around the last time we voted because you asked for people who opposed the vote, and I'm wondering just procedurally if maybe we just – is it proper to bring the vote back up for reconsideration. That would clarify things in my mind, and I apologize that I was not paying attention.

MR. HARRIS: Well, we really don't have a vote yet until either Mark decides not to vote or to vote because this is the final vote until he decides what he is going to do, and then you could move for reconsideration.

MR. ROBSON: Mac has a point of order.

MR. CURRIN: I have another point of order. I think there is currently a motion on the floor that has not been voted upon, so we need to dispense with this motion and then we'll go back and then deal with that previous motion. That would be my recommendation.

MR. ROBSON: Let's deal with this motion, so we'll call the question.

DR. CHEUVRONT: Yes, just go ahead and call the question.

MR. ROBSON: All right, all in favor of this motion raise your hand. The motion passes. All right, now we have to back to the original motion. Well, there was also a suggestion that we may wish to reconsider.

MR. BOYLES: That's my fault.

MR. MAHOOD: Robert, were you on the prevailing side? I think the chairman of the committee could use his prerogative to redo the vote since there is a lot of confusion.

MR. SWATZEL: Well, I was on the prevailing side, I guess, or was there a prevailing side? If there is not, I guess I was going to move for reconsideration, but if it is tied I don't think I can.

MR. ROBSON: I think under the circumstances let's revote this. There was confusion; let's revote. All right, this is the motion on the floor. All in favor of the motion raise your hand; all opposed. The motion passes and I apologize for the confusion, everyone.

MR. GEIGER: And I apologize for putting us through all that again, but I guess it was worthwhile.

MR. ROBSON: All right, we've gone through the additional actions. We're done now with Amendment 20. Are there any other issues? Are we ready to vote on sending Amendment 20 on for – no, that's right, we're not, too many amendments. We've got some work to do on this one. All right, next on the agenda, if we're ready let's go back to the tabled motion and we'll all need some refresher on that.

There was a printed document handed out that summarized the proposal. Rick, help me out, this was an additional possible alternative that would be not a management measure – yes, this would be an additional management measure. Susan.

MS. SHIPMAN: And I think procedurally what we probably will want to do is move to untable the motion, dispense with this motion and then you'll remember Dr. Crabtree suggested that we may want to work on broadening this motion, which we had a workgroup that did that, that we have something that is a starting point for discussion.

MR. ROBSON: Yes, that's the first thing we need to do is untable the motion.

**MR. HARRIS: Mr. Chairman, I would move to untable.**

MR. ROBSON: Second?

(Whereupon, the motion was seconded from the floor.)

MR. ROBSON: Is there any objection to untabling? All right, the motion is back on the table. Now we need to vote on this motion. Is there any discussion on this motion? Is everybody clear on what we're doing? We have the motion up.

DR. CRABTREE: I'll vote in favor of including this, but I think we need to give staff broad license to make adjustments to this. I see problems with it just looking at, for example, we're backing out discards, it looks to me like, for areas south of 28 degrees and north of some point, but if we decide we're going to use the bathometric contour on the closed area, then you're going to have to back out all the discards that would occur shallower than that. Do you follow?

MS. SHIPMAN: But I don't think we're there yet. We've still got this one and maybe what I should do is just move a substitute motion that would be what you have in your hands for that motion.

DR. CRABTREE: Well, I'm looking at what we have here and –

MS. SHIPMAN: Well, I know, but we don't really have it offered for the –

MR. ROBSON: The motion we have to take is this one.

MS. SHIPMAN: It's either that one or if you want – I don't care how we do this. We either need to vote that one down and do a clean motion or we need to move this as a substitute motion.

MR. PHILIPS: Can I just move that we withdraw this and start over?

MR. ROBSON: There is a motion to withdraw Original Motion 29; there has been a second. Any further discussion on that? Any opposition to that motion to withdraw? Okay, Motion 29 is withdrawn.

**MS. SHIPMAN:** Well, what I would like to do is just walk everybody through what the expanded concept is with regard to allowing some fishing. What the workgroup wanted to put on the table was that we would allocate the 79,000 ACL as non-directed removals so otherwise bycatch only between the closure area and an exempted area. We talked about having an exempted area in the south part of Florida and then some portion to the north.

For discussion purposes only as a starting point, we just said south of 28 degrees, which we believe is in the area of Stuart south, and north of 33 degrees. You would take the poundage allotment for those areas off, and you'll see out to the side – we didn't have these numbers at the time but Gregg has provided them for us, working I believe with John Carmichael – and so north of 33 degrees; that's 24,047; south is 25,049.

That's the poundage of discards so the total of that is 49,095. That would be basically off the top of the ACL as, if you will, a set-aside for those two areas. Then you'd have the closure area which would be from 28 degrees north to 33 degrees north. Within that you would allocate that remainder, which is 29,905 pounds, as non-directed removals to three sectors.

That percentage allocation is based on Table 2, Alternative 3 in Attachment 30, which is 28 percent commercial, 29 percent for-hire, and 43 percent recreational private. Each of those shares would 8,373 for the commercial, 8,672 pounds for the for-hire fishery – that would be both charter and headboat – and then for the private recreational sector, 12,859 pounds.

You would establish a limited designated snapper grouper fishing zone or zones in the closure area between that 28 degrees north and 33 degrees north. You would want to insert that. You'd issue permits for a limited number of boats from each sector, private recreational, the for-hire – again inclusive of charter and headboat and commercial to bottom with hook and line with circle hooks in the established snapper grouper fishing zone or zones. The private recreational permittees would be selected to fish the designated fishing zones by a lottery system. Then we've just given a link as an example for how Georgia DNR administers its own lottery system.

Once the real-time monitoring, which we outline below, indicates the poundage allocated to each sector has been taken, all permits for that sector are rescinded. Then we have the following tracking and accountability measures for the respective sectors. The commercial, it would be mandatory VMS; real-time electronic catch, both directed and non-directed reporting via electronic logbooks or team alternatives, real-time reporting technology. The team may have one they want us to consider.

And, again, when this says directed and non-directed, it means the directed snapper grouper fishery but not for red snapper, so it would pick up the non-directed red snapper that would be caught as bycatch. The for-hire sector, charter and headboat, would have to undergo mandatory species ID training, mandatory VMS, real-time catch reporting via logbooks – again, we're open to other suggestions that the council may have – and then observers if selected.



**The private recreational sector, again, would have to have mandatory species ID training, mandatory VMS, real-time text message reporting of catches, both the B-1s and the B-2s; and video monitoring. Actually, did we mean to put video monitoring in the for-hire? I think we did.**

**Then a subset from each sector would be selected by the Southeast Fishery Science Center to bring in red snapper for biological sampling; and if the real-time reporting requirements are violated, the permittee would be subjected to severe sanctions up to and including permit revocation. We weren't sure from an enforcement standpoint whether the council could dictate what the penalty would be such as permit revocation, but we certainly wanted to include our intent that it would be a very severe sanction. That's our starting point.**

MR. ROBSON: Okay, I just have an initial question on the private permit issuance, and you had referred to the Georgia Lottery System, but are you talking about – were we still talking about each state issuing permits or is this going to be a council or federal system?

MS. SHIPMAN: Well, we haven't gotten to that part of it, but we weren't talking about state-by-state allocation, so I think it would be the National Marine Fisheries Service would administer a lottery system. We'd be glad to give them our blueprint for how you do one.

MR. BOYLES: We heard testimony during the public comment period of a concept very similar to this, and I think some of my heartburn expressed yesterday was in essence the state-by-state quota, for lack of a better phrase, tagging system. At face value and not having a lot of time to digest this, a lot of my heartburn from yesterday appears to be ameliorated with this proposal.

MS. SHIPMAN: Just to clarify one thing, I want to make a correction. The numbers I believe Gregg was telling me Dr. Farmer has provided those to us and John Carmichael can tell us what the closure area would be, I think. I'm told he can tell us.

MR. ROBSON: John, are you going to do that now?

MR. CARMICHAEL: We've just looked at this and glanced at it, so I would think you'd first need to understand that these are all numbers for illustration purposes to begin with. They will need careful scrutiny and double checking to make sure so don't make too much of them at this point.

However, it looks like given the numbers there of 8,373 commercial, 8,672 for-hire, 12,859 recreational, if you focus on that area between 28 and 33 the commercial would have to close 28/80, 29/80, 30/80, 31/80, the four blocks, and 32/79 and 32/78, so just about close to the whole sort of seven areas except for one little block like 31/79 dropped out.

Maybe if you had that picture, Rick, to throw up there, it might help them visualize where these are, but it's closing most of the area except for the inshore areas and that's assuming the 90 percent commercial discard mortality, because that's the default baseline assumption.

The for-hire would be slightly less than the four core. Think of that block in the 80s as being the four core areas, but this would close 28/80, 29/80 and 30/80, so the southern most of those four core areas. The reason I dropped out the one the north is because looking at the ones with the highest landings, that's the one of those four with the lowest landings.

More of the fish are towards the south; those three blocks to the south have the highest. Now that doesn't mean that you wouldn't have the flexibility to go into that area and say, well, maybe I want to open half of 28/80 and half of 30/80. I think that should be kind of the focus of this approach is to give you within that area the flexibility to decide, well, what part do I want to open? Maybe I don't want to open a whole block.

Maybe I want to open half of a block in the south and half a block in the north or try to open something in the middle. But then within the recreational basically you have to close 28/80, 29/80, 30/80, 31/80 and 30/81; 30/81 in the private because that's the one with a whole bunch of red snapper landings reported in that.

DR. ROBSON: John, hold up just a second; Roy, to this point.

DR. CRABTREE: Yes, back up because I read through this, but I didn't see anywhere in this that we were talking about different areas by sector.

MR. CARMICHAEL: Well, that's what I was asked so that is what I was reporting back. I think that within this, though, maybe that's not even the approach we would want to take given this option, so I'm a little confused about it myself, but maybe it's after being here 12 hours and we're all getting a little loopy.

MR. ROBSON: Yes, the proposal just talks about a particular designated area that would be open.

MS. SHIPMAN: Our concept was you would be closed from, whatever it was, 28 to 33. Within that you would open a few zones for bottom fishing or a zone or whatever; and within that you would select vessels to participate from the recreational sector. We think because of the requirements of VMS, the video monitoring, this, that and the other that will be required for the for-hire and the commercial, that is going to eliminate of participants from those fisheries, so we think we're going to have a relatively few number of boats.

Now the commercial sector has made the assertions to us that they can stay off of the red snapper, and this will be a good opportunity to see if they can because we'll have real-time monitoring of that bycatch and of the red snapper to see if they can stay off of it or not, but it wasn't a block approach at all.

DR. CRABTREE: Well, it's questions about the program she just described. This says that the private sector vessels would be selected by a lottery system, but how would we select the for-hire vessels and the commercial vessels?

MS. SHIPMAN: And that's what I was just saying; at first we had they would be selected by lottery, too. The input of the workgroup was that the commercial boats are going to be whittled down so much you're not going to need to select. Now, that's obviously open for discussion. Because of the VMS requirements and the other requirements and the other closures from these other fisheries, you're going to have – that number of boats is going to be lowered greatly than what is out there now in terms of the permit holders. The for-hire, the discussion was the same; you're going to have attrition in the fishery.

DR. CRABTREE: It just seems like we would need to have some at least maximum number of vessels and including on the private sector, so that was going to be one of other questions. I mean we need to give staff some guidance, but I wouldn't want to just say where any commercial vessel who applied gets a permit. It seems to me it has got to be lesser number than that.

MR. SHIPMAN: And yours is a good point. One of the earlier points up here we have that you're going to issue the permits for a limited number of boats for each sector, and I think what you're going to want to do is take this poundage that is your discard or your non-directed take and figure out how many boats could fish. And, again, as you said, Roy, I think we're going to have to give broad license to the team to take a look at this.

DR. CRABTREE: Yes, and then it seems like you'd have to do some sort of a lottery. If you had more applicants of charter or commercial vessels, you'd have to do something like that to decide.

MR. ROBSON: And it refers to using a lottery-type system. George.

MR. GEIGER: If we go back up to the top, if you have 28 percent of the landings for the commercial, why couldn't you apply – we've already heard from Otha that they can handle a thousand additional VMS within the current system. If you used 28, 29 and 43 percent and just multiply that by – or make that the number of boats, so you'd have 280 boats in the commercial sector, 290 in the for-hire sector, 430 in the recreational sector based on the percentages; amazingly that works out to a thousand boats.

So the question there becomes, as you move down into this, who pays for the VMS, who pays for the real-time observer and who pays for the video monitoring? If I were somebody who was going to apply for one of these permits, I would then ask the logical question if I'm going to expend this money, how long is this season going to be open and what is it going to really be worth to me?

So, if you move back up and you look at these poundages, which have not yet been divided by state – they are just gross numbers, 8,373, 8,672, 12,859 – divide the 8,373 by 5, which is the five-pound average for the fish, you're talking about 1,675 fish; for the 12,859, you're looking at 2,572 fish before you now apportion those numbers of fish percentage-wise based on the landings in each state.

So, we're now still talking about a very, very amount of fish and I ask Rick if there were some way, because based on the small numbers that we talked about earlier in the day, that in the analysis that was done on one of the ten, maybe a couple of the ten alternatives that were provided, that the season was expected to be less than two weeks before those numbers would be landed, so in practical terms would you then really, as a vessel owner, invest this, if you had to, to go out for that short period of time or for those very, very small and minimal landings.

DR. CHEUVRONT: Susan and Charlie, I've got a question about your proposal here. Are you suggesting this in lieu of the research set-aside, because we still have to account for those fish as well if you're still going to have –

MS. SHIPMAN: I think you could bring in the research set-aside as the subset that you're going to select for sampling, potentially. You've still got the fishery-independent data that you're going to have going on, but I think your fishery-dependent – and this is a question I asked Roy many hours ago today would that dovetail into this. Again, we just have the concept here and that would need to be discussed with the Bonnie and Roy. But we have the subset from each sector and so that might be able to accommodate the research set-aside.

DR. CHEUVRONT: Well, I want to finish what I had. I was always under the impression is that 79,000 pounds had to account for all removals, including research, so I'm just not quite sure. I'd be okay with fleshing this out, but I'm kind of on the same page here with George that I think you're talking so few fish and so much investment it's going to be difficult.

On the other hand, I'd like to see an alternative that would allow people to catch fish just for consideration. Also, a question I have about this proposal; are you also proposing to get rid of size limits as part of this?

MS. SHIPMAN: We really didn't have that discussion. In the original motion we were proposing that for the commercial. I think that's something that can be tacked on or not. We really didn't have the discussion.

MR. CURRIN: I've got some questions that have been answered but many that have not. The first thing, just to set the stage; the 33 degrees, is that Cape Romain; is that what we're talking about roughly? Okay, thank you. The biggest concern I have and the question I have hasn't been answered is the observer coverage that I feel is absolutely necessary, and it has got to be a significant portion in order to verify the self-reported bycatch from the commercial industry and/or the for-hire sector.

I can't wrap my arms around self-reported bycatch that these guys know is going to shut them down, and it's not many fish that we're talking about here, so that gives me real pause. I don't know that there is money available or that money could be made available to provide any reasonable amount of observer coverage.

Before I could support moving forward with this, I would need some sort of assurance or certainly at the very end some sort of assurance that there is money available for observers for both those sectors. The other thing is we talked about a little bit about it, but there is a need to

select the commercial guys – that we'd have to come up with some system, and I think the same thing would be true for the for-hire sector, to select some subset.

I don't know how we would do that. The other question I had is regarding the real-time text message reporting. Who is that going to be reported to as well? Is that going to be reported to NMFS and is there a system in place or can a system be spun up to manage that information? I think that's all the questions that I have about this, but the observer coverage is a necessity to me.

MR. ROBSON: Roy, you had a response to one of his questions.

DR. CRABTREE: Well, I just wanted to point out observers really aren't going to validate this because the fisherman knows he has got an observer on board, so he may report accurately when the observer is on board, but that doesn't tell you what he is doing when the observer is not on board. Under any circumstance you're going to have – unless you limit this to be an extremely low number of vessels, you're only going to have a fraction of the trips covered by observers.

That is a real problem with this. If it was landings, yes, you know, you have call-in requirements and all that and you can meet them and make sure that it's accurate. You can even make sure that it's in their electronic logbook and it matches what is on the boat. But with discards, it's pretty much the honor system and there is a powerful incentive to underreport, and that is the real problem with this.

MR. PHILIPS: Originally I was thinking landings, and maybe we need to look at it both ways. If you do landings and you've absolutely got something to count and if you do video monitoring on the boat, then you've got your verification. We might very well want to look at it both ways. Then if you do landings, at least you're not throwing away dead fish. With 90 percent mortality, they're dead fish; and as the stock grows, you're throwing away more and more dead fish.

Yes, personally I'd just soon bring those fish in and then you've got all your subsets for doing otoliths and weights and all that. It's better than them laying on the bottom. I would be inclined to bring in the fish. That way it's validated. Put the video monitoring. The commercial is going to be a lot cleaner than trying to do the recreational.

When we hit ours, we're through; no more bottom fishing for the commercials. And we've got VMS; you know where we're at, you know what we're doing. You may have to call in and say I'm going mackerel fishing or something, but you know they should not have any snapper grouper species on the boat if it's closed for commercial. It's not so much that few fish. It's pushing these boats into every other fishing sector and keeping people fishing. As we talked about before, it's not just the red snapper. It allows them to keep working on everything else that they're going to be closed for.

DR. CRABTREE: I hear what you're saying and you could require total retention, but even then it would hard to verify that they actually were retaining because if they know they're going to get closed for landing them there is still the incentive to not bring them in and discard them. I'm not saying we shouldn't take this out, but that's just the problem.

And the other problem you brought up, the video systems, and, yes, you could put that on there, but there is a time lag on the order of weeks between videos and actually figuring out what was caught because somebody has to sit – you’ve got to get the videos to them and somebody has to sit and go through that, and that’s workload issues and not instantaneous. It’s not like with videos and somebody is watching you while you’re out there. There is a lag on it. I guess there are just a lot of details that we’d have to flesh out.

MR. PHILIPS: And you could split it up into six-month sections; and if you run over the first six months, you know what to do with the second. There are ways to work around it, but I think if we don’t do it, it’s going to be an uncontrolled shipwreck for a lot of boats and people.

MR. CURRIN: Just to the video monitoring aspect of it, it would be very easy if I were running a boat and inclined to be concerned about my bycatch to see a red snapper come up and never let it come up over the gunnels, shake it off, get rid of it, cut it off, the camera is never going to see that unless it’s hanging over the stern or somewhere. There is a real easy way to disguise that or hide it and, as Roy said, a real incentive to lowball those discards as much as you can. It’s just human nature.

MR. GEIGER: And if I were running a boat in the economic era, I wouldn’t even consider entering this program because of the cost, but that doesn’t mean I’m not speaking in support of it because I think there was a genuine effort to sit down here and come up with an option. Charlie makes a good point, and I would support it to take it out to public hearing.

Again, we’re not making a final decision here, folks. This is just taking the document out to public hearing and letting the staff and the people who came up with this idea to flesh the remainder of the details out. Let’s let the public talk to us and find out – they might come back and tell us it’s a crazy idea or it’s a great idea. But it’s a public hearing document and I support it.

MR. HARTIG: Well, to Mac’s point about the video monitoring and ways to get around it, I was pretty convinced looking at the British Columbia Model that you see every fish coming out of the water. You don’t see fish coming over the gunnel; you see the fish as it comes out of the water and then it comes past the measuring board and then it comes on deck. I’m pretty convinced from looking at those that we can get pretty good compliance with that.

We could have in the first year observers to validate the video monitoring. The other thing is we’ve got a program now that is going to validate that going on pretty quickly with a video monitoring program going on – I don’t know when we’ll have the results from that. I don’t know if Ilene is here. She could comment on it.

But there is a program that’s going to be going on, so I don’t have the problem that you all do with video monitoring having had the benefit of seeing it in use and looking at how the people review the monitoring and how they compare it to the vessel’s logbooks, and that’s where the violations occur; the logbooks from the captain versus the video. If his logbooks are off by a certain percentage, he gets a significant violation. There are ways to do it.

DR. CHEUVRONT: We do have a motion on the floor now, right? I would like to call the question then.

MR. ROBSON: Okay, call the question. We have got the motion that Susan had gone through. We won't go through it again. All in favor of the motion raise your hand; all opposed. The motion carries. Robert.

MR. BOYLES: Mr. Chairman, I don't know if you want to do this now, but we did hear some public comment about perhaps crafting a solution on the basis of sector-specific closed areas, and I'm wondering if there is any interest on the part of the council to ask staff to look at that to see if it's a viable option.

MR. HARRIS: Let me speak to that, if you don't mind. I think that's something that we include in this next amendment round after – and the reason I say that is because we don't have time to analyze it and to prepare a motion with the proper analysis in it for this amendment I don't believe even to take it to public hearing. I think that's one of the things I'd like to also see included in this next amendment, and there are a number of things in there, but this is one of them. That's my feeling on it.

MR. CURRIN: You reminded me of another potential issue, Duane, and that is can the document be ready for public hearing and the appropriate analysis in it for the public by November if we include an additional alternative at this stage?

MR. HARRIS: Well, Roy and I talked about that at the Gulf Council Meeting. We can go to public hearing anytime and we might have to tell the public that some of the analysis hasn't been done and hasn't been completed, but we can still get their input on the proposed alternatives, and we're still going to have to do the analysis sometime anyway, so we may or may not have it done.

MR. GEIGER: It goes to the analysis, I guess. Somehow we've got to figure out how much some of this stuff might cost. I mean somebody is liable to ask how much would a video monitoring system cost for my boat; what are we talking about in terms – how much is a VMS; what are the operational costs? We need to be prepared with some answers for the public.

DR. CRABTREE: But it's the intent of this that the people who apply for these permits are going to pay for this stuff themselves; is that correct? Now, let me add there is the reimbursement program so they might be able to get reimbursed for the VMS, but these other things they're going to have to foot the bill.

So the tricky part of that, though, is then you may only get selected to do this one out of five years or maybe never again, so it could be potentially a cash layout you would make and then you'd only get to fish one time. Then the other thing about this is timing. We would have to go through this process prior to the fishing year.

Are we going to require they have to – before we select them, do they have to demonstrate they have all this stuff or do we select them and then say, okay, now you go out and get all this stuff

and then they have to prove they have it, and then we issue the permit to them, something like that. Then I guess if they got to the end of the year and they didn't get selected the next year, they could sell all of this stuff to – but it is your intent that the burden of paying is on the fishers who apply?

MS. SHIPMAN: Well, I think it is on them but they could apply for the reimbursement for the VMS. The video monitoring I think they'd have to pay for themselves.

DR. CRABTREE: Now the observer cost, if they're selected, would be absorbed by the Science Center. I'm not sure even how we would make – and I think that would just kill it if they had to pay for it.

MR. GEIGER: Requiring them to purchase the VMS would also be a limiter as to who would apply for this.

DR. CRABTREE: Let me ask you this, too. So if we lay out some number of vessels and allocate it according to this formula and then – you know, the cost of this is going to be over \$10,000 easy. You may not have any private vessels actually apply, so then would you – if there were no private vessel applicants, would you then allow additional commercial or charterboats in or would you not allow anymore in and let those guys fish longer? It is quite likely – I suspect based on some analysis, depending on how many vessels you left in, this whole fishery could be over in a month, and then these guys have laid out all these bucks.

MR. CUPKA: Roy, it may turn out to be just the opposite. I mean the number of fish may be so low that nobody wants to fish them commercially, but the recreational guys maybe this is just another cost to get to fish, so it could work the other way, too, I think.

MS. MERRITT: You know, for commercial and for headboat and charterboat captains see that the cost of these things pretty much are part of the business. I agree along those lines, and it's nice that they can participate in the reimbursement program. But when you're talking the recreational sector, I think you're starting to make it an elitist group by requiring some of these things because the only ones that are ever going to be able to afford their sport and pay for those kinds of equipment, whether they can get reimbursement or not, the only ones that are going to be able to outlay it are probably the very cream of the economic group of recreational fishermen. I just have a problem with requiring it at all.

MR. MAHOOD: I think there are a number of these programs in operation. I know Ben and some of the fishermen saw some of them. I think a lot of that information that we're talking about now is out there and maybe the staff will be able to pull some of that in and look at costs and what the requirements are as far as individuals and what they have to use. We'll have some of that information in there before we go to public hearing.

MR. HARRIS: Mark, I think you're ready to move on, aren't you, to the next item for snapper grouper. How long do you think that is going to take, Rick?

MR. DeVICTOR: Not long.



MR. HARRIS: Okay, we do have to go at six for the public hearing, but I want to ask that question. The reason I'm asking it is because I promised some people we're going to get this Comprehensive Ecosystem Amendment tonight, and so I want make that we do that. We need to move to vote 17A for public hearing.

MR. ROBSON: Right, we do have to do that. I think we were going to try to keep working.

**MR. BOYLES: Mr. Chairman, I would like to make a motion that we approve Snapper Grouper Amendment 17A for public hearing.**

**MR. ROBSON: Okay, motion by Robert; second by Brian. Any discussion? Any opposition to that motion? Seeing none, we are approving 17A to go out for public hearing.**

MR. HARRIS: Mr. Chairman, I just want to remind people this Comprehensive ACL Amendment Rick said is going to take ten minutes, so I just want you all to keep that in mind as we're going through. Thank you.

MR. ROBSON: All right, why don't we go ahead and let Rick get started on that and see what we can get done. Is everybody okay with that?

MR. DeVICTOR: Okay, the Comprehensive Amendment as we discussed the last time we met is to deal with our setting ACLs for the rest of the species. I just have a couple of slides because the last time you requested staff to look at National Standards 1, 3 and 7. Before I start we do have the control rule and by the time you next meet in December we'll have that in the document. We'll work up alternatives if we can and that's when you'll review it. I haven't gone through the control rule yet and what that entails. We will have that for you to look at in December.

The second question becomes what do you do with the species in the fishery management unit? Do you retain them in there? Again, there are 73 species that we're talking about. Do you designate them as ecosystem component species – and I'll talk about that quickly in the next couple of slides – or do you take them out of the fishery management unit.

Just looking at National Standards 1, 3 and 7, which I've included as an attachment, one deals with the ecosystem component, and what it states is that to be considered for possible classification as an ecosystem component species the species should; a, be a non-target species or non-target stock not to be determined or be subject to undergoing overfishing, approaching overfished or overfished, not likely to become subject to overfishing or overfished according to the best available information in the absence of conservation and management measures and also not generally be retained for sale or personal use.

What National Standard 1 Guidelines are saying is that to be designated as an ecosystem component species, it should have one of these four things or be the four things. Again, if you designate as an ecosystem component species, what the guidelines state is that you do not have to set the management reference points and I think that means the annual catch limits, also. So

they would still be in the FMU but you would not be setting the MSYs or the ACLs. That's how I read that. That's the National Standard 1 Guidelines.

Then there is National Standard 3 that has to do with management units. Choice of management units depends on FMP objectives, and you look at biological, geographical, economic, technical, social or the ecological perspectives when you create your management unit. A management unit may contain, in addition to the regulated species – and, again, this gets back to the ecosystem component species – stocks of fish for which there is not enough information available to specify MSY or OY, but you keep them in there so you can specify them as data collection species. So, again, that gets in line with the ecosystem component side of things.

And, finally, you have National Standard 7 Guidelines. The Magnuson-Stevens Act requires councils to prepare FMPs only for their overfished fisheries and for other fisheries' regulation that would serve some useful purpose and where the present or future benefits of regulation would justify the cost.

The need to collect data about a fishery is not by itself adequate justification for preparation of an FMP since there are less costly ways to gather the data. I apologize for just reading off the slide, but I don't want to try to interpolate what actually is being said. Finally, I think that this has most to do with what we're talking about is the following general factors should be considered the extent to which a fishery could be or is already managed by the states or by state and federal programs.

So, again, we have looked at documents in the past or data in the past that has compared the landings in state waters versus federal waters, and possibly that can be reasoning for removing a species from the management unit. We haven't updated this data. This is from 2005 and what you've considered in the past, but I think that this is a starting point.

This is recreational where you can see the percentage of the species. This is not in your briefing book, but this is something we just have to show you, the percentage that was in states and also have the commercial landings. Then we have a table here showing the commercial and recreational landings of species of the 73 that were less than 5,000 pounds.

So, again, we have to work on this further and update it with recent data, but perhaps this can start your discussion on, again, do we keep all of the species in the fishery management unit, do we remove some or we designate it as ecosystem component species?

DR. CRABTREE: Well, I think if we have some species in here that have negligible landings they might be fair game for designating as ecosystem species. And by negligible landings, I would guess a thousand pounds or something lower. Then I certainly think we should make a good argument that if 95 percent of the landings occur in state waters, that federal management is not going to accomplish much, and it would probably fall under those cost benefit kinds of things under National Standard 7.

So it looks to me like there are a number of species in this management unit that we could justify removing because there is no real need for federal management and they are largely being

managed by the states now. I would like to see us go down that path at least in terms of developing alternatives.

I suspect there are a relatively small number of species that might qualify as ecosystem species, but there may be a few of them. We've got a lot of species in this plan that we just aren't actively managing, and realistically the states are the ones that are managing those things. I think sheepshead is one and jack cravalle is one and some other things. I would like to pursue it.

MR. HARRIS: Well, I just want to say I agree with Roy; that is the path I think we should go down with this.

MR. CURRIN: And I'm fine with that, too. I just would like some guidance from staff or somebody on what is acceptable or either we can develop a range of alternatives for considering whether they're ecosystem species and then maybe generate some comments from somebody about whether that's acceptable or not.

**If it's appropriate for a motion, Mr. Chairman, then I would offer that we consider species whose landings are less than or equal to 1,000 pounds as ecosystem species and also put in an alternative for those whose landings are 5,000 pounds and 2,500 pounds, equal to or less than as three alternatives for ecosystem species consideration. If you want to include it in the same motion then perhaps we could consider species 95 percent of which are caught in state waters to be eliminated from the management unit and those species 90 percent or greater that are caught in state waters are considered for elimination from the management unit.**

MR. ROBSON: Rick, are you getting all that.

MR. DeVICTOR: I didn't get the first part.

MR. CURRIN: Yes, the first part was a series of alternatives, Rick, where less than or equal to 1,000 pounds; less than or equal to 2,500 pounds in landings; and less than or equal to 5,000 pounds in landings be considered as ecosystem species – total landings.

MR. HARRIS: I'll second that motion.

MR. ROBSON: And, Rick, did you get the second part of that on the percentages of state waters' landings? That's all the same action.

MR. CURRIN: And I would certainly consider any sort of suggestions that the committee or the council would have on modifying those ranges. Those are just kind of off the top of my head and seemed fairly reasonable to me.

MR. ROBSON: Rick is trying to get all that down in the way of a motion. It has already been seconded. It includes basically two components; one to identify species as ecosystem species based on low landings and another criteria using those primarily caught in state waters as not being part of the fishery management unit.

**DR. CRABTREE:** Well, I would suggest that you go further than just 90 percent state waters. I would like to see us look at 80 percent state waters. I'm not sure where the bottom on that is.

MR. CURRIN: How about 75, Roy? Roy, do you think 80 percent is probably getting close to the bottom or can we go to 75?

DR. CRABTREE: You know, I don't know and maybe there is some way we could think this through in terms of if you only can control X percentage of the fishing mortality, could you really – I don't know what it is, Mac. I guess what I would want to see is how many species are we talking about and what are they.

MR. CURRIN: I don't recall exactly, Rob, but I think in looking at these before, still we're only talking about a handful of species. They're probably included in that list unless the landings have really changed a lot since '05.

MR. ROBSON: Any discussion on the motion itself? Have we got it all written up? Okay, any other discussion on the motion? All right, we have a motion and second that the range of alternatives be included. Is there any objection to the motion? Seeing none, the motion passes.

**DR. CRABTREE:** I would also ask that staff identify any species that are strictly Florida species and managed under the Florida Marine Life Rule, and I believe puddingwife, my favorite, is one that we've talked about removing for years. It seems to me there were one or two other species in there. That is a much more conservative and restrictive plan than anything we have, and I would like to ask that they identify those and develop an alternative for that, and I move that happen.

MR. ROBSON: Yes, good catch, Roy, and I know we can get that information. We have a motion and a second to exclude – there are I think three species. I'm not sure how many but it's a small number – four – that are currently managed under the Florida Marine Life Program, which is a limited endorsement and heavily managed. Any objection to that additional motion? I can't recall if we got a second on that.

MR. HARRIS: Yes, you had about three of them.

MR. ROBSON: All right, any objection to that motion that was seconded? Seeing no objection, that motion passes. All right, Rick.

MR. DeVICTOR: Well, I think that is a start and I think that we can go back and come back in December with alternatives for the document.

MR. ROBSON: Okay, was there anything else that you were looking for some guidance on?

DR. CRABTREE: I think one other thing; Rick, have you all talked whether we're going to do any species groups or not? Have you talked about that?

MR. DeVICTOR: No, we haven't.

DR. CRABTREE: Well, I would move that they consider species groupings and possible ways we could do that. I know there have been issues with the SSC over that, but I still think with 70 some odd species, to have individual AMs and ACLs for every single one of them is just not a practical, workable thing, and I think it is going to confuse the public. I would like to look at some alternatives for constructing some multispecies ACLs in groups. I think some of these species members of the public can't even tell them apart. Do you need a motion to that one, Mark?

MR. ROBSON: Yes.

**DR. CRABTREE: I move that staff develop some alternatives for multispecies ACLs.**

MR. GEIGER: Second.

MR. ROBSON: Does that capture your motion?

DR. CRABTREE: That captures my motion.

MR. ROBSON: Second from George. Bonnie, you had your hand up.

DR. PONWITH: Mr. Chairman, I am empathetic to the assistance at having multiple species groups can provide in terms of managing such a long list and dealing with AMs and ACLs. I wouldn't discourage having staff give that a try, but I do know that the SSC is on record as not being keen on the species groupings because of some of the obvious challenges in terms of creating kind of an indicator species within them and managing according to that indicator. I just want to go on the record as refreshing the memory of the council on that.

MR. ROBSON: All right, noted. Roy.

DR. CRABTREE: But I would point out we have put in place in the Gulf of Mexico multispecies ACLs, and they have been approved. They've gone through that SSC and the Center and certified them as best available, so the agency has some history of going down this path. Now, I believe we need to work on those things with the SSC.

MR. ROBSON: We have this motion and it was seconded. Any other discussion or questions? Any objection to this motion? Seeing none, it passes, and, staff, you have enough to go on here to work with this. Rick, are we on to the next item on the agenda?

MR. DeVICTOR: There were calls received – and I believe, Duane, you may have spoken to this person, but there was someone that wanted the council to consider changing the trip limit for greater amberjack.

MR. HARRIS: Paul Nelson.

MR. DeVICTOR: Paul Nelson; and it is currently at 1,000 pounds commercially. That is the commercial trip limit and you can see that historically the quota has not been met in the commercial quota for greater amberjack. This individual wanted the council wanted to consider it, and we felt that this would be best be done through the Comprehensive ACL Amendment since that is where greater amberjack will be in, to possibly consider changing the trip limit.

Just a word of caution that due to the actions in previous amendments, whether they be 13C and 16, there could be movement into this fishery so possibly expect this quota to be met or met sooner during the year. It's just something to think about.

**MR. HARRIS: Mr. Chairman, I would move that the staff develop alternatives related to this request. One would be the no action; we would leave it at a thousand pound trip limit. Another one would be we remove the trip limit altogether. Another one might be that we have a 1,500 pound trip limit and maybe a 2,000 pound trip limit. Those would be alternatives to take to public hearing to consider in the ACL Amendment.**

MR. ROBSON: We have a motion and a second by Charlie. I think Rick is trying to feverishly capture all that. Duane, did that get it all?

MR. HARRIS: Yes.

MR. ROBSON: Everybody, that's the motion and it has been seconded. This would be to develop an alternative to go into the amendment. Is there any further discussion on the motion? Any objection to the motion? The motion passes. That's pretty much it. We think those were the only specific items we had.

Are there any other suggestions as far as the Comprehensive Amendment? Seeing none, that takes care of directions for further developing that amendment. What is the timeline, Rick? This is going to come back in December? Okay. If you want to move with the Snapper Grouper Agenda, we have the Fishery-Independent Monitoring Program Development Workshop that was going to be a report.

MR. DeVICTOR: As you heard earlier in the week, the Council and Science Center are going to hold a Fishery-Independent Monitoring Program Development Workshop. That is to be held November 16-20 in Beaufort, North Carolina. We want, of course, fishermen to be involved in this, so we sent notice out to the Snapper Grouper AP members.

We just wanted to bring the list before as to who has volunteered to help out with this workshop. I think we're looking at – and John could correct me if I'm wrong, but to appoint people to participate in the workshop. We have this list from the Snapper Grouper AP Steve Amick, Georgia headboat operator; Bobby Cardin agreed to participate; Bill Cole, who is an AP member from North Carolina; Kenny Fex, North Carolina, commercial bandit; and Terrell Gould, North Carolina headboat. These people have all agreed to participate in the workshop.

MR. ROBSON: John, there is a question about how many members do we want to appoint to be part of this workshop?

MR. CARMICHAEL: Well, we'd like coverage for areas in fisheries. Obviously, the determining factor is how much we have to pay travel for, which is not something I know the answer to, but maybe Bob could give us some guidance as to how to many we think – we'd like to get a technical person from each state, and we've got a couple of other experts we have invited like Jerry Ault who has done so much of that of video monitoring down in the Keys, and we're thinking about – we're going to need to bring in several people from the MARMAP Program.

I would say we'd probably have about seven or eight scientists that we have identified that we think are really pretty important to this either because of working in monitoring already or having developed a lot of programs on their own, so this would put us up to about 14 people being paid for; so if we have the pockets to handle that, then I think all these would be good.

MR. ROBSON: And the scientific representation, do we have somebody from each of the four states, I presume?

MR. CARMICHAEL: That's our intention, yes. We haven't quite got everybody agreed and we're just settling on the dates. Some people thought maybe they could, depending on the timing, and we need to work all of that out hopefully next week.

MR. ROBSON: I think I heard six AP members that are interested? Five, is that a reasonable number?

MR. CARMICHAEL: It works by me if it works by Bob.

DR. CHEUVRONT: Terrell Gould is local; he's in Morehead City. That is probably one that you might just have to buy a couple of meals and a few miles for, so I think you're okay. Also, I didn't know if we wanted to have council representation, but I just checked my calendar and that's in town for me. I can go do that if you to have someone from the council be there.

MR. ROBSON: That might be good. Bob.

MR. ROBSON: When we get back, we've got a number of meetings that we've talked about and we're going to sit down and lay it all out and look at the associated costs. We'll let you know. I think we'll be okay.

DR. CHEUVRONT: Yes, and you don't have to pay for me to go. You already have basically.

**MR. HARRIS: Mr. Chairman, I would just move that we appoint the five people on the list to attend the workshop and then perhaps try to get somebody from the fishing community from South Carolina as well because there is nobody on that list. South Carolina would not have covered all the fisheries, but I don't think we can afford to cover all of them in this. If we can get six fishery folks to attend, that would probably be a good number, so I would so move.**

MR. ROBSON: Okay, we have a motion to add – I guess essentially add one more AP member. Second? Any discussion on that?

MR. MAHOOD: I know what we have there are AP members, but they don't necessarily have to be an AP member.

MR. ROBSON: That's true. The agenda is or other constituent appointments.

MR. HARRIS: Plus add one from South Carolina and I don't care whether that's an AP member or not. I'll leave that up to the South Carolina folks.

**MR. HARTIG: I think, certainly, someone from the heart of the fishery in Northeast Florida, even above Cape Canaveral and somebody needs to be there from that area to participate in this workshop.** I don't have any names right offhand. That one person in particular, Robert, you know, he may have something, and I'm not sure of his last name – not Bobby Cardin, one of the men from Northeast Florida.

MR. ROBSON: Robert Johnson?

MR. HARTIG: Robert Johnson is someone we may contact and ask if he wants to participate.

MR. ROBSON: I think that's a good idea.

MR. CUPKA: We need for Rick to catch the rest of that motion about the representative from South Carolina and if we want to add one from Florida.

MR. ROBSON: All right, everybody comfortable with that motion; it has been seconded. I don't think that is too many. All right, any objection to the motion? The motion carries. That gets us to other business. Robert.

MR. BOYLES: This summer we were approached by some folks who expressed some concern over commercial exploitation of the state's artificial reefs. I sent a letter to Chairman Harris seeking some action from the council. A little bit of background, virtually all of our state's artificial reefs are managed as special management zones under the Snapper Grouper FMP.

What we are doing is seeking the appropriate avenue to enact possession limits for snapper grouper species within those SMZs to the recreational bag limit. The intention there, for those of you who don't know, unlike other jurisdictions we are the market for respect to artificial reefs in South Carolina. The Corps of Engineers permits South Carolina DNR exclusively to build, construct, maintain and manage the state's artificial reefs.

We have long managed these since 1968 primarily for recreational use, and we're concerned about potential commercial-level exploitation from these reefs. What we are seeking is your guidance and action to enact a recreational bag limit for all users taking resources from those special management zones. I am thinking of the right way to do that.

MR. CUPKA: And if I may, Mr. Chairman, just to add a little bit to what Robert said, when we first set up these SMZs, when we requested that they be established, we tried to just set them up



so that it would be for recreational use only, and we were informed by the National Marine Fisheries Service that was discriminatory and so we could not keep a certain group from using it.

We went the other route and we limited the gear types that would be allowed to be used on there, so we don't allow pots, which is primarily a commercial gear, but there are a lot of people using these reefs to spearfish, a recreational people. We didn't want to cut them out of it so we allowed spearfishing. Since that time now we've had commercial spearfishing come in and utilize these reefs. We've tried some of this in the past as far as trying to restrict their use, but when we tried to do it by sector we weren't able to do that so we went with gear.

MR. BOYLES: Mr. Chairman, one other bit of information; those of you who may be wondering, well, with 17A coming, what difference is this going to make. It would be helpful for the council to know that virtually all of our permitted areas are within the 100-foot depth contour. I think our deepest reef permitted area is probably the Comanche Reef, and that is in water that is approximately 105-107 feet deep.

MR. HARTIG: Robert, do you have any idea how many hook-and-line commercial fishermen use these artificial reefs?

MR. BOYLES: I don't, Ben, not with me.

MR. ROBSON: So are we looking to get a motion?

MR. BOYLES: Yes, sir, and I'm not sure exactly how this is accomplished, a framework action, I don't know. I'm looking for guidance, but, yes, I am looking for action from the council.

**MR. HARRIS: Mr. Chairman, I would move that the council, by whatever vehicle is appropriate, establish a regulation whereby fishing on artificial reefs in South Carolina by spearfishing be limited to the recreational bag limit.** If that is not appropriate, David is going to correct me.

MR. CUPKA: Well, I think it would better to say SMZs or special management zones in South Carolina and not --

MR. HARRIS: Right.

MR. BOYLES: And if I could, spearfishing is what has brought this to our attention, but our desire in this management is for all users to be held according to the recreational bag limit regardless of gear type.

MR. HARRIS: I'll accept that as a friendly amendment.

MR. GEIGER: If we're going to do it off of South Carolina, why couldn't we do it to all SMZs under our jurisdiction?

MS. SHIPMAN: I'm pretty sure ours are limited to the bag limit with that gear. I think we did that a long time back. I sent the documentation I believe to Gregg or maybe to Robert. I think we already have this; don't we?

MR. BOYLES: That's my understanding as well.

MS. SHIPMAN: Thank you; I think we do.

MR. GEIGER: Was there a consistency issue with doing it off of one state and not off of others within our jurisdiction?

MR. HARTIG: No, because South Carolina bans powerheading on those already and is the only state to do so.

MR. ROBSON: Any other questions or discussion?

MR. HARRIS: The only thing is if somebody can tell us what the appropriate vehicle is, it would be good include that in there. I don't know whether it's through the Comprehensive ACL Amendment or 17A or what it might be.

MS. SMIT-BRUNELLO: Well, Rick is probably the most appropriate person to do this. I mean I think you could do this via regulatory amendment, but why would you do that and make special one for that action when you've got all these other vehicles traveling down the river. I'm not sure, Rick, which one do you think it would be or which one you could get it analyzed – or how quickly could you get it analyzed and then put into a document, I guess.

MR. DeVICTOR: Perhaps the 17s are too soon because we would have to look at alternatives probably, the action and alternatives. Probably 18 would be the earliest – well, 18 was approved for public hearing, too, right; so the Comprehensive ACL Amendment. I mean, you'd want to look at the alternatives in December before it goes out to public hearing; is that the intent? So the 17s and 18 wouldn't work, so the earliest would probably be the Comprehensive ACL Amendment. I don't know the Ecosystem Amendment, where that is on CEBA 2.

MR. ROBSON: It sounds like the Comprehensive ACL Amendment.

MR. BOYLES: The state just requests action as quickly as possible.

MR. HARRIS: Given what I've heard, I'd just leave the language as the appropriate vehicle, because I'm not sure what it is and we'll leave that up to staff to provide us information in December.

MR. WAUGH: Well, as Robert has indicated, this is something that is time-specific. If you want it in Amendment 18 to go out to public hearing – this is relatively straightforward. There won't be a lot of information to analyze. There hasn't been for these. If time is of the essence, then we should get guidance from you to put it in Amendment 18.

MR. HARRIS: Mr. Chairman, I don't have any problem with that. I think the appropriate vehicle is where we are right now, but if staff says we can put it in 18 then that's certainly fine with me. That's probably the fastest course of action from what I've heard.

MS. SMIT-BRUNELLO: Do you need some reasonable alternatives?

MR. ROBSON: I don't know how many alternatives you'd have.

MR. HARRIS: Mr. Chairman, I'd just let staff develop those alternatives because I'm sure they know what they're going to be. We don't have to recite them here, I don't believe.

MR. WAUGH: You know, no action and this; do we need more than that? I mean, there is a problem identified. This addresses the problem and you've got the no action alternative. I can't readily think of anything else that would be reasonable to address the problem that has been identified.

MR. BOYLES: If I could address that; actually the prescribed solution that was suggested to the state was a complete prohibition of commercial use. Again, I'm not an attorney and I probably should not play one, but I think based on our history and after consultation with David, our recommendation to our board was that this may be the better course of action. There were some other suggested alternatives that we had kind of screened before we got here.

MS. SMIT-BRUNELLO: Robert, isn't that what the alternative is, it is eliminating any commercial fishing from those SMZs?

MR. BOYLES: It's just to the bag limit; it would restrict everyone to the recreational bag limit.

MR. CUPKA: We tried eliminating the commercial fishing, and that's not what we're doing here. We're saying they would have to abide by the bag limit, but they could still fish commercially as long as they don't go over the bag limit.

DR. CRABTREE: But I assume that means that in these SMZs no commercial fisherman can have any amount of fish on board the vessel that exceeds – so let's not kid ourselves; I mean, you're effectively saying there ain't going to be any commercial fishing there.

MR. HARTIG: Well, I'm sympathetic to this in a way. I could stop there and catch my cobia limit and that is enough money to make it worthwhile for me to do it. If I happen to catch a gag there or something else, I could keep that also. I would hit that spot first. I could get my bag limit of whatever species I was pursuing and then move on. It would give you an economic incentive to still go to these places for a limited time.

DR. CRABTREE: Robert, do you have any documentation that there actually is a problem other than – and you'll provide that to us?

MR. BOYLES: Yes, I can. We have a lot of allegations.

DR. CRABTREE: Well, I don't mean some people complaining because they saw a commercial fisherman there; hopefully something a little bit more that this is actually creating a problem; or is it just a user conflict kind of thing.

MS. SHIPMAN: And I also think it's a situation where like with South Carolina and Georgia, when we requested it we have very little habitat. You know, we basically have a sand bottom out there. You build these reefs and, you know, the question of the aggregation versus production, but nonetheless you get these fish there.

You have a number of users that use it; and in a sense by putting in the bag limit you're allocating those fish among more people, if you will, by limiting the harvest to a bag limit at those sites. That was one of the reasons we did it a number of years back was they experienced heavy fishing pressure and so you've got low bag limits and it helps to spread the pressure out and to spread the fishing opportunity out.

MR. CUPKA: I was just going to say in fact I established the state reef system when I first came there, and one of the primary reasons that we did it was to provide recreational fishing opportunities. Most of the material that has been added to those reefs over the years came from fishing clubs or saltwater license fees and whatnot. That was the original intent, was to provide recreational fishing places.

MR. BOYLES: Mr. Chairman, I do have data with me, and I can share this if you like in terms of our expenditures going back to 1968. I'm certainly capable of articulating the fact that the state's in making that \$7.3 million over the last 40 years has been to enhance the recreational fishery. From a policy perspective, what we're left with as a state is I'm being asked, "Robert, why are you subsidizing a commercial fishery using recreational resources?" That's kind of the crack that we find ourselves in here, and I think it's a good policy question, which is why we bring it up to the council.

MR. CARMICHAEL: Is there any data collected by the state that might give you some idea or some way to even look at the number of trips that are landed that people fished in those areas commercially or is this all just going to sort of be anecdotal, I suppose.

MR. BOYLES: I think mostly it will be anecdotal. We do have some surveys of our recreational users. We were surveying and targeting people who were known reef users, so we've got some recreational data.

MR. HARTIG: The only problem I see with this at all – and you guys have been in court cases, but if any money used to generate an artificial reef is used with funds that commercial fishermen can be in any way construed to use in that development, then you might have a problem. But if you don't, then you don't, you won't.

MS. MERRITT: Robert, I may have missed it when you were talking about – but are you sure that they're commercially fishing or are there just sightings of commercial boats fishing there?

MR. BOYLES: We've interviewed with some commercial captains who have indicated they are using that.

MR. CUPKA: Ben, I'd agree with you if we were to outlaw commercial fishing, which is what we wanted to do originally and we were told that we couldn't do that. We're allowing commercial fishing; it's just under the same rules the recreational fishermen have to abide by. I think legally – I'm not a lawyer, but I would hope we'd be on good grounds legally.

MR. HARRIS: Mr. Chairman, I call the question.

MR. ROBSON: Okay, call the question. We have the motion. Any opposition to the motion? Seeing none, the motion passes. Mac.

MR. CURRIN: I have a question regarding this issue, and perhaps it is for Monica. It is not specifically related to the South Carolina proposal, but it did raise an issue in North Carolina where we do have reefs outside of state waters that are currently not designated as SMZs. We've had a few problems with a handful of reefs here and there; a handful of which are outside state waters and yet we currently have no ability to control or affect any kind of management measures there. They would have to come through the council. My question is, Monica, is it reasonable to consider the council ceding management authority to the state for a designated SMZ that might be outside of state waters, which all of them are, I guess.

MS. SMIT-BRUNELLO: Yes, Mac, you did ask me about that several weeks ago, and I'm sorry that I haven't had any time to look at it. I'll look at it. In effect are you kind of talking about a delegation of that part of the plan to establish reefs, delegate it to the state?

MR. CURRIN: Not so much establish them but delegate the management and the management authority to the state.

MS. SMIT-BRUNELLO: Well, I'll sure look at it and get back to you.

MR. ROBSON: All right, we're still under other business. George, you had your hand up earlier.

MR. GEIGER: You mentioned it earlier, Mark, but I want to make sure everybody on the council knows that the state of Florida passed concurrent rulemaking for vermilion snapper under the provisions of Amendment 16, and that was due entirely to the excellent preparation and presentation that Mark gave at that commission meeting. That was well done.

They also directed Mark and his staff to develop concurrent rulemaking for shallow water groupers and reef release gear. I think you did a great job, Mark, and I know that was a real issue back when we were discussing Amendment 16, and I really appreciate your efforts.

MR. SWATZEL: It has been a long day and a long night so I'll be really brief. I have got just two real quick issues. One, I had intended on talking a little bit about vermilion snapper and the

possibility of re-evaluating that bag limit. Instead of doing that, I'll circulate an e-mail and perhaps we can get that on the agenda for December.

Lastly, we heard two presentations at the new Catch Shares Committee, and both of those presentations came from Murrells Inlet; one about pursuing catch shares, the other one about pursuing trip limits. The committee agreed to pursue or at least explore catch shares. I think the committee was saying effectively that this committee needed to deal with the issue of potentially evaluating trip limits.

I guess I'm just looking to see if it's the intent of this committee as catch shares are being explored to I guess simultaneously look at the issue of commercial trip limits in the snapper grouper fishery as Wayne Mershon had done in his proposal because I know I'm going to get asked that when I go back home.

MR. HARRIS: David is shaking his head; I think that was the sense of the committee action, yes.

MR. CUPKA: That was my understanding.

MR. HARRIS: Tell him yes.

MR. SWATZEL: That's fine; thank you.

MR. CURRIN: Yes, and, Tom, as I think I indicated to you in the e-mail in response when you brought this up, it has been my experience that this council and Snapper Grouper Committee in particular have always considered trip limits as an option on every amendment that has ever come through. We haven't always had a trip limit alternative because of various reasons, but I can't recall one where we didn't at least discuss utilization of trip limits as a management measure for the commercial industry.

MR. HARTIG: I'm going to call myself out of order, but before we leave tonight I do have an issue that I have to address before we leave, if I could.

MR. ROBSON: Is it related to the Snapper Grouper Committee? Robert.

MR. BOYLES: Mr. Chairman, if we could go back, we were talking about developing alternatives for Amendment 18 for South Carolina's artificial reefs. Roy and I had a sidebar conversation. **I would like to make a motion that one of the alternatives that staff analyze for public hearing is for the Fishery Service to delegate management authority of special management zones to the respective states.**

MR. HARRIS: Second.

MR. ROBSON: Okay, we have a motion and a second. Does that accurately describe your motion?

MR. BOYLES: Yes.

MR. ROBSON: Any discussion? Roy.

DR. CRABTREE: I think the analysis will be basically with Monica of can we do it? If we could and if states were interested, it might be a way that we don't have to deal with this anymore.

MS. SHIPMAN: When you do evaluate that, Monica, would you also look at the issue of enforcement? We do have the Joint Enforcement Agreements and I want to make sure we didn't jeopardize those because if they were federal regulations, there may be an issue there.

MS. SMIT-BRUNELLO: Are there any artificial reefs in the South Atlantic EEZ that are not special management zones or are they all special management zones?

MR. BOYLES: We have several that we will ask for designation, but we didn't want to lump it in with this group.

MS. SMIT-BRUNELLO: So is there anything in the regulations right now that we recall – I know I'm supposed to know this – that we manage artificial reefs some ways? My point is do we also need to look at delegating management authority not just of the special management zones but of artificial reefs, period?

DR. CRABTREE: No.

MS. SMIT-BRUNELLO: Limit it to special management zones; okay.

MR. HARTIG: Monica, the only question I had was can you come in after you've delegated these things and after you have certain rules on them, can you come in and after the fact do this? That is the only question and it's something for you to determine.

MS. SMIT-BRUNELLO: I don't understand, Ben.

MR. HARTIG: Well, you have certain regulations that you put in initially on management zones, so can you come in after the fact and do this? Well, we already did in South Carolina; it's a step-by-step progression towards less harvest on these things.

MS. SMIT-BRUNELLO: So you mean would those requirements or regulations that we have in place right now on special management zones apply if we delegated management authority to –

MR. HARTIG: Yes.

MS. SMIT-BRUNELLO: Okay, so we'll look at that.

MR. CURRIN: Let me just lay out my whole intent with this. As I said, North Carolina currently does not have any SMZs, but if this authority were to be granted to the states for

established SMZs I could envision perhaps that North Carolina may request designation of certain reefs or all their reefs outside state waters as SMZs and then would have the authority to manage those.

As a part of that, if we get that far, I would ask that the council have some mechanism for disapproval or at least some way to observe views of regulations that were proposed by the state at a meeting before they would be in effect, if we could do something like that, so that the council would have some way to offer an objection or present an objection to some state's measure if it was totally off the wall.

MR. BOYLES: I say this with a little tongue in cheek, but our management process in South Carolina requires about as much heavy lifting as the council process does, so I'm not sure that this is something that – I would have to think about this long and hard, but I think for the terms of the analysis for the alternatives, it's something that I would like to see.

DR. CRABTREE: Mac, I think the council could lay out relatively narrow bounds within which the state would have to operate, and, of course, you would always have the prerogative to come in and withdraw the delegation. The rules that the states would put in place in the SMZs under the delegation would have to be consistent with the FMP and the Magnuson Act and things. So if you laid out that things have to be within this bound, then that would be it.

DR. CHEUVRONT: To that point, I think the easy way to handle it is it would have to be consistent with the FMP or more restrictive. I could see that it would be a problem if somebody wanted to do something on a reef that wouldn't be allowed otherwise that was not in compliance with the amendment. Isn't it true now that states can be more restrictive in state waters than what is already in the FMP and don't have to come to the council for that? What we're doing essentially is setting up artificial reefs as mini-state waters by doing it this way.

MR. ROBSON: Okay, we'll figure it out later.

MR. HARRIS: Mr. Chairman, I call the question.

MR. ROBSON: All right, we have a motion. Any opposition to the motion? Seeing none, the motion carries. All right, is there any other business? There was a timing and task motion. I know we haven't done much in this committee.

MR. GEIGER: Thankfully, Bob listens to these audio tapes religiously so he's be able to decipher and tell us.

MR. ROBSON: It will take all night to sort it out. We don't have a timing-and-task motion ready.

MR. DeVICTOR: We can have one tomorrow.

MR. ROBSON: All right, that's good. With that, we're through the agenda for the Snapper Grouper Committee, Mr. Chairman, and we can adjourn.



MR. HARRIS: We can't adjourn; we are a committee of the whole, so don't adjourn us yet. Right now, we're going to, as a Committee Of the Whole, take up the Joint Ecosystem-Based Management and Habitat Committee. Brian, it's your committee.

DR. CHEUVRONT: What we've got is we've got to consider CE-BA 1 and 2 and approve CE-BA 1 to the Secretary, so there are a few things needs to do. I think the other thing is Roger was supposed to do an update for us, which he said is short.

MR. HARRIS: Updates will be tomorrow. We just want to take care of these action items tonight.

DR. CHEUVRONT: That is fine with me if that's what we want to do. Okay, just to give a little recap here, we already did the approval of the agenda and the minutes and we had the presentation, so now we're up to Agenda Item Number 3, the Comprehensive Ecosystem-Based Amendment 1, and Item A under that is the summary of the DEIS comments from the Comprehensive Ecosystem-Based Amendment, which is Attached 1. Myra.

MS. BROUWER: What I'm going to do is just provide you with a quick summary of mainly what the comments were about. The CE-BA 1 Amendment was filed with the EPA on July 17<sup>th</sup> and published in the Federal Register on the 24<sup>th</sup>, so the comment period ended on September 8<sup>th</sup>. During the public comment period, NOAA Fisheries received over 12,000 comments in support of CE-BA 1; all of these from an outreach campaign led by Oceana.

There were also 38 postcards and 2 letters in support of the amendment. Six comments were received through regulations.gov, and among these were comments in support of the amendment from the Environmental Defense Fund, the Center for Biological Diversity and Greenpeace. By the way, all the letters are part of the PDF that's in Attachment 1.

One comment was received from the American Petroleum Institute. This is an agency represents over 400 companies involved in all aspects of the oil and gas industry. API is concerned that the South Atlantic Fishery Management Council appears to be exceeding their authority by attempting to regulate the oil and gas industry.

In addition, they maintain that the CE-BA 1 proposal is based on inadequate data. The document, according to them, implies that the entire area that is being proposed for HAPC designation is carpeted with corals. This is not the case and this can introduce misconceptions that are detrimental for the oil and gas industry. The EPA submitted a letter in full support of the action and rated the DEIS as lack of objection. The Department of Interior had no comment. That's summary I have on DE-BA 1 public comment.

MS. SHIPMAN: Just a question; Myra, did MMS comment?

MS. BROUWER: No, they did not.

DR. CHEUVRONT: Any other questions for Myra on the public comment?

MR. WAUGH: The EPA comment on Page 4, the second bullet, they make the comment, "Since the harvest of golden crab is currently not regulated," we should make sure that in our response to comments that we correct that.

DR. CHEUVRONT: Any other comments? Okay, the next thing we have is the summary of the Law Enforcement AP and the Coral AP recommendations. That is in Attachment 2 and 3, and again that's Myra.

MS. BROUWER: The Law Enforcement AP met this past August. They had a comment on the number of waypoints for the largest of the HAPCs, and we have already been over this. They received an update on the discussions that took place at the June meeting regarding possibly reducing the number of waypoints. They made a motion to take the regional office's proposal with the reduced number of waypoints, 19 or fewer, forward to the other advisory panels to consider when the council brings this back for consideration. That was the only thing that the Law Enforcement AP to comment on for CE-BA 1.

The Coral AP met early this month and they were given a similar update, but they no motion or formal recommendation on the options proposed by the regional office. They felt that it was not necessary at this point since this is going to be revisited in a later amendment, and so they decided to have that discussion at their next meeting.

They also wanted to have all the background information on the location of all the identified relief areas available to determine which, if any of those options should be considered. They felt that they just did not have enough information as to potential areas of coral distribution along the boundaries of that HAPC to make a recommendation as to whether that boundary should be changed.

They did suggest that the council look into the possibility of either joint meetings or having representatives from the appropriate committees or panels present when the Coral AP discusses this item in the future. This is basically a summary of the recommendations, but there is a lot more detail on what the Coral AP recommended not just on CE-BA 1 but also on CE-BA 2. That concludes my report.

DR. CHEUVRONT: Does anybody have any questions for Myra on those comments from the APs? Roger, do we have comments from the Habitat AP?

MR. PUGLIESE: Just quickly, the Habitat AP was presented the concern of the Law Enforcement Advisory Panel and the consideration of revisiting the numbers of waypoints and the option to look at any reconfiguration of existing proposals, and there was no recommendation provided.

DR. CHEUVRONT: Thank you, Roger. Any questions? Yes, David.

MR. CUPKA: Mr. Chairman, not a question but also I wanted to get it on the record that I attended the AP meeting of the golden crab, and that they also took action relative to boundaries in CE-BA 1. They wanted to go with the original waypoints that is in the amendment now and

not the amended waypoints. I just wanted to get that on the record that was another AP that did consider it.

DR. CHEUVRONT: Thanks, David. It was valuable that you were there and help remember all these things. Okay, we're now on Item D, Overview of Proposed Changes to CE-BA 1, Attachments 4 and 5.

MS. BROUWER: The document that is in your briefing book is the document that was filed. There have been no changes made to that document; however, Roger provided to you an appendix that will contain maps for all the EFH and HAPC designations. Those are included in the appendix.

Another change will be edit and clarify some of the description of the Golden Crab Fishery. The golden crab fishermen came forward saying that they had reviewed that description, and they wanted to make some edits to it. They have agreed to provide language to me by next Friday. These are the only changes that will be taking place prior to FEIS. Some of the figures within the document will also be replaced.

MS. SMIT-BRUNELLO: But those figures that are going to be replaced, you have those. I think it's in the additional material folder. They're going to be slightly revised just a little bit. I gave some edits to Roger, some of the text; just very minor edits in the legend box and then to make sure that the text is reflective of which map it is and all that, but they're very minor edits. I think the maps look good and the figures, too.

DR. CHEUVRONT: Okay, I think we're at the point where this is your last opportunity to make any revisions to CE-BA 1. This has been such a long process I can't imagine that at this point anybody wants to do anything. David.

**MR. CUPKA: I was just going to make a motion, Mr. Chairman, that we submit CE-BA 1 to the Secretary of Commerce.**

DR. CHEUVRONT: Seconded by Mark Robson. I'm opening it up for discussion and I'm going to make the first point. I think we think we need to include something in here says that we can give Myra the ability to make the edits that she just described. Is that okay with the motion maker and the seconder.

MR. CUPKA: Yes, that was part of my motion to give discretion to the staff to make minor editorial comment.

MS. SMIT-BRUNELLO: At this time do – I guess I'll ask Bob – do you want to also deem the proposed regulations or do you want to do that separately?

MR. MAHOOD: I think the direction we have been getting at the TCC is it should be done separately.

DR. CHEUVRONT: Okay, is there anymore discussion on the motion? Duane.

MR. HARRIS: Call the question.

DR. CHEUVRONT: The question has been called. This is a roll call.

MR. MAHOOD: Mr. Boyles.

MR. BOYLES: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Currin.

MR. CURRIN: Yes.

MR. MAHOOD: Mr. Geiger.

MR. GEIGER: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Ms. Merritt:

MS. MERRITT: Yes.

MR. MAHOOD: Mr. Philips.

MR. PHILIPS: Yes.

MR. MAHOOD: Mr. Robson.

MR. ROBSON: Yes.

MR. MAHOOD: Ms. Shipman.

MS. SHIPMAN: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Vice-Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Harris.

MR. HARRIS: Yes with extreme pleasure.

MR. MAHOOD: Chairman Cheuvront.

DR. CHEUVRONT: Yes.

MR. MAHOOD: Mr. Chairman, it passes unanimously.

DR. LANEY: Mr. Chairman, if we were voting as a committee instead of as the Committee of the Whole, I would have voted in favor of the motion. Thank you.

DR. CHEUVRONT: Yes, sorry about that, Wilson; I didn't want to take away your ability to weigh in on that. That's great; this is really wonderful day I think for this council that we have finally gotten this far with this amendment. What we're going to do is we're going to have the overview of the proposed rule by Myra.

MS. BROUWER: This is going to be very brief. I'm basically just going to outline the edits that were done to the rule since you saw it in June. There were some corrections that Perry made to the boilerplate language. Also, seven of the geographical coordinates were corrected. These are minor corrections.

The term "rock shrimp access areas" have been corrected to read "shrimp access areas" since they are assessable also to the Royal Red Shrimp Fishery. The phrase "trawl (including pelagic trawl)" was changed to "trawl (mid-water or bottom)". It was also pointed out that the proposed restriction that is applicable to the Coral HAPCs regarding fishing for coral or possession of coral in or from an HAPC on board a fishing vessel is actually redundant, but I guess the drafters felt that it was such an integral part of the Coral HAPC Proposal that it deserved to be juxtaposed with the other applicable restrictions, and so it stayed within the rule. That's it.

DR. CHEUVRONT: Thank you, Myra. Monica.

MS. SMIT-BRUNELLO: I would just remind you all that you're voting on the codified text and not on the preamble language because that will change as it needs to change when the Fishery Service puts all its bells and whistles on it, so it's the codified text.

DR. CHEUVRONT: Thank you for that clarification. Chairman Harris.

MR. HARRIS: Mr. Chairman, I would move that we deem the proposed rule necessary and appropriate.

DR. CHEUVRONT: Second by Mr. Robson. Is there any discussion? Monica.

MS. SMIT-BRUNELLO: Just in case there is an edit to something in the rule that really wouldn't be substantive, in the past we've included in these motions that you voted to allow the chairman to deem any changes to the proposed regulations also as necessary and appropriate. I don't know that will be the case here. I don't expect it to be, but I think it would be good if you would also allow him to make those.

DR. CHEUVRONT: I think in that case we do need to have somebody else make the motion.

**MS. SHIPMAN: I'll move to deem the proposed rule as necessary and appropriate and grant the staff editorial license and allow the chairman to review and deem changes as necessary and appropriate.**

DR. CHEUVRONT: Okay, and it has been seconded. Is there any other discussion? Seeing as there's no more discussion, and this is by voice, right?

MR. MAHOOD: I didn't hear our attorney say anything; do we have to do a roll call or is this just a hand vote or what?

MS. SMIT-BRUNELLO: I don't know.

MR. MAHOOD: Let's do a roll call and get it right. Mr. Boyles.

MR. BOYLES: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Currin.

MR. CURRIN: Yes.

MR. MAHOOD: Mr. Geiger.

MR. GEIGER: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Ms. Merritt.

MS. MERRITT: Yes.

MR. MAHOOD: Mr. Philips.

MR. PHILIPS: Yes.

MR. MAHOOD: Mr. Robson.

MR. ROBSON: Yes.

MR. MAHOOD: Ms. Shipman.

MS. SHIPMAN: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Vice-Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Harris.

MR. HARRIS: Yes.

MR. MAHOOD: Committee Chairman Cheuvront.

DR. CHEUVRONT: Yes.

MR. MAHOOD: The deeming of the rule has been done – the rule is deemed; how is that, unanimously.

DR. CHEUVRONT: Mr. Chairman, this might be a good celebratory place to stop for the evening, because there is no reason we have to go into CE-BA 2 at this point. Maybe we can just pick that up in the morning.

MR. HARRIS: Yes, I would ask that we recess your committee until 8:00 o'clock in the morning. At this time I'm going to call on Ben Hartig for final action of the day, perhaps.

MR. HARTIG: This particular item was when we approved to send a letter to HMS about the preferred alternative in the Shark Gillnet Fishery. There is no one who fought harder in that battle than I did and spent more resources to get that gear out of the water. I'm not going to tell the story of it, but there are a couple of council members here that were here and know the problem we had as we went back to Washington two different times trying to get this gear and eventually it was banned.

In 1995 I moved my vessel right into the heart of where these fishermen fish in Salerno. That was with the gillnet ban in mackerel in Florida, and I moved my vessel there to show them, by

example initially, that you could make a living hook-and-line fishing. You could still make an economic return hook-and-line fishing Spanish mackerel.

I took a number of them on my boats over the years and tried to get them to switch over. A number of them could never make the switch. It's one of those things where if you really hadn't grown up in the hook-and-line fishery that it takes more than I had anticipated to transfer. What happened over time was – when I first moved there, none of those people would talk to me.

After about the first five years, they started asking me questions and actually starting to ask me gear questions about how we can improve -- why is the South Atlantic Council always all over our back and how can we improve our fishing techniques to try and circumvent this? The initial change they made was getting away – a number of the big boats got away from the drifting gear completely.

They started targeting – the airplane fishery targeting blacktip sharks, which had come back tremendously with the state prohibition inside of state waters. That group of sharks primarily stays in state waters so they were protected to a point, but they occasionally go outside, so with the airplane those fishermen had a directed fishery on the blacktip harvest.

That worked really good. I was really happy that they made that change. It cut down tremendously on all the bycatch issues we had with them. Unfortunately, with the change in regulations and seasons, they were put out of that fishery because they could no longer at the time.

It's a fairly small window when they could catch them in the spring and with the change in the seasonal aspect of the fishery, they could no longer fish over the last several years. In the drift gillnet fishery a number of fishermen had changed to stab nets. The number of sharpnose sharks that they could sell had declined, so they went to a gear that cut down bycatch.

I mean, they brought this to me. They said, "Do you think this will work?" I said, "Anything that will cut down on bycatch, that will be a plus for all of what you've done." So, they definitely cut down the bycatch in that fishery. Even a person who remains unnamed off of Georgia started targeting shrimp boats and cut down on his bycatch.

He would target in the area and not drift continually. He would target shrimp trawl bycatch areas which may or may not have cut down on bycatch because there were other fish in the area, but it wasn't a gear that was drifting for hours and having problems like that. Working with these fishermen especially the last five years and trying to get a gear that would be more acceptable to this council and possibly to HMS in the long run, you know, these fishermen have made that.

And the other thing is the king mackerel resource, I lost 66 percent of my landings in three years when the drift gillnet fishery went in; and for three years after they prohibited, it continued to go down and probably part of that was due to the gear being used in the shark fishery initially as drifting gear.



So, part of that gear was still out there and at that time I thought I didn't know any other people. But, you know, king mackerel have, in spite of that gear being used, come back. I mean, my landings in the last four years are back to the historical landing levels I had before that gear was introduced.

Using that gear, we were able to bring the king mackerel fishery. Working with those fishermen over the years, you know, I said, "Listen, if you guys are going to have this giant king mackerel bycatch, you're going to be gone in a relatively short time." But they were able to control that; they did. They fished in areas. There were windows where they can catch sharks and windows where you catch more king mackerel. They were able to control that, obviously, by the effects they've had on the rebuilding of the king mackerel stock, because they were the main contributors to its decline.

Having said that, I know how this council's stand was and whatever I would have said during the time, it wouldn't have changed what was going to HMS, but I do want to have this on the record that these fishermen have worked hard trying to prove their gear to be better stewards of the resource over the time period. Thank you very much.

MR. HARRIS: Thank you, Ben, I appreciate you telling us that because that is a good story. There may be some different folks in the fishery now than there once were, especially when they were fishing off Georgia. They were, as we were concerned at the time, rogues, and they were not good actors. Maybe there are good actors in the fishery now.

I do appreciate your telling us that story. That's a tribute to you working with those folks and encouraging them to do the right thing and we appreciate it. Thank you very much. Okay, we are going to stand in recess as a committee of the whole until 8:00 o'clock tomorrow morning, and then we'll come back and finish ecosystem management.

Whereupon, the Committee of the Whole was recessed at 8:45 o'clock p.m., September 17, 2009.)

The South Atlantic Fishery Management Council convened as the Committee of the Whole in the Charleston Marriott Hotel, Charleston, South Carolina, Friday morning, September 18, 2009, and was called to order at 8:03 clock a.m. by Chairman Duane Harris.

MR. HARRIS: We'll go ahead and reconvene the Committee of the Whole and go into the Joint Ecosystem and Habitat Committee.

DR. CHEUVRONT: We're reviving the Joint Ecosystem and Habitat Committee for the third time in two days. We've gotten most of the way through our agenda. We've got to get back to work on CE-BA 2 now. I was just informed by Roger that he is not doing a short presentation. It is going to be a brief presentation. Okay, Comprehensive Ecosystem-Based Amendment 2, Myra is first to give us an overview of the options, which is Attachment 7.

MS. BROUWER: This options paper has changed substantially since you saw it in June based on your guidance and the recommendations from the Coral AP, who met early this month. I

wanted to I guess mainly give you a very short summary of the things have ended up in the document. There are actions to establish MSY, OY, ABC, OFL, ACLs and AMs for octocorals.

There is an action to consider modifying the existing live rock aquaculture permit to include harvest of octocorals if the council decides to prohibit harvest in federal waters. There is an option to include two other species that are currently not being harvested, and this was one of the things that the Coral AP asked for. There is an action to allow harvest of an exotic species. Besides that, there are EFH and EFH-HAPC actions to establish new HAPCs and EFH for two FMPs. So far that's everything that is included in the options paper in CE-BA 2.

DR. CHEUVRONT: Thank you, Myra. Does anybody have any questions for Myra at this point? Okay, seeing none, let's move on. We have the summary of the Law Enforcement and Coral AP recommendations in Attachments 2 and 3.

MS. BROUWER: The Coral AP did a really good job coming up with recommendations for CE-BA 2 and that is summarized in your document, which is sort of lengthy so I'm just going to provide you a brief summary of that. First of all, the Law Enforcement AP received an update on the options that are included in CE-BA 2, but they had no comments and no recommendations at this time.

The Coral AP, as I said, reviewed the options paper and discussed and recommended the following. As far as octocorals and live rock, there was a lot of discussion as to the amount of data that is available to make any recommendations as far as MSY, OFL, et cetera. The data are very limited and they're scattered. On population status and dynamics there is not a whole lot.

There are some data in regards to harvest levels from federal waters and from state waters, but that's about all we have. The AP took a conservative approach and based their parameter recommendations on existing levels of take. They had information on harvest from the years 2000-2008 from FWRI, and that's the information that they used to come up with recommendations.

The reason they did that is because considering the timing of everything and how busy the SSC is going to be making recommendations for other FMPs, we decided we should go to the Coral AP and request that they have a shot at recommending ABC and OFL, and we just kept on going. It was kind of a grueling process considering the data were not there to make very educated recommendations, but they did the best they could.

They also requested additional fishery-dependent information in addition to what is already included in the trip tickets. As you heard yesterday from one of the octocoral harvesters, there are a lot of issues with the way the data has been gathered until now with the trip tickets. They had a lot of recommendations on how to change that, and they wanted the council to recommend to the state that they make changes to that program.

They also chose to develop a list of priorities for scientific information needs to assist in having a good idea of the status of that fishery, and that is included in Item B in your list of recommendations. They discussed what would happen if the council decided to set an ACL of

zero for octocorals in federal waters and if the current live rock permit system was modified to allow take of octocorals.

This is not something that is very popular with the harvesters for a number of reasons, but they did offer some recommendations and some things that the council should consider. One of them is I think the most salient one, is that there would need to be wild harvest in order to seed these sights, because there is no natural recruitment. That's something that they said, "Well, how are we going to be allowed to harvest from the wild stock to then seed the live rock sites for future harvest?"

As far as the two species of encrusting gorgonians, they did not have any compelling evidence to continue to exclude them from harvest. They went into a lot of discussion as to the various morphotypes of these two species and how easy they are to pry off the substrate and to harvest them. They did offer some stipulations for harvest. That was to require that the morphotype that is encrusting on rock be collected without the substrate as much as possible and that the pieces of it are six inches in diameter or less. They were very specific about that.

On orange cup coral, this is a stony coral species that is popular in the aquarium trade. There are uncertainties regarding its origin. I guess nobody has very good ideas of the implications of this introduced species to the system. The Coral AP felt that this should be assessed before the species is considered for harvest.

They strongly recommended to the council that they develop a policy regarding invasive species to inform advisory panels when these things come up. They were at a loss as to how to set up sustainability parameters for a species that is exotic and that you actually want to eradicate. That was a little tricky. They proposed that maybe a cross advisory panel subcommittee could draft an invasive species policy and then go from there.

As far as EFH and HAPCs the AP supports the designation of EFH-HAPCs for coral as any hard bottom habitat from the shore to the eastern boundary of the EEZ south of Cape Hatteras. Now that is a very broad and very extensive designation. They realized this and, of course, they said, "Well, we don't know exactly where all the hard bottom is and so we're going to have to come up with a way to come up with candidate sites."

At their meeting they want to have some sort of a protocol to follow in order to recommend EFH-HAPCs for coral. They did, however, recommend that the CHAPCs that are going to be implemented under CE-BA 1 be considered also as EFH-HAPCs. The reason for this is because the Habitat Conservation Division, when they have to submit EFH conservation recommendations for non-fishing activities, has a bit of a hard time explaining the difference between CHAPCs and EFH-HAPCs, and they run into a lot of problems when it comes to that. It was their recommendation that – Jocelyn Karazsia, who is on the Coral AP, explained how difficult this can be with some of the agencies that she works with, and she said, "Well, can a Coral HAPC also be an EFH-HAPC and can it be formally called that?" That was something that they wanted the council to consider.

Also, they wanted to reiterate that they think the deep-water MPAs should also be designed as EFH-HAPCs. They supported the Broward Staghorn Coral Stand to be listed as an EFH-HAPC for the Coral and Snapper Grouper FMPs, but that was the only one that they felt confident recommending out of the list that was originally included in the options paper. Those are the recommendations from the Coral AP.

MR. MAHOOD: Myra, earlier Otha pointed out that you indicated there were no comments on CE-BA 2, and remember law enforcement made comments relative to going back and readdressing the lines in Amendment 1 and having a number of the APs get together to look at it and see if something could be worked out.

MS. BROUWER: I guess I didn't quite understand whether they wanted that to be included in CE-BA 2 or in just a subsequent amendment.

MR. MAHOOD: I think they were looking at CE-BA 2.

MS. BROUWER: Right now I guess what I wanted to discuss a little bit and get some guidance from the committee is on the recommendations that the Coral AP brought forth on ABC, OFL, ACL and all that stuff. They had a bit of a hard time understanding, first of all, the concept of all these things, but they did a good job coming up with numbers.

The way they chose to do it is to approach the alternatives as a bundle, so they settled on three or four – I forget how many – MSY scenarios and then went down from there. Under each MSY scenario there is a corresponding ABC, OFL, ACL and that's it. Those are included in the options paper, and they are presented as these bundled alternatives in the list of recommendations that came out of the Coral AP.

This was a good exercise because then they could sort of weed out the options that would not work with each other. They actually put together a spreadsheet and did a matrix to figure out which combinations of these various parameters were going to actually work and could be analyzed. There is a rather lengthy list on the AP recommendations' document. I guess I'd like to maybe walk through those and see if there is any guidance on which of these should remain in the options paper for analysis for the next time we meet.

DR. CHEUVRONT: I'm just trying to figure if it would be better to hear from Roger first before we go through this for the Habitat AP and then we'll go through all the options.

MR. PUGLIESE: Actually, Brian, I'm going to be fairly short with regard to this. The Habitat Advisory Panel addressed the issue of the front of this document relative to the coral actions that were proposed and did come up with one motion that they supported measures to eliminate or reduce impacts on the coral resources. Since most of the fishery occurred in state waters, they were not sure if the council needed to address the issue.

Right from the beginning, there were discussions on the uncertainty of really what was being proposed relative to ACLs to expanded harvest of other species beyond the existing octocoral

species. The biggest emphasis was basically not looking at any kind of significant expansion of things that would be considered essential fish habitat or additional coral resources.

Some of this issue came from the original discussion on the council's consideration of octocorals as EFH and the possibility of shifting that harvest effort over the aquaculture. One point on that is that in the discussion saying that there needed to be specific action items, essentially right now given the structure of the aquaculture permit system the individual is able to harvest octocoral, so it really is no additional permit and no additional modification if that was the direction the council went.

With the regard to the essential fish habitat areas, we had a very extensive presentation from our partners at the Habitat Conservation Southeast Regional Office, and we have been working closely on reviewing the present proposals relative to the existing habitat, both essential fish habitat as well as the essential fish habitat-areas of particular concern, evaluating which ones may be duplication with the intent of refining and eliminating and expanding.

The biggest challenge now is really connecting these specific designations that are there to the descriptions in the fishery ecosystem plan and building that into the next version of this document so that it validates and verifies. In addition, the challenge of also where spatial layers are going to exist for these different area, picking up on either parts of existing designations or identifying where they can be identified; and if not able to be identified, then that may be something that removes them from consideration. They need to, under Magnuson, have some spatial footprint polygonal designation. Those were the main discussions and considerations by the Habitat Advisory Panel.

DR. CHEUVRONT: Thank you, Roger; anybody have any questions for Roger? Okay, Myra, do you want to walk us through some of the option issues.

MS. BROUWER: On the screen we have the table that is in the options paper with the information the Coral AP used to come up with recommendations. These are landings – this information was provided by FWRI – of octocorals split in federal and state waters just for the South Atlantic.

As you know, there is a combined quota for octocoral, so it is a joint between the Gulf and the South Atlantic, and the quota is 50,000 colonies. The way it works is the state does not have a quota and harvest is unlimited until the federal quota is met, at which point then the state water is closed to harvest. Well, this has not happened since this whole thing started.

As you can see, the levels of harvest have been mostly in state waters, and they not gotten anywhere close to the 50,000 colony quota in federal waters. There is an issue with if the harvest is mostly in state waters how are we going to go about setting ACLs for a fishery that takes place mostly in state waters. This is one the things the Coral AP struggled with.

What they did is, for example, under Option 1, they chose to set MSY at 50,000 colonies, which is the combined quota, and then go down from there. Then they recommended an overfishing level of 50,000; an ABC at the same level; and an ACL at half of that. These are the various

combinations. There were only two coral harvesters on the AP, and so it was difficult to get enough information directly from the industry. They were mostly concerned about, of course, the annual catch level.

The other option was to set MSY at 11,000 colonies, and that is just above the mode for the maximum annual harvest for that time period, 2000-2008. Under that MSY there are only two options. That one, of course, was not very popular. Then the other MSY option was to split the quota based on percentage of catch.

Since most of the harvest occurs in the South Atlantic, as you can see it was pretty much the same thing as keeping the MSY at 50,000. Using the percentage, then the MSY would be at 49,170 colonies in the South Atlantic. These are the options under that scenario.

MR. HARRIS: Myra, would you just remind us where the 50,000 colony number came from originally. Nobody knows? Susan.

MS. SHIPMAN: I think we did it when we did the plan.

MR. HARRIS: Yes, but do you remember how it was calculated?

MS. SHIPMAN: It was just kind of number that we came up with.

DR. CHEUVRONT: Yes, I was under the impression it was kind of pulled out of the hat because they had never reached that and they knew that they weren't in trouble.

MS. SHIPMAN: Yes.

DR. CHEUVRONT: I think that's probably still the case. There is no indication that there is any problem with the coral harvest. The harvesters were actually perfectly fine with the 50,000. They thought, you know, they have no chance of hitting it, and then there is the problem between the states and federal. The system that they seem to have right now works okay, and there is no indication that there is any problem.

MR. CURRIN: First, I want to admit that I know very little about coral biology, but just from a fish perspective it would seem to me that looking at the average landings from federal waters might be a reasonable – over whatever that series of years is, eight or ten years, nine years, I think – the average landings over that period would seem to be a reasonable alternative for setting an ACL.

There is no indication that there has been any problem, but if you look at it most of the harvest has been in state waters. State waters don't close until federal waters close. If most of the harvest continues to occur in state waters, it's conceivable that at some high level it would never close. I don't know whether it has ever been a problem that the state of Florida has identified in state waters. I would suggest that we include an option that would be not the mode but the average harvest over that time series that we have as at least one option as an ACL.

DR. CHEUVRONT: Another option that we might want to consider would be the maximum harvest over the time period since that seems to be sustainable as well. Mark.

MR. ROBSON: I think that's fine and get a good range of options on level of harvest for octocoral, but just give everybody some sense of the fishery itself. We have recently, in the state of Florida, undergone some significant changes in the marine life rule that we have. We've been working very closely with the Marine Life Working Group.

This is a pretty small industry that really watches their own shop, if you will. In fact, we have implemented kind of a limited entry endorsement program for marine life harvest. The number of participants has been reduced significantly as a result of that program. We have also just recently implemented some new revisions to the rule regarding prohibited marine life species. There is an actual list of things that are not allowed to be taken.

There are some bag limits and other kinds of limits that are being put in place. It has been a regulated fishery for some time in the state of Florida. It has recently gotten even more regulated. We are continuing to work closely with the industry, and usually they bring forward regulations or suggestions on how to make sure they don't overharvest any of these species. I don't anticipate any problems with continuing to manage that way.

MS. BROUWER: Mark, just a question; those species that you mentioned that are not allowed, are any of those octocorals?

MR. ROBSON: I don't know; it's a long list and we just added some, but I don't know the answer to that. I can find out real quick even before the end of the day.

DR. CHEUVRONT: Okay, does anybody else have any other suggestions? Roger.

MR. PUGLIESE: Yes, just a quick question – one of the issues that is kind of a residual from the separation of the plans is the fact that this is a quota that was established for the Gulf and the South Atlantic, and we did separate the plans. This is a question I ask from Monica; are there any residual issues of monitoring the quota for a total that is essentially under two separate fishery management plans at this time?

MS. SMIT-BRUNELLO: Well, just in terms of the physical act of monitoring I'm not sure. I'd have to ask the Service how they do that, but I think your question is going to something else. Could you elaborate a little bit more?

MR. PUGLIESE: Basically going to the fact that we have a quota that is spread across two regions, and you could have more shift to one side or the other in terms of the area. I mean, is that a consideration that is an issue or is it something just as –

MS. SMIT-BRUNELLO: Assuming you don't want to have another joint plan, I guess that's something, Roger, to look at, definitely we should look at it. I'll work with Myra and we'll take a look at it and see how that would have an effect on establishing these requirements, definitely.

DR. CHEUVRONT: Yes, it's kind of a weird situation that it covers two councils and 95-98 percent of the landings occur in the South Atlantic, but the majority of those occur in state waters. It is sort of a convoluted sort of thing, and we probably should get that straightened out or at least clarified.

DR. LANEY: This goes back to the question Mac asked earlier about the biology of this organism and the fact that the 50,000 was a number that we pulled out largely as a comfort level for the fishery. Is there any merit at all to us trying to look at the actual production levels of the critters themselves and consider that in terms of establishing some sort of sustainable harvest level? The 50,000 doesn't seem to have been problematic in terms of people going out there and overharvesting, but it would be nice if we could put something that was biologically based in the document.

DR. CHEUVRONT: Yes, I understand what you're saying. I remember at the AP meeting some of the folks there were saying that these corals, basically they're pretty fast growing as far as corals go; and within four years, places that they've harvested they can go back to and harvest again.

The gentleman that was here that spoke last night was saying that he has basically fished in a one square mile area for many, many years. I'm sure it has something to do with the fact that they regenerate so quickly. I would that understanding the biology of how quickly they can replace themselves certainly would be helpful for us in establishing an MSY.

MS. BROUWER: Another thing that I wanted to bring up and maybe get some input from Monica at some point is the fact that the Coral FMP includes a large number of species. There is actually not a scientific consensus on how many species are included in the sub-class octocorallia. That is what the FMP specifically allows for harvest.

Under the ACL rule do we need to have more information as far as which species are being harvested? The Coral AP had this question, and what they did was come up with a list of the top ten species that are being taken. Of course, there is never going to be a lot of information on each one of these species. The fishery has always managed as a whole. That is just something that they wanted some clarification on.

DR. CHEUVRONT: Monica, do you want to weigh in on managing it as a whole or figuring out the individual species?

MS. SMIT-BRUNELLO: I was having a discussion about the National Standard 1 Guideline; would you ask me that question again, Myra/

MS. BROUWER: Yes, the Coral AP was confused as to whether the ACL rule applied – the way the language is written, it is confusing and it is not very clear whether you need to set these parameters for each individual species. The Coral FMP has so many species under it, there is not a comprehensive list of everything that is included. What the Coral AP did was come up with a list of the top ten harvested species to at least get an idea of largely what is being taken.



DR. CRABTREE: Well, the guidelines do allow for multispecies ACLs; so if you have a complex of species that are harvested, you could easily set up a single ACL to cover that complex.

DR. CHEUVRONT: Any other questions at this point? Does anybody have any suggestions on numbers that should be considered to help Myra develop some of these alternatives or suggested alternatives to bring back to us later?

MS. BROUWER: One question is does the council want to consider an ACL of zero?

DR. CHEUVRONT: Meaning no harvest.

MR. CURRIN: Yes, I think that certainly should be in the document from my perspective. I mean it's not unreasonable. I can see people arguing that – in fact, I've made the argument myself that habitat should not be harvested.

MS. BROUWER: So if an AFL of zero was established for federal waters, that's where my confusion comes in, how would the state harvest be affected?

DR. CHEUVRONT: I think the way the rules are written in Florida that if the federal waters are closed the state is closed, right?

MR. ROBSON: No, not in this case. I say that; I mean, I'll double-check that as well, but I don't believe we have an automatic consistent –

DR. CHEUVRONT: Well, I thought if the federal take level has been reached as quota, then the state would close down. Well, if it is set a zero that means it has been taken because there is no take allowed; therefore, the state shouldn't be allowed to harvest.

DR. CRABTREE: That's up to the state. If we have a federal water ACL of zero, then federal waters are closed. The state of Florida or any other state will then make a decision as to what they choose to do.

DR. CHEUVRONT: So if we have an analysis of ACL equals zero, that applies then only to federal waters.

MS. SMIT-BRUNELLO: In looking through the comments and responses to the guidelines, there is a question about state and federally managed fisheries, but the response is pretty much couched in terms of if the species is undergoing overfishing, which I don't believe is the occurring here.

In that case they talk about doing one large ACL, having a sector for the federal and a sector for the state, but then recognizing that the accountability measures can only be applied in the federal fishery. In this case you're not having overfishing so I think you probably have more latitude. I would agree that we can only affect federal waters.

MR. CURRIN: And don't get me wrong; I'm not advocating this in any way whatsoever. The fishery as it exists seems to be very stable and it has been over time, but I just think it should be included as a reasonable alternative at least at this point in the development of the document.

DR. CHEUVRONT: And certainly for completeness of thought and analysis, and that is not to say that on the AP there are probably members of the AP that think that there shouldn't be any harvest as well. I don't have a real problem with that. Wilson.

DR. LANEY: And I think for the sake of consistency given our administrative record on sargassum and other EFH species that are also habitat, that we definitely need to include the zero value in there.

DR. CHEUVRONT: I think that is some direction for Myra. Myra, do you have something else now?

MS. BROUWER: Well, I've put on the screen the options as they appear in the options paper, so perhaps we could get a little bit more guidance on which one of these should be analyzed further. For ABC we have the no action, of course; the ABC equal to OFL; the ABC equal to the maximum annual harvest for that time period; and the ABC equal to twice the maximum annual harvest for that time period. Those are the four options.

MR. PHILIPS: Just a technical question; are they harvesting the same thing out of the federal waters as the state waters or did the federal waters have anything in particular that may be harder to find in the state or is there any difference in the fishery?

MS. BROUWER: Charlie, that's a good question. Actually, most of the species that there is most demand for come from state waters. Looking at that list top ten species that the Coral AP brought forward, there is only one species that is on that list that comes from federal waters. Everything else comes from the state waters.

DR. CHEUVRONT: Looking at these ABCs, are we happy with the options that we have there; do we want to modify them?

MR. CURRIN: I don't know the answer to your question, Brian, but at some point our SSC is going to have to look at these, and they're required by Magnuson to give an ABC recommendation. Now, they may not be able to. They may know less about coral or have enough data to do anything that satisfies them scientifically, in which case they're going to toss the ball in our lap. Then we're going to have to develop some options based on the best information and guidance that we can get. But, at some point I think the SSC is going to have to look and these and at least have an opportunity to provide with some guidance.

DR. CHEUVRONT: Yes, when we were trying to get the AP to go through this process, it was really – in my mind I thought they were really focusing on setting an ACL. They wanted to know how much can they take? Even when we were trying to talk about the ABCs, OFL, MSY, they were always really – in their mind they were think about the ACLs. It was very difficult to get them to do this.

At one point, when we first introduced this, they kind of were almost refusing to go down this path because they felt they didn't have enough data. Well, we stepped in and said, "Well, you don't understand, there are no coral experts on the council. We have some staff but not on the council itself. If you guys don't make these recommendations, the council is going to have to do it."

That got got them started down the road because I think they realized this is their livelihood, their interests, their area of expertise, and they started moving down it, but they struggled the whole way. I think the only part that they could really grasp was the ACL and did that. Mac, I think you're right; what we have to do is even with the SSC, while they may not have a lot of coral expertise they do have a lot more in understanding these biological reference points and things. I'm sure that's probably the way that they're going to have to look at it in reference to whatever evidence that the council or the AP can give them in terms of numbers.

DR. CRABTREE: It seems to me we ought to take a look and see if we can apply the ABC Control Rules they've come up with to this. I mean, it's different in that it's corals, but basically you're removing animals, you're looking at MSY based on some past catch history, so I would think you probably could go through and apply that process, and we ought to do that.

DR. CHEUVRONT: I think that's an excellent idea, Roy. Any other ideas at this point? Myra, do you have enough to kind of get started with here? Okay, she is shaking her head yes.

MR. HARRIS: Do you need any motions on any of these items, Myra, or is this clear right now?

MS. BROUWER: I've been taking good notes so I think I have what I need for now; thank you.

DR. CHEUVRONT: And we'll be able to see something at the December meeting from this? Okay. Myra, do we need anything else on CE-BA 2 at this point?

MR. HARTIG: Brian, it seems like we have a potential problem. It seems to me with the state harvesters and the federal harvest, couldn't we just add if the 50,000 colonies are collected in state waters; federal waters would close also? I mean, that's pretty simple. Couldn't we add that to the –

DR. CHEUVRONT: Yes, that's probably a good option. I don't think any of us sort of thought about it, looking from state back to federal, but that is a good idea. Any other great ideas from that end of the table? Susan.

MS. SHIPMAN: I don't know if this is a great one. This some more overarching question in hearing that so much of the harvest is in state waters and all of that, this would appear to me to be one we ought to consider deferring management to the states. I just throw that out as a topic of discussion.

MR. HARRIS: Bob and I were just talking about that as well. Since most of the harvest is in state waters of corals and most of it is in the South Atlantic and Florida already has a

comprehensive plan to manage this, it's certainly an option we should consider. Whether we go down that road or not remains to be seen, but I think it ought to be an option.

DR. CHEUVRONT: I think even in the Gulf the landings occur mostly in state waters. What I'm saying is that all the harvest seems to be happening in Florida waters.

DR. RADER: Doug Rader, Chair of the Habitat AP. Obviously, that makes sense as an alternative. I just would caution you on two things. Number one is the prospect for harvest for animals in this complex in the deep waters associated with reefs and other things. Number two is the potential loss of leverage on federal essential fish habitat provisions should you go all the way in the route towards decommissioning of the plan. It was a concern on red drum when that shifted to the ASMFC given that they don't have the equivalent authority nor leverage in terms of elevation on the EFH processes. It is just something to keep in mind as you go forward. Thank you, Mr. Chairman.

DR. CHEUVRONT: I think while we're considering options at this time, I think those are points that we need to take into consideration when we are looking at that option, but I think this option does need to be moved forward as an alternative because people are going to ask this question later on, and we need to have it analyzed.

DR. LANEY: I was going to bring up what Doug brought up with regard to EFH, but one other question would be if there is a single species, which it sounds like there is, that comes predominantly from federal waters versus state waters, then how does the transfer or delegation to the state enable those folks who are harvesting that one species from federal waters to continue? Is that something that is doable?

DR. CRABTREE: All the delegation means is that the state, in this case Florida, can apply their regulations to any vessel fishing in the EEZ as well.

MR. CURRIN: If you look at that table on the state versus federal water harvest from 2000-2008, you know, there are years when over 50 percent of the harvest occurs in federal waters and on average it is about a third. I mean, it's not a unreasonable option, I guess, but in looking at it that's approaching significant harvest in the federal waters to me.

MS. SHIPMAN: And I merely bring it up as just an option that I think would merit looking at given the amount of emphasis that the state of Florida puts on this and given the limited amount of resources the council has, I appreciate what everybody has said about the federal waters' harvest. Also, I think the Magnuson standards would be applicable through delegation so I don't know that you'd be giving up anything on EFH, but nonetheless I think it's worth a discussion.

DR. CHEUVRONT: And, also, I'd like to maybe request that as we're looking at this for the future and this option in particular, if perhaps in our next briefing book or something, we can see a copy of what Florida does to manage. Frankly, I'm kind of clueless. I would think that would be a part of any decision-making that would go into whether we would want to turn this over to Florida. Mark.

MR. ROBSON: And we would be happy to do that however you would like to receive even if it involved a presentation by our staff experts on the program and how it operates.

DR. CHEUVRONT: I'll leave that up to council staff to decide whether they think that would be helpful or will it fit in the next meeting or whatever, but I think at a minimum it would be nice to get a copy of the document that you all use to manage these critters. Roy.

DR. CRABTREE: One way to think about this is I expect if you apply the ABC Control Rule to it, you're going to say, okay, average landings have been this, but because of all the uncertainties we need to reduce by X percent, and I'm guessing it is going to be at least 25-30 percent. Well, the federal portion of the overall landings appears to be pretty much that percent; and so if that was the case, one way to come at it would be to close federal waters which form essentially a big MPA and would leave the whole fishery in state waters. The downside of that is you're pushing all the harvesting activity into a smaller area, so it may not be something you want to do.

But if you follow through and if we adopt the control rule; then for these fisheries that we don't have any information, you're going to be looking at reductions below what the catches have been in the past. We have I guess a quota on these species, but to my knowledge it has never been reached and we've never closed the fishery down, so it's really not having any constraining affect on the fishery at this point.

DR. CHEUVRONT: Yes, I think that all ought to come out in the analysis of these options. Does anybody else have anything at this point?

MR. CURRIN: Just a point to make I think for the record is Roger informed me that there are octocorals north of Cape Canaveral where the line is drawn and the harvest is prohibited north of that area. All of this allowable harvest occurs on just a portion of Florida's coastline or at least octocorals – I don't know about the same species – occur in abundance north of there.

DR. CHEUVRONT: Okay, Myra, do you have enough to go on? Are we ready to move on? Next on the agenda is a brief presentation by Roger on some ecosystem things that are happening out there right now.

MR. PUGLIESE: I'll quickly touch on some of the activities that are ongoing to again keep the council position to move toward ecosystem-based management in the future and highlight some of the activities that occurred at the recent Habitat Advisory Panel. The last advisory panel meeting was structured such that we had deliberations on ecosystem coordination, regional research coordination, highlighting ecosystem information and then working into EFH and the Ecosystem Amendment.

In the ecosystem coordination there were some very important things that occurred with materials that were presented and individuals that were involved in the efforts. There were briefings on the Southeast Regional Association, the Coastal and Ocean Regional Association Ocean Observing Activities, SECOORA, and movement on our deliberations with SECOORA in combination with the Integrated Ocean Observing System, IOOS.

With that legislation, there have been directives to move these regional associations – they're called RISES under the legislation – to prepare strategic operations plans. In the most recent deliberations which had occurred this week with a board meeting Monday and Tuesday and a board session and really a working retreat was to move toward that development of the Strategic Operations Plan.

For the council's benefit, fisheries has become one of the predominant moving factors on the front end of this operations plan; the opportunity to look at highlighting how information can be developed with a lot of those, the capabilities and modeling efforts and information systems that are already in place to provide things such as models and indices for recruitment and different things that could be incorporated into future stock assessments, either individual stock assessments or future ecosystem modeling efforts; a lot of effort to try to collaborate to provide these types of finally bring the oceanographers together with the biologic side of this and investigating all the different parameters that potentially could be provided in refining these types of assessments in the future.

In addition, the potential for connecting these systems to fishery-independent data, providing the fishery-independent data systems providing a lot of the collected information back up into SECOORA; and then being tuning or modifying even the existing modeling capabilities there.

On the other side, the Ocean Observing side providing possibly new tools, acoustic capabilities, some of the things – that lander capability; efforts to expand that are more biologic and fisheries-based type of collection systems in the southeast. That was a major effort. The person that provided the IOOS presentation was the deputy for the entire system in the country, and she identified that this is really a call to these groups to find out what they need in the region.

There is potentially an opportunity of \$5 million per regional association starting in 2011. This plan will go from 2011 to 2013, so it could come fairly rapidly to provide a lot of tools that will provide, you know, a lot of information and needs and assessment capabilities, enhance fisheries information systems in the southeast in a fairly rapid turnaround.

I'm hoping that we see this actually come to fruition. I think that we are most likely going to see a lot more effort on it. We had an excellent meeting here at this beginning of this week to move this forward. Some of the key members, the state directors and other participants in the southeast region will be tapped then to provide additional input to refine what is needed for the states, what is needed for fishing operations, for assessments in the future.

There is going to be a concerted effort to take the steps beyond here to refine the effort to rebuild that. That is the Ocean Observing. One of the points there, too, was to also connect them with ongoing activities of the navy. The Navy Fleet Command provided a very extensive presentation and provided to some people a fairly shocking, open attitude toward what we were be going in the future is going to be providing it directly to fisheries organizations, to the assessment and resource agencies.

One of the things that they identified was that as part of their efforts were going to be map an area that is about – I'd say about eight to ten times as large as the North Florida MPA. They're

going to multi-map, characterize surface to bottom, grab samples, video surveys; and if I'm not mistaken by February of next year. It's going to be a rapid turnaround.

They're also building a fairly extensive array in the southeast that hopefully the portions of that fixed array, which will be the first one in the Atlantic, would potentially also provide input information into the Ocean Observing System. There is a real opportunity for collaboration and getting a lot of information from the system.

That was, again, an opportunity to highlight the importance, and they were really emphasizing the need to coordinate with the National Marine Fisheries Service Habitat Conservation, the council and moving forward in the future on other activities that the navy may be involved in, so that was an important effort.

One of the other areas we identified; I did the presentation on the South Atlantic Governor's Alliance; and since that date, as I indicated before, the Alliance has been formalized. There actually will be a formal announcement of the Alliance at the upcoming coastal states' organization meeting on October 19<sup>th</sup>.

So the process now has been is formalized to take and operationalize the Alliance and many of the members sitting at the table have been directly involved, Robert and Susan and others, in making this move forward, so it is moving and has a lot of connections to other activities in the region.

In addition to that, the subsection of the meeting also dealt with our regional coordination on research; tool development for and information development is going to be also critical to this continued move toward ecosystem-based management. One of the first areas that we highlighted was our ongoing activities under fishery-independent data collection systems and MARMAP and SEAMAP and connection to other systems.

I think one of the key points is that in the council it is very closely connected into some of our tools building with our Internet Map Observer and more recently our ArcServer capabilities. What ultimately is going to happen with these is the opportunity that types of systems are going to developed where researchers will have access across, say, MARMAP information, SEAMAP and fishery-independent data for the state and to be able to go two-way communication type of capabilities, access that; a lot of other information to be able to link maybe into the SEDAR process and into other research capabilities.

So that is ongoing and expanding, and SEAMAP and MARMAP are essentially almost joined at the hip in terms of operational characteristics. In the last round of SEAMAP probably over one million-plus dollars is being identified specifically to supplement and expand snapper grouper type of surveys inshore, supplementing the offshore egress capabilities and building this combination system where a lot of the data will be combined.

There is a lot of effort and opportunity that's going to provide a convergence that I'm not sure anywhere else that I know of has anything developing in that format. Some of the other things

that we wanted to also get in context in that was the continued development of the Cooperative Institute for Ocean Research Exploration Technology; a presentation on its evolution.

We're seeing with John Reed's presentation how some of that is being operationalized immediately with using some of the new technologies and the opportunity that it's not just focusing on deep-water areas but on new technologies, on shelf-edge actions, and hoping that we may get even more specifics on the continued evolution with – Shirley Pomponi I think may be able to participate in our December council meeting.

I talked to her very specifically about highlighting where things are going and how this is going to continue to evolve. Their connection with a lot of the players I've mentioned earlier is real useful. In addition, highlighting the activities of the Sanctuary, Gray's Reef continues to still provide some of the most detailed habitat characterization and use of technology that hopefully we can apply in other areas and pick up on, say, the Cooperative Institute, on other activities because they're using things such as acoustic capabilities that are not being used in other areas.

Again, that mapping capability can be potentially a template for expanding our understanding of areas throughout the region. That leads to one of the most important things I think that came out of the meeting is the reestablishment of our very close ties with the Beaufort Lab. The Beaufort Lab now has an ecosystem branch and Alita Hone has designated Todd Kelliston as the head of that division.

Todd provided a presentation on activities. There is a lot of information that they have that we haven't even touched on; a lot of detail, habitat characterization. They're directly involved in early life history, invasives, a lot of things that we'll be able to benefit from the spatial information but also in realigning and reconnecting with the group that was really the foundation for some of our early deliberations on our habitat plan.

So, some of the Ocean Service and National Marine Fisheries Service, the kind of bouncing we had at that level has been resolved by really focusing down to that, and I think we're going to have a real opportunity. One of the more recent things is the possibility of collaborating maybe on some future ecosystem modeling efforts that that group would really bring a lot to the table for.

Wilson, at this meeting, also provided the alignment of the Fish and Wildlife Strategic Habitat Conservation; the opportunity to again this convergence of intent and operational capabilities to meet multiple user needs in the councils as well as the states and fish and wildlife, so I think that's going to provide an opportunity to go further into, again, modeling, habitat characterization and, again, setting the stage for broader ecosystem information.

With that, to just highlight a couple of other activities that happened, and NOAA and Carolinas recently had a collaboration meeting to set the stage for a future workshop that is going to focus on impacts of climate change and fisheries is the predominant front-end identifier for what some of the implications may be in the long term relative to the parameters such as temperature, whatever inundation, looking at the loss of habitats over time and begin to gauge some of these issues in the future of what the implications may be for fisheries.



That is going to be a fairly important effort that is going to occur early next year. The Nature Conservancy connected into some of the deliberations of the South Atlantic Alliance, and NOAA and others are also sponsoring a marine spatial planning workshop that is going to happen in Charleston September 30<sup>th</sup> and 1<sup>st</sup> to begin to investigate the scope of what is going on in the region and also begin to look at what types of needs, issues and tools may be needed to move toward spatial planning.

That is something that, again, is connected to some degree to the Alliance but also to a lot of the other activities that are going on regionally. One last area to touch on is, again, this issue of bringing the oceanographers together with the biologists. There was a specific workshop in St. Petersburg to begin to look at the technical challenges of bringing those types of data sets.

It was opening the door to at least identify what the capabilities and what the needs are and then where we can begin to look at those types of tool developments and really open the eyes of the different sets of scientists on what the challenges are in fishery stock assessments, on oceanographic model development and then where those two can begin to understand how there is collaboration.

But, with that, I think I extended my short presentation a little further, but those were all – to say in one line all the different key opportunities going on was going to add a lot. I do apologize for that, but I think it is going to set the council up for really an operational transition to a broader move toward ecosystem-based management.

DR. CHEUVRONT: Thank you, Roger. Yes, there is awful lot of stuff that is going on that could end up benefiting us as a council quite a bit in the long run, and we look forward to hearing how some of these things turn out. That was the last official thing that we had on our agenda. We pushed off two presentations.

MR. PHILIPS: I thought I heard you say there was some money coming down the pike in a couple of years to help do some of this eco-management research and would moving the fishermen getting moved from one fishery to another; would a study of that fit in to use some of that money?

MR. PUGLIESE: I think the dollars I had mentioned were with regard to the regional association and the ocean observing capabilities. There are probably opportunities for looking at technology connections with the fishing. That's why I said it's really important that they've raised fisheries to the front end of that because I think there are opportunities to look and if you'll be able to connect fishing operations with areas and how it connects to closure area monitoring, I think, yes, we could probably figure out a way to craft those that we do have that opportunity.

MR. CURRIN: Roger, a lot of exciting things going on, but I think one of the things that is most exciting to me is the cooperative stature that the navy has taken with respect to performing surveys. With the assets and the capabilities that they have, it's astounding and I'm real excited about that; and as well their agreement to utilize the arrays, if they develop them, off of Jacksonville to house or anchor other observing systems or any kind of monitoring devices that

might be useful along that array. I mean, that's just a huge opportunity. I'm glad that hasn't fallen by the wayside.

MR. HARTIG: That was timely because Mac talked about the navy, but we've been catching some pretty wild stuff in the tilefish fishery offshore, some wild electronic stuff that could be acoustic arrays. I think that when somebody is putting things there they ought to consult with the council about some of their fisheries and what may interact with some of what they're putting in the ocean.

I mean this isn't a little bit of gear. This is miles of electrical type wire and wild-looking things on the bottom. I don't know if it was an array or not or somebody just got rid of a bunch of wild-looking electronical components. I mean if they are going to put those out there they should be aware of some of the fisheries that occur in those areas.

DR. CHEUVRONT: Okay, Roger, last point on this.

MR. PUGLIESE: Yes, last point just really specific to Mac's comment about the navy; actually, I was going to raise this at our Advisory Panel Selection Committee, but I talked the representative who is the habitat coordinator basically for that group from Fleet Command. They're committed enough to specifically request participation on the advisory panel, which to me I thought that was a real big potential opportunity. They're bringing a lot to the table.

DR. CHEUVRONT: Okay, one last short thing I think for this committee is Wilson asked to bring a quick issue before the council related to ecosystems.

DR. LANEY: Well, I did; it's more of a heads-up than an issue, but before I do that Mac gave me a perfect segue there as did Ben with regard to all this electronic equipment that is going on out there. I just wanted to let the council know that at the American Fisheries Society's Annual Meeting a number of us met to discuss the potential for Section 6 funding to be used to expand existing listening arrays along the east coast.

In particular Sea Grant provided some funding to Dr. Roger Ruleson at East Carolina University to put a 12-kilometer listening array of these VR-2 receivers – some of you are familiar with those. They're used to detect acoustic tags and fishes – southeast of Cape Hatteras. As a result of that array being out there for about the first four months of this year, they detected all sorts of different animals that are being tagged by different folks up and down the whole east coast.

In talking with NMFS Protected Resources, especially with regard to some of the existing ongoing Atlantic Sturgeon Tagging Programs, we decided it would be a good idea if we could try and link some of those existing listening arrays up. Dr. Ruleson is spearheading an effort to work with South Carolina DNR folks, the University of Georgia folks in Georgia to try and link some of these, and that proposal is in the works.

Roger noted that I had briefed the AP on the Service's Strategic Habitat Conservation Initiative and how that is progressing. I'm not going to go into detail about that except to say that my

colleague, Pete Benjamin, who was at our social on Tuesday, and I talked to Dr. Ponwith about that and briefed her and provided some information on that program.

I hope that in the future we can bring back to you some of the habitat species modeling efforts that we're working on right now; the principal fish one being blueback herring. The issue I wanted to give you a heads-up on involves the Wilmington District Corps of Engineers. They're normally a very good Corps of Engineer District to work with as Corps of Engineer Districts go.

I have worked with the Wilmington District for 30 years; and in comparison to Norfolk and Jacksonville and some of the other ones, they are a relatively green district. However, they have made some commitments in the past which they have not fulfilled. Most recently, I guess in about 2000 they had committed to provide fish passage at Locken Dam Number One on the Cape Fear targeted towards shortnose sturgeon.

The National Marine Fisheries Service had written a biological opinion on the expansion – actually, the Wilmington Harbor Project – and as part of the measures for protecting shortnose they were supposed to provide fish passage at Lockin Dam Number One and they haven't done it. There have been ongoing negotiations and discussions with regard to the exact type of fish passage to be provided, but the bottom line is they haven't managed to implement it.

They also haven't managed to implement mitigation that was agreed upon for the Mateo/Shiloh Bay Project. Historically, a number of years ago in North Carolina there was a commitment made to provide 125 acres of oyster reef as mitigation for shallow water habitat that was excavated to provide navigation channels from Oregon Inlet to the Wanchese Harbor expansion.

Lastly, on the Roanoke River there has been an ongoing oxygen issue there for years at one of their hydropower facilities which they haven't addressed. The Fish and Wildlife Service has been collaborating closely with the National Marine Fisheries Service on this. Roy has sent a letter to them advising them that they're out of compliance with Section 7 of the Endangered Species Act.

We are contemplating sending them a letter laying out their inability to follow through on commitments they have made with regard to habitat enhancement and improvements on these other projects. I just wanted to give you a heads-up on that. At some point in time I may come back to the council and work through the Habitat and Environmental Protection Committee and request the council to consider whether or not they might want to weigh on this issue as well.

DR. CHEUVRONT: Any questions for Wilson? Mac.

MR. CURRIN: Just to comment, Wilson; I mean it has been dragging on so long, who don't Fish and Wildlife just sue them? It's insane it has been so long.

DR. LANEY: I'll defer to legal counsel as to whether or not one federal agency can sue another. I don't think we can.

MS. SMIT-BRUNELLO: No, you cannot.

MR. HARRIS: Wilson, isn't there an opportunity to elevate this to EPA and doesn't EPA have some clout over other federal agencies with respect to these issues?

DR. LANEY: Yes, they do, Duane, and I'm not sure to what extent EPA has been involved in this. That's certainly a good avenue to pursue especially with regard to the oxygen issue on the Roanoke River. Also, I need to mention, too, for the benefit of those of you from Georgia that there is concern on the part of NMFS Habitat Conservation folks, Dr. Pace Wilbur, that this pattern of not following through on commitments they make in the Wilmington District sort of establishes an adverse precedent for other districts as well.

There is a lot of concern about the whole oxygen issue on the Savannah River associated with the Savannah Harbor deepening. This seems to be a consistent pattern emerging with regard to southeast ports which occur in estuaries where the summer temperatures get very high and we do have oxygen issues on the Savannah, on the Cape Fear and on the Roanoke. I'm not sure about other estuaries, but in a lot of cases it seems to be associated with Corps of Engineers navigation projects that considerably deepen estuaries beyond the depth they naturally would have supported.

DR. CHEUVRONT: Okay, I think that's it for the joint meeting of the Habitat/Ecosystem Committees.

MR. HARRIS: Thank you, Brian, great job.

(Whereupon, the agenda for the Joint Meeting of the Ecosystem-Based Management and Habitat Committees was completed on September 18, 2009).

MR. HARRIS: The next item is the Golden Crab Committee.

MR. CUPKA: This is normally a small committee of about five people, but today it has swollen ranks to 13. I did want to recognize Charlie Philips who is our newest member on the committee and has also agreed to serve as vice-chair of this committee. While Kate is coming forward and getting set up, I just want to make a few comments about the golden crab fishery.

It is a unique fishery in many ways. One of the ways I think it is somewhat unique is that this fishery has had a long tradition of working very closely with this council. In fact, the individual who pretty much developed this fishery, Dick Nelson and his son Richard worked very closely with us, and a lot of the management measures that are in the FMP for golden crab today are a result of the efforts of Dick and Richard.

That's pretty amazing, really, because for those of you who weren't around then you don't realize it but Dick Nelson was a significant player in the snapper grouper fishery and was a big fish trap user. That was a long and bitter fight, believe me, for those who weren't around the council at the time trying to get that gear banned from the fishery.

It was in some ways even worse than what we're going through now on red snapper. To me I think it says a lot about the man's characters and courage that once Dick got put out of business

by the council he developed this fishery and came back to the council and said, "We want to work very closely with you in developing this fishery."

The spirit of cooperation, even though Dick and Richard are no longer with us, continues today in the participation of people like Bill Whipple and Howard Rau, and they've continued this tradition of working closely with the council. The most recent example of that I guess is the extensive work that they did with us on the Comprehensive Ecosystem-Based Amendment; one which we voted yesterday to send to the Secretary of Commerce.

It's a good fishery to work with; it's a small fishery. They have expressed interest in developing a Catch Shares Program, which perhaps would be somewhat less complex in this fishery in some ways because, number one, it does involve a small number of participants; and, number two, the participants are very interested in a Catch Share Program; and, number three, it's entirely a commercial fishery, so we don't have to deal with the recreational component. I just wanted to give you a little bit of that background while Kate was getting set up. We'll go right into our committee meeting.

The first order of business will be approval of the agenda. Are there any changes to the agenda? Seeing none, then the agenda is approved. That brings us down to Golden Crab Amendment 5, and I'm going to turn it over to Kate to give us an update. Some of this you already heard I guess earlier this week if you attended the LAP Committee Meeting.

MS. QUIGLEY: There are two different things to discuss. One is the Golden Crab AP Catch Shares Report. They've put together a number of different design elements that they like about catch shares. The question to the council is do you want to incorporate any of these into the Golden Crab Amendment? That's the first question.

The second issue to deal with is assigning a possible MSY/OFL/ABC options to the amendment. Those options are included in the amendment, and I can, of course, project those up on the screen. I'm not sure if there is a preference for one to deal with first. I was thinking perhaps you might want to deal with the Catch Shares Report first since that was discussed by the LAP Committee. They turned that over to the Golden Crab Committee to deal with.

MR. CUPKA: Yes, why don't we go ahead and do that and later on we'll get into the other criteria of the ABC/OFL and all. Unfortunately, there we're in somewhat the same situation of wreckfish and coral was in where we are pretty much limited to catch history information and some very rough estimates of biomass. There is not a stock assessment scheduled for this particular species, but we'll get to that, though, in a few minutes. If you want to go ahead with the recommendations from the AP on the Catch Share Program, we'll start with that.

MS. QUIGLEY: This is Attachment 2. There are a number of different design elements that they had identified and that they had preferred. Some were just options and some were actual preferred options. I know most of you have already seen the presentation so I won't go through it again at this time.

As you recall there was eligibility for initial allocation. This presentation that was put together by Howard and Bill and others has been forwarded to you through e-mail, but I have got it projected on the screen as well – eligibility for initial allocation; vessel catch history; initial allocation scenarios; there are several of those.

Permit catch history; initial allocation; we're still waiting for the data, and then we can do those, but they would be the same as the vessel catch share initial allocation scenario. Eligibility for harvest, appeals process, program duration, program review, transferability, quota share ownership cap, use it or lose it, provision of cost recovery, boat length limit, zone issues, and permit stacking, and then there is also monitoring and enforcement preferences. I guess the question is does the council have any interest in putting these or other actions into the Golden Crab Amendment 5?

MR. CUPKA: We are early in the process. We've had scoping on this particular amendment, so what we're going to be working on next is development of a public hearing document, I guess, and these are the items that so far the AP has discussed. They met last month and I think there is another meeting scheduled this winter or early spring to further develop these options with the Golden Crab AP. We're really just in the initial stages of preparing a public hearing document, and these are the items that are covered in there so far.

If there are any other issues that the council would like to see put in there, these are the ones that the AP have raised, but now would be the time to let Kate know. Kate, I don't know if we want to work through each one of these or go through each one. I guess we should to see if there are any comments and to discuss these particular options.

MS. QUIGLEY: Okay, the first one was eligibility for initial allocation. The option that they come up with was any person holding a current permit as of the implementation date – meaning the implementation date of the Catch Share Program – in any zone is eligible for initial allocation. There are 11 permits, so 11 people would be eligible for initial allocation.

Where eligibility is based on vessel logbook data, it varies based on initial allocation formulas under consideration. Catch history is based on currently permitted vessels as of September 2009. What they wanted to do was basically have people who are currently in the fishery, who currently own the permit, those would be the people who would have their catch history used in the initial allocation.

MR. CUPKA: And, of course, we'd have to include some other options for NEPA purposes as we develop this document, but that's the one that the AP is most interested in at this time. Also, I might want to mention, too, that most of the data that you have and you have been looking so far is based on vessels and that you've requested similar data based on permits, but you won't have that until later this year, I think.

MS. QUIGLEY: Right, I won't have that until – the estimate is December, so before the December Council meeting is when they thought they might be able to have the data for me. The vessel data is a little easier to get together than the permit history data. The vessel logbook

data can come immediately from the Science Center or pretty quickly from the Science Center given the small number of participants.

The permit data, though, they have to take a look through the years, how permits have changed hands, what vessels they were associated with, and then link that up with the logbook data, so that takes a little bit longer, so they're thinking in December. Now, once we have that data what I would do is go ahead and run the same initial allocation scenarios for all of the participants and then hold a meeting with the Golden Crab AP and other invited participants, meaning those people who participated in the fishery but that are not on the AP, invite them to show up and to discuss the initial allocation scenario.

What we had at this last meeting was all active vessels in the fishery. Those vessel owners and permit owners were there in the room and they came up with these alternatives. The intent would be in December, whenever I receive the data – December/January – to get those same people together again, to have all active participants. Of course, all permit holders have been invited to these meetings and have been updated after every meeting as well. They've been invited in case they're thinking about entering the fishery again.

MR.CUPKA: Okay, moving on down through these, if we don't have any input at this time on that, the next is a whole series of options dealing with the vessel catch history in terms of looking at initial allocations. One of the things I guess is that some of the vessels have a lot larger catch history than the other ones in here.

They've put together a number of options using the standard catch history for various year series, but they've also looked at a series of options that would take into account the fact that based on catch alone some of them would have a lot smaller allocation than the other. The idea behind these was to give them sort of a bonus allocation if they're in that group of vessels that would receive a small allocation.

You see a number of options there dealing with that; some based on their catch history, and then part would be an equal allocation that's very similar to what we did in wreckfish. Then was even an option in there just to look at equal allocation without even looking at catch history; just giving everyone an equal allocation that are averaging a series of years; just a whole series of options looking at how those allocations would be made.

I don't know if Kate wants to add anything to that. I think there are a pretty big number of numbers of there, but there may be some other options that Kate or the AP haven't thought about that might be appropriate for this, but we do have a wide range of options there. Robert.

MR. BOYLES: Mr. Chairman, I'm just wondering for the purposes of discussion is there any interest in applying the formula that we have established with other fisheries; use a 50 percent long term, 50 percent short term as an option?

MR. CUPKA: Well, I think we could certainly include that. We've done it in these other documents we're working on; and if that is going to be sort of a policy, it wouldn't hurt to include that as an option. We'll ask Kate to do that. Other comments or questions? Ben.

MR. HARTIG: Just to Robert's point, is that something that the council has decided on and voted on as being their way of dealing with allocation in any of the catch shares programs?

MR. BOYLES: I asked that question yesterday and I was told that, yes, in fact we had.

MR. CURRIN: Just to that point, keep in mind that formula was developed as a way to allocate among sectors and not specifically within sectors. Now, that doesn't mean that it may not be interesting to look at, but this application is not what we developed it for.

DR. CRABTREE: I agree with Mac. I remember when we had this discussion and developed that and talked about it, but it was always allocating among sectors, recreational, commercial and for-hire. I don't think we ever intended that would apply in this sort of situation for something. It might be a great idea and it might work fine, but I don't think that was ever our intent.

MR. CURRIN: In principle it may be a very interesting way to look at it because it does consider the early history of participation in the fishery and the more recent participation. It likely will come out very similar to some of these – I don't know how many options or sub-options there are in here, but it may be worth looking at.

MR. CUPKA: Yes, I don't see any problem with adding it at this point just to see how it comes out. Of course, all of these have to be analyzed and the next would probably be to reduce some of these options to get rid of them; but until we put numbers with them, I don't know how they're going to turn out. At this stage of the game I don't see a problem. Roy.

DR. CRABTREE: This is kind of backing up a little, I guess, but, Kate, is the main reason the golden crab guys are interested in a catch shares type of approach to all this or something; is their concern that with ACLs there would be a hard TAC and that would be an incentive to put even more traps out and lead to some sort of a derby or something; is that the gist of it?

MS. QUIGLEY: There are several reasons that they want a catch share program, but, yes, they're concerned that with ACLs being implemented nationwide, that other crab vessels outside of the region will see that this fishery has no MSY, has no TAC and it will be one of the easiest for them to buy a permit because there are several latent permits and come in and fish.

They're concerned that some vessels will come in and will not be familiar with the benthic habitat and could harm corals or go into areas outside of the allowable golden crab fishing areas and that would endanger their future in the fishery.

MR. CUPKA: Other comments or questions? Ben.

MR. HARTIG: Just one more; I don't want to get into a big discussion about it today. The 50/50 is fine for now, but if 50 percent of the quota is going to go to 50 percent of history that doesn't have any current landings I would not go for that at all.

MR. CUPKA: Well, we'll be analyzing these and coming back to you and we'll take another look then. Kate, do you want to continue on.



MS. QUIGLEY: The next option is eligibility for harvest, so eligibility to receive an initial allocation, this is eligibility for harvest. This was the preferred option; any person holding a current permit in any zone is eligible to participate in the golden catch share program. New entrants to the fishery must purchase annual pounds and purchase or lease a permit. There are eleven permits in the fishery and to obtain a permit someone would have to purchase or lease of the eleven permits. If they did, then they would be eligible to harvest, so it's simply saying you need a permit in order to participate in harvest of the fishery.

MR. CUPKA: Questions or comments? Seeing none, go ahead, Kate.

MS. QUIGLEY: Okay, the next one is appeals process. They preferred that the NMFS Regional Administrator would administer the appeals process. There would no hardship clause and that the process will be conducted 90 days after initial allocation but before the bonus is distributed, the bonus that exists in some of the initial allocation option.

They wanted to cap this at 1 to 2 percent of the TAC would be set aside for the appeals process and this if it was not used it be returned back to the overall quota pool and would be redistributed based on the original initial allocation to all shareholders.

MR. CUPKA: This is very similar to the way it has been set up in a number of fisheries, so that's kind of what this is modeled on.

MR. CURRIN: Just a point, and it's obvious, I'm sure, Kate, but in all of these measures and the next several we currently have only one option and at some point we're going to have to develop some additional options, I would presume.

MR. CUPKA: Yes, and we realize that, Mac; and as I said earlier, we would have to add to options to all these actions, but these are the ones really that the AP in working with Kate have come up. Obviously, underneath it we're going to have to have additional options. Kate.

MS. QUIGLEY: Okay, the next action would be program duration. The preferred option is program will exist in perpetuity unless modified by the South Atlantic Fishery Management Council. That was something that they wanted, and obviously we talked yesterday about the Reauthorized MSA and the fact that the privileges would perhaps need to be approved every ten years. They realize that there are some MSA regulations that might influence that.

MS. MERRITT: Mr. Chairman, I'm not a member of this committee, but to what Kate was just speaking of, it seems to me that if in fact catch shares is just another word now for a limited access privilege program, then I think the new MSRA would put the maximum ten years on it. However, if catch shares is something different and limited access privilege comes under that purview, then I think that might be a loophole.

MR. CUPKA: Well, to your earlier point, you are a member of this committee because we're meeting as a Committee of the Whole. My understanding is that a LAPP is a catch share but not all catch shares are LAPPs, but LAPPs is part of a subset of catch shares. Again, we're going to

have to get some clarification I guess on the extent of the change or something on some of these things.

To me this is a new program and it would have to meet all of the requirements of the Reauthorized Magnuson-Stevens Act. It's not like the Wreckfish ITQ where there is some question about whether it's a new program or not.

MS. SMIT-BRUNELLO: I'll look into that and it kind of depends on how many changes are going to be to program, too. I'll look at that and the various options and then get back with you.

MR. CUPKA: Well, they're all going to be changed because there is no program to change.

MS. SMIT-BRUNELLO: Well, it is a limited access system now, right, and it does have certain sectors that people can't go into. I mean to some extent it already is fairly limited.

MR. CUPKA: Well, it wouldn't hurt to look into that, but it's not what I think of as a catch share program with a limited access program, really.

MS. SMIT-BRUNELLO: Well, that's true.

MR. HARTIG: To that point, Monica, certainly that ten-year thing we looked at yesterday, it actually said the privilege and not the program when I read it. Your interpretation of what that means would certainly help in the long term.

MS. SMIT-BRUNELLO: Absolutely.

MS. QUIGLEY: Just to clarify, these guys are interested in a limited access privilege program and not a sector allocation or any of the other things that would qualify as defined as a catch share, so they're specifically interested in a limited access privilege program where allocation would be made to individuals and not communities and at this point in time not a regional fishing association as defined in the MSRA.

The next item is program review. Again, this is something that I don't think we need really to talk about too much since it is specified in the MSRA, but perform review every five to seven years. The program reviews would coincide with stock assessments, if possible, so that changes to the program in response to the stock assessment can occur.

Then there is the preferred option under transferability; program allows for all or a portion of permanent, meaning quota share, and temporary, meaning annual pounds, sale of quota among all permit holders and those leasing a permit. If people wanted to participate in the program, they just need to lease or buy a permit, so they want full transferability of quota share and quota pounds.

MR. CUPKA: Questions or comments on transferability? Go ahead, Kate.

MS. QUIGLEY: Okay, quota share ownership caps; as I mentioned before, individuals in this fishery, there are some that are harvesting more than others. There are four active vessels. One

of the vessels is currently harvesting – depending on what initial allocation type methodology, what years you look at, 50 percent or above, so owner share caps; Option 1, cap on ownership of quota share where the maximum percentage initially allocated would serve as the owner cap.

However, depending on the initial allocation that could be anywhere from 50 to 70 percent. Then they put some other options in here realizing that might not be acceptable; Option 2, 55 percent; Option 3, 65 percent; Option 4, 75 percent. One thing that we talked about with them is that they asked if there was any precedent for 50 percent or higher. I said that I would look into it and the highest that we found was the Mid-Atlantic golden tilefish, I believe the ownership cap is 49 percent.

MR. CUPKA: Questions or comments on ownership caps? Monica.

MS. SMIT-BRUNELLO: Kate, I had a conversation with the NOAA GC person who advises the Mid-Atlantic on that ownership cap after you brought that to my attention about the 49 percent. I guess no one has 49 percent. That was possible; I don't know if it's still possible. It may be but no one has risen to that point yet. They have these tiered systems where depending on the amount of catch you had you were in Tier 1, and that was only maybe 3 entities I think made it into Tier 1. Then they had a Tier 2 and so on. I'll look at that more, though, and see how that would apply to this situation.

MR. CURRIN: This is a very unique fishery, but my reaction, when I look at those numbers, is that the lowest one is high. I don't know and it may be just viable, but that's just my initial reaction.

MS. QUIGLEY: One thing that we'll do, as I mentioned before, is Mike Travis and I will start putting together an excessive shares presentation to provide the council with an overview of guidance handed down from NMFS on excessive shares or any information that we can find on how the council can identify what would be excessive shares in this fishery.

From what I understand, it has to do with what is too much to influence the market; that's part of it. The other part of is what are the objectives in the council and what would be the percentage at which the objectives of the council would not be able to be met. That's just my very simple understanding right now. We will look into that and we'll come back with a presentation in December or March.

MS. MERRITT: As a member of the Committee of the Whole, another option you might want to consider is that the original quota share owners have these percentages because there are so few, but to leave the door open for the future when they retire or die off, give up, whatever, and new entrants come in, that this may be divvied up in a much broader scale, so you may want to put a cap that is lower as an option for future entrants such as 10 percent which I think tends to be something that is fairly common amongst ITQs.

MS. QUIGLEY: I was just going to say that's something that the Golden Crab AP talked about. They talked about, well, one person has a very high percentage, so therefore why not grandfather them in but say that when they sell their share or any portion thereof, then all of a sudden new

quota share ownership caps would apply to those future people; that only this one person would be allowed.

Now, they didn't put that in their options because some other people on the AP might feel, well, that's unfair, this person is receiving special treatment or some sort, so they didn't put that into their options, but that is something that they talked about.

MR. PHILIPS: When you're doing these ownership shares, you may want to consider whether it is a corporate or personal, because if you set a high share and he puts it in under a corporation it is not going to go away, it's going to stay there. You may want to split it up and state exactly what is what.

MR. CUPKA: Other comments for Kate? Okay, Kate, the use-it lose-it provision.

MS. QUIGLEY: Use-it or lose-it provision, Preferred Option 1, permit owner or person leasing a permit must have used at least 10 percent of an individual's quota share for one year – that is meaning that it was either fished, there was a quota share sale or sale of annual pounds – on a cumulative basis during a two-year period using a running average.

There are lots of problems that we discussed with this use or lose-it provision. They said they definitely want one because they don't want anyone to hold on to quota share or annual pounds, but administratively this could be difficult. I told them that it might only be able to be imposed on a one-year basis. There are a lot more things to talk about with regard to this, but they definitely said they want some sort of use-or-lose provision.

MS. CUPKA: This wording is a little complex here, to say the least, and I think the intent is that they've got quota share and they need to use it within a two consecutive year period at least. There has to be some sort of action where it either gets used or sold to someone else at least 10 percent of their share within a two-year period. Obviously, if for some reason they can't fish one year, they want to base it on just a one-year period.

They wanted it for a two-year and it had to be consecutive years. You couldn't sell 5 percent of it the first year and then drop out and the third year sell another 5 percent. I don't how hard something like that would be to track, but they were interested in something along those lines.

MS. SMIT-BRUNELLO: I'll just remind everybody that we had a use-or-lose provision in this fishery before where they were supposed to land so many pounds within a certain number of years and then those permits would go away. They came back and requested that the council repeal that because it wasn't working for them. I'm not saying that it's the same situation. It may have drastically changed, but just to keep in the back of your mind.

MR. CUPKA: There are latent permits in this fishery for whatever reason that isn't being used. There are such a small number of participants they'd like to see that freed up if people aren't going to use it. Kate.

MS. QUIGLEY: Okay, the next thing I talked about was cost recovery. I'm just going to leave that as it. It talks about it under the Reauthorized MSA. Boat length limit; I didn't correct this presentation. As I said in the previous presentation take that Preferred Option 2. It's just Option 1 and Option 2.

They weren't sure they had a preferred. One option was to leave the boat length limit rule in place, and the other option was to eliminate the boat length limit rule in the middle and southern zones. There is no boat length limit rule in the northern zone. Basically this was because of the implementation of this new recirculating seawater system that they're putting on their vessels.

I've seen three of the four vessels or two of the four vessels now have this recirculating seawater system, but greater length is sometimes needed when you implement that. A larger boat is also more efficient, they're saying, for these trips that they do. They do five- to ten-day trips. However, one person does just go out on day trips.

They talked about if you don't have a boat length limit rule in place, then are they going to be inviting in much larger vessels, and they felt that the ownership cap on the quota share would limit the length of the vessel somewhat.

MR. CUPKA: Questions or comments on boat length limits? Kate, do you want to go ahead on some of the zone issues.

MS. QUIGLEY: The zone issues, two preferred options. Preferred Option 1, participants can use quota in any zone for which they possess a permit, so the quota would be allocated as a whole to an individual vessel or to an individual but you could use the quota in any zone that you wanted to, that you had a permit for.

Preferred Option 2, eliminate the box in the southern zone originally established to protect against very large vessels. This box in the southern zone, anyone who is smaller than 65 feet must stay in that box if they have a permit in the southern zone.

MR. CUPKA: Kate, that first option there, if they could use their quota in any zone, then there probably wouldn't be a need for what they refer to as "permit stacking", because I think the reason they wanted to do that was to be able to fish their quota in any zone. There are such a small number of permits in the fishery, anyway, and one of my concerns has been that if a person tried to buy three of them up so they could fish in any zone, that's going to take a lot of permits relative to the total number out of the systems.

It seems to me that we allowed them to fish in any zone, then they wouldn't have to stack those permits, and there would be more permits available for more participants. It would still be capped at eleven so at least you wouldn't have people going after more than one permit.

MS. QUIGLEY: I think they put in the permit-stacking provision, which is I think the next item, is because they saw that as largely an administrative hurdle right now, so they just wanted to make sure that they can use quota in any zone and have more than one permit on board a vessel,

which they're not allowed to do at this point in time. I think they saw them as possible two different issues, but they weren't quite sure.

MR. CUPKA: Other questions or comments?

MS. SMIT-BRUNELLO: Couldn't that get into excessive shares as well if you allowed someone to stack a number of permits on their boat?

MS. QUIGLEY: I don't think so, not in this fishery because there is no catch limit associated with the permit. The permit only restricts you to where you can fish and not how much you can fish.

MS. SMIT-BRUNELLO: So they're just talking about having a vessel with perhaps a southern zone permit and a middle zone permit and not multiple permits for a southern zone or anything like that?

MS. QUIGLEY: No, they were just talking about having three on board or two on board at the same time but different zone permits.

MR. CUPKA: Kate is right, right now the only thing it does is allow you to fish in a certain area but there is no quota associated with the individual permit. If we allow them to fish in any zone with a permit, they wouldn't have to worry about that.

MS. QUIGLEY: I just want to say a little bit of rationale behind their thinking. There are some people that fish in particular zones that like being the only person there or just two vessels there. They didn't want to have everybody in the middle zone. This was the original intent I believe of having different zone permits was to avoid overcrowding within individual zones. They believe they've benefited from that and they want to maintain that.

MR. CUPKA: And I can understand that, but it just seems like, again, if we're going to allow them to stack permits it's going to reduce the number of potential participants if they go after more than one permit. Again, that is something that needs to be looked at and worked out, but this was their thinking on it at the moment.

DR. LANEY: Also, David, it seems like if every vessel in the fleet decided they wanted to stack permits and have a permit for every zone, then what is the purpose of the zones in the first place? I mean it seems like it's self-defeating.

MR. CUPKA: Well, they couldn't do that because there are only eleven permits to start with. I mean you couldn't have four people if they wanted to stack for every one.

MS. QUIGLEY: It was a compromise between people who wanted to keep others out of their zone and people who wanted to use the permits that they have and have been unable to use. I realize it seems conflicting in some ways and that's because it was a compromise between differing points of view.

The next item we've got is the permit stacking which we've talked about a little bit so I'll just go on from that, but it's basically just allow for stacking of up to three permits on one vessel so that any zones for which the vessel has a permit can be fished in one trip. There are individuals currently right now that own three permits for three different zones, although most people have two different permits.

Monitoring; phase in additional monitoring as necessary based on the economic capacity of the fishery; explore real-time reporting via electronic monitoring; that is recording trip ticket and logbook data on a website upon landing. They started out talking about video monitoring. I think they're open to talking about anything. They're concerned about the economic cost.

MR. CUPKA: Questions or comments for Kate?

MS. QUIGLEY: Okay, I think this is the last one, enforcement. They realize that enforcement might want them to hail in so then enforcement knows where they're landing and when they are landing so that they have the option to show up and make sure that what they're landing is no more than they have annual pounds for.

They just wanted to make some issues known; consider requiring hailing in – they're fine with that – at least three hours ahead of time whereby a message could be left or texted in excess of three hours when landing with location and time or other information deemed necessary by enforcement, so they were fine with that.

However, the specific hours of landing and departing are difficult to identify due to weather, tides and nature of the Gulf Stream. In addition, because crabs are brought in live, time is of the essence. In order to maintain a quality product, landings need to occur immediately upon arrival at the dock because we have this high mortality rate of the crabs when they are in the ice; and because if they're in recirculating seawater, there is high mortality because they can't refresh the water once they get to inshore areas.

So renewing recirculating seawater is not always an option nearshore where the water is murky and of low salinity. Therefore, landings need to occur at any time during 24 hours. They would like to work with law enforcement to determine the specifics.

MR. CUPKA: Yes, this is another area in which we're dealing with a somewhat unique fishery in that they're dealing with a live product and they need to move that product. It's not like catching a fish and putting them in a box and ice and they can sit there for a while. These have to move these things out or they get a lot of mortality. Obviously, it will take a lot of work working with the Enforcement AP to work out some of these issues, but we certainly will do that. All right, Kate, I have two other action items after that. One is new entrants and the other is the banking and borrowing, right?

MS. QUIGLEY: Right, I was wrong, that wasn't the last one. There are two more; new entrants, set aside some amount of annual pounds for new entrants when quota is released as a part of a violation; lost quota, use-it or lost-it provision; and when the TAC exceeds 3 million pounds.

Because they don't know what their ACL might be, if it's going to be less than a million pounds or if it's going to be something higher than a million pounds, they couldn't say this time how much they would be willing to set aside, but they definitely realize that new entrants need to be able to come in.

MS. CUPKA: Questions or comments on new entrants? Okay, Kate.

MS. QUIGLEY: Okay, banking and borrowing; Preferred Option 1, 20,000 pound borrowing allowance each year; and Preferred Option 2, 20,000 pounds banking allowance each year. If they go over or if they come under, they would like to be able to take it off of next year or transfer that to the next year, to be used in the following year. I informed them that might only be transferable on a one-year basis.

MR. CUPKA: When we started talking about this at the AP meeting, I guess I raised the issue as kind of a new territory. Now that we're dealing with the ACL and we have to set an annual catch limit and if that's exceeded and then we've got accountability measures that kick in; could we really do some borrowing?

In essence what you're doing is saying, well, you can go over the ACL this year ahead of time and borrow against next year's, but I guess the way these are set up, Roy, where each individual would have an account, you could track that. My concern was, number one, could you say up front you're going to allow them to go over the ACL up front one year; and, number two, if an individual did go over, then is that something the whole fishery would be responsible for paying back?

But, obviously, each individual is tracked by themselves, and so they would be responsible for paying that back the following year, so it could be tracked. My only question was whether you can allow them right up front to exceed the ACL and not get in a problem? I guess you've looked into that, Monica, and it is not a problem.

MS. SMIT-BRUNELLO: Well, just a little bit; you know, if you exceed the ACL in one of four years – I can't remember what the Act says – you trigger an accountability mechanism. This is just kind of an interesting idea to toy with and try to figure out how you can structure it a little bit differently. I'm not quite sure of the answer but I'll be glad to look into it and talk about it with others and see what we could come up with and work with Kate.

MS. SHIPMAN: Was this for the fishery as a whole or for individuals in terms of their shares?

MR. CUPKA: Well, it would have to be individual and it could be tracked. The way I understand the Gulf, red snapper is set up that each person can go in and check their account at any time, and they know how much they've harvested and how much they've got remaining. If they go over that, I guess in the snapper they're allowed to buy –

MS. SHIPMAN: Right, and that was going to be my question; did you –

MR. CUPKA: -- buy a share to cover that.



MS. SHIPMAN: -- discuss buying the overage from other fishermen in terms of the other share?

MR. CUPKA: We haven't really gotten that far in the discussions at least that I've been privy to. Kate may have.

MS. SHIPMAN: Because that would be an option I would think could be either a subset of this or another alternative is they could buy overage from another fishermen.

MS. QUIGLEY: Yes, that's something that they were made aware of and that they talked about. They saw that there is such a small pool, though, of people to buy from and that's why they had a real interest in this banking and borrowing.

MR. CURRIN: With the accountability measures in place, I wouldn't have any problem with them borrowing from next year. I mean the accountability measure could simply subtract it from the next year's quota share. Banking, on the other hand, I think should have some limits on it, some percentage that they're allowed to carry over.

Otherwise, you provide incentive for someone, if they're allowed to carry it over and carry it over again, for building up some amount of product that they can then sell every three or four years or something like that to another vessel or to save it up to harvest it only one year out of four or five, and that could potentially cause some problems in the fishery if the effort gets concentrated in a particular year. I've had some reservations about allowing them to carry over the entire quota from year to year.

MR. PHILIPS: Okay, the banking and borrowing could very well have a rollover into the use-it or lose-it provision because if you're going to borrow or lease or however you want to call it from somebody that has got a permit that they're not using, who gets credit for those pounds. Somebody could be sitting there saying, "Well, I want to loan this out to somebody, so I've got some poundage limits." You need to keep that considered.

MS. SHIPMAN: And just to one of Mac's points, if you did your borrowing from your next year's quota, I would want to make sure that the deduction comes off of that individual's share and not on the overall quota so that everyone gets a reduced share because of one individual went over. I mean, it's intriguing and certainly worth looking at, but I think Charlie raises a good, too. There are all of kinds of nuances of working the system.

MR. CUPKA: Well, that was my concern until I realized that would be tracked individually. Otherwise, if a person went over the entire fishery would pay back their overage, and it needs to be just their responsibility.

MS. QUIGLEY: Those are all the design options I've got, and I guess staff would like to know would you like to have these analyzed?

MR. CUPKA: I guess you're asking when by, and I think the chairman has expressed some interest to have this moved along, but we have to remember we've also asked Kate to continue

exploring the possibility of catch shares in the snapper grouper program. She is also working on revamping the Wreckfish ITQ. She is going to be busy. George.

MR. GEIGER: Yes, and not in that order, Mr. Chairman, if I might. I think we looked at doing wreckfish first.

MR. CUPKA: Yes, I didn't mean to imply any priority or anything by that. I just wanted to remind people of some of the commitments that Kate already has. I do know that the industry is very interested in this and wants to move ahead, too, and more so I think than some of the other fisheries we're looking at. That may tend to give it a little more priority, I would think.

MS. QUIGLEY: I guess one thing I'm keeping in mind is that there is a whole team that works on these things and not just me. I don't feel it all falls upon just me. As you will see, a lot of these things are the same things that the Snapper Grouper LAP Exploratory Workgroup brought up; you know, banking and borrowing, use-or-lose provisions, all of these same things. It's kind of the same methodology again and again and again, which makes, I guess, the subject matter familiar, which helps a little.

MR. CUPKA: Well, I guess the only guidance we can give you is to work on it as you can. You know what has been asked of you. Again, like I say, this is one that the fishermen I know are interested in pursuing, more so than some of the others, so to my mind that would tend to give it maybe a little bit higher priority in some respects unless anyone disagrees with that. Okay, do you want to move ahead then and take us through the rest of the amendment?

MS. QUIGLEY: This is a skeleton amendment. There is really nothing in it other than just some ideas about MSY, OFL and ABC. You can see up on the screen or in the amendment, Action 1, establish some sort of MSY: Alternative 1, no action; Alternative 2, MSY of 5 million pounds. That is what the industry has asked for.

Alternative 3, MSY of 2.5 million pounds; that's a number that NMFS had come up with years ago. I think it was over ten years ago. Alternative 4, an MSY of 400,000 and 600,000 pounds, which has a recorded landing, recorded trip ticket landing over the past five years or so. Those are MSY options.

OFL options, these are, I believe from documents from about ten-plus years ago. Gregg can give some detail if wanted. Then we've got some ABC options which are basically just take a look at the MSY, and they're a little bit lower. So the 2.5 million pounds; you see Alternative 2, 2 million pounds and then an ABC of 1.5 million pounds, and then you see Alternative 5, 4 to 4.5 million pounds, a little bit lower than the 5 million pounds.

MR. GEIGER: Mr. Chairman, I don't envision there being a recreational allocation requirement or even a request. I don't know that there are any recreational people fishing for golden crab. I've learned from Dr. Crabtree you can never say never and you don't know until you really know. We did get into this situation in wreckfish by have a 100 percent allocation for wreckfish. It seems to me that just to remain consistent we ought to have an allocation portion in this document and declare it a hundred percent commercial just to let the public know so it's not

overlooked or it doesn't appear that we did not consider it, and at least give the public an opportunity to speak to that.

MR. CUPKA: That is a good point, George, and I think we can put that in there and see what kind of response that comes out of the woodwork, but I would be surprised but like you say we ought to cover all the bases, so I agree with that. Other comments?

MR. HARTIG: We spent a large part of yesterday dismantling the wreckfish program possibly, and this one is going to look exactly like it in the end. I just was wondering what was the impetus of why the fishermen thought that this was really going to help them in the long term? If you had any feeling, David or Kate, about what is the driving force behind this; what do they see, you know, what are they going to get out of it; what do they see for the long term?

MR. CUPKA: I think Kate touched on some of that earlier when Roy asked the question. Do you want to respond again? Again, I think they –

MR. HARTIG: Well, I'll just go back in the record and see; don't worry about it. I'll go back in the record and see if it has already been answered.

MR. CUPKA: Well, I don't know if Kate wanted to elaborate on it, but they feel like given what has happened in some of these other fisheries with ACLs and all that there may be a movement for people to enter this fishery who didn't have the background or the experience to fish it, and they'd end up doing damage to habitat and everything else was one of the reasons that they gave.

MS. QUIGLEY: They put out a letter to the council back in March, I believe, giving their reasons that they wanted a catch share program, and that's in the briefing book and I can, of course, distribute it again with no problem. One of the reasons was security; that they wanted to have that security and protection.

Another reason was as far as health problems, that they wanted to be able to – if they did go to a derby, so if they got an ACL of, say, 500,000 pounds, they feel like there would be a derby and that they didn't want their vessel breaking down or health problems to interrupt their ability to harvest crabs. So it was basically they don't know what the ACL is going to be, but they want to have that security and they want to have that flexibility that is allowed through an LAP-type program.

MR. CUPKA: I think this was another example of a fishery that is somewhat unique and a little different in that it's a hard fishery to prosecute, for one thing, and they can't always get back out there as soon as they'd like to, so they wanted some security there. Other comments? Kate, I think that's everything at this point.

Obviously, this document will be further developed and refined based on input today plus the additional input we'll get at the next AP meeting, and we'll be coming back to the council with a more developed document to move forward and then try and develop a public hearing document. Is there any other business to come before the committee? Rita.

MS. MERRITT: Mr. Chairman, one of the attachments in the briefing book was a letter where Chairman Harris responded regarding some negative publicity towards the Golden Crab Fishery. Other than that lovely letter – I really appreciate your responding to the AP members about that – is there anything else that we can do or have done to enhance the reputation of all of the work that the council has done that is very positive and to try to take away some of this negative press image that we've got for both recreational and commercial fishermen. I just think it would be wise if perhaps we can be a little bit more aggressive about that.

MR. HARRIS: Well, thank you, Rita, and I couldn't agree with you more. The action that the council took yesterday, Doug Rader has already put out a press release on that. He is pretty fast. Kim has got one out, too, so certainly what we did with respect to the deep-water coral protection is positive publicity for the council. Anytime we can have positive publicity with respect to what we do with and for the fishing communities is going to be good as well.

It seems right now a lot of that publicity is negative more than positive, but I agree that we need to continue to work with the media through Kim and NOAA Fisheries folks and try to develop the most positive approach we can to the activities and actions of the council. Unfortunately, at this point in time until we get through with snapper grouper a lot of it is going to continue to be negative, I suspect. In any event we will continue to play away and do what we can. Mr. Chairman, does that complete your report?

MR. CUPKA: Yes, I was just going to say that we do have a lot of negative publicity in a lot of areas, but this is one area where we certainly have an opportunity to stress the fact that we are working closely with the fishermen and they're working closely with us trying to protect the environment. Again, that's part of that tradition that this particular fishery has had in working with this council. Anything we can do to spread that work, I think would be good.

(Whereupon, the agenda of the Golden Crab Committee was completed on September 18, 2009.)

MR. HARRIS: The next item is the Dolphin Wahoo Committee, Tom Swatzel.

MR. SWATZEL: We'll call the meeting of the Dolphin Wahoo Committee to order. The first agenda item is approval of the agenda. Any additions to the agenda? Any opposition to approving the agenda? Hearing none, the agenda is approved. Our next item is approval of the minutes from the June 2009 meeting. Any additions or corrections to those minutes? Hearing none, those minutes are approved.

The advisory panel met in North Charleston in August. We had a very spirited discussion about the dolphin wahoo. There were some issues about some omissions concerning some of the data that the advisory panel picked up on very quickly, which somewhat hindered the discussions. We were also privileged to have David Cupka and George Geiger in attendance at that meeting. I'll let Gregg Waugh go over the advisory panel motions at this time.

MR. WAUGH: These are included as Attachment 1. I've also got them projected on the screen. The AP elected Dave Harter as chair; Dewey Hemilright as vice-chair. We had a discussion about pompano dolphin because they're included in the fishery management unit. Their

recommendation was that it's such a minor species to either lump it in with common dolphin or just not bring the issue back to the AP to discuss anymore.

They also approved some recommendations that we push for more funding for data collection and research at the state and local level; that we have each state explain their data collection programs to the AP and council; and that they recommend we have better data presented to the AP.

MS. MERRITT: Gregg, I tried to listen to most of this AP meeting on the U-stream, and I did miss a great portion of it. I'm wondering was there any discussion regarding data collection programs that addressed tournaments and the data that they might have available for dolphin wahoo?

MR. WAUGH: There was some discussion about that. We had Don Hammond there and he gave a short presentation, and that was identified as a data source that we should try and tap and get that data as well.

MR. SWATZEL: Any other comments or questions? Hearing none, we are the presentation on dolphin and wahoo landings. Jack, are you going to give that?

DR. McGOVERN: Yes, Mr. Chairman, I'll give a very brief presentation. The dolphin landings are in Attachment 2 and the Wahoo landings are in Attachment 3 for the Dolphin Wahoo Folder. The dolphin commercial landings are from ALS for North Carolina through Florida. The landings for Virginia north are provided by the Southeast Science Center by Dave Glockner.

All the commercial landings for 2009 are from the Science Center. There is not a quota monitoring system for dolphin so they're all from the states and provided to Dave. He brought those to us. The 2009 data are preliminary.

The recreational data are from MRFSS and the Southeast Headboat Survey. You will see that the South Atlantic landings for commercial and recreational dominate for both commercial and recreational. I think like 93 percent of the dolphin landings were recreational overall and 7 percent are commercial. There are also some lengths' data in this report.

This report was put together by Nick Matha for both dolphin and wahoo. There are some mean fork lengths by year for the headboat, MRFSS charter, MRFSS private and commercial. Generally the commercial sector, there is really no trend to the mean length with time. Commercial mean lengths are generally larger than other sectors and headboat are generally smaller. There is also a preliminary size limited analysis provided for increasing the minimum size limit from 20 inches.

For wahoo those landings are in Attachment 3. Again, for states for North Carolina to Florida, those are ALS for commercial and the Science Center has provided data for states north. The South Atlantic dominates commercial and recreational. Most of the landings are recreational.

They average about 50,000 pounds commercial and about a million pounds recreational. That completes my report, Mr. Chairman.

MR. SWATZEL: Thank you, Jack. Any questions concerning the landings' data for wahoo and dolphin? Mac.

MR. CURRIN: We've mentioned this several times around the table over the last couple of meetings. There has been a fair amount of concern expressed to me in North Carolina about the increased longlining activity up there and potential impacts on the recreational harvest. It was indicated earlier it's primarily a recreational species.

To track that concern I've bugged Phil a number of times to give me the most updated landings that they have. In going through that, they kept coming up for several months is there is about a half a million pounds, and I know just from the effort in North Carolina that didn't come close to equaling what we had seen in North Carolina on its own.

I contacted the confidential Georgia folks and South Carolina and Florida and able to cobble together some of those landings. Without the Mid-Atlantic and New England and without Georgia's landings, the best I could cobble it together through about July the commercial landings were at about 1.3-plus million pounds, very close to our 1.5 million pound cap at least through July and in some cases June. Again, these are estimates but we're bumping up against that cap, which the plan would indicate would trigger some sort of action by the council.

The other thing it pointed out is that the tracking of these landings make it very, very difficult for the council to react if that became necessary because we don't know how close they are to the cap in reality. There is a real time lag here, and from my perspective I think we need to do something to tighten up the reporting so that those landings are as close to real time as possible.

There never going to be and I'm not asking for daily or weekly reporting, but monthly reporting perhaps when they're complete by the state, to some central agency so that these are more real time I think would be a real benefit to this plan.

MR. GEIGER: Mac, I agree with you, but to that point, when Jack was going through his presentation he talked about the fact that dolphin are being monitored under a cap as opposed to a quota. I guess when the cap was established by the council under the original plan commercial landings weren't really high enough to demand – or we weren't managing enough fish under a quota to consider this particular plan to be manageable by a quota

In fairness NMFS has a quota management site for species that are managed under a quota that you can go to and they keep up, and when the quota is met it closes the fishery. Unfortunately, a cap, in talking to Roy, there is no definition for what a cap actually is, but it not necessarily would result in a closed fishery because it's not a quota.

I guess the conundrum we're in is we need in this plan that we're looking at is convert that cap to a quota so that it can be managed and observed under the quota monitoring program that is

already established and we can take whatever actions are necessary such as a closure when the quota is met. I guess to do that it would take an amendment to the existing plan.

DR. CRABTREE: Just to follow up on George, it does sound to me, Mac, like what you want is to put this in the quota monitoring program and I don't think we're going to that because it's not a quota. It's a cap and it's not in the regulations anywhere. I can read to you what the preamble of the proposed rule said about this.

It says, "In addition, the FMP would establish an annual cap of 1.5 million pounds or 13 percent of total landings, whichever is greater, for the commercial fishery for dolphin in the Atlantic EEZ. Should the catch exceed this level, the council would review data and evaluate the need for additional regulations."

The way this was set up was that we would periodically look at what is caught; and if the cap was exceeded, the council would go through the plan amendment or a regulatory amendment process and take some action. This was set up not to respond to going over quickly, but to go through the whole process with an amendment and public comment and rulemaking and everything.

Most of this discussion was before my time on the council, and I really don't know why the council set it up as a cap rather than a quota. We really can't say whether the cap was exceeded just by measuring the commercial landings because it has got the "or" statement whichever is greater; and with the 13 percent and evaluate, you'd have to have all of the recreational landings pulled together.

Now, I suspect the reasons the numbers you have are higher than what we have right now is something over 800,000 pounds, but we get that reported from the state I guess through the trip ticket system, and there is a big time lag with that. It's months before we get all that and sometimes more than that.

We've got to go through and establish ACLs for dolphin and wahoo; and I would say when you do that, if you want to change the structure of the cap and set it as a commercial quota, you can do that and then we'll monitor it through the quota monitoring program; and when we think they're going to catch the quota, we'll close the fishery like we do with all the other programs. My read of it is that the council intended this not to be a quota. They intended it to be something different, and so we don't monitor it as a quota and we don't treat it as a quota.

MR. GEIGER: I guess my question is to Gregg; as we're required to develop annual catch limits for this fishery and we're going through that action right now, wouldn't this be the time to take that up and establish a quota?

MR. WAUGH: Well, that's one of the items that we have in our decision document. Once we set an ACL and determine whether we're going to set an ACT, yes, it is in the plan to do that, and these actions would be forwarded and included in the Comprehensive ACL Amendment.

MR. MAHOOD: Initially when the council looked at this and the reason it was set up as a cap is we estimated approximately what portion of the fishery was commercial and what was recreational. There was pretty weak information. The way I always looked at it – we had the longline folks involved and they felt like they were going to get short-changed, but in actuality, as I recall, on the commercial sale side, 8 percent of the 13 percent was hook-and-line sale, which really probably was recreational sales of the bag limit.

At the same time we did this we prohibited recreational sale of dolphin and wahoo. In actuality the commercial longline side picked up a percentage over what they had probably harvested in the past. At the time the discussion was this fishery is very vibrant, it's in good shape, they reproduce quickly and there just weren't any problems.

That's kind of the background of how we got to where we are now. Now, obviously, like Gregg pointed out, it's in the document. We've discussed that and that would be the time for the council to make a decision if they want to go to more of a hard quota or hard TAC under the ACLs.

MR. CURRIN: Bob, thanks for that history lesson. Dr. Crabtree, like you, I think about the time I came on this council six or so years ago was the time that the Dolphin Wahoo Plan was being approved by the council. One measure that was in that plan developed by the council that was not carried forward or was not approved by the National Marine Fisheries Service was a trip limit recommendation I believe from the council of about 4,000 pounds.

There have been apparently a number of trips off of the coast of North Carolina this year involved with the increased longline effort that had far exceeded that two times or greater of that; not on a regular basis but some trips of well over 10,000 pounds. In the big scheme of things that may not a big deal for the coast-wide landings but for 30 to 50 or 60 charterboats that are trying to make a living off the coast of North Carolina, it can affect localized depletion of stocks that in some cases might stay there for weeks to a month or weeks to a month or so, so it has raised some concerns.

Those sorts of levels of landings have raised some real concern among some of the charterboat folks off of our coast. I would ask, then, that we actually consider as well in the ACL Amendment some sort of trip limit for the commercial industry, if we can do that.

DR. CRABTREE: You can certainly do that, Mac, but just keep a few things in mind. At this point, since the cap was put in place, it has not been exceeded. There were a lot of problems with that amendment. There were NEPA issues with it that resulted in some of the disapproval and there was lack of rationale.

Looking back now, it appears that a trip limit wasn't necessary to prevent going over the cap, and that was part of the issue with the disapproval. You could certainly come back with it. The other thing to keep in mind is the commercial landings are by and large I think less than 10 percent of the overall landings in this fishery.



If you have depletion problems, it's a stretch in my view to pin it on – it's more likely due to recreational takes if there are issues with this stock than the commercial takes. We just need to be careful that we're not reacting to perceptions rather than reality, but I think you can certainly come back and revisit this. The other portion of that plan that was not approved was the limited entry permits, I believe, for dolphin. I think you can come back in and look at all of those things if you want to in the ACL Amendment.

MR. MAHOOD: Roy, I think Mac hit it on the head why this plan moved forward to begin with, and it was localized depletion. It wasn't depletion of the resource, but there was depletion in certain areas. I know one of the big issues off of South Carolina, there were at least a couple of documented landings of over 20,000 pounds. I think, also, isn't the bag limit different in Florida than it is in the other states? I know there was a localized depletion problem off the east coast of Florida that addressed in the amendment, also.

MR. WAUGH: Size limit.

MR. MAHOOD: Size limit; that's what it was. A lot of it was this localized depletion issue and not so much that the stock was in trouble in any way. Again, the cap or the percentage was set as a trigger. I think as Roy said the council would step back and take action if it got out of what we considered an equitable balance.

DR. CRABTREE: Yes, but just remember a further problem is perception is not always reality; and the fact that if your fishermen see somebody bring a lot of fish in and say, oh, well, we've got depletion, localized depletion, now it doesn't mean that there is really localized depletion. That is what we need to be careful of.

I'm not saying these things aren't going to have an impact, but the fact is you've got a commercial fishery that's only a small fraction of the overall removals from the fishery. All of us have been around long enough to know there is always somebody trying to look at the other side and say they're bring in too many fish. We just need to be careful about that and make sure that if we come in talking about depletion and things, that we actually have some evidence that there really is a problem.

MR. CUPKA: Bob is right in his remembrance of this thing, and it was sort of a localized depletion issue. I can remember that's when we had in South Carolina what we affectionately refer to as the dolphin wars where Jim Donofrio came down and was on the steps of the courthouse getting all the recreational guys worked up over this thing and all.

That's part of the reason why we ended up with some state regulations that later got overturned and shot down, but that was exactly the reason why it was seen as a localized depletion thing and all of sudden these longliners were showing up and they were being seen more and more by the recreational guys. That was the impetus behind a lot of this.

Bob is right; you know, the idea was to look at this; and if got out of hand, then we could come back and take some action on it. As Roy pointed out, to date we don't have any data that shows that was exceeded. But that was always the idea which was to monitor the fishery. The stock

was in good shape, it was a fast-growing thing, so we put a cap in place, really, as kind of a monitoring trigger. If we exceeded that, then we could come back and see if we needed to take some more action to restore that balance between commercial and recreational.

MR. PHILIPS: I agree with Roy; you know, this is a stock that's in good shape. We know that the commercial guys are 10 percent, or whatever the number is, it's a small number. We also know we're going to be pushing people from one fishery to another, and dolphin might be something that can take up some of that slack.

I'd be skeptical about making such small trip limits, if that was an option, until we see what the ACL is. Then if we want to do an allocation and we see a problem coming, then we work accordingly. It's kind of like some of the other things; you know, when they wanted to close shrimping so they could save some red snapper, it's perception. I don't think the commercial guys are the problem. It may be a problem at some point in time, but I don't think they are yet.

MR. SWATZEL: After Mac, if we could, we probably need to start moving on into the ACL recommendations.

MR. CURRIN: Yes, it may well be perception, but I fish every year personally out of Hatteras for a couple of days in June, the same month, and have for the last close to 25 years. I've gotten to know a lot of the charterboat captains down there and I know a large number of the commercial fishermen down there.

The longline effort has been ramping up from three or four to eight boats to this year 20 to 25 crews that were operating off of there in the month of June, during the heart of the season when these fish migrate by our coast. They're available in small numbers; the big peak is around the first of June, the middle of May to the middle of June.

When you've got several of the boats removing 10,000 pounds plus a day, that's 160, as best I calculated, on average charterboat limits that come out of the water in one day. These guys have never said anything to me before about longline effort in that area until this year, and they had sense to bring it up because they live in the community.

They live with these people, but it's disturbing them greatly. I bring it to this council; and if it will require a motion that we analyze trip limits in the ACL Amendment for dolphin, then I would make that as a motion at the appropriate time, Mr. Chairman.

DR. LANEY: Well, two comments; one is I'll increase the observations and equal to Mac's comments that he just made, because I also fish that charter fleet out of Morehead City and out of Hatteras and out of the Oregon Inlet Fishing Center. This was the first year that I've heard the complaints about the longliners, as well.

But I wanted to switch the subject to wahoo and just ask Jack one real quick question. In contrast to the dolphin landings since '99, the wahoo graphs there show what seems to be a general downward trend from about 2004 to the present. Is that any indication of changes in the population or changes in the market or do we have a clue, Jack?

DR. McGOVERN: I don't know, Wilson. I don't know the answer to that.

MR. SWATZEL: Okay, let's let Gregg go through the Comprehensive ACL Amendment Options and then after that we can –

MR. GEIGER: Point of order. Mac, did you make a motion? You said if it took a motion, you were making a motion to that point.

MR. CURRIN: At the appropriate time I would like to make a motion that we analyze trip limits. If this is that time, then I would make that motion.

MR. SWATZEL: I would suggest let's let Gregg go through those options first and then we can do that. Gregg.

MR. WAUGH: We do have an exploratory dolphin stock assessment that was done by Prager in 2000, and this is Attachment 4. We have an MSY, an Fmsy, biomass ratio, and a fishing mortality ratio. Hopefully, we'll get recommendations from the SSC in December using their control rule.

We do have the issue of common dolphin. We do have pompano dolphin in the management unit. At some point we need some guidance on whether to try and present that as an ecosystem component or just drop it from the management unit. It is a very minor, minor component. It doesn't show up in any of the landings.

In terms of our MSY options, this is on Page 3 of that document. We've got the no action, which again remember MSY and OY include the Gulf and the Caribbean. Our management regulations only apply to the Atlantic. The MSY right now is between 18.8 and 46.5 million pounds. We've got some other alternatives that we pulled out of the Prager Report.

Option 2 is 26.987 million pounds. We've got the MSY option just looking at landings. Option 4 is to specify MSY separately from the Atlantic; a placeholder for the recommendation from the SSC. The AP has recommended Option 6 to specify MSY as 46.5 million pounds for the Atlantic, U.S. Caribbean and Gulf. That's the top end of the current MSY range.

MR. SWATZEL: Gregg, just a thought; maybe as you're going through this, as you end each one of these we can kind of discuss amongst the committee about if this is a satisfactory range of options; or if you want to add some more to it, now is the time. Yes, Brian.

DR. CHEUVRONT: I'd like to go ahead and make a motion at this point that we move – well, these aren't actual alternatives yet, so we don't have to say whether we have considered them and rejected them at this point; do we? Okay, Option Number 3 I think is kind of unrealistic; and aside from the potential for localized depletion, there is probably no reason to have Option Number 3 in there. It just seems too low.

MR. SWATZEL: Any other discussion about that? Yes, Mac.

MR. CURRIN: I would just observe that without some sort of basis for that, Brian, I'm not sure whether it's too low or not at this point. I just don't know. There is no basis for making that decision.

DR. CHEUVRONT: Well, I guess the reasoning for my basis for making that is that the no action option, the lowest part of that is 18.8 million pounds, which is higher than the upper end of this range, and we've not had any indication yet that using that 18.8 million pounds – even using that number that there is a problem in the fishery.

MR. SWATZEL: I guess basically we're just trying to give staff guidance as to is this a good range of options. Any other thoughts before Gregg moves on? Yes, Gregg.

MR. WAUGH: Well, we need a little bit more guidance because we've had one suggestion to take it out and I think Mac was saying not to take it out. I think if there are some that we want to drop or add, maybe the cleanest way is just to do it my motion unless there's consensus.

MR. SWATZEL: Okay, I'll entertain any motions. Yes, Brian.

**DR. CHEUVRONT: Yes, just to move this along, I'm going to make a motion that we drop Option 3 in the MSY options.**

MR. SWATZEL: We have a motion; is there a second? Rita seconds. Any discussion on the motion? Any opposition to the motion? Okay, correct me if I'm wrong, but based on that count, the motion did pass. Yes, Roy.

DR. CRABTREE: Where that is going to leave you, if you go back to the SSC or whoever and they say, "Well, wait a minute, those other ones you have are out of date and not best available," now you don't have any options based on landings so you're going to have to come back and put it back in, it seems to me, because I don't know what else you're going to have to base it on. Take it now, that's fine, if that's what you want to do, but I suspect once the SSC goes through it, you very well may have to add it back.

MS. SHIPMAN: Would that, though, be covered perhaps in Option 5 where they could come back and recommend to us – it says "recommended MSY from the SSC", so we may come back in, I agree with you, from a different venue.

MR. SWATZEL: Okay, the next item, Gregg.

MR. WAUGH: The next item is the top of Page 4, the overfishing level, and we've got the no action alternative. We've got the Fmsy that came out of the production model by Prager in 2000; an option to specify some separate value for the Atlantic and then a placeholder for the value recommended by the SSC.

MR. SWATZEL: Any discussion; does this look like a good range; anything you want to add or delete? Hearing none, we'll move to the next item and assume that's a good range.

MR. WAUGH: The next item is the ABC. We've got no action where there is no ABC. We've included an alternative from 17.5 to 22.9 million pounds based on 65 to 85 percent of MSY, Option 2, that would apply for dolphin in the Atlantic, U.S. Caribbean and Gulf. Alternative 3 is to specify ABC separately for the Atlantic, and Option 4 is a placeholder for the SSC recommendation.

MR. CURRIN: Gregg, in the previous option or the previous action as well as this one to establish an ABC, there was an option in there to separate it for the Atlantic at some value and I think that's a good idea. I just don't know how to get to that value. Does the staff have some means of deriving a value for those two separately, for the Atlantic?

MR. WAUGH: Well, the only thing we could think of is if you come up with some landings, just using landings from the Atlantic. As Roy suggested yesterday, perhaps using that to set your MSY and your OFL because that would be the yield at MSY. We would hope the SSC would give us some guidance on this.

MR. CURRIN: Okay, then I'm fine with it at this point.

DR. CRABTREE: And then I would guess what we're going to get from the SSC is to apply these control rules that we're looking at. Gregg, this is going to be in the Comprehensive ACL, so we're going to have an action, I would guess, in the Comprehensive ACL Amendment where we adopt these ACL Control Rules. How are you envisioning this going?

Then it seems in that action, if we adopt the ACL Control Rule, then that's how we're going to come up with our ACLs for – with the ABCs. It's not an ACL Control Rule; it's an ABC Control Rule. Then once we adopt those, that's where all of our ABCs are going to come out of, I would guess; is that how you see it?

MR. WAUGH: That's correct, and I think the way the Comprehensive ACL Amendment would be structured is similar to when we've done other comprehensive amendments. Those things that apply across FMPs, like the ABC Control Rule, we would have in one section where you would adopt that.

Then the specific values for each – we would have a section that amends each plan and talks about that plan. Within that section we would have the specific values for each species. Then just like we're going through here, we'd talk about the MSY, the OFL, the ABC, ACL and get into accountability measures and then management measures for each species, each FMP.

MR. SWATZEL: Any other thoughts about the ABC options? Gregg, next.

MR. WAUGH: Okay, the next is the ACL options at the top of Page 5. There is no ACL right now. We've got alternatives based on 65 percent of MSY, Option 2; 75 percent and 85 percent. All of those apply to the three areas. Then we have an Alternative 5 to set the ACL separately for the Atlantic.

MR. SWATZEL: Any thoughts about the ACL options; any additions or anything you want to drop out? Hearing none, we move to the next item.

MR. WAUGH: This is accountability measures. What we've done is basically just pulled from actions that you have taken in snapper grouper. We presented this to the AP as well, and their suggested change is highlighted in yellow. They have concern about reducing the length of the following seasons. They don't like the idea of season closures.

Anyway, Option 1 is there is on hard quota for dolphin. There are no AMs in place. Option 2 would have the commercial – the accountability measure for this stock is to prohibit harvest, possession or retention when the quota is met. All purchase and sale is prohibited when the quota is met. Do not implement ACLs or AMs for the recreational sector.

Option 3 is to use the same commercial accountability measure; and then if the ACL was exceeded, the Regional Administrator – and this applies to the recreational side – the Regional Administrator would publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings don't exceed the ACL for the following fishing year.

Similar to what we've done with some of the snapper grouper species, compare the recreational ACL with the recreational landings over a range of years. You'd use 2011 and 2012, use the two-year average, and then beyond that a running three-year average.

MR. SWATZEL: Any thoughts about the AMs for dolphin? Charlie.

MR. PHILIPS: Well, back to Mac's point, it might be an option to put in a trip limit or a lower trip limit, and that way you can at least keep the fishery open all year, so that might be an commercial for commercial.

MR. SWATZEL: I think that would be I guess a management measure that we would get to later on the document, I believe. Yes, Ben.

MR. HARTIG: Tom, the first two are kind of the same in a way. I know you have to have the status quo option in there, but the second one in the bottom says "do not implement ACLs or AMs for the recreational sector." I mean we have to do that, so why would we have two options that said the same thing about do not put in place AMs for dolphin? I don't understand that.

MR. WAUGH: Rick, do we still have an alternative in the snapper grouper where we're not implementing AMs? It shouldn't have said ACL. I can't recall why that's in there, but it was to track snapper grouper. I know at one point for some species we didn't have AMs.

MR. DeVICTOR: Yes, I think we got rid of those because it didn't have the recreational component. I'm not a hundred percent positive, but I'm pretty sure we did.

MR. WAUGH: So there is no problem if you want to drop Option 2 because Option 3 is the same as Option 2 except it adds the recreational accountability measures.

MR. BOYLES: Mr. Chairman, looking at the AP recommendation not about reducing the following fishing year but the bag limit the following year, I want to know if the committee is interested in adding that as an option?

**I'm seeing heads shaking so I would like to add that and make a motion that we add an option for a recreational accountability measure that would allow the following season bag limit adjustment to account for any overages in the recreational sector.**

MR. SWATZEL: There is a motion on the floor; is there a second? Susan. Any discussion?

MS. SHIPMAN: And, Robert, is your intention that would be added in for the Regional Administrator to do that adjustment?

MR. BOYLES: Yes.

MR. SWATZEL: Any other discussion on the motion? Is there any opposition to the motion? Hearing none, that motion is approved. Any other discussion about the AM's?

MS. MERRITT: Might this not be an opportunity to offer up as an option to have recreational texting; that program that was presented earlier by Sea Grant?

MR. SWATZEL: Any other thoughts about that from the committee?

MS. MERRITT: Just to expound upon what I said, the complaints from the AP of the lack of data. We've seen in here and we're struggling with some the species there is no data. Well, it's primarily a recreational fishery, and at this point we don't even have tournament data that I know of that the SSC has had. This might be one opportunity to look into. I'm not saying it's something that they would want to do or would be affordable or whatever, but it might just be an option to get some input on.

MR. SWATZEL: Okay, any other thoughts at all? Brian.

**DR. CHEUVRONT: So are we going to just drop Option 2; is that a decision that we made? If we need to make a motion for it, I will just go ahead and make the motion that we drop Option 2 from the accountability measure options.**

MR. SWATZEL: We've got a motion on the floor; second by Robert Boyles. Any discussion on the motion? Yes, Roy.

DR. CRABTREE: Well, yes, a question and maybe I missed it and now I can't see – does Option 3 include a commercial quota and close the fishery or Option 3 is just recreational; isn't it? Okay.

MR. SWATZEL: Okay, any opposition to the motion? Hearing none, that passes. The next item.

MR. SWATZEL: Okay, now we get to Page 6 where we have our management measures. Option 1 is all the existing management measures. Option 2 would prohibit bag limit sales of dolphin from for-hire vessels. Wahoo sale is prohibited by everybody. Dolphin, you can still sell those on for-hire vessels.

Option 3 would establish minimum size limits off of North Carolina and South Carolina. Option 4 would expand the minimum size limits to the New England and Mid-Atlantic areas. Option 5 – and some of these now in all caps are from the AP – increase the minimum size limit to 22 or 24 inches; reduce the boat limit, and one suggestion was to reduce it by a third. Option 7 was to examine harvest by powerheads and evaluate whether it should continue to be allowed.

**MR. CURRIN: Mr. Chairman, I would like to move that we establish Option 8 to explore a series of trip limits for management of the commercial fishery.**

MR. SWATZEL: We have a motion on the floor; second by Robert. Any discussion?

MR. BOYLES: Mac, are suggesting as well a quota – I mean the cap becoming a quota?

MR. CURRIN: Well, I think, Robert, with the establishment of an ACL, once we have that in place, we're going to have to allocate this fishery in some way, so then there will be a quota, I presume, for the commercial and some quota, unquote, for the recreational fishery as well. In that case, then, yes.

MR. PHILIPS: I don't have a problem with the trip limit and especially if you can work the trip limits into the AMs so that you set the trip limits so that the fishery is open all year. I don't really have a problem with the trip limits so long as the trip limits are high enough where they can make a decent trip.

MR. CURRIN: Yes, and just for some guidance for staff, then perhaps in the previous amendment it was 4,000 pounds; so if we ratchet it up from 4,000 pounds and ratchet it down from 4,000 pounds, that may give us a reasonable range of options to explore in that first cut, anyway.

MR. SWATZEL: Any further discussion on the motion? Any opposition to the motion? Hearing none, that is approved. Yes, Brian.

DR. CHEUVRONT: I would like to ask a question regarding Option 3. Currently off of North Carolina and South Carolina we don't have size limits. In North Carolina, for a couple of weeks every year, we have an opportunity to catch dolphin off of fishing piers. It's the only time that – unless you have a boat or access to a boat – that you can catch dolphin in North Carolina. These fish tend to be on the shorter range, and I was wondering if they had a similar fishery in South Carolina.

MR. BOYLES: Brian, I'm not aware of one. If I recall, I had asked that we would put this in for consideration just to hear what the public had to say. I continue to get, particularly at a lot of



tournaments, a lot of questions and a lot of sideways looks from guys bringing these really, really small dolphin. I would like to get more feedback on it from South Carolina at least.

DR. CHEUVRONT: Yes, I agree with you, and I'm not going to suggest anything to eliminate the option at this time. I would like to get some public comment on it, but I know that is one of reasons why – you know, from the agency perspective in North Carolina we're concerned that if we establish a minimum size limit off of North Carolina, we could shut out a certain segment of the population from access to the resource when they only have access a couple of weeks out of the year, and those tend to be the shorter fish.

If the stock is not in trouble, then maybe there is no reason to eliminate that. This is something that will probably come back up later on as we discuss this further, but I just wanted to get that idea out there.

MR. BOYLES: Tom made note that there is like a stimulus project to build a 45-mile-long pier on the Grand Strand, and that might be the case. (Laughter)

MR. ROBSON: I have a couple of questions about Option 6. I guess to be clear that's basically reducing the boat limit to 40 per day. That's what the Florida boat limit is. Then you want to be clear because I guess we have a headboat that's different. You want to be clear that is this a boat limit for private recreational boats.

MR. SWATZEL: Gregg, is that enough guidance for you on that item? George, do you have a comment?

MR. GEIGER: Well, I was going to pass but I think we were talking about the charterboats and not headboats; not the private recreational sector, but for charterboats and the private recreational sector. Headboats would be exempt.

MR. ROBSON: I was just saying we want to be clear on what you are referring to as a boat limit, because right now you have a headboat exemption. You have ten per person for a headboat.

MR. BOYLES: Gregg, where did Option 7 come from; what is the genesis of that; can you give me a little bit of background?

MR. WAUGH: This was just mentioned at the AP. There was some concern that this was going on. I can pull up some more of the discussion.

MR. SWATZEL: Any other comments about management measures or dolphin because I think we've pretty much reached the end on dolphin?

MR. WAUGH: There was some mention of allocating and we do need to take the ACL and allocate it, so we need to have some guidance on how you would want us to do that. In general what the guidance has been up to now is for the Comprehensive ACL Amendment we will look at allocating to the three sectors, the private recreational, for-hire and commercial. Then we had

the formula approach and then we'd work up some others using landings. Is that still the general guidance for allocation?

DR. CHEUVRONT: I'm saying when you are saying the formula approach you're referring to the Boyles approach? Okay.

MR. SWATZEL: Any other comments about dolphin? If not, we'll let Gregg go ahead and move into wahoo.

MR. WAUGH: Okay, so for wahoo we don't have – well, the MSY proxy that was used – and this is on Page 8, for wahoo is 1.41 to 1.63 million pounds. As I recall looking at some of the landings' data, we were getting close to that in some instances. We've got some other range based on several years, separating for the Atlantic, and a placeholder for the SSC recommendation.

MR. SWATZEL: Any comments about MSY options? Hearing none, we'll move to the next item.

MR. WAUGH: Okay, overfishing, top of Page 9, the no action alternative, and again this applies to the Gulf and Caribbean. Also, Option 2 is to have a separate value and the value recommended by the SSC.

MR. SWATZEL: Any comments about OFL? Hearing none, we move to the next item.

MR. WAUGH: ABC, there is not one in place now; some alternatives to use the range of pounds based on 65 to 85 percent of MSY, Option 1 or 2; separate value for the Atlantic and the SSC's recommendation.

MR. SWATZEL: Any comments about ABC? Hearing none, we'll move on.

MR. WAUGH: ACL, there is nothing specified now. We've got alternatives ranging from 65 to 75 to 85 percent of MSY options and a separate value for the Atlantic.

MR. SWATZEL: Any comments or discussion about the ACL options? Hearing none, we'll move to the next item.

MR. WAUGH: Okay, accountability measures, and I would assume here you would want us to make the same changes that you approved for dolphin, so we'll make those changes because these are exactly the same.

MR. SWATZEL: Any opposition to that; everybody okay with that? Okay.

MR. WAUGH: All right, then management measures, we haven't heard any recommendations for any changes. Obviously, we'll have to look at what we end up with for an ACL because, remember, your MSY is not a large number and that's split between the Atlantic, the Gulf and

the Caribbean; so by the time we get to our ACL, it may be a small enough number that we need to look at some regulatory changes.

MR. SWATZEL: Okay, any comments about management measures? Hearing none, we're complete with wahoo. Is there any other business to come before this committee? Yes, Brian.

DR. CHEUVRONT: I think we probably need to do something with wahoo on allocation, and I was just going to suggest that we give guidance to staff to follow the same things that we did for dolphin.

MR. SWATZEL: Good point; any objection to that? Hearing none, we'll head in that direction. We're at the timing-and-task motion, but I believe we've probably given you your tasks. Okay, any other business? Hearing none, then this committee is adjourned.

MR. HARRIS: Thank you, Tom. This adjourns the Committee as a Whole, so we're in full council now. Just for your information, those last two committees, Golden Crab and Dolphin Wahoo, do not need to make a committee report to the council. What they have done is their report to the council. The other committees, we will go into committee reports right now, and Mr. Snapper Grouper Chairman, are you ready for your committee report?

MR. ROBSON: Yes, Mr. Chairman. The Snapper Grouper Committee met, obviously, all this week. There were a number of presentations in association with actions that the committee was considering, including on Oculina, the interim rule report and some other presentations relevant to the amendments that we were considering.

With regard to Amendment 17A, the council staff presented the various alternatives in the amendment; and in addition to that some of the Snapper Grouper and Law Enforcement AP recommendations. The committee reviewed closure area maps that the staff developed that were based on the law enforcement recommendations.

The committee discussed the implications of some of these recommendations, including those in terms of economic and social effects and from retaining the current Fmsy proxy and from specifying a new and based upon recommendations from the SEDAR Review Panel and the SSC. I'll get into the specific motions which address our discussions relative to the Fmsy proxy and optimum yield and rebuilding strategies as well that were developed in subsequent motions.

Along with the management alternatives that were in the original draft document, the committee reviewed ten proposed alternatives – these were new alternatives – including the preliminary analyses investigating the biological effects and the feasibility of each of these. These were additional proposed alternatives that came forward from the Snapper Grouper Advisory Panel and the public since the June 2009 council meeting.

There were a number of alternatives, and again those were all addressed in specific motions that I'll go through when I go through the motions. The council added an alternative for the public hearing document that would allocate the red snapper annual catch limit. This was the additional alternative that we took up at the end, and again we'll go through that in the specific motions.

With regard to Amendment 17B, council staff presented the alternatives in the amendment in addition to the Snapper Grouper and Law Enforcement Advisory Panels' recommendations. The committee reviewed maps that displayed the closure for the deep-water snapper grouper species, and that displayed that closure beginning at approximately the 240-foot depth contour. This is based on some boundaries that staff developed based on the law enforcement recommendations.

The committee reviewed an action that would specify the golden tilefish allocation. The committee approved Amendment 17B for public hearings. The details of the direction to staff and the team are provided in the motions, as I said. Regarding Amendment 18, council staff presented the alternatives in the amendment in addition to the Snapper Grouper and Law Enforcement Advisory Panels' recommendations. The council approved Amendment 18 for public hearings. Was that done as the Committee of the Whole?

MR. HARRIS: It was the Committee of the Whole.

MR. ROBSON: That's right. The details of the direction to staff and the team are provided in the motions. With regard to Amendment 20, council staff presented the alternatives in the amendment in addition to the Snapper Grouper and Law Enforcement Advisory Panels' recommendation, and those details are provided in the motions.

With regard to the Comprehensive ACL Amendment, staff presented guidance in terms of national standards. The council directed staff to add various alternatives that would either designate some species as ecosystem component species or remove some of them from the fishery management unit, and again the specific alternatives are outlined in the motions.

Council added an action to the document that would investigate changing the current commercial trip for greater amberjack, which the current trip limit is a thousand pounds. There was an agenda item dealing with the Fishery-Independent Monitoring Workshop. The committee discussed and selected members of the fishing community who might participate in that workshop along with technical staff from the South Atlantic Region.

In other business, South Carolina members of the council raised concerns over the level of commercial landings in some of the special management zones. The council decided to add an action in Amendment 18 that would change the regulations in these areas. The alternatives include limiting harvest for all users in the SMZs to the bag limit and for the National Marine Fisheries Service to delegate management authority of the management zones to the respective states.

Mr. Chairman, I would now like to go through the committee motions that were made, and these would be the motions that were made by the committee and not the Committee of the Whole: Motions regarding Amendment 17A:

The first motion, to change the preferred MSY alternative from F 40 percent SPR to F 30 SPR. That was disapproved by the committee. In some cases there were motions made and they were either tabled or then withdrawn, and I'm going to skip those, to deal with the motions that were either approved or disapproved ultimately by the committee.

**Motion Number 6 was to set Rebuilding Strategy Alternative 4 as the preferred, and that would be at 75 percent Fmsy, using the very high recruitment estimate which results in the ACL being 79,000 pounds whole weight. There was an amendment to that motion to adopt the very high recruitment in the calculations of all alternatives in the document. That amendment was approved by the committee and the main motion was approved by the committee.**

MR. HARRIS: The ones that were approved by the committee you need to move for approval by the council.

MR. ROBSON: Okay, do you want me to do each of them individually or wait until I read all through?

MR. HARRIS: Well, I think we need to do them individually.

MR. ROBSON: The ones that I've gone through for – actually Motion 6 was the only right now that I've read through, and that was the one dealing with the rebuilding strategy with the amended motion and then the main motion. Are there any objections to that motion? Seeing none, that motion is approved.

**Okay, Motion Number 8, separate the black sea bass and golden tilefish from the existing alternatives and put each species into their own alternative. That was approved by the committee. On behalf of the committee I so move. Are there any objections to the motion? Is there any discussion of the motion? Seeing none, the motion is approved.**

**Motion Number 9, add an alternative that would prohibit spearfishing in the closure area. That motion was approved by the committee; and on behalf of the committee I so move. Is there any discussion of the motion? Any opposition? That motion is approved.**

When we say the proposed alternatives and we list them by one through ten, these are the ones that were submitted either through the APs or the other public motions. **Motion Number 10 was to move the Proposed Alternative 1 to the considered but rejected alternatives. That was approved by the committee. On behalf of the committee I so move. Is there any discussion? Any objection? Show that motion approved.**

Motion Number 11 was to include Proposed Alternative 2 in Amendment 17A to allow for alleys but no deeper than 150-foot depth. That was tabled. Then there was an untabling motion for the original Motion Number 11. Then Motion Number 14 was to add Proposed Alternative 2 to allow for alleys but no deeper than 150-foot depth. That motion was disapproved by the committee.

**Motion Number 15 was to move Proposed Alternative 3 to the considered but rejected alternatives. That was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any objection? That motion is approved.**

**Motion Number 16, move Proposed Alternative 4 to the considered but rejected alternatives. That was approved by committee and on behalf of the committee I so move. Any discussion? Any objection? Show that motion approved.**

**Motion Number 17 was to move Proposed Alternative 5 to the considered but rejected alternatives. That was approved by the committee and on behalf of the committee I so move. Any discussion? Any objection? Show that motion approved.**

Okay, Motion 18, there was also some tabling action. The original Motion 18 was to add Proposed Alternative 6 to the alternatives in Amendment 17A. That motion was tabled and then it was untabled and then Motion 18 was disapproved by the committee. **Motion Number 20 was to move Proposed Alternative 6 to the considered but rejected appendix. That motion was approved by the committee and on behalf of the committee I so move. Any discussion? Any objection? Show that motion approved.**

Motion Number 21 was to include Proposed Alternative 7 with less the provision for new closed areas in the list of alternatives for Amendment 17A. When analyzed, that was to exclude north of the North Carolina/South Carolina Border and also the area of Southern Florida. That was disapproved by the committee.

**Motion Number 22 was to move Proposed Alternative 8 to the considered but rejected alternatives. That was approved by the committee and on behalf of the committee I so move. Any discussion? Any objection? Show that motion approved. Yes, Brian.**

DR. CHEUVRONT: Did we ever then have an approved action on what we were going to do for Proposed Alternative 7? I don't see one listed here.

MR. ROBSON: That was later on and that was that final action where we combined everything.

DR. CHEUVRONT: That's fine. I just wanted to make sure that we didn't let one slip by that we didn't give final to.

**MR. ROBSON: Okay, That motion was approved by the committee and on behalf Motion Number 23 was to move Proposed Alternative 9 to the considered but rejected alternatives. of the committee I so move. Is there any discussion? Any objection? Show that approved.**

**Motion Number 24 was to move the Proposed Alternative 10 to the considered but rejected alternatives. That motion was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any objection? That motion is approved.**

**Motion Number 25, add the accountability measure language in Alternative 7 to Alternatives 2-6 and also craft accountability measure language for the charterboat/headboat monitoring program (in terms of tracking the catch-per-unit effort via that program to track the change in biomass); also revisit the size of the closures when the discards are estimated to exceed the ACL. That motion was approved by the**

**committee and on behalf of the committee I so move. Is there any discussion? Any objection to the motion? Show that motion passed.**

Okay, Motion also was subject to some tabling action. The actual motion was to add an alternative to analyze the use of circle hooks for all snapper grouper species north of 28 degrees north. That was approved by the committee. Then it was tabled and then it was untabled. **As a result of that we had Motion 28, and Motion 28 was to add an alternative to analyze the use of circle hooks for all snapper grouper species north of 28 degrees north. There was an additional amendment to that motion to add the northern boundary at the northern end of the closed blocks. That amendment was approved by committee and the amendment motion was approved by committee. On the behalf of the Snapper Grouper Committee I so move. Is there any discussion of the motion? Any objection to the motion? Show the motion approved.**

**Motion 29, propose the use of circle hooks in the entire South Atlantic Fishery Management Council EEZ for the snapper grouper fishery. That motion was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any objection? Seeing none, that motion passes.**

Then Motion 30 was approved at the Committee of the Whole. That covers the motions dealing with Amendment 17A. We approved the amendment as a Committee of the Whole.

MR. HARRIS: Did we do all the motions?

MR. DeVICTOR: There is one more motion, Motion 42, and this tabled for full council, that you didn't get to at full council, and that's the last one that deals with 17A that you might want to deal with now.

MR. ROBSON: Yes, that's in there. I apologize, there is one additional 17A which will come later as the full council. Continuing on with 17B in terms of the committee actions, Motion 31 was to add an alternative that mirrors Alternative 4 –

MR. HARRIS: Okay, never mind, 17B was not approved as the Committee of the Whole so we'll go through those motions and then we'll come back to 17A.

**MR. ROBSON: Yes, 17B, Motion 31 was to add an alternative that mirrors Alternative 4 but moves the deep-water closure to 300 feet (50 fathoms) to the eastern boundary of the EEZ. That motion was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any objection? Show the motion passed.**

**Motion 32, adopt golden tilefish allocation Alternative 4 as the preferred alternative (97 percent commercial and 3 percent recreational allocation) and move Alternative 2 to the considered but rejected appendix. That was approved by the committee with one abstention. On behalf of the committee I so move. Any discussion? Any objection? Show the motion passed.**

Motion 33, add an alternative to 17B that would establish a tag program for the golden tilefish recreational fishery. That motion was disapproved by the committee. **Motion Number 34, include Alternative 5C in the accountability measure alternatives for black grouper, black sea bass, gag, red grouper and vermilion snapper. That motion was approved by the committee and on behalf of the Snapper Grouper Committee I so move. Is there any discussion? Any objection? Show that motion passes.**

Motion 35 was withdrawn. That motion was approved by the Snapper Grouper Committee and **Motion 36, move that Snapper Grouper Amendment 17B to go forward for public hearings. On behalf of the committee I so move. Any discussion? Any objection? Show that motion carried.**

Moving on now to committee actions related to Amendment 18: **Motion Number 37, establish a management regime similar to how Gulf Group King Mackerel Northern Zone is managed. That motion was approved by committee and on behalf of the committee I so move. Any discussion? Any objection? Show the motion passes.**

**Motion 38, add Sub-Alternatives 3C, 3D, 3E, 3G, 3H, 3I, 3J to the amendment under the golden tilefish effort and participation action. That motion was approved by the Snapper Grouper Committee and on behalf of the committee I so move. Any discussion? Any objection? Show the motion carries.**

**Motion 39 was change Alternative 7A to Alternative 8 for the action to modify management of the black sea bass pot fishery action. That motion was approved by committee and on behalf of the committee I so move. Any discussion? Any objection? Show the motion passes.**

**Motion Number 40, include Alternative 6 as an alternative. Alternative 6 would be to provide the option for fishermen to submit their logbook entries electronically via an electronic version of the logbook made available online. That motion was approved by the Snapper Grouper Committee and on behalf of the committee I so move. Any discussion? Any objection? Show the motion passes.**

**Motion Number 41 was to approve Amendment 18 for public hearing, and that motion was approved by the Snapper Grouper Committee. On behalf of the committee I so move. Any discussion? Mac.**

MR. CURRIN: It may just be me, but I just wanted to toss it out for consideration by the other council members. We're piling, it seems to me, a lot of actions into this next round of public hearings with three different amendments that are large and complex. It gives me some pause that may result in some confusion among the public.

Maybe we can pull this off and if the council and the staff think that we can very carefully keep everything straight in the public's mind, then I'm fine with moving ahead with this. I know there are some actions in particular in Amendment 18 that are timely and a number of our constituents would like to see those move as quickly as possible.



I'm not advocating delaying them. I'm just, if nothing else, asking that we be aware of the complexity and the amount of material here and do everything that we can to ensure that the public understands and has adequate time to appreciate and comment on everything in these three fairly large amendments.

MR. BOYLES: Just procedurally, Amendment 18 will include the South Carolina SMZ actions? Thank you.

MR. PHILIPS: I agree that they've got an awful lot to do. I'm just really skeptical after all the public comment that we heard that we don't take anything to the public where they feel like we're working and trying to do everything we can for them, so we need to take it to the public and say we're still doing an analysis on it but let them know in some way, shape or form that we've got some alternatives that we're working for them. I would strongly urge that we take it to the public even if we have to give them the bottom line, all these analyses are still being worked on, but I strongly think that we need to go ahead and take it but show that we're trying to listen.

MR. GREGG: Mac, one thing it does do is give the public a real picture of what the cumulative impacts are. All those amendments will come online roughly at the same time, and so we will try and structure our presentations so they link together and the public gets a picture of what the overall impacts of those three amendments are going to be.

MR. ROBSON: All right, we've had discussion on the approval for Amendment 18. Any objection to moving it forward to public hearing. The motion carries. There was a Motion 42 – and this actually is going back to 17A – that was one of the alternative proposals for a commercial-only harvest type of plan.

The committee tabled this motion until full council, and then at full council we incorporated this issue into what became Motion 44 in the summary here as the Committee of the Whole dealing with not just commercial but also a sector separation including a number of different ways to provide for some kind of removals. Since that was taken up as a Committee of the Whole, I don't need to review that. I believe, Mr. Chairman, that completes all of the motions that were done by the committee. Everything else was done by the council as a Committee of the Whole. Rick, help me if I've missed something.

MS. SHIPMAN: I just have a question that's more of a housekeeping. When we get the motions from this meeting; can we take the measures that were done by the council as a Committee of the Whole and couple them with the committee measures just so we sort of have a running dialogue of what we did rather than having them spread out.

MR. HARRIS: Mike, Gregg, everybody heard that? Rick, did you hear what Susan requested? Say it again, Susan.

MS. SHIPMAN: Mainly my request would be that we bring the motions that were taken at full council as a Committee of the Whole that pertained to snapper grouper and bring them into the Snapper Grouper Report in terms of a full running dialogue of motions that were approved

because they're all related. That way they're not disjointed and we have a more comprehensive administrative record for our own uses of what we did.

MR. MAHOOD: Mike and I already talked about that. They'll be incorporated as part of the full council where they took place, but they will be pulled out and you will have a complete set of just the Snapper Grouper Committee actions, part of which was the Committee of the Whole. In other words, there will be two documents. You will have a separate document and I guess Rick's report will reflect that, also.

MR. ROBSON: Before we leave the Snapper Grouper Committee, I would like to extend special thanks to Rick because I don't know how much sleep he got last night trying to get all this stuff pulled together. This was very complicated to pull all this together and be able to present it for the record, and I would like to thank you, Rick, for doing that.

MR. CURRIN: I have some special thanks to both Rick and to Mark for filling in during my absence. I regret that I was unable to join you early in the week. I knew the Snapper Grouper Committee would be in good hands with my able and capable co-chairman. That's exactly why I picked him. I haven't called on him before, but in the heat of need he jumped in and did a great job. Thank you.

MR. HARRIS: Let me add my thanks to Mark for stepping in and our condolences to you and your family, Mac. We're glad you were able to make it, and I'm just happy that Mark was able to step in and carry us through this very, very discussion as capably as he did. Mark, thanks very much for that. That was a tough one to step into. Okay, moving right along, next on the agenda is Vice-Chairman Cupka for the Report of the Joint Executive/Finance Committee.

MR. CUPKA: The Executive and Finance Committees met in joint session the morning of September 15<sup>th</sup> in Charleston. The minutes from the June 2009 Joint Executive/Finance Committees were approved. The committee received presentations on the following agenda items.

Number 1 is the status of the Calendar Year 2009 Council Budget. Bob Mahood briefed the committee on the status of the Calendar Year 2009 Budget. Attachment 1 shows that the expenditures for the year are below what would be expected and the projected balance is positive.

This is primarily because of the length of time the continuing budget resolution was in place and the uncertainty in the level of the Calendar Year 2009 Budget, which necessitated the council limiting activities and expenditures during the first part of the year. The council also received more funding than was anticipated when the congressional budget was passed.

Bob indicated the council is good shape financially and should have adequate funding to accomplish the activities specified in our 2009 Activities Schedule. Because of the positive budget situation in 2009, the state liaison funding was increased to better compensate the states for their increased participation in the council process.

There was discussion on how this has helped the states as well as benefited the council. With the additional funds available, the committee agreed that staff should proceed in scheduling a meeting of the SSC in October to deal with a number of outstanding issues. At that meeting a special panel with appropriate expertise would be convened to meet with the SSC to review the accuracy of historical data used in stock assessments.

Also the committee agreed a meeting should be convened to address the Wreckfish Fishery and in addition funds should be used for the council's participation in take reduction team activities. Second, in regard to the status of next year's President and Congressional Budget, the President's Budget calls for an increase in funding for the eight councils of approximately \$4.7 million. This would equate to about a \$500,000 increase for the South Atlantic Council.

The Senate and House Appropriation Committees budget marks proposed a council funding level similar to the President's Budget. However, it appears that the Commerce Department's budget will not be approved in the near term, and we will be under a continuing resolution again for FY 2010. If the funding levels in the President's and congressional committee's budget are maintained, we will be in good shape next year in 2010.

Third, we discussed the Calendar Year 2010 Activities Schedule and budget, which is the first year of our new five-year grant request. Bob explained that the staff was current developing the next five-year grant request covering Calendar Year 2010-2014. He then presented the Calendar Year 2010 Activities Schedule and budget to the council, which constitutes the first year of the five-year proposal.

Bob then led the council through the proposed budget, comparing the Calendar 2010 Budget with funding sources to this year's budget. Overall, the council funding is expected to increase approximately \$492,000 next year primarily as the result of an increase in the Regional Fishery Management Councils' line item in the proposed President and Congressional Committee budgets and the addition of ACL and SSC stipend funds from NMFS.

He explained how the eight councils allocated new funds provided by congress and NMFS. It was noted that the Calendar 2010 Council Budget is proposed at about \$300,000 higher than the expected funded level. Bob explained there are two reasons for this. First is what it will actually cost to accomplish the council's proposed activities; and, secondly, there is a potential the councils may receive more funding than is current projected.

If the higher level of funding does not materialize, the council will have to readdress the Activities Schedule and cuts will have to be made to accommodate the funding received. During discussion of the budget, there was again strong support from the committee members for the proposed increase in the liaison funding for the states.

It was recognized that the council receives a much greater benefit from the states' participation than the funding provided. Mr. Chairman, there were no motions at the Joint Executive/Finance Committees and that concludes my report unless there are any questions. Thank you.

MR. HARRIS: Are there any questions of David? Seeing none, the LAPP Committee Report.

MS. MERRITT: The Limited Access Privilege Program Committee met on Monday, September 14<sup>th</sup>. The committee received the following presentations and conducted the following discussions. The committee chair welcomed four additional committee members, Ben Hartig, Charlie Philips, David Cupka, Robert Boyles, and announced that Tom Swatzel had been named as the vice-chair of the LAP Program Committee.

Scott Baker of North Carolina Sea Grant gave a presentation of the usage of text messaging technology in fisheries management. Scott Baker and Eileen Daugherty of Environmental Defense gave a presentation on a video monitoring pilot project taking place in the South Atlantic.

Matt Ruby of Little River Fish House of Little River, South Carolina, and Phil Conklin, Seven Seas Seafood of Murrells Inlet, South Carolina, gave a presentation on the results of a sign-on letter and mail survey they administered to determine support for catch shares for the South Atlantic Snapper Grouper Fishery.

Wayne Mershon of Canyon Seafood of Murrells Inlet, South Carolina, gave a presentation on trip limits and a petitioned he administered in support of trip limits as an alternative to catch shares for the South Atlantic Snapper Grouper Fishery. Kate Quigley provided a summary of presentations given in a Catch Shares Symposium at this year's American Fisheries Society Meeting.

George Geiger summarized the work of the National Catch Shares Task Force. Kate Quigley provided an overview of the Draft Wreckfish ITQ Program Review. Kate Quigley reviewed the Catch Shares Design Options developed by the Golden Crab AP in August of 2009. The committee discussed changing the name of the LAP Program Committee to the Catch Shares Committee.

The committee made the following motions: **Number 1, recommend exploration of a Comprehensive Catch Share Amendment for the Snapper Grouper Fishery. The committee approved this motion and on behalf of the committee I so move. Is there any discussion? Any opposition? Seeing none, that motion carries.**

**The second motion was to transfer the golden crab's presentation information to the Golden Crab Committee for development and possible implementation. The committee approved that motion and on behalf of the committee I so move. Is there any discussion? Any opposition? Seeing none, that motion carries.**

**The third motion was to change the name of the Limited Access Privilege Program Committee to the Catch Shares Committee. The committee approved that motion and on behalf of the committee I so move. Is there any discussion? Any opposition? Seeing none, that motion carries.**

**The fourth motion is with respect to Amendment 20, that the staff should provide language on a recreational allocation of wreckfish in the program review; provide language on resource rent in the program review; provide the committee with a draft agenda for a**

**possible shareholder meeting and information on whether a meeting can be covered by the 2010 budget; and for staff to provide a presentation on excessive shares in December 2009 or March 2010. This motion was approved by the committee and on behalf of the committee I so move. Is there any discussion? Any opposition? Seeing none, that motion carries.**

In addition, I would like to report that after the meeting it was discovered that when a question was asked if the Snapper Grouper AP had an opinion on the Amendment 18 Golden Tilefish Alternatives, that it was answered that the Snapper Grouper AP did not, but that in fact they did endorse the Golden Tilefish Endorsement Program and preferred that the initial eligibility scenarios that the Golden Tilefish LAP Workgroup came up with, 3B and 3F, that they also supported transferability to owners of other snapper grouper permits. That concludes the report of the Catch Shares Program Committee. Thank you.

MR. HARRIS: Thank you, Rita; are there any questions for Rita? Yes, David.\

MR. CUPKA: Mr. Chairman, not a question but I just wanted to take this opportunity to thank both George and Roy for representing us, particularly George I think was the council representative on the National Catch Shares Panel, and I want to recognize him and Roy and thank them for all their work on trying to develop this policy.

MR. HARRIS: Thank you, David, and I would echo those comments. The next item on the agenda is the Spiny Lobster Committee Report; back to you, Mark.

MR. ROBSON: We don't have any motions for this committee, but the Spiny Lobster Committee met on September 14<sup>th</sup>. We received some presentations; first by Gregg Waugh who reviewed the status of the Gulf Council's Scoping Meeting process for their Amendment 9 for Spiny Lobster. Those scoping meetings are going to be held next week, September 21-24.

Myra Brouwer also gave us a presentation on the South Atlantic Fishery Management Council's Coral AP recommendation for addressing any concerns about staghorn and elkhorn corals and the lobster fishery interaction with those. The Coral AP discussed possible alternatives under Action 7 of what we are working on for the Spiny Lobster Amendment 9 to limit commercial trapping in certain areas so we could address any Endangered Species Act concerns for those two species of Acropora.

There were three alternatives that have been sort of laid out. One would be a no action alternative and to not limit trapping in any certain areas. Alternative 2 would be to prohibit trapping on known hard bottom areas in federal waters beyond three miles or less than 30 meters. Alternative 3 would be to develop an alternative based on a map of critical habitat overlaid on the South Atlantic Fishery Management Council Jurisdiction Area and spiny lobster fishing effort in a way that we can determine areas of known densities and areas of probably recruitment of coral where trapping should be prohibited.

There were some other discussions about how to define the areas of known density or considering the use of buffer zones. The Coral AP recommends that the spatial approach under

Alternative 3 be what we use to determine candidate areas for trapping prohibitions. There are a lot of ongoing discussions I know even at the industry level with that, and we talked a little bit about that.

Item 3, Monica gave us a briefing on the implications of withdrawing or partially withdrawing the Spiny Lobster Fishery Management Plan and went through a number of things, including what it would take to repeal an FMP and pointed out that the councils had recently completed an amendment for lobsters that prohibits imports less than the minimum size limits, and this became in effective in February.

The council was considering a possible option of changing the fishery management unit to only apply to North Carolina, South Carolina and Georgia; in effect leaving Florida out of the federal fishery management plan. Based on her review regarding that import issue and other issues and input from the international legal staff, they cannot identify a way for the councils to withdraw or partially withdraw the FMP without losing the ability to impose that import prohibition.

There were no motions made, but the committee did provide the following directions to staff as a consequence of those discussions. One was to not really work on any alternatives that would withdraw or partially withdraw or repeal the Spiny Lobster FMP. We also directed staff and the team to continue working on alternatives that might address delegating certain aspects of management of the fishery to the state of Florida.

I again pointed out some of the concern or caution that might be a problem for Florida and would be more problematic than simply withdrawing or repealing the plan. Council staff will present the results of the Gulf Council Scoping Meetings to the committee at the South Atlantic Council Meeting in December. Mr. Chairman, that concludes my committee report.

MR. HARRIS: Thank you, Mark. Are there any questions for Mark? The next two committee reports, mackerel and law enforcement, will be given by George Geiger.

MR. GEIGER: The Mackerel Committee met on September 15<sup>th</sup> in Charleston. The committee received presentations by Gregg Waugh, council staff, reviewing the status of the Gulf Council Scoping for Amendment 18. As Mark said, the scoping meetings will be held September 21-24. Gregg will be in attendance.

Mike Dennison of South Carolina DNR gave a presentation on cobia in South Carolina. Bob Mahood, council staff, reviewed a request from Mr. William Hickman to approve a type of gear being used in North Carolina as allowable gear. **The committee approved the following motion, and the committee moved not to recommend approving the gear request by Mr. Hickman. That motion was approved by committee and on behalf of the committee I so move. Is there any discussion? Is there any objection to that motion? One objection to the motion and so noted. The motion is approved.**

Direction to staff and team; number one, write a letter to Mr. Hickman telling him that his request was not approved because of concerns about potential interactions with marine mammal and the lack of evidence that this gear is being widely used; two, direct staff to continue working

on the decision document – the committee approves adding the Mackerel AP motions into the decision document – three, direct staff to present the results from the Gulf Scoping Meetings and the decision document at the December Mackerel Committee Meeting; four, direct staff to work with NMFS Law Enforcement and develop alternatives to address the situation where mackerel nets are being cut to avoid exceeding the trip limit but resulting in vessels having more than two nets on board; five, request Monica Smit-Brunello research the legal issues surrounding the state of South Carolina's attempt to regulate dolphin prior to federal regulations and report back to the committee in December. Mr. Chairman, that completes my Mackerel Committee Report.

The Law Enforcement Committee met on the morning of September 15, 2009, in Charleston in great anticipation of the Snapper Grouper Committee. The minutes from the December 2006 Law Enforcement Committee were approved. The committee received presentations on the following agenda items:

Number one, Law Enforcement Advisory Panel motions. Bob Mahood briefed the committee on the seven motions approved at the August 13-14, 2009, law enforcement meeting. It was not necessary for the committee to take any actions on these motions as they will be considered by the appropriate committee, primarily the Snapper Grouper and Ecosystem-Based Management Committees.

Number two, the Law Enforcement of Year Award; based on the recommendation from the Law Enforcement Advisory Panel, the committee discussed establishing a Law Enforcement Officer of the Year Award. A motion was approved to move forward with developing an award program and staff was directed to review similar established programs and develop the details for a council award and present it to the council at the December 2009 meeting.

Number three, the Law Enforcement Reporting Format; Bob also briefed the committee on the ongoing effects through the State and Federal Joint Enforcement Agreement Program to standardize the reporting of fishery violations. The Law Enforcement Advisory Panel had requested that the council provide any input they may have. The committee members agreed that the violation reporting format currently provided by NOAA Fisheries OLE met the council's needs for this information.

**There was one committee motion and that was that the South Atlantic Fishery Management Council establish a Law Enforcement Officer of the Year Award; the criteria to be developed over the next several months; include federal, state, coast guard, prosecutors and all others in the law enforcement process. That was approved by committee, and I so move on behalf of the committee. Is there any discussion on that motion? Any objection to the motion? Seeing none, that motion is approved. Mr. Chairman, that completes the Law Enforcement Committee Report.**

MR. HARRIS: Thank you, George. Any questions of George with respect to the Mackerel Committee or the Law Enforcement Committee Reports. Moving along, status report, Dr. Crabtree.

DR. CRABTREE: Well, you have in your briefing book, I believe, all of the quota reports for the year. I'm sure everyone is aware that the vermilion snapper fishery closed down at midnight last night. We talked earlier about the interim rule. That is still under review. Amendment 15B was approved on September 1<sup>st</sup>. That final rule is still under review. Amendment 16 has been completed. Shrimp Amendment 7 was approved. That concludes my report, Mr. Chairman, unless there are some questions.

MR. CURRIN: Roy, just the timing on 15B, if you can give us some idea on when you think that will be in effect or Monica.

MS. SMIT-BRUNELLO: The rule is in my office, so hopefully I'll complete my review; but after I complete my review it goes back to Roy's staff and then it will have to go to headquarters.

MR. CURRIN: So, roughly, when?

MS. SMIT-BRUNELLO: Top priority.

DR. CRABTREE: We'll get it out of the region I think in the next couple or three weeks, and then hopefully it will move quickly in headquarters.

DR. LANEY: Roy, do you have any indication from headquarters when any decision will be reached on Atlantic sturgeon?

DR. CRABTREE: No.

MR. HARRIS: Okay, the next item on the agenda is the Southeast Fishery Science Center Report. Dr. Ponwith had to leave to catch an early flight, so is there anybody who is going to give that report? Roy.

DR. CRABTREE: I believed she mailed it to Mike and it has been distributed to you. I'll just hit a couple of high points on it. They've hired a new headboat port agent in Wilmington. The headboat survey has been funded for an electronic logbook reporting pilot. The headboat survey folks have been participating in the MRIP For-Hire Workshop. There was one in New Orleans.

You have the report that was done working with the Georgia and Florida folks for the aging of around 1,200 red snapper. The black and red grouper workshop is underway. It looks like we've around 6,500 red grouper samples between 1977-2008. That looks to be about most of the high points in the report.

MR. HARRIS: Thank you, Roy; are there any questions? The next item is the Agency and Liaison Reports. Brian.

LT. SULLIVAN: There is nothing really significant to report; just a couple of things. First, during the lobster season we started to join up with the Florida Fish and Wildlife and it went really well. The coast guard by itself measured over 5,000 lobsters so it went really well. It was a really joint operation that we had with them.



We also conducted a couple of joint operations with the Florida Fish and Wildlife off of Jacksonville and we're currently in the process of doing one with South Carolina DNR off of South Carolina. We're working on that; that's in the planning stages right now. Other than that, nothing really significant to report.

MR. MAHOOD: What is the deal with harassing the CNN News People up in Washington?

LT. SULLIVAN: That's CNN's fault. CNN was the one that reported the bogus stuff instead of asking.

MR. HARRIS: Thank you, Brian. National Marine Fisheries Service Law Enforcement.

MR. EASLEY: We've submitted the report electronically. It's a pretty healthy quarterly activity report. It contains some coast guard information – well, state information as well as ours. The Oculina activity is in there for the last two quarters.

MR. HARRIS: Thank you, Otha; questions for Otha. U.S. Fish and Wildlife Service, Wilson.

DR. LANEY: Mr. Chairman, I reported on several items during the Habitat and Ecosystem-Based Committee Report. If anybody has any questions about the Fish and Wildlife Service activities, I would be happy to answer them; but other than that, nothing significant to report. Thank you.

MR. HARRIS: Thank you, Wilson. State agency reports starting with North Carolina. Brian.

DR. CHEUVRONT: We finally got a budget in North Carolina, and it wasn't terribly wonderful. I forget; we either lost seven or nine positions out of fisheries, but we were able to move things around so we didn't actually lose people who were in them. We just lost positions that weren't filled.

We had a situation where we were establishing some oyster sanctuaries inshore. We got some ERA money to work on this. The state found out about it and deducted from our budget the amount of money that we got from ERA. The problem was that the state money was ongoing; the ERA money is not, so we've lost that money.

We figure out, I guess it was the week before last, that given what we had in budget cuts and all that, we've lost about a third of our operating expenses from last year until now because what we had to do was we either had to do that or lose people. This is out of just state appropriations, so we figured it's about 30-33 percent is what we've lost in operating money.

That's not good and that's why I was just so excited and thankful for the increasing of the liaison grant because it may not sound like a whole to you all, but even though it was only increased by \$10,000 that was enough to keep us from losing a position that we could no longer afford to fund. That was very helpful so we're very thankful from the agency perspective.

I probably mentioned it at the June meeting but the status of the JEA in North Carolina, it's not dead. What happened is that in the last legislative session we have a date in North Carolina that if a bill hasn't moved from one house to the other by a certain date – it's called a crossover date – then that bill is no longer considered in that legislative period, and that is what happened with the JEA. It's not dead and we're hoping it's going to be picked up again in the next legislative session.

MR. HARRIS: Thank you, Brian; are there questions for Brian? South Carolina, Robert.

MR. BOYLES: Brian, I'm going to one-up you on the financial aspects. We just took a 4.04 percent budget cut midyear. Month two was the fiscal year, so –

CHEUVRONT: Well, I can say, though, that we were told that they took 5 percent of our appropriation this year and they're holding it back in case they need to take it back later so they're not letting us have it. It could be 35 percent.

MR. BOYLES: I've got one better; we are also programming another 5 percent hold-back right now for the second midyear cut. Brian mentioned the stimulus money. We were very successful in competing for some work on oyster restoration to the tune of \$1.7 million to do some oyster work, but could not come to terms with the NOAA Restoration Center, and so South Carolina forgone – we did not consummate that deal with NOAA so we left some money on the table, but it was programmatic and a very difficult decision to make but one we think was the right one.

A couple of other things; our shellfish season, because of a couple of cases of vibrio parahaemolyticus – did I say that correctly – we are delaying the opening of our recreational and commercial shellfish season until October 1<sup>st</sup>; this at the request of FDA through the South Carolina Department of Health and Environment Control.

Thank you, all, for your support of our request for the special management zone regulations. This has generated quite a bit of interest in South Carolina. I know we've got a bunch on the table with red snapper and others, but I appreciate your support with the SMZs. I will be able to take that back home, and I know a lot of folks will be happy with that.

We are awaiting from the Atlantic States Marine Fisheries Commission on probably emergency action on weakfish. Of course, that will be something that we will end up having to legislate, so stay tuned. All the states are that situation as well.

I'm happy to report that with support from the Southeast Fishery Science Center and other sources we are making some improvements to our fisheries-dependent data collection program in order to help get better commercial statistics on landings and serve that data up a little more quickly. I would like to thank Bonnie and her staff for working with us on that.

Red Drum SEDAR wrapped up the review workshop in Atlanta several weeks ago, so we will be working with the Atlantic States Marine Fisheries Commission on red drum management changes. One other thing that has consumed some bit of staff time is these tidal departures that we've seen along the east coast this summer.

We are flummoxed by it and I guess NOAA is flummoxed by it as well, but we're seeing some persistent foot to a foot and a half to two foot tidal departures, and it has got a lot of people asking why. We've had a lot of interesting theories of why so we're kind of delving into that a little bit.

One other thing, up in Tom's neck of the woods we've seen some prolonged cases of anoxia in the ocean; I mean, zero dissolved oxygen in the ocean in Long Bay off the Grand Strand. Again, it has got some very severe fisheries implications as well as habitat and other implications so staff are working with other partner agencies across the state to try to figure out what is going on. So, a lot of stuff going on, but that concludes my report, Mr. Chairman.

MR. HARRIS: Thank you, Robert. How close is the Myrtle Beach Outfall Pipe to that anoxic condition in the ocean?

MR. BOYLES: It's right there.

MR. HARRIS: The other thing I would just ask, and it has to do with parahemoliticus. This is the first time I've ever heard FDA asking a state to do anything respect to shellfish closure due to vibrio.

MR. BOYLES: It's my understanding the HASIP regulations are such that when water – it's water temperature dependent, and I think our issue in South Carolina is ambient water temperatures are above that 81 degree threshold through portions of September. We have traditionally opened on September 15<sup>th</sup>. I believe it's two cases of vibrio here in South Carolina, so I wouldn't call it an outbreak, but it's still something that is impacting our fishermen, recreational and commercial.

MR. HARRIS: Word to the wise; don't put your oysters or your clams in the trunk of your car in the summer and drive across the state; because if they do have vibrio, they have a lot more when they get to where you're going. Georgia, Susan, your last liaison report.

MS. SHIPMAN: Thank you, my last liaison report. Just to add on to what Robert was saying, actually I think it was last year the National Shellfish Sanitation Program and the FDA mandated the states come up with a vibrio control strategy, and they gave the states a variety of options to do. We, like South Carolina, selected to do a summertime closure. We did that last year and have recently done that again this year.

Our budget situation, I could just ditto what both of them said, and that's where I was the earlier part of the week, so I'm sorry that missed the meeting. The one thing that may be of interest to the council; where we're taking some of our greatest hits is in our artificial program. But, fortunately, our partnerships with the sportfishing clubs over a 40-year period of reef building, much of which Duane and Bob and my predecessors had helped to build those relationships, they've really stepped up to the plate and have come forward with money, and that's allowing us to earn our federal funds to actually keep the program going.

We're very grateful to the various sportfishing clubs. Ironically, their tournament money from sale of fish and other things is what is helping them have the money to help us to continue the reef building, so that's just kind of an interesting thing. Other than that, I think I'll close there. I just want to take a point of personal privilege, if I can, and thank you all so much for the many years of the wonderful working relationship. I look forward to joining you again in March, but I do want to thank you all. I just can't tell you how proud I am to have been on this council serving with each and every one of you. (Applause)

MR. HARRIS: Thank you, Susan. As you know, we will miss you more than you know, but we are video streamed now and since you are not going to be working and we can receive text messages, so either e-mail or text message us when you're watching us. If you see that we've done something wrong or we're pondering a question and nobody has the answer to it, you can just dial in. Florida, Mark.

MR. ROBSON: It has already been stated but again the state of Florida has taken action to adopt consistent regulations for Amendment 16. Vermilion regulations will be in effect very shortly. They've already been finalized. They're scheduled to take final action on the shallow water grouper portion of those rules and the dehooking device requirement at our December meeting, so they would probably be in effect in time to implement the four-month closed season for shallow water grouper in state waters as well.

Just to let everybody know, I may have mentioned this before, but our executive director of the Fish and Wildlife Commission has announced his retirement. He will be leaving in December, and the commission has already selected his replacement. That will be Mr. Nick Wiley, who was serving as the assistant executive director. Nick is sort of director-in-training.

Nick's replacement has already been selected and that will be Greg Holder, who is a 30-year veteran of the agency. There has been a changing of the guard within our agency, but at the same time it's all the same folks. We don't expect any major program shifts or changes. The commission took this action in recognition that they like the way the agency was being run and the administrative that we had, so we're very happy about that.

Just very briefly, also, we did implement a shoreline recreational license for saltwater fishing. This was one of the things that was a sticking point for collecting angler data in regards to the MRIP Program improvements and the Federal Registry for Florida. We did implement, through the legislature, a shoreline license. That went into effect in August. I think August 1<sup>st</sup> was the first day of requiring the license for resident shoreline anglers.

We've already sold 29,000 of those licenses just in a short amount of time. The projections were that we might be selling up to 300,000 of those or there might be about 300,000 anglers a year that would now need to get that shoreline license resident angler. We're hopeful that will really add to our ability to have a complete recreational angler data base and do our part to improve the recreational statistics program. Mr. Chairman, that concludes my report.

MR. HARRIS: Are there any questions for Mark? Okay, we're down to other business. I have one item, but I'm going to call on other folks first. George.

MR. GEIGER: Mr. Chairman, I would request the staff gather information in detail from other regions and fisheries, one like our dolphin wahoo fishery, for example, where operator permits are currently required and provide a report to the council at the next council meeting, please.

MR. HARRIS: Sure, I don't see any problem with that. Is there any other business besides my other business? I just wanted to report on the lionfish cruise that I went out on with the Gray's Reef National Marine Sanctuary People. We've already heard some testimony about lionfish and you heard my response to the one gentleman the other night.

They shot with pole spears 42 lionfish in four less than 15-minute dives in about 120 feet of water. Lionfish off the coast of Georgia in that depth are just everywhere. There is an article in a magazine that I wrote and that's for the council to keep at the headquarters. If anybody wants a copy of it, I'll be glad to send you a copy, but it just kind of details what happened during that cruise. That's all I had; is there any other business? Susan.

MS. SHIPMAN: I just wanted to thank Robert again for the great outing the other night and the South Carolina delegation. That was fabulous. (Applause)

MR. HARRIS: Thank you, Robert; I appreciate that. Bob.

MR. MAHOOD: Under upcoming meetings, Mike had put out a feeler to the council members as to where they would like to meet in 2011. He has met with a lot of "we don't care", but it would be helpful if you did kind of give us some direction. The new council member did come through with a suggestion, but, yes, get hold of Mike and let him know. Because of the facility needs and booking of hotels and getting the good prices, it's advantageous for us to do it at least a year in advance.

MR. HARRIS: Is there any other business? The Chair would note that we at one were a day behind in our agenda. We're now only an hour behind thanks to all the hard work that you did, and I really do appreciate your coming in early and staying late. We owe it to the people who we represent in the angling community to do the work that needs to be done.

Maybe we left some things out but we sure tried to consider anything and everything we could try with respect to the snapper grouper situation. I really do appreciate all your efforts. The last item on the agenda would be a motion to adjourn and I'm going to call on Mrs. Shipman for that.

MS. SHIPMAN: Thank you very much. I would move that the South Atlantic Fishery Management Council adjourn.

MR. HARRIS: Is there a second? Is there any opposition to adjourning? We are adjourned. Thank you so much.

(Whereupon, the meeting was adjourned at 1:03 o'clock p.m., September 18, 2009.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

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**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

**FULL COUNCIL SESSION**

**Charleston Marriott Hotel  
Charleston, SC**

**September 17-18, 2009**

**TABLE OF MOTIONS**

PAGE 53: Motion is for the council to submit a comment to the Highly Migratory Species supporting the preferred alternative of the prohibition of gillnets in the shark fishery from the South Carolina/North Carolina Boundary south through SAFMC's area of jurisdiction. Motion carried on Page 54.

PAGE 55: Motion that the South Atlantic Council support the Mid-Atlantic Council's request of the National Marine Service for management authority of smooth dogfish. Motion carried on Page 57.

PAGE 58: Motion that if the confidentiality problems are addressed and we are allowed to include 2001 and 2003 in the landings, that Option 3 MSY value reflect the inclusion of those two years of data. Motion carried on Page 62.

PAGE 62: Motion to include an alternative that applies the ABC Control Rule Methodology developed by the SSC to the time series that are in the document now. Motion carried on Page 63.

PAGE 66: Motion to include a suite of allocation alternatives in the amendment of 90 percent commercial and 10 percent recreational; 95 percent commercial and 5 percent recreational; and 100 percent commercial. Motion carried on Page 69.

PAGE 71: Motion to include all proposed actions, including the resource rent, and staff will develop those with alternatives. Motion carried on Page 71.

PAGE 70: Motion to direct staff to include a suite of alternatives for a sunset provision in addition to the items in the previous motion. Motion carried on Page 76.

PAGE 76: Motion to develop options to allow non-ITQ permittees to buy and possess coupons. Motion carried on Page 78.

PAGE 80: Motion to add the following to the amendment: Allocate the 79,000 pound red snapper ACL as non-directed removals [for example, bycatch mortality] between the closure area and the exempted area [outside the closure area]. In the exempted area [outside the closure area] subtract the poundage allotment [25,048 pounds] for area south of 28 degrees north [approximately Stuart, Florida] and the poundage allotment [24,047 pounds] north of 33 degrees

north [Cape Romain, South Carolina] from the 79,000 pound ACL. In the closure area allocate the remaining poundage [29,905 pounds] as directed removals to the three sectors based on Table 2, Alternative 3, Attachment 30 [in the September Briefing Book] as follows: 28 percent commercial equals 8,373 pounds; 29 percent for-hire equals 8,672 pounds; and 43 percent recreational equals 12,859 pounds. Motion carried on Page 87.

PAGE 89: Motion to approve Snapper Grouper Amendment 17A for public hearing. Motion carried on Page 89.

PAGE 91: Motion to consider species whose landings are less than or equal to 1,000 pounds as ecosystem species and also put in an alternative for those whose landings are 5,000 pounds and 2,500 pounds, equal to or less than as three alternatives for ecosystem species consideration; plus consider species 95 percent of which are caught in state waters to be eliminated from the management unit and those species 90 percent or greater that are caught in state waters are considered for elimination from the management unit and 80 percent caught in state waters be taken out of the management unit. Motion carried on Page 92.

PAGE 92: Add alternatives that would remove species from the fishery management unit that are managed under the Marine Life Rule in Florida. Motion carried on Page 92.

PAGE 93: Motion that staff develop some alternatives for multispecies ACLs in the amendment. Motion carried on Page 93.

PAGE 94: Motion that the staff develop alternatives related to ACL Amendment. One would be the no action, leave it at a thousand pound trip limit; one would be to remove the trip limit altogether; one to have a 1,500 pound trip limit and a 2,000 pound trip limit. Motion carried on Page 94.

PAGE 95: Motion to appoint the five people on the list to attend the workshop; plus add one representative of the fishing community from South Carolina and one representative from Northeast Florida. Motion carried on Page 96.

PAGE 97: Motion that the council, by whatever vehicle is appropriate, establish a regulation whereby fishing on Special Management Zones in South Carolina by spearfishing be limited to the recreational bag limit. Motion carried on Page 101.

PAGE 102: Motion that one of the alternatives that staff analyze for public hearing is for the Fishery Service to delegate management authority of special management zones to the respective states. Motion carried on Page 104.

PAGE 107: Motion to submit CE-BA 1 to the Secretary of Commerce. Motion carried on Page 109.

PAGE 110: Motion to deem the proposed rule as necessary and appropriate and grant the staff editorial license and allow the chairman to review and deem changes as necessary and appropriate. Motion carried on Page 111.



PAGE 156: Motion to drop Option 3 in the MSY options. Motion carried on Page 156.

PAGE 159: Motion to add an option for a recreational accountability measure that would allow the following season bag limit adjustment to account for any overages in the recreational sector. Motion carried on Page 159.

PAGE 159: Motion to drop Option 2 from the accountability measure options. Motion carried on Page 159.

PAGE 160: Motion to establish Option 8 to explore a series of trip limits for management of the commercial fishery. Motion carried on Page 160.

PAGE 165: Motion to set Rebuilding Strategy Alternative 4 as the preferred, and that would be at 75 percent Fmsy, using the very high recruitment estimate which results in the ACL being 79,000 pounds whole weight; and to adopt the very high recruitment in the calculations of all alternatives in the document. Motion carried on Page 165.

PAGE 165: Motion to separate the black sea bass and golden tilefish from the existing alternatives and put each species into their own alternative. Motion carried on Page 165.

PAGE 165: Motion to add an alternative that would prohibit spearfishing in the closure area. Motion carried on Page 165.

PAGE 165: Motion to move the Proposed Alternative 1 to the considered but rejected alternatives. Motion carried on Page 165.

PAGE 165: Motion to move Proposed Alternative 3 to the considered but rejected alternatives. Motion carried on Page 165.

PAGE 166: Motion move Proposed Alternative 4 to the considered but rejected alternatives. Motion carried on Page 166.

PAGE 166: Motion to move Proposed Alternative 5 to the considered but rejected alternatives. Motion carried on Page 166.

PAGE 166: Motion to move Proposed Alternative 6 to the considered but rejected appendix. Motion carried on Page 166.

PAGE 166: Motion to move Proposed Alternative 8 to the considered but rejected alternatives. Motion carried on Page 166.

PAGE 166: Motion to move Proposed Alternative 9 to the considered but rejected alternatives. Motion carried on Page 166.

PAGE 166: Motion to move the Proposed Alternative 10 to the considered but rejected alternatives. Motion carried on Page 166.

PAGE 166: Motion to add the accountability measure language in Alternative 7 to Alternatives 2-6 and also craft accountability measure language for the charterboat/headboat monitoring program (in terms of tracking the catch-per-unit effort via that program to track the change in biomass); also revisit the size of the closures when the discards are estimated to exceed the ACL. Motion carried on Page 167.

PAGE 167: Motion to add an alternative to analyze the use of circle hooks for all snapper grouper species north of 28 degrees north; plus the northern boundary at the northern end of the closed blocks. Motion carried on Page 167.

PAGE 167: Motion to propose the use of circle hooks in the entire South Atlantic Fishery Management Council EEZ for the snapper grouper fishery. Motion carried on Page 167.

PAGE 167: Motion to add an alternative that mirrors Alternative 4 but moves the deep-water closure to 300 feet (50 fathoms) to the eastern boundary of the EEZ. Motion carried on Page 167.

PAGE 167: Motion to adopt golden tilefish allocation Alternative 4 as the preferred alternative (97 percent commercial and 3 percent recreational allocation) and move Alternative 2 to the considered but rejected appendix. Motion carried on Page 167.

PAGE 168: Motion to include Alternative 5C in the accountability measure alternatives for black grouper, black sea bass, gag, red grouper and vermilion snapper. Motion carried on Page 168.

PAGE 168: Motion that Snapper Grouper Amendment 17B to go forward for public hearings. Motion carried on Page 168.

PAGE 168: Motion to establish a management regime similar to how Gulf Group King Mackerel Northern Zone is managed. Motion carried on Page 168.

PAGE 168: Motion to add Sub-Alternatives 3C, 3D, 3E, 3G, 3H, 3I, 3J to the amendment under the golden tilefish effort and participation action. Motion carried on Page 168.

PAGE 168: Motion to change Alternative 7A to Alternative 8 for the action to modify management of the black sea bass pot fishery action. Motion carried on Page 168.

PAGE 168: Motion to include Alternative 6 as an alternative. Motion carried on Page 168.

PAGE 168: Motion to approve Amendment 18 for public hearing. Motion carried on Page 169.

PAGE 172: Motion to recommend exploration of a Comprehensive Catch Share Amendment for the Snapper Grouper Fishery. Motion carried on Page 172.

PAGE 172: Motion to transfer the golden crab's presentation information to the Golden Crab Committee for development and possible implementation. Motion carried on Page 172.

PAGE 172: Motion to change the name of the Limited Access Privilege Program Committee to the Catch Shares Committee. Motion carried on Page 172.

PAGE 172: Motion is with respect to Amendment 20, that the staff should provide language on a recreational allocation of wreckfish in the program review; provide language on resource rent in the program review; provide the committee with a draft agenda for a possible shareholder meeting and information on whether a meeting can be covered by the 2010 budget; and for staff to provide a presentation on excessive shares in December 2009 or March 2010. Motion carried on Page 173.

PAGE 174: Motion not to recommend approving the gear request by Mr. Hickman. Motion carried on Page 174.

PAGE 175: Motion that the South Atlantic Fishery Management Council establish a Law Enforcement Officer of the Year Award; the criteria to be developed over the next several months; include federal, state, coast guard, prosecutors and all others in the law enforcement process. Motion carried on Page 175.

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# FULL COUNCIL - ROLL CALL VOTE

Date: September 2009

Meeting Location Charleston, SC

Issue: CE-BA 1 AMEND = ✓ RULE = X

	YES	NO	ABSTAIN
HARRIS	✓ X		
CUPKA	✓ X		
BOYLES	✓ X		
CRABTREE	✓ X		
CURRIN	✓ X		
CHEUVRONT	✓ X		
GEIGER	✓ X		
HARTIG	✓ X		
MERRITT	✓ X		
PHILLIPS	✓ X		
ROBSON	✓ X		
SHIPMAN	✓ X		
SWATZEL	✓ X		

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So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

**Council Session**  
**Charleston, SC**  
**Thursday, September 17<sup>th</sup>, 2009**

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## Snapper Grouper Committee Meeting

Tuesday Charleston, SC 15<sup>th</sup>  
~~Wednesday~~, September 15<sup>th</sup>, 2009

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## Snapper Grouper Committee Meeting

~~Tuesday~~ Charleston, SC

~~Wednesday~~, September 16<sup>th</sup>, 2009

15<sup>th</sup>

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Karen Rainie	656 552 8822	
Frank C. Helies	GSAFF	fchelies@verizon.net
Rusty Offord	386-239-0948	PO Box 9351, Daytona Beach, FL 32126
Sera Breuhak (PEED)	910-685-5705	Bolivia, NC
Amber Von Harten - SC Sea Grant	843-470-3655 x112	Beaufort, SC
Holly Binns, Pew Environment Group	86-322-7815	Tallahassee, FL

South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405  
843-571-4366 or Toll Free 866/SAFMC-10

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## Snapper Grouper Committee Meeting

Tuesday Charleston, SC 15<sup>th</sup>  
~~Wednesday~~, September 16<sup>th</sup>, 2009

AME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

P.O. BOX/STREET  
CITY, STATE & ZIP

Dave Allison Oceana	202-833-3900	1650 Connecticut Ave NW 5 <sup>th</sup> Floor 20036 WA DC
Eugene Raffield	(850) 229-8229	PO Box 309 Port St Joe FL 32457

South Atlantic Fishery Management Council  
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## Snapper Grouper Committee Meeting Charleston, SC Wednesday, September 16<sup>th</sup>, 2009

NAME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

P.O. BOX/STREET  
CITY, STATE & ZIP

Eugene Raffield	(850) 229-8229	Port St Joe FL 32457
Sera Drevenak (PEG)	910 685 5705	Bolivia, NC
Steve Amick	912-897-6759	P.O. Box 30978 SAV. GA 31410
Mark Millikin	301-713-2341	NMFS, NOAA, Silver Spring, MD
Dave Heil (FRA)	407-492-1991	Winter Park, FL
Frank Hebes	813 286 8396	GSAFF Tampa, FL
Karen Raine	GCELF	
Michelle Owan	<del>941</del> 309	Sarasota FL
Terry Gibson	772-285-7683	Stuart, FL

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## Snapper Grouper Committee Meeting Charleston, SC Wednesday, September 16<sup>th</sup>, 2009

<u>NAME &amp; ORGANIZATION</u>	<u>AREA CODE &amp; PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE &amp; ZIP</u>
Brock Anderson Bottom Dollar Charter Fishing	321-452-1800	4320 Horseshoe Rd. N/E, Fla. 32953
Ken Lee Southport NC		910-6205847
Wahy Fisher OC-FL		
Russell Adams ASF	386-239-0948	PO Box 9351 Daytona Beach, FL 32120-9351
MEL BELL SCAWR	803 953-9007	PO BOX 12559 CHAS, SC 29422
Debbie Salamone	321-472-5020	
Kerry Marhefka		
BILL SAMPLES	305-852-3072	PO BOX 913, ISLAND RADIA FL 33036
DICK BRAME	410-338-0012	WILMINGTON, NC

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## Snapper Grouper Committee Meeting Charleston, SC Wednesday, September 16<sup>th</sup>, 2009

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	P.O. BOX/STREET CITY, STATE & ZIP
Capt Mark E Brown	843 881 9735	Wt Plover SC
Anne Haines-Brown	11	11
CHARLIE GRIS	SRFTC	
Eileen Donaherty	IEDF	Charleston, SC
Leda Dunmore	PEG	
Zack Bowen	912 398 3733	32 Bull River B/E Dr. SAV, GA. 31410
Kathy Knowlton	GAADMC	
Scott WHITAKER	803-865-4164	
Margot Stiles Oceana	202 933 3900	Washington DC 20036

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<u>NAME &amp; ORGANIZATION</u>	<u>AREA CODE &amp; PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE &amp; ZIP</u>
Trent Coleman	(904) 838-2463	2419 Sylvia Chase Dr. Orange Park FL 32073
Chris Carroll	904/ <sup>289</sup> <del>288</del> 7684	6205 Bobby Padgett Rd Jacksonville <sup>FL</sup> 32234
Ernest Muhammad	(843) 953-9364	217 Fort Johnson Rd, Charleston, SC 29402
Mark Worley	904- 291-7240	537 Arthur Moore Dr. Green Cove Sp. <sup>32043</sup>
Erin O'Neil-Morie	(843) 344-1866	406 Birch St. Georgetown, SC 29440
Ben Laws NOAA		672 Maryland Ave NE, Wash DC 20002
Huff Winter		131 Columbia St Charleston SC 29403
Ron Lukas Omega Protein	(386) 4547192	27716 NW 182nd Ave High Springs, FL 32643
MOLTON SMITH	904-612-5324	245 EAST ADAM ST JACKSONVILLE, FL 32202

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Charleston, SC  
Wednesday, September 16<sup>th</sup>, 2009

NAME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

P.O. BOX/STREET  
CITY, STATE & ZIP

Sean McKeon

NCFA

Bob Flocken

Southern Kingfish Assoc

15 GARWICK AVE ST AUG FL 32094

Jack Holmes

"

"

South Atlantic Fishery Management Council  
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## Snapper Grouper Committee Meeting

Thursday Charleston, SC 17th  
Wednesday, September 16th, 2009

NAME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

P.O. BOX/STREET  
CITY, STATE & ZIP

Derek Brown

(912)658-4280

4 Lyman Hall Ct. Sav, GA 31410

CHARLIE GRIS

GRFTE, USCG

Margot Stiles Oceana

2028333900

Washington DC 20036

Jerry Rochazka

843-906-1307

2012 W. 10th St.  
Charleston SC 29412

Sera Drevenak (PEG)

910-685-5705

Bolivia, NC 28427

South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405  
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Thursday Charleston, SC 17th  
~~Wednesday~~, September 16<sup>th</sup>, 2009

**NAME &  
ORGANIZATION**

**AREA CODE &  
PHONE NUMBER**

**P.O. BOX/STREET  
CITY, STATE & ZIP**

Robert Johnson	904-794-2628	804 Shore Dr St Augustine FL 32086
Richard Veretti	912-222-8796	JSA
BILL SAMPLES	305-8523072	P.O. Box 913-ISLAMORADA FL 33038
Debbi Salamone	321-972-5020	
Dave Allison Oceana	202-833-3900	1650 Connecticut Ave NW 5th Floor WA, DC 20036
Joe Urvitz	NOAA/MPHC 301 563-1195	1305 East-West Highway, Silver Spring, MD 20910
Fred Reinard	843/723-1135	4712 Huger St, Charleston, SC 29403
Steve Bollard	843-527-2495	2903 Highmarket St. Georgetown, SC
DAVID WILKINSON	252 341 5695	250 Flanagan ECU Greenville NC 27858

South Atlantic Fishery Management Council  
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~~Thursday~~ <sup>Wednesday</sup>, September 16<sup>th</sup>, 2009

NAME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

P.O. BOX/STREET  
CITY, STATE & ZIP

Scott Whitaker

803-865-4164

Cal, SC

Eileen Donaherty

EDF

Charleston, SC

Dave Heil <sup>CROA</sup>  
<sup>FSFH</sup>

FRA 407-492-1991

Winter Park, FL

Kerry Marhefka

Rusty Hudson

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386-239-0948

POBx 9351 Daytona Beach, FL 32120

Gene Thomas Brown

Capt Mark Brown

Margot Stiles Oceana

202 833 3900

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Joe Klostermann

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South Atlantic Fishery Management Council  
 4055 Faber Place Drive, Suite 201  
 North Charleston, SC 29405  
 843-571-4366 or Toll Free 866/SAFMC-10



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~~Thursday~~

~~Wednesday~~, September 16<sup>th</sup>, 2009

NAME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

P.O. BOX/STREET  
CITY, STATE & ZIP

Mark Millikin, NMFS

301-713-2341

Silver Spring, MD office

Sera Drevenak, PMW

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Bolivia, NC

Karen Raimi

OC/AS

Michelle Owen

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Ken Fox

Av. 50r panel

Brookshire Anderson

321 452-1800

4320 Hornshead Rd M/I, FL 32983

Wm. Fetherston

OC-FL

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**Council Session**  
**Charleston, SC**  
**Friday, September 18<sup>th</sup>, 2009**

NAME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

P.O. BOX/STREET  
CITY, STATE & ZIP

Sera Drevenak (PEG) 910-685-5705

Bolivia, NC

Michelle Owen EDF

SJAISOTZ FL

Frank Helles GSAFF

fhelles@verizon.net

BILL SAMPLES 305 9640480

Box 913, ISLAMORADA FL 33036

Clifford Gibbens 305-852-3072

Box 913, ISLAMORADA FL 33036

Lobby Palherston TOC FL

Russell & Sandra Olson ASF 386-239-0948

PO Box 9351 Daytona Beach, FL 32120

Eileen Dougherty EDF

Charleston, SC

Margot Stiles Oceana 202 833 3900

Washington DC 20036

South Atlantic Fishery Management Council  
 4055 Faber Place Drive, Suite 201  
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**Council Session**  
**Charleston, SC**  
**Friday, September 18<sup>th</sup>, 2009**

**NAME &  
ORGANIZATION**

**AREA CODE &  
PHONE NUMBER**

**P.O. BOX/STREET  
CITY, STATE & ZIP**

Holly Binns, PEG

850-322-7845

2107 Mulberry Blvd, Tallahassee, FL 32303

Johnny C.

843-~~CALL ME WITH A~~

DOUG RADGR

919-581-2915

Raleigh NC

South Atlantic Fishery Management Council  
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September 17, 2009

The problem with the Southeast Data, Assessment and Review (SEDAR 15) assessment for Red Snapper is twofold; the early part that establishes the enormous catch between 1945 and 1972 when there were no data except the commercial landings reports and the suspect Fish and Wildlife Service (FWS) data and the more recent period when the age data started to become available. The problem is that the early period was used to establish the bench marks such as Spawning Stock Biomass (SSB) and Maximum Sustainable Yield (MSY), and these set the rebuilding targets, which are very high. Since the FWS data were selectively used - only the weight caught whereas the other half of the data the numbers caught were not used. The results are flawed.

Even when the selectivity issue was raised at the South Atlantic Fishery Management Council (SAFMC) meeting during June 2009 at Stuart, Florida and was addressed in part by the Southeast Fisheries Science Center (SEFSC) at Miami, the numbers caught estimated by the model still did not match the numbers reported caught in the FWS survey reports for 1970. They fell far short suggesting that if the FWS survey data is to be used (believed) the model is unable to model what had to have been at least one very large year class in the mid-60's. NMFS remains silent on this question, and instead maintains that it does not affect the determination that the stock is overfished and overfishing is occurring, thereby avoiding the issue of "best available scientific information". To support the conclusion that it does not matter the SEFSC says there have been nearly 40 sensitivity analyses that all reach the same conclusion on overfished and overfishing.

This is true, except they do not mention that there also was another model run, the production model, which indicated that overfishing was not occurring (or the fact that S37 sensitivity run using a dome shaped selectivity curve that drastically reduced current fishing mortality). But this is all a matter of modeling. It is like a person buying a new car that turns out to be lemon. The person has it painted over many times, but it is still a lemon.

The second half of the assessment is viable, although it would be nice to see some other models employed by people with no personal interest in the outcome. The problem then is that there are data that are imperfect since 1972. Most of the imperfections are in the numbers of samples and the inadequacy of the recreational catch estimates through Marine Recreational Fisheries Statistical Survey (MRFSS). NMFS has been irresponsible for many years in their data collection, witness the mess in New England over catch histories, the summer flounder over runs, the bluefin tuna recreational catch problem, the Large Coastal Shark landings by species, to name a few. However, the data we do have indicate the SSB has increased since the 1992 minimum size regulations were put in place.

The expanded sampling this year initiated thanks to the likes of Captain David Nelson from Florida suggests that this increase has continued. On the other hand, the projections being presented to the SAFMC this week indicates that the 2009 SSB has declined. So there seems to be a contradiction. Since the SEFSC will have three more years of data that are not in the present model, it makes sense that the SAFMC holds off action until after an updated assessment can be completed. It may be that the newer numbers will indicate that a less draconian reduction in effort combined with a better monitoring system of the recreational catch that was supposed to be in place already, may allow the fishery to operate at a high enough level to satisfy most of the user needs - fishermen and anglers - and still provide adequate monitoring for management purposes. The stricter reduction in catch will cause not only massive socio-economic impacts but inhibit the future collection of important data.

Frank J. Hester PhD

On Behalf of the Southeastern Fisheries Association East Coast Fisheries Section



THE  
**PEW**  
ENVIRONMENT GROUP

**END OVERFISHING  
IN THE SOUTHEAST**  
[www.sustainablesefisheries.org](http://www.sustainablesefisheries.org)



## RED SNAPPER

An iconic South Atlantic species is at critically low levels after decades of chronic overfishing.

### Signs of decline

- Red snapper are at 3 percent of 1945 levels
- The species has been fished up to 14 times the sustainable level since 1960
- Red snapper off the coast:

1954: **5,000,000** Today: **500,000**

## The issues

### ACCIDENTAL CATCH

Vast numbers of red snapper die after they are thrown back into the water by fishermen who caught them accidentally or at below legal size. Many die because their internal organs explode from the strain of being pulled to the surface too quickly from deep water. The problem is so widespread that it is a major cause of red snapper population declines. Between 2004 and 2006, for example, recreational anglers landed **41,772** red snapper, but many more—**73,147**—died after being thrown back.

Red snapper that die after returning to the water:

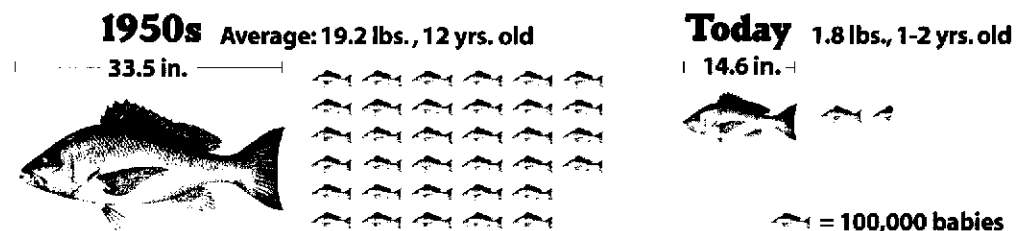
**40%** recreational boat

**90%** commercial boat

Recreational fishermen typically fish in more shallow water, giving red snapper a better chance of reaching its near-bottom habitat alive.

### TIME TO SPAWN

Although red snapper can live up to 54 years, today few fish are older than 10. Most of the older fish were caught in the 1950s and 1960s. The older fish—the best spawners—are taken *before* they can replenish the population.



### ILLUSIONS OF PLENTY

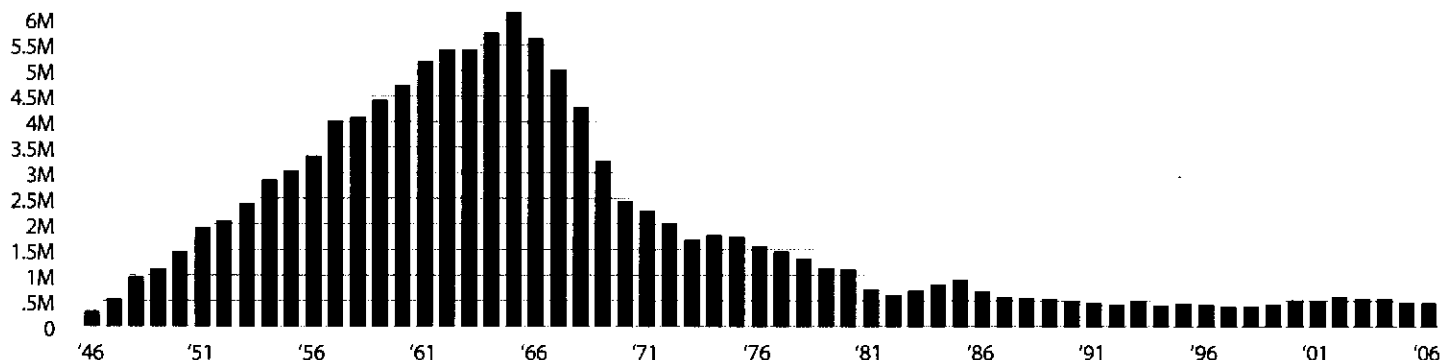
Fishermen and scientific research confirm there are more red snapper today than in the recent past. But the rise is due to a short-lived burst in reproduction, and it doesn't mean the population is healthy. From 1998 to 2000, the fish multiplied rapidly due to unknown environmental factors. Now they have grown. But if killed at current fishing rates, the fish will not breed enough to boost future generations.



## THE ANNUAL CATCH

The red snapper catch rose after World War II and peaked in the early 1960s before beginning a steep decline. The population—especially of older fish—is still severely depleted.

■ Total reported catch (in pounds)

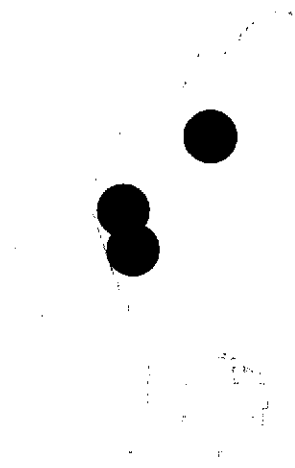


## What's being done

Fishery managers approved a temporary ban on red snapper fishing in federal waters from North Carolina to Florida in March 2009.

The South Atlantic Fishery Management Council, which governs fisheries from 3 to 200 miles off North Carolina, South Carolina, Georgia and the east coast of Florida, is studying ways to restore the fish. Options include a longer red snapper fishing ban and limits on fishing for other deep-dwelling species if snapper might be caught accidentally.

The federal Magnuson-Stevens Fishery Conservation and Management Act requires the council to set science-based limits on numbers of fish caught annually. Deadlines are 2010 and 2011 for setting biological limits and enacting rules to end overfishing of all species.



### HOTSPOTS

Red snapper are most common off north Florida, southern Georgia and parts of South Carolina. They like waters between 30 and 600 feet deep and stay close to the bottom around rocky areas, ledges and artificial reefs including shipwrecks.

## 2007 SNAPSHOT

Catch by state (in pounds)

East Florida	709,786
Georgia	65,299
South Carolina	21,758
North Carolina	14,104

## FISH FACTS

- **Maximum size:** 39.7 inches, 50 lbs.
- **Average age at maturity:** 1-2 years. Average size at maturity: females, 15 inches
- **Spawning season:** May to October, peaking July through September
- **What red snapper eat:** Small fish, worms, shrimp, crabs
- **What eats red snapper:** sharks, turtles, large grouper, billfishes
- **How red snapper are caught:** Commercially, multi-hook gear with electric reels. Recreationally, hook and line
- **Why are they red?** They get a high level of carotenoid pigments, largely astaxanthin, from shrimp they eat

## WHAT YOU CAN DO TO HELP

- **Visit our Web site to learn more** and join our e-alert network at [www.sustainableseasouthfisheries.org](http://www.sustainableseasouthfisheries.org). We'll let you know when important fishing policy changes are coming up and how you can help by signing petitions and contacting decision-makers to show your support for healthy, sustainable fisheries.
- **Sign up for our monthly update** to learn about new research and proposed actions that will affect your local fisheries. Send your email address with the words "monthly update" in the subject line to [fishinfo@pewtrusts.org](mailto:fishinfo@pewtrusts.org).
- **For more information**, please contact Holly Binns at the Campaign to End Overfishing in the Southeast at [fishinfo@pewtrusts.org](mailto:fishinfo@pewtrusts.org) or call 850-322-7845.

## PEW ENVIRONMENT GROUP'S CAMPAIGN TO END OVERFISHING IN THE SOUTHEAST

Pew is leading efforts to work with the South Atlantic Fishery Management Council and the National Marine Fisheries Service to establish science-based annual catch limits by 2010 for species undergoing overfishing and by 2011 for all other species.

The campaign works to bring scientific expertise to bear on fishery management plans and seeks common ground with fishermen to find solutions that balance human and environmental needs and raise awareness about overfishing and potential remedies.

The Pew Environment Group is the conservation arm of the Pew Charitable Trusts.



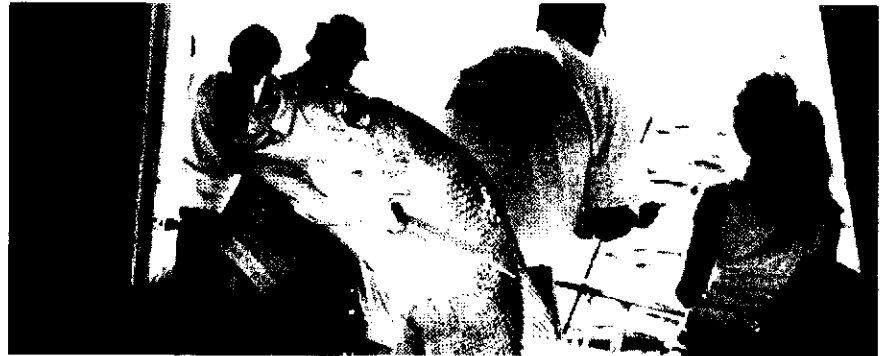
THE  
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# A plan to save red snapper – Amendment 17-A

## THE PROBLEM

The iconic red snapper population in the U.S. South Atlantic is in critical condition. The fish is at just 3 percent of 1945 levels and has been fished at up to 14 times the sustainable rate since 1960. Although red snapper can live up to 54 years, today few are older than 10. They are caught before their best spawning years. The popular catch is at the brink of commercial extinction, meaning there won't be enough red snapper worth fishing for if current trends continue.



Used with permission of the Orlando Sentinel, copyright 2009  
Recreational anglers fish for red snapper off the coast of Florida.

## THE PROPOSAL

Fishery managers voted in March 2009 to temporarily halt red snapper fishing in federal waters from North Carolina to Florida—a move designed to buy time for the fish while a long-term recovery plan is considered. The long-term plan would extend the moratorium on red snapper fishing until the population reaches healthy levels. Fishery managers also propose closing certain areas of the ocean to bottom fishing so red snapper are not caught accidentally by fishermen targeting other species, such as gag grouper and vermilion snapper. Vast numbers of red snapper die when thrown back into the water because their internal organs explode when dragged up quickly from their deep-ocean habitat.



Source: South Atlantic Fishery Management Council

## PROPOSED CLOSED AREAS

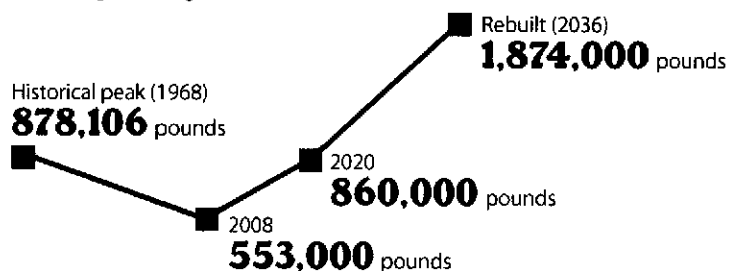
Fishery managers are considering closing areas in **RED** to all bottom-fishing except for black sea bass and golden tilefish. Areas in **BLUE** indicate additional tracts that could be off limits to help snapper recover more quickly. Some proposals would close fishing at depths of 98 to 240 feet. Each colored square represents 7,461 square miles. U.S. South Atlantic federal waters span 149,600 square miles.

## THE PAYOFF

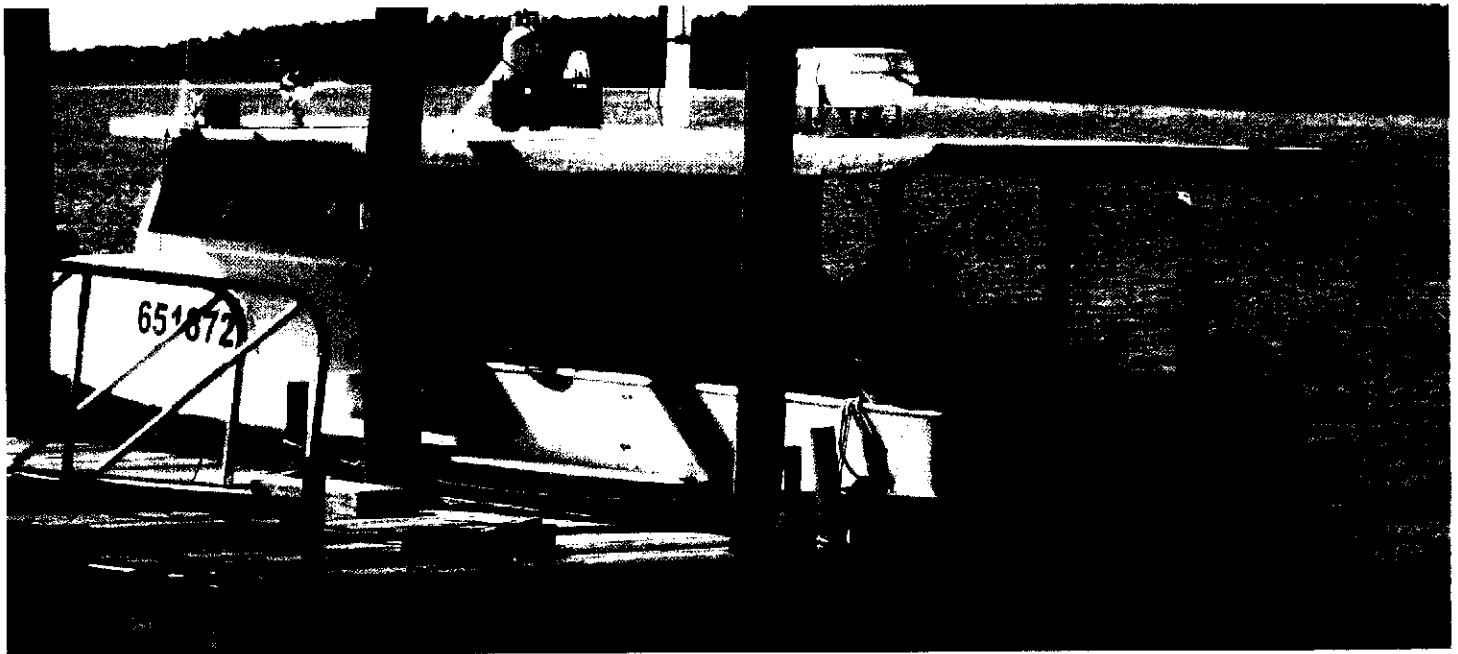
In less than 10 years under the recovery plan, the red snapper population should boom, providing more robust fishing than we have today. Although fishery managers say total recovery could take 35 years, controlled red snapper fishing could resume much earlier and closed ocean areas might re-open as the red snapper get a good head start towards recovery. Scientists will assess the progress at least every five years, beginning in 2011. The goal of the long-term plan is to protect a public resource that is needed for a healthy ocean ecosystem. If successful, the plan would boost the current 3 percent red snapper population level to 40 percent—the minimum level recommended by scientists.

## BENEFITS OF REBUILDING

Catch (in gutted weight):



Source: South Atlantic Fishery Management Council



This commercial snapper and grouper fishing boat from Jacksonville, Florida, can spend up to a week at sea and haul in several thousand pounds of fish.

# Federal law requires an end to overfishing

**T**he South Atlantic Fishery Management Council is charged with developing plans to end overfishing—fishing at unsustainably high rates—by deadlines in 2010 and 2011. The federal Magnuson-Stevens Fishery Conservation and Management Act requires science-based limits on numbers of fish caught annually and rules to end overfishing.

The 13-member, appointed council manages 98 species of finfish, corals and crustaceans in coastal federal waters between three and 200 miles off North Carolina, South Carolina, Georgia and Florida's east coast. It meets publicly four times a year throughout the Southeast. The council is composed of recreational and commercial fishermen, state fishery managers and other experts. The council's science advisers conduct in-depth analyses, and collect information from other state and federal agencies, researchers and the public.



Avid angler Terry Gibson hoists a keeper red snapper.

## MAKING THE CASE

The data and science used to support the long-term red snapper recovery plan are based on research that was carefully conducted during the last several years by some of the country's leading fishery scientists. Through a collaborative scientific process, they assembled data from fishermen and other sources, collected samples of the fish and ran complex computer models to assess the overall condition of red snapper. In writing their stock assessment, a panel of experts considered testimony from independent researchers, fishermen and university scientists. The public was invited to comment on several occasions. The final report, known as SEDAR 15, passed rigorous peer review.

## WHAT YOU CAN DO TO HELP

- **Visit our Web site to learn more** and join our e-alert network at [www.sustainableseasouthfisheries.org](http://www.sustainableseasouthfisheries.org). We'll let you know when important fishing policy changes are coming up and how you can help by signing petitions and contacting decision-makers to show your support for healthy, sustainable fisheries.
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## PEW ENVIRONMENT GROUP'S CAMPAIGN TO END OVERFISHING IN THE SOUTHEAST

Pew is leading efforts to work with the South Atlantic Fishery Management Council and the National Marine Fisheries Service to establish science-based annual catch limits by 2010 for species undergoing overfishing and by 2011 for all other species.

The campaign works to bring scientific expertise to bear on fishery management plans and seeks common ground with fishermen to find solutions that balance human and environmental needs and raise awareness about overfishing and potential remedies.

The Pew Environment Group is the conservation arm of the Pew Charitable Trusts.



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Kerry Marhefka

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1676 Culpepper Cir.

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Abundant Seafood / F/V Amy Marie

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒

YES

☐

NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

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DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Eileen Dougherty

TELEPHONE NUMBER (& AREA CODE)

919-601-8818

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

Charleston, SC

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

EDF, ~~B~~

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☐

YES

☒

NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

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LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

MARK BROWN

TELEPHONE NUMBER (& AREA CODE)

(843) 881-9735

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

3642 - Pandora Drive Mt. Pleasant SC 29466

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Red Snapper ACL's  
LAP's



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Russell Hudson

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

PO Box 9351 Daytona Beach, FL 32120-9351

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Directed Sustainable Fisheries, Inc.

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
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YOUR NAME (PLEASE PRINT)

DAVID GRIFFITH

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

109 KING GEORGE GREENVILLE NC 27858

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

EAST CAROLINA UNIV

DO YOU WISH TO MAKE A STATEMENT?

(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

ECON. & SOCIAL CONSEQUENCES OF CLIMATE





SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
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DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

DAVE HEIL

TELEPHONE NUMBER (& AREA CODE)

407-492-1991

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2324 Lee Rd Winter Park, FL 32789

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

FRA - CFOA - ESFA

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒

YES

☐

NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

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DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

CAROLYN Kowry-Hill

TELEPHONE NUMBER (& AREA CODE)

910-755-8877

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1728 WINDWARD PL Charlotte, NC 28470

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

STAR Seafood

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

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DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Derek Brown

TELEPHONE NUMBER (& AREA CODE)

(912) 658-4280

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

4 Lyman Hall Ct. S.W., GA 31410

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Brown's Deep Sea Fishing

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Lionfish



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
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DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Robert Johnson

TELEPHONE NUMBER (& AREA CODE)

904-794-2628

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

804 Shore Drive St Augustine FL 32086

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Jodie Lynn Charters

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
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DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Joshua Giordano - Silliman

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1170 N Shadow Dr Mt Pleasant, S.C. 29464

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

South Atlantic Sustainable Fishery

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
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LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Fowler Del Porto

TELEPHONE NUMBER (& AREA CODE)

843-568-2095

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

35 Paddycreek Ave.

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Closures / Spearfishing Loopholes / Amendment 17



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Kenny Fox

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Owner Captain

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒ YES

☐ NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

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September 17, 2009

YOUR NAME (PLEASE PRINT)

Frank S-B Procharna

TELEPHONE NUMBER (& AREA CODE)

843-906-1307

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2014 Wadsworth Drive Charleston SC 29412

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Z-Man Fishing Products / RFA

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Amendment 17





SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
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DATE OF MEETING

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YOUR NAME (PLEASE PRINT)

Terry Gibson

TELEPHONE NUMBER (& AREA CODE)

772-285-7683

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2060 NE 23rd Terr Jensen Beach, FL 34957

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

PEW

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒ YES

☐ NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
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YOUR NAME (PLEASE PRINT)

Holly Binn

TELEPHONE NUMBER (& AREA CODE)

850-322-7845

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2107 Mulberry Blvd., Tallahassee, FL 32303

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Pew Environment Group

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Amendments 17A+B



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
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YOUR NAME (PLEASE PRINT)

DICK BRAME

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CCA

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Libby Felherster

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

449 Central Ave Sk 200 St. Pk Pl 33701

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Ocean Conservancy

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

ARTAS



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

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DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

BILL SAMPLES

TELEPHONE NUMBER (& AREA CODE)

305-964-0480

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

Box 913 - ISLAMORADA, FL 33036

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CB DISTRIBUTORS

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

## Recommendations provided by Kerry Marhefka

### In general

- Require VMS for all vessels operating in the snapper grouper commercial fishery

### LAPs

- Conduct an update or new socioeconomic study (such as those done by Rhodes et al and Water et al in 1994) before developing any plan to address the economics of the snapper grouper fishery
- For the next LAP committee meeting have an analysis of the numbers of permits and CACTH HISTORIES that have been sold in the last 2 years and address the speculation that is happening
- Be incredibly cautious while proceeding in regards to the promise of financing that will be available for fisherman to buy shares. The South Atlantic does not have the same structure to support its fisheries as they have in other regions.
- Be sure that the promise that other regulations (i.e., shorter spawning season closures, fewer closed areas, etc) is not oversold to fishermen to convince them that LAPs will improve fishing conditions.
- Finally, be cautious of setting up a scenario where those with the deepest pockets succeed in this fishery.

### Red Snapper

I would like to see the Council include for analysis and for public comment in draft Amendment 17A an alternative that does the following:

Divides the Red Snapper allowable removals (as landed catch or discard mortality) by sector where the 79,000 ACL is divided for the areas South of the North/South Carolina border and North of South Florida by sector as following:

A.

(Allocation Scenario as 40% Commercial; 60% Recreational (36 %Private/rec and 24% for-hire)

Commercial	40%	31,600
Private/Recreational	36%	28,440
For Hire	24%	18,960

B.

(Allocation Scenario as 28% Commercial; 72% Recreational (43 %Private/rec and 29% for-hire)

Commercial	28%	22,120
Private/Recreational	43%	33,970
For Hire	29%	22,910s

- Under this scheme the size of the closed areas would be calculated per sector according to the amount of fishing mortality for red snapper that needs to be reduced by that sector in order to end overfishing of red snapper.
- For the commercial fishery;
  - o Require VMS on all vessels (alternatives could include; voluntarily on those wishing to fish in the closed area, mandatory on those fishing between NC/SC border and South Florida or mandatory on entire fleet)
  - o Require real time electronic reporting of all discards with ground truthing being done either by on-board observers or video monitoring on a percentage of the fleet.
  - o Allow commercial fishing in the closed areas until the discard allowance is reached and then shut down all bottom fishing in that area.



I demand that the South Atlantic Fishery Management Council reject Amendment 17B.

Amendment 17B is based on data from the MRFSS systems which has been proven to be "fatally flawed" by the peer review of the National Research Council. There should be no additional regulations until such time as there has been peer reviewed and proven science to allow for responsible management of the fishery.

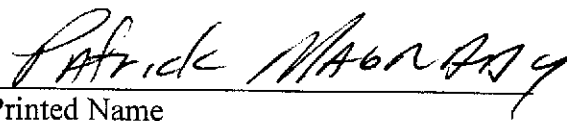
The ACLs, ACTs & AMs can not be set until such time as there is reliable science upon which to base these figures.

The quotas for Golden Tilefish must be set at 50% recreational/50% commercial as required by National Standard 4.

I demand that you reject of Shrimp Amendment 7 which will double the number of Rock Shrimp boats, which kill juvenile fish, destroy habitat and take away the forage will do more to enhance the bottom fish population.

Similarly, the banning long lining hear in the area will also prevent the bycatch of bottom fish and enhance the population.

  
Signature

  
Printed Name

  
City, State





I demand that the South Atlantic Fishery Management Council reject Amendment 17B.

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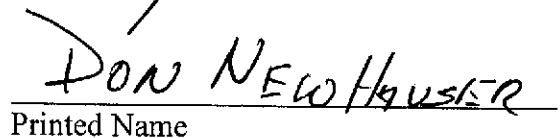
The ACLs, ACTs & AMs can not be set until such time as there is reliable science upon which to base these figures.

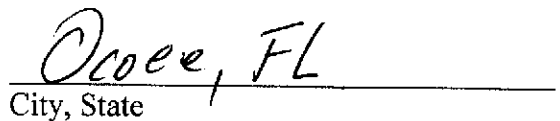
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Signature

  
Printed Name

  
City, State



I demand that the South Atlantic Fishery Management Council reject Amendment 17B.

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Similarly, the banning long lining hear in the area will also prevent the bycatch of bottom fish and enhance the population.

Vernice Newhauser  
Signature

Vernice Newhauser  
Printed Name

Ocoee, FL 34761  
City, State



I demand that the South Atlantic Fishery Management Council reject Amendment 17B.

Amendment 17B is based on data from the MRFSS systems which has been proven to be "fatally flawed" by the peer review of the National Research Council. There should be no additional regulations until such time as there has been peer reviewed and proven science to allow for responsible management of the fishery.

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Similarly, the banning long lining hear in the area will also prevent the bycatch of bottom fish and enhance the population.

  
Signature

JEFFREY A. PAGE  
Printed Name

ORLANDO, FL  
City, State



I demand that the South Atlantic Fishery Management Council reject Amendment 17B.

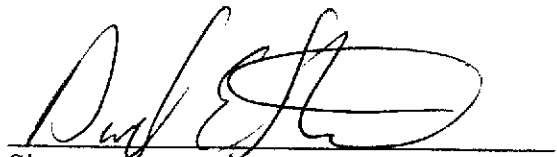
Amendment 17B is based on data from the MRFSS systems which has been proven to be "fatally flawed" by the peer review of the National Research Council. There should be no additional regulations until such time as there has been peer reviewed and proven science to allow for responsible management of the fishery.

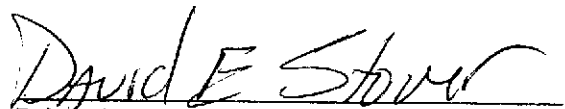
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The quotas for Golden Tilefish must be set at 50% recreational/50% commercial as required by National Standard 4.

I demand that you reject of Shrimp Amendment 7 which will double the number of Rock Shrimp boats, which kill juvenile fish, destroy habitat and take away the forage will do more to enhance the bottom fish population.

Similarly, the banning long lining hear in the area will also prevent the bycatch of bottom fish and enhance the population.

  
Signature

  
Printed Name

  
City, State



I demand that the South Atlantic Fishery Management Council reject Amendment 17B.

Amendment 17B is based on data from the MRFSS systems which has been proven to be "fatally flawed" by the peer review of the National Research Council. There should be no additional regulations until such time as there has been peer reviewed and proven science to allow for responsible management of the fishery.

The ACLs, ACTs & AMs can not be set until such time as there is reliable science upon which to base these figures.

The quotas for Golden Tilefish must be set at 50% recreational/50% commercial as required by National Standard 4.

I demand that you reject of Shrimp Amendment 7 which will double the number of Rock Shrimp boats, which kill juvenile fish, destroy habitat and take away the forage will do more to enhance the bottom fish population.

Similarly, the banning long lining hear in the area will also prevent the bycatch of bottom fish and enhance the population.

Signature

Chris Anti

Printed Name

Winter Springs FL

City, State



I demand that the South Atlantic Fishery Management Council reject Amendment 17B.

Amendment 17B is based on data from the MRFSS systems which has been proven to be "fatally flawed" by the peer review of the National Research Council. There should be no additional regulations until such time as there has been peer reviewed and proven science to allow for responsible management of the fishery.

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Similarly, the banning long lining hear in the area will also prevent the bycatch of bottom fish and enhance the population.

Paul L. Cowart  
Signature

Paul L. Cowart  
Printed Name

Winter Springs, FL 32768  
City, State



I demand that the South Atlantic Fishery Management Council reject Amendment 17B.

Amendment 17B is based on data from the MRFSS systems which has been proven to be "fatally flawed" by the peer review of the National Research Council. There should be no additional regulations until such time as there has been peer reviewed and proven science to allow for responsible management of the fishery.

The ACLs, ACTs & AMs can not be set until such time as there is reliable science upon which to base these figures.

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Similarly, the banning long lining hear in the area will also prevent the bycatch of bottom fish and enhance the population.

A handwritten signature in black ink, appearing to read "Lewis Gaudet", written over a horizontal line.

Signature

A handwritten version of the name "Lewis Gaudet" in black ink, written over a horizontal line.

Printed Name

A handwritten "Estis, FL" in black ink, written over a horizontal line.

City, State



I demand that the South Atlantic Fishery Management Council reject Amendment 17B.

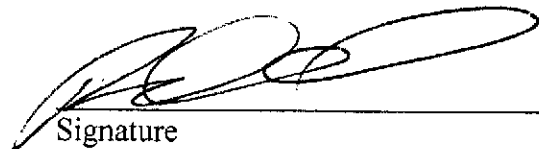
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Signature

Paul Golub  
Printed Name

Longwood, FL  
City, State





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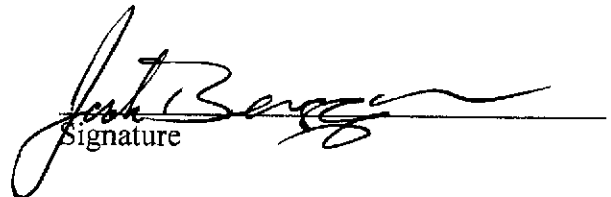
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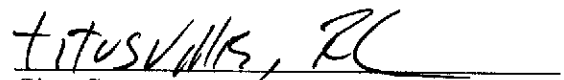
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C. McCollough  
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Charlie McCollough  
Printed Name

Longwood, FL  
City, State



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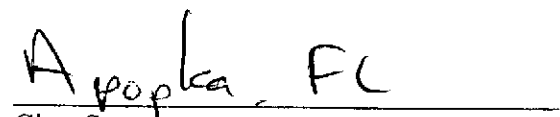
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Charles J. Ellis

Signature

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Orlando, FL

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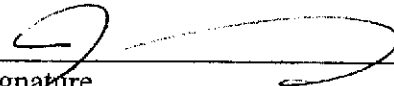
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John Rodenburg  
Printed Name

Oviedo FL 32765  
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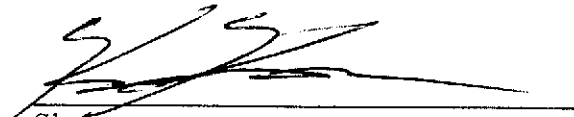
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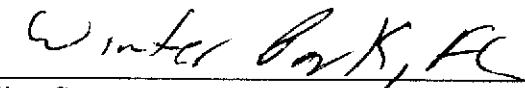
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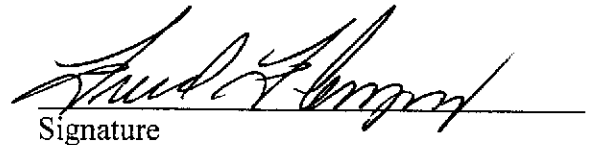
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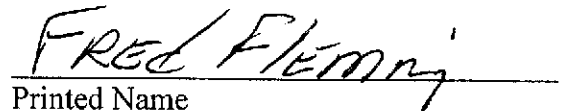
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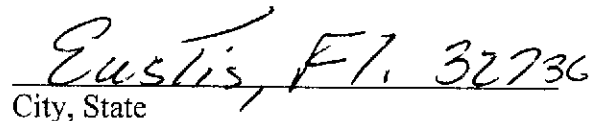
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Printed Name

Orlando, Fla.  
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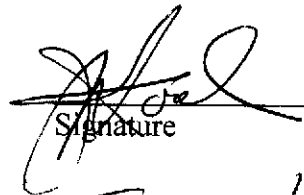
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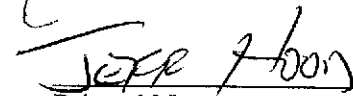
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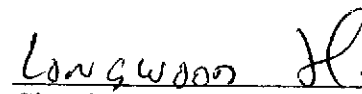
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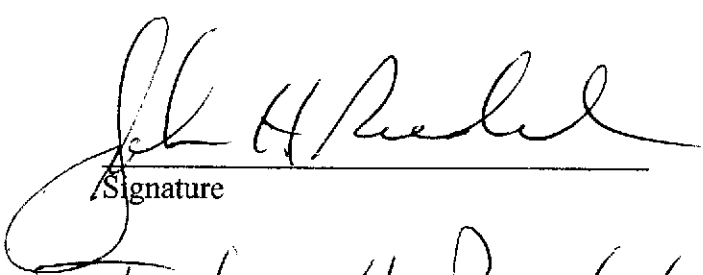
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John H Riedel  
Printed Name

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City, State



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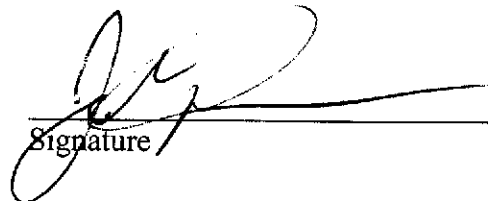
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Printed Name

OSTEEN FL  
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Robin Lowery  
Signature

Robin Lowery  
Printed Name

Winter Garden, FL  
City, State



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DANIEL CRAMER

Printed Name

ORLANDO, FL

City, State





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A handwritten signature in cursive script, appearing to read "Rhonda Mascioli".

Signature

A handwritten version of the name "Rhonda Mascioli" in a cursive script.

Printed Name

A handwritten "Orlando FL" in a cursive script.

City, State



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G. Phillips  
Signature

Carey Phillips  
Printed Name

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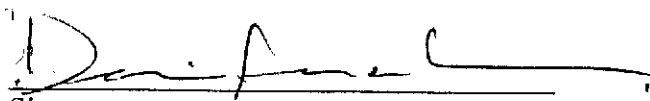
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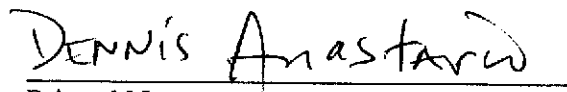
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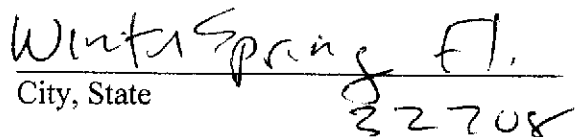
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Meli Londeree  
Signature

Meli Londeree  
Printed Name

Mount Dora, FL  
City, State



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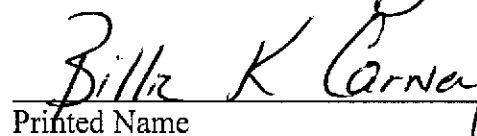
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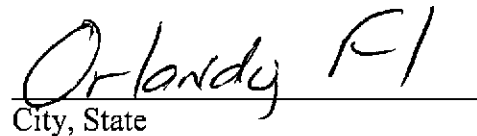
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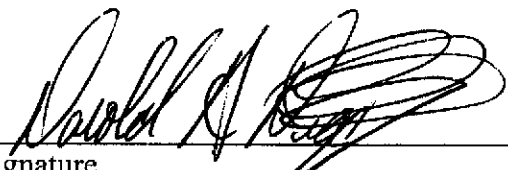
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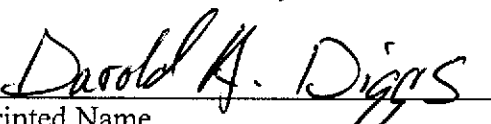
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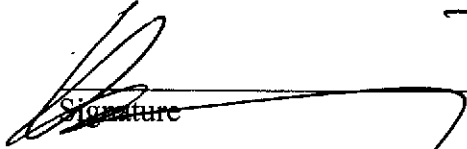

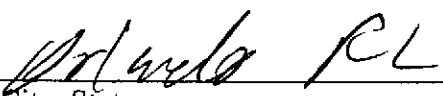
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Signature

Printed Name

Andrea Diggs

City, State

Deltona, FL



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Catherine Rodenburg  
Signature

Catherine Rodenburg  
Printed Name

Oviedo Fl 32765  
City, State



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PO Box 1216  
Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

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Lisa Gorichky  
Signature

LISA GORICHKY  
Printed name

Cocoa Beach, FL.  
City, State



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Cape Canaveral, FL 32920  
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Karen C. Heer  
Signature

KAREN C. HEER  
Printed name

MERRITT IS., FL  
City, State



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*T. Youcy*  
Signature

*TAMMY BORICHKY*  
Printed name

*Merritt Is., FLA.*  
City, State



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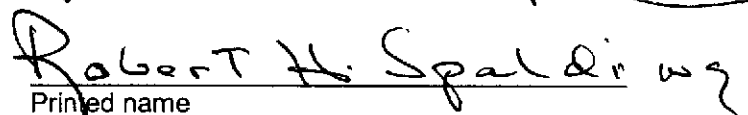
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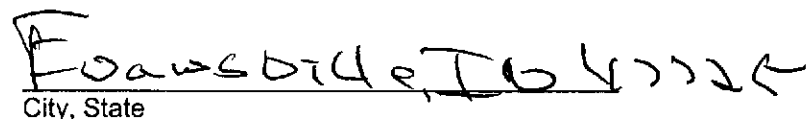
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Printed name

  
City, State



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Colleen G. Spalding  
Signature

Colleen G. Spalding  
Printed name

EVANVILLE, IN 47725  
City, State



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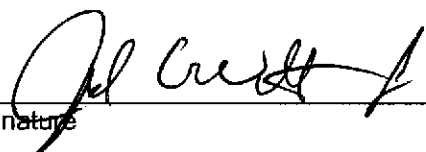
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Signature

JOHN C. WILLIAMS, JR.  
Printed name

LADY LAKE, FL  
City, State





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Idella Williams  
Signature

Idella Williams  
Printed name

Lady Lake, FL 32159  
City, State



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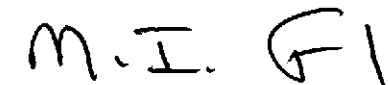
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ROBERT A. BAUGHMAN  
Printed name

COCOA BEACH, FL  
City, State



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O. Charles Leonard  
Signature

O. Charles Leonard  
Printed name

Orlando, FL  
City, State



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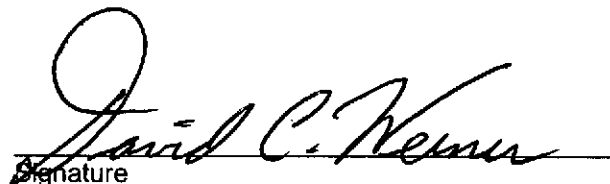
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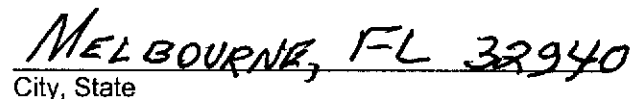
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John W. Stump  
Signature

John W. Stump  
Printed name

Melbourne, FL  
City, State



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\_\_\_\_\_  
Signature

Christopher Hodson  
Printed name

Rockledge, FL  
City, State



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Anita Owens  
Signature

Anita Owens  
Printed name

Merritt Island, Fla.  
City, State





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Cape Canaveral, FL 32920  
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Signature

William W. Owens

Printed name

Merritt Island, Florida

City, State



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Tim Lemieux  
Signature

Tim Lemieux  
Printed name

Cocoa FL 32926  
City, State



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Georgie A. Baughman  
Signature

Georgie A. Baughman  
Printed name

Cocoa Beach, FL  
City, State



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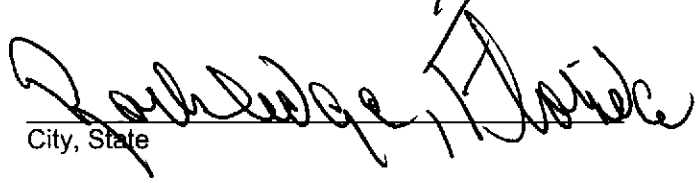
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Signature

LESLIE TOPPER  
Printed name

  
City, State



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Ch. Costello  
Signature

Christopher Costello  
Printed name

Cocoa FL  
City, State



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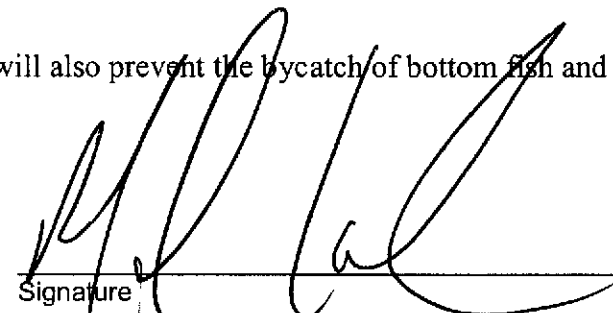
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Signature

Printed name

City, State

  
Michael A. Cochran

Cocoa, Florida 32926



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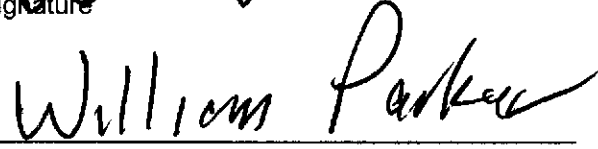
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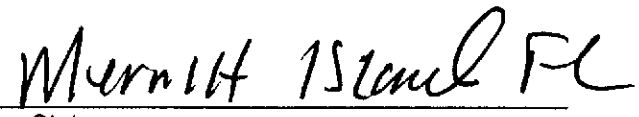
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Jerry Bunker  
Signature

JERRY BUNKER  
Printed name

Cocoa Beach, FL  
City, State





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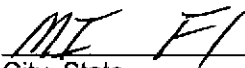
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City, State



FSFA  
PO Box 1216  
Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

I demand that the South Atlantic Fishery Management Council reject Amendment 17B.

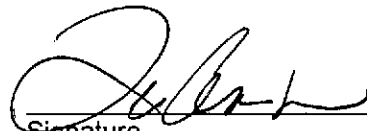
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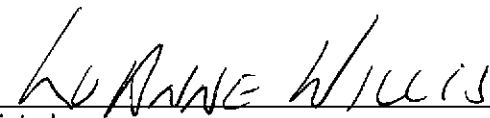
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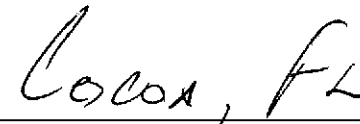
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Similarly, the banning long lining gear in the area will also prevent the bycatch of bottom fish and enhance the population.

  
Signature

  
Printed name

  
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Kimberly A Badgett  
Signature

Kimberly A Badgett  
Printed name

Cocoa, FL 32927  
City, State



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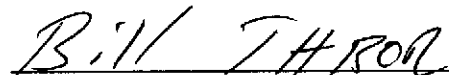
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*BB.*  
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*Robert H. Petersen*  
Signature

*Robert H. Petersen*  
Printed name

*Melinda Island, FL 32953*  
City, State



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Cynthia L. Roebuck  
Signature

Cynthia L. Roebuck  
Printed name

Merritt Island FL  
City, State  
32952





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Signature

Printed name

City, State

*[Handwritten signature]*

Steve Beardon

MI, FL 32954



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Cape Canaveral, FL 32920  
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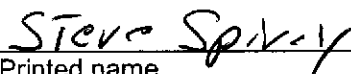
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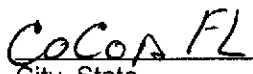
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Peter C. Springer  
Signature

Peter C. Springer  
Printed name

Merritt Is, Fla. 32952  
City, State



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L. Eugene Mennelle  
Signature

2215 Coconut Ln  
Printed name

M. J. Fl. 32932  
City, State



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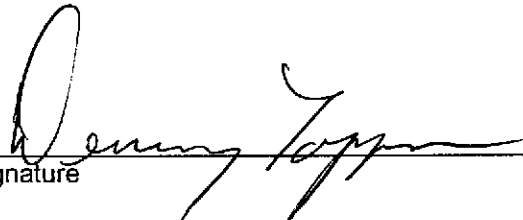
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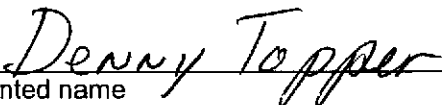
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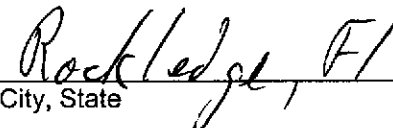
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Lauren Parker  
Signature

Lauren Parker  
Printed name

Merritt Island, FL  
City, State





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Ashley Spalding  
Signature

Ashley Spalding  
Printed name

Cocoa Beach, FL  
City, State



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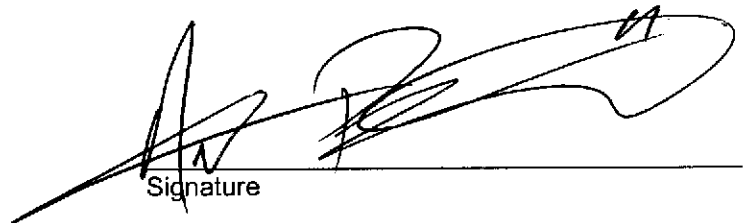
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Signature

Anthony Broad  
Printed name

Cocoa, FL  
City, State



I demand that the South Atlantic Fishery Management Council reject Amendment 17A that closes the Red Snapper Fishery and a large area of the Atlantic to bottom fishing.

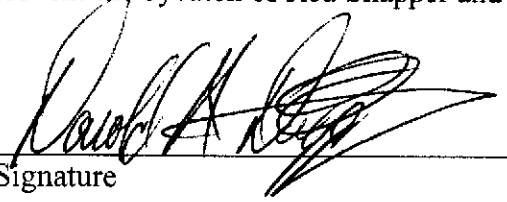
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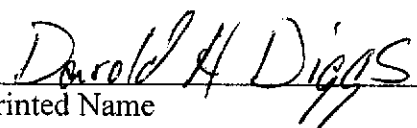
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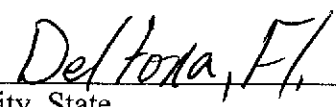
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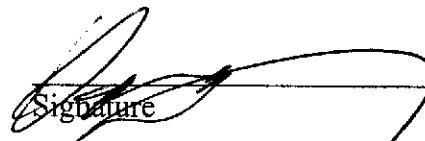
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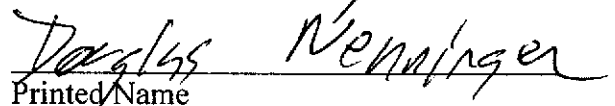
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Catherine Rodenburg  
Signature

Catherine Rodenburg  
Printed Name

Orlando FL  
City, State



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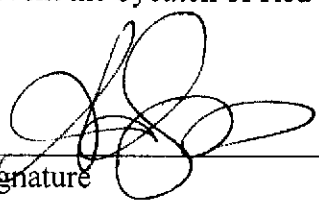
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Signature

Andrea Diggs  
Printed Name

Deltona, FL  
City, State



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Vernie Newhauser  
Signature

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Printed Name

Orlando, Florida 32861  
City, State



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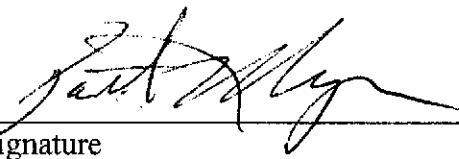
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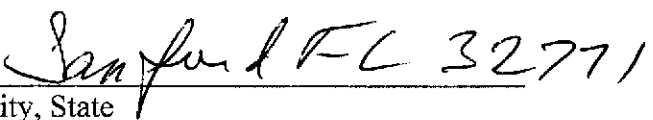
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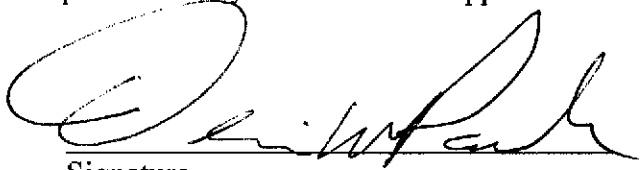
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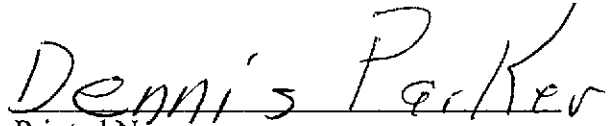
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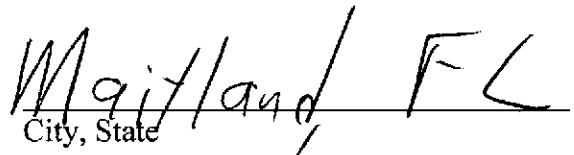
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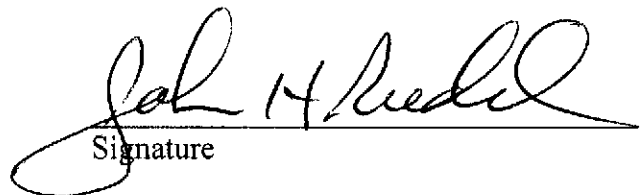
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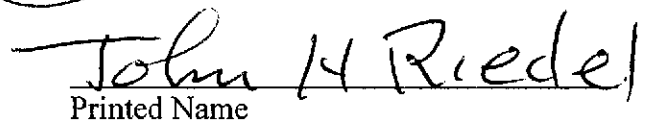
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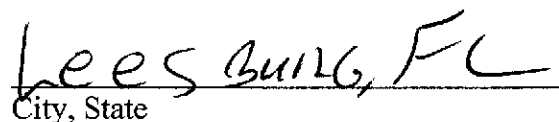
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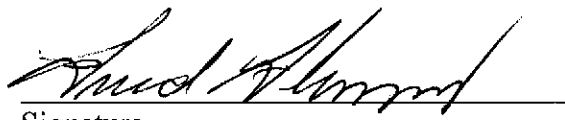
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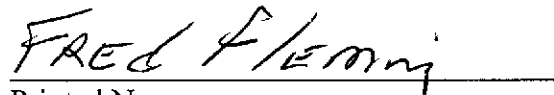
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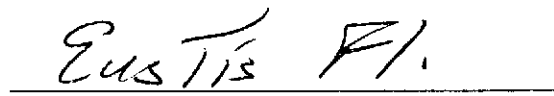
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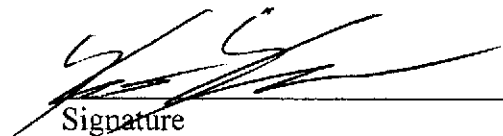
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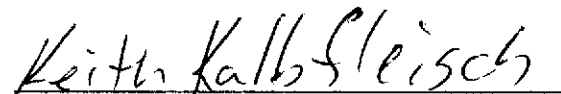
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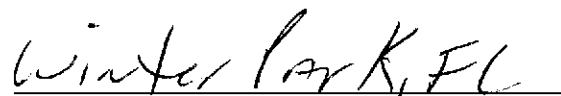
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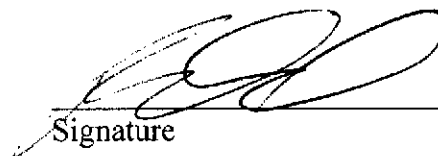
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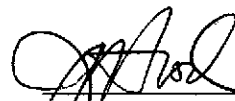
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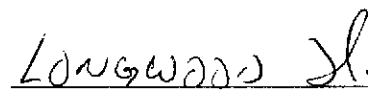
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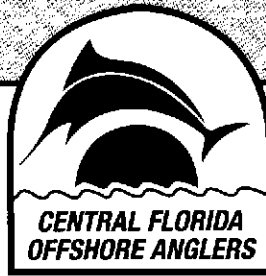
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Roger E. Mauzey  
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Orlando, FL  
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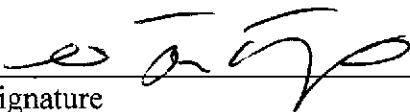
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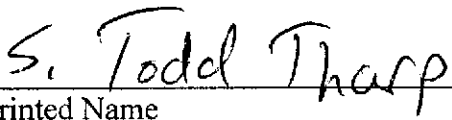
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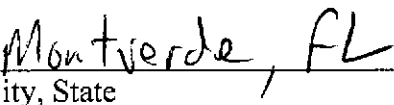
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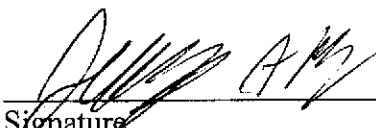
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Printed Name

ORLANDO FL  
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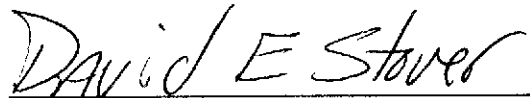
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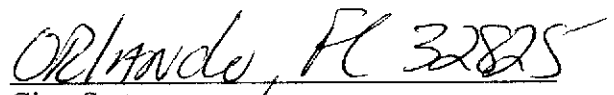
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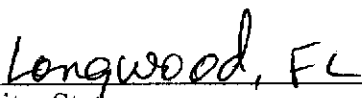
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Signature

  
Printed Name

  
City, State



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Paula L. Cowart  
Signature

PAULA L. COWART  
Printed Name

Winter Springs, FL 32708  
City, State



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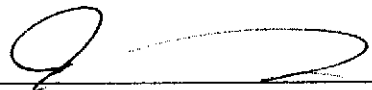
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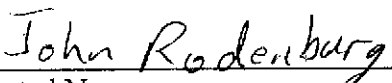
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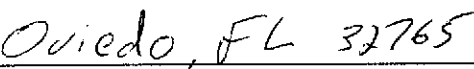
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Charles J. Ellis

Signature

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Printed Name

Orlando, FL

City, State



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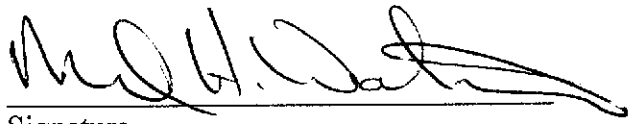
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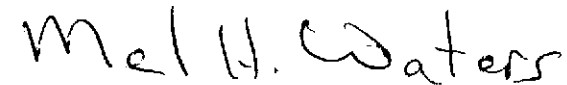
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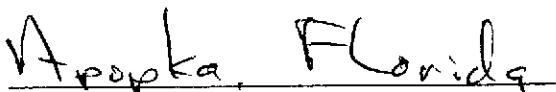
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LONGWOOD, FL  
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Robin Lowery  
Signature

Robin Lowery  
Printed Name

Winter Garden, FL  
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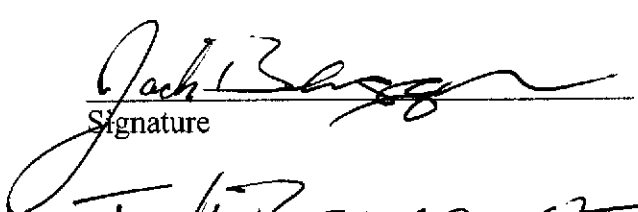
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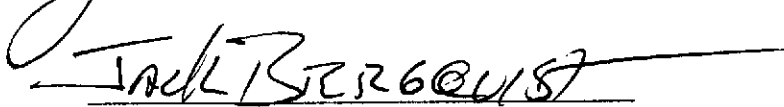
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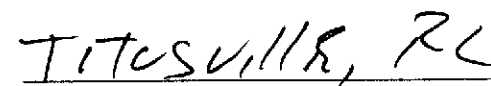
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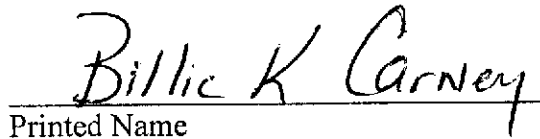
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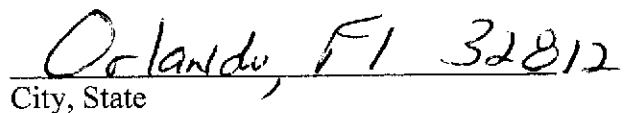
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Printed Name

JOHN M. CARNEY

City, State

ORLANDO, FL





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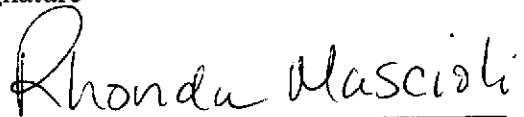
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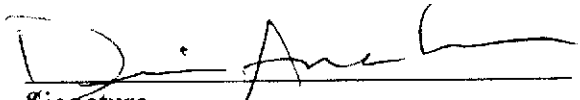
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G. Phillips  
Signature

GARY PHILLIPS  
Printed Name

APOPKA, FL 32712  
City, State



FSFA  
PO Box 1216  
Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

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O. Charles Leonard  
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Printed name

Orlando, FL  
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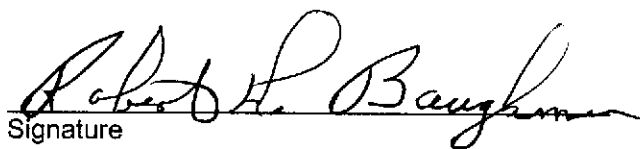
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ROBERT A. BAUGHMAN  
Printed name

COCOA BEACH, FL.  
City, State



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Signature

DAVID C. WERNER  
Printed name

MELBOURNE, FL 32940  
City, State



FSFA  
PO Box 1216  
Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

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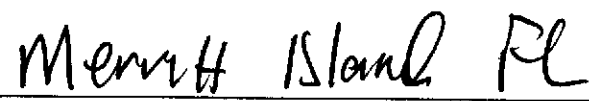
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\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Printed name

  
\_\_\_\_\_  
City, State



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James A. Williams  
Signature

James A. Williams  
Printed name

Merritt Island, FL  
City, State



FSFA  
PO Box 1216  
Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

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Signature

Printed name

City, State

Robert H. Spalding  
Robert H. Spalding  
Evanville, IN 47725



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PO Box 1216  
Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

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Colleen G. Spaulding  
Signature

Colleen G. Spaulding  
Printed name

Evansville, IN 47725  
City, State



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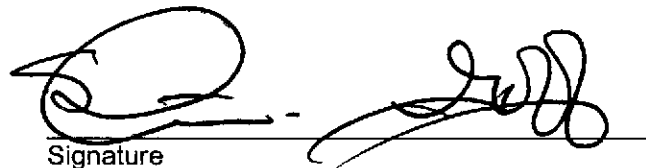
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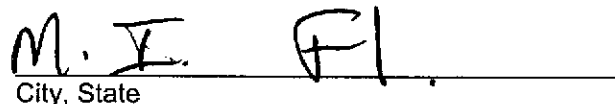
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Printed name

  
City, State



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John W. Stumpe  
Signature

John W. Stumpe  
Printed name

Melbourne, FL  
City, State



FSFA  
PO Box 1216  
Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

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Signature

Christopher Hudson  
Printed name

Rockledge, FL  
City, State



FSFA  
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Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

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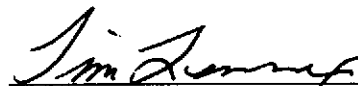
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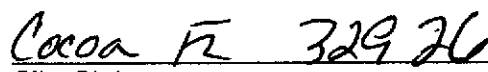
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Signature

Christopher Costello

Printed name

Cocoa, FL

City, State



FSFA  
PO Box 1216  
Cape Canaveral, FL 32920  
[www.fsfclub.org](http://www.fsfclub.org)

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Signature

Printed name

Cocoa, FL 32920  
City, State



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Cape Canaveral, FL 32920  
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Georgie A. Baughman  
Signature

Georgie A. Baughman  
Printed name

Cocoa Beach, FL  
City, State



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PO Box 1216  
Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

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Ashley Spaulding  
Signature

Ashley Spaulding  
Printed name

Coloa Beach, FL  
City, State



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Cape Canaveral, FL 32920  
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Cynthia L. Roebuck  
Signature

Cynthia L. Roebuck  
Printed name

Merritt Island FL 32952  
City, State



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Anita Owens  
Signature

ANITA OWENS  
Printed name

Merritt Island, Fla  
City, State



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Lauren Parker  
Signature

Lauren Parker  
Printed name

Merritt Island, FL  
City, State





FSFA  
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Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

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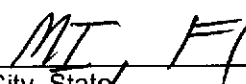
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Signature

Printed name

City, State

*[Handwritten Signature]*

*Donald Bengtson*

*Cocoa Beach, FL 32931*



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Denny Topper  
Signature

Denny Topper  
Printed name

Rockledge, FL  
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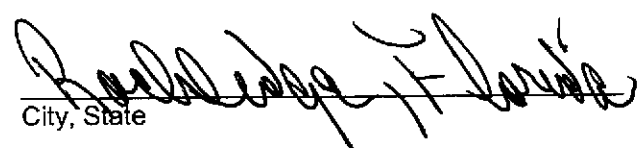
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Jerry Bungener  
Signature

JERRY BUNGENER  
Printed name

Cocoa Beach, Fla.  
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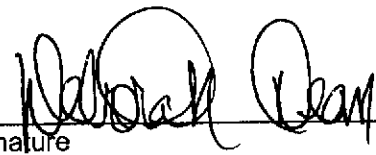
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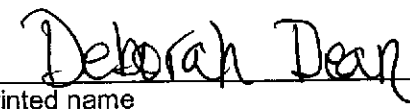
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Peter C. Springer

Printed name

Merritt Is, Fla.

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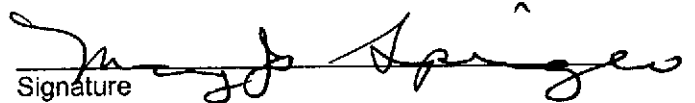
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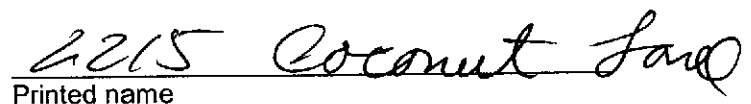
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Steve Spivey  
Signature

Steve Spivey  
Printed name

Cocoa FL  
City, State



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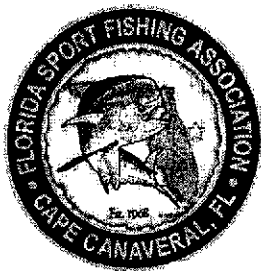
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Anthony Broad  
Printed name

Cocoa, FL  
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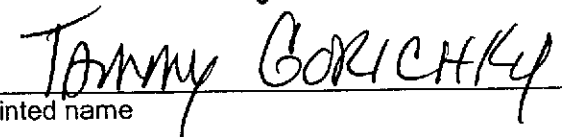
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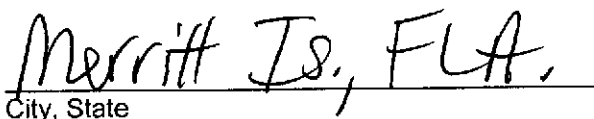
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Lisa Gorchy  
Signature

LISA GORCHY  
Printed name

Cocoa Beach, Fl.  
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*Karen C. Heer*

Signature

KAREN C. HEER

Printed name

MERRITT IS. FL

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[www.fsfaclub.org](http://www.fsfaclub.org)

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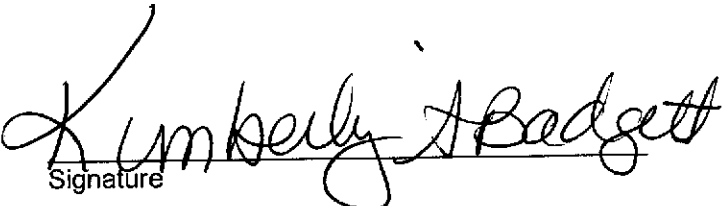
Amendment 17A is based on data from the MRFSS systems which has been proven to be "fatally flawed" by the peer review of the National Research Council. The Hester report is the "best available science" that is available at this time and should be followed. The closure of the Red Snapper fishery is not warranted from Dr Hester's analysis. There should be no additional regulations until such time as there has been peer reviewed and proven science to allow for responsible management of the fishery.

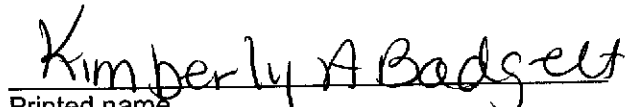
The mortality figure of 40% mortality for recreational anglers is absolutely wrong, from my experience as an angler this figure is at least 4 times the realistic percentage of the mortality rate for Red Snapper for recreational anglers. The mortality rate would further be lowered by the requirement of the use of circle hooks and venting tools.

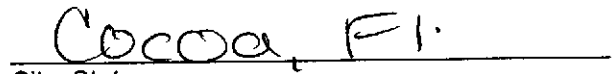
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I demand that you reject of Shrimp Amendment 7 which will double the number of Rock Shrimp boats, which kill juvenile fish, destroy habitat and take away the forage will do more to enhance the Red Snapper population.

Similarly, the banning long lining gear in the area will also prevent the bycatch of Red Snapper and enhance the population.

  
Signature

  
Printed name

  
City, State



FSFA  
PO Box 1216  
Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

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Signature

Printed name

Keith Flint

City, State

Cocoa, FL



FSFA  
PO Box 1216  
Cape Canaveral, FL 32920  
[www.fsfaclub.org](http://www.fsfaclub.org)

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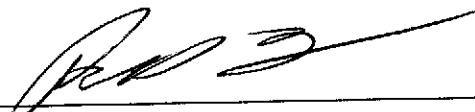
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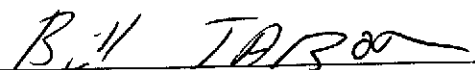
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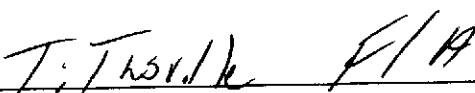
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Similarly, the banning long lining gear in the area will also prevent the bycatch of Red Snapper and enhance the population.

  
Signature

  
Printed name

  
City, State



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Kerry Marhefka

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1676 Culpepper Cir.

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Abundant Seafood / F/V Amy Marie

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒

YES

☐

NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Eileen Dougherty

TELEPHONE NUMBER (& AREA CODE)

919-601-8818

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

Charleston, SC

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

EDF, ~~B~~

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☐

YES

☒

NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

MARK BROWN

TELEPHONE NUMBER (& AREA CODE)

(843) 881-9735

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

3642 - Pandora Drive Mt. Pleasant SC 29466

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Red Snapper ACL's  
LAP's



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Russell Hudson

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

PO Box 9351 Daytona Beach, FL 32120-9351

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Directed Sustainable Fisheries, Inc.

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

DAVID GRIFFITH

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

109 KING GEORGE GREENVILLE NC 27858

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

EAST CAROLINA UNIV

DO YOU WISH TO MAKE A STATEMENT?

(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

ECON. & SOCIAL CONSEQUENCES OF CLIMATE





SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

DAVE HEIL

TELEPHONE NUMBER (& AREA CODE)

407-492-1991

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2324 Lee Rd Winter Park, FL 32789

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

FRA - CFOA - ESFA

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒

YES

☐

NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

CAROLYN Kowry-Hill

TELEPHONE NUMBER (& AREA CODE)

910-755-8877

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1728 WINDWARD PL Charlotte, NC 28470

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

STAR Seafood

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Derek Brown

TELEPHONE NUMBER (& AREA CODE)

(912) 658-4280

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

4 Lyman Hall Ct. S.W., GA 31410

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Brown's Deep Sea Fishing

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Lionfish



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Robert Johnson

TELEPHONE NUMBER (& AREA CODE)

904-794-2628

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

804 Shore Drive St Augustine FL 32086

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Jodie Lynn Charters

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Joshua Giordano - Silliman

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1170 N Shadow Dr Mt Pleasant, S.C. 29464

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

South Atlantic Sustainable Fishery

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒

YES

☐

NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Fowler Del Porto

TELEPHONE NUMBER (& AREA CODE)

843-568-2095

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

35 Paddycreek Ave.

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Closures / Spearfishing Loopholes / Amendment 17



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Kenny Fox

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Owner Captain

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒

YES

☐

NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Frank J-B Procharna

TELEPHONE NUMBER (& AREA CODE)

843-906-1307

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2014 Wadsworth Drive Charleston SC 29412

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Z-Man Fishing Products / RFA

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Amendment 17





SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Terry Gibson

772-285-7683

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2060 NE 23rd Terr Jensen Beach, FL 34957

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Sea

PEW

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒

YES

☐

NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Holly Binn

TELEPHONE NUMBER (& AREA CODE)

850-322-7845

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2107 Mulberry Blvd., Tallahassee, FL 32303

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Pew Environment Group

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Amendments 17A+B



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

DICK BRAME

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CCA

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Libby Felherster

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

449 Central Ave Sk 200 St. Pete FL 33701

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Ocean Conservancy

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

ARTAS



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Open Public Comment Session

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

BILL SAMPLES

TELEPHONE NUMBER (& AREA CODE)

305-964-0480

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

Box 913 - ISLAMORADA, FL 33036

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CB DISTRIBUTORS

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Comprehensive Ecosystem-Based Amendment 1

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Holly Binns

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2107 Mulberry Blvd, Tallahassee, FL 32303

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Pew Environment Group

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Comprehensive Ecosystem-Based Amendment 1

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

MARGOT STILES

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1350 Connecticut Ave NW <sup>5th Floor</sup> Washington DC 20036

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

OCEANA

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Comprehensive Ecosystem-Based Amendment 1

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

DOUG RADER

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

COF / HEPAF

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:





SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Comprehensive Ecosystem-Based Amendment 1

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Dave Allison

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1650 Connecticut Ave NW, 7th Floor Washington DC 20036

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Oceana

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒

YES

☐

NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Comprehensive Ecosystem-Based Amendment 1

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

Libby K. Hester

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

449 Central Ave Suite 200 St. Pete, FL 33701

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Ocean Conservancy

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Ecosystem Amendment 1



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Comprehensive Ecosystem-Based Amendment 1

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

CLIFFORD GIBBENS

TELEPHONE NUMBER (& AREA CODE)

305-852-3072

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

PO BOX 913 ISLAMORADA FL 33036

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

C&B DEST.

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒ YES

☐ NO

TOPIC(S) OF INTEREST/CONCERN:

REQUEST

TO SPEAK AFTER OCTOCORAL Review



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

## PUBLIC COMMENT ATTENDANCE RECORD

### Comprehensive Ecosystem-Based Amendment 1

LOCATION OF MEETING (CITY & STATE)

Charleston, SC

DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

BILL SAMPLES

TELEPHONE NUMBER (& AREA CODE)

305-964-0480

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

Box 913 - ISLAMORADA FL 33036

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CB DISTRIBUTORS

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

\* REQUEST TO (RENAME) SPEAK AFTER  
OCTOCORAL PRESENTATION. \*



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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

September 17, 2009

YOUR NAME (PLEASE PRINT)

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2107 Mulberry Blvd, Tallahassee, FL 32303

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Pew Environment Group

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



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4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

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Charleston, SC

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September 17, 2009

YOUR NAME (PLEASE PRINT)

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

OCEANA

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

COF / HEPAF

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
NORTH CHARLESTON, SOUTH CAROLINA 29405

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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Oceana

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)

☒

YES

☐

NO

TOPIC(S) OF INTEREST/CONCERN:





SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
4055 FABER PLACE DRIVE, SUITE 201  
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BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Ocean Conservancy

DO YOU WISH TO MAKE A STATEMENT?  
(PLEASE ATTACH A WRITTEN COPY  
IF AVAILABLE)



YES



NO

TOPIC(S) OF INTEREST/CONCERN:

Ecosystem Amendment 1



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL  
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# South Atlantic Fishery Management Council

## 2009 - 2010 Council Membership

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Robert Boyles  
Brian Cheuvront  
Roy Crabtree  
Ben Hartig  
Susan Shipman  
Staff contact: Kim Iverson

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Ben Hartig  
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Rita Merritt  
Charlie Phillips  
Red Munden Mid-Atlantic Council  
New England Council Rep  
Staff contact: Gregg Waugh

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David Cupka  
Mac Currin  
George Geiger  
Ben Hartig  
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Charlie Phillips  
Mark Robson  
Staff contact: Roger Pugliese- FEP  
Myra Brouwer- Comp. Ecosystem-  
based Amendment

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Mac Currin  
George Geiger  
Susan Shipman  
Staff contact: Bob Mahood

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Duane Harris  
Mark Robson  
Staff contact: Bob Mahood

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Tom Swatzel  
Staff contact: Gregg Waugh

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Wilson Laney  
Rita Merritt  
Vince O'Shea  
Charlie Phillips  
Staff contact: Roger Pugliese  
Myra Brouwer- Coral

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Roy Crabtree  
Mac Currin  
George Geiger  
Duane Harris  
Brian Sullivan  
Staff contact: Gregg Waugh

### INFORMATION & EDUCATION

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Mac Currin, Vice-Chair  
Duane Harris  
Mark Robson  
Brian Sullivan  
Tom Swatzel  
Staff contact: Kim Iverson

### KING & SPANISH MACKEREL

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David Cupka, Vice-Chair  
Mac Currin  
Brian Cheuvront  
Duane Harris  
Ben Hartig  
Rita Merritt  
Charlie Phillips  
Mark Robson  
Tom Swatzel  
Ron Smith, Mid-Atlantic  
Representative  
Jack Travelstead, Mid-Atlantic  
Representative  
Staff contact: Gregg Waugh

### LAW ENFORCEMENT

George Geiger, Chair  
Mac Currin, Vice-Chair  
Robert Boyles  
Duane Harris  
Ben Hartig  
Brian Sullivan  
Staff contact: Gregg Waugh

### LIMITED ACCESS PRIVILEGE PROGRAM (LAPP)

Rita Merritt, Chair  
Robert Boyles  
David Cupka  
George Geiger  
Vince O'Shea  
Charlie Phillips  
Susan Shipman  
Tom Swatzel  
Staff contact: Kate Quigley

### PERSONNEL

Susan Shipman, Chair  
David Cupka  
George Geiger  
Duane Harris  
Staff contact: Bob Mahood

### PROTECTED RESOURCES

David Cupka, Chair  
Wilson Laney, Vice-Chair  
Rita Merritt  
Mark Robson  
Susan Shipman  
Staff contact: Myra Brouwer

### SCI. & STAT. SELECTION

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Brian Cheuvront  
Mark Robson  
Susan Shipman  
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### SEDAR Committee

Duane Harris, Chair  
George Geiger, Vice-Chair  
Brian Cheuvront  
David Cupka  
Ben Hartig  
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Mark Robson  
Tom Swatzel  
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## **Staff Economist**

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## **Cultural Anthropologist**

Open Position

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## **Purchasing/Adm. Assistant**

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## **SEDAR/ Staff Administrative Assistant**

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# South Atlantic Fishery Management Council

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### COUNCIL CHAIRMAN:

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Roy Crabtree  
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Mac Currin  
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Myra Brouwer- Comp. Ecosystem-  
based Amendment

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George Geiger  
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Duane Harris  
Mark Robson  
Brian Sullivan  
Tom Swatzel  
Staff contact: Kim Iverson

### PROTECTED RESOURCES

David Cupka, Chair  
Wilson Laney, Vice-Chair  
Rita Merritt  
Mark Robson  
Susan Shipman  
Staff contact: Myra Brouwer

### EXECUTIVE

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David Cupka, Vice-Chair  
Mac Currin  
George Geiger  
Susan Shipman  
Staff contact: Bob Mahood

### KING & SPANISH MACKEREL

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Brian Cheuvront  
Duane Harris  
Ben Hartig  
Rita Merritt  
Charlie Phillips  
Mark Robson  
Tom Swatzel  
Ron Smith, Mid-Atlantic  
Representative  
Jack Travelstead, Mid-Atlantic  
Representative  
Staff contact: Gregg Waugh

### SCI. & STAT. SELECTION

Roy Crabtree, Chair  
Robert Boyles  
Brian Cheuvront  
Mark Robson  
Susan Shipman  
Staff contact: John Carmichael

### FINANCE

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Susan Shipman, Vice-Chair  
Brian Cheuvront  
Duane Harris  
Mark Robson  
Staff contact: Bob Mahood

### SEDAR Committee

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George Geiger, Vice-Chair  
Brian Cheuvront  
David Cupka  
Ben Hartig  
Vince O'Shea  
Mark Robson  
Tom Swatzel  
Staff contact: John Carmichael

# South Atlantic Fishery Management Council

## 2009 - 2010 Council Membership

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NICK MEHTA  
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PHIL STEELE  
RUSTY HUDSON  
BOB GILL  
OTHA EASLEY  
HAL ROBBINS  
DOUG RADER

KENNY FEX  
DICK BRAME  
JOHN REED  
KAREN RAINE  
RED MUNDEN  
ERICK WILLIAMS  
DAVE ALLISON  
MEL BELL

# South Atlantic Fishery Management Council


## 2009 – 2010 Committees

### ADVISORY PANEL SELECTION

Mark Robson, Chair  
Robert Boyles  
Brian Cheuvront  
Roy Crabtree  
Ben Hartig  
Susan Shipman  
Staff contact: Kim Iverson

### DOLPHIN WAHOO

Tom Swatzel, Chair  
Robert Boyles  
Roy Crabtree  
Ben Hartig  
Wilson Laney  
Rita Merritt  
Charlie Phillips  
Red Munden Mid-Atlantic Council  
New England Council Rep  
Staff contact: Gregg Waugh

- 
- ✓ Brian Cheuvront, Chair
  - ✓ Susan Shipman, Vice-Chair
  - ✓ Roy Crabtree
  - ✓ David Cupka
  - ✓ Mac Currin
  - ✓ George Geiger
  - ✓ Ben Hartig
  - ✓ Wilson Laney
  - ✓ Rita Merritt
  - ✓ Charlie Phillips
  - ✓ Mark Robson

Staff contact: Roger Pugliese- FEP  
Myra Brouwer- Comp. Ecosystem-based Amendment

### EXECUTIVE


Duane Harris, Chair  
David Cupka, Vice-Chair  
Mac Currin  
George Geiger  
Susan Shipman  
Staff contact: Bob Mahood

### FINANCE

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Susan Shipman, Vice-Chair  
Brian Cheuvront  
Duane Harris  
Mark Robson  
Staff contact: Bob Mahood

### GOLDEN CRAB

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Mac Currin  
Wilson Laney  
Charlie Phillips  
Tom Swatzel  
Staff contact: Gregg Waugh

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- ✓ Mark Robson, Chair
  - ✓ Robert Boyles
  - ✓ Wilson Laney
  - ✓ Rita Merritt
  - ✓ Vince O'Shea
  - ✓ Charlie Phillips
- Staff contact: Roger Pugliese  
Myra Brouwer- Coral

### HIGHLY MIGRATORY SPECIES

David Cupka, Chair  
Rita Merritt, Vice-Chair  
Roy Crabtree  
Mac Currin  
George Geiger  
Duane Harris  
Brian Sullivan  
Staff contact: Gregg Waugh

### INFORMATION & EDUCATION

Robert Boyles, Chair  
Mac Currin, Vice-Chair  
Duane Harris  
Mark Robson  
Brian Sullivan  
Tom Swatzel  
Staff contact: Kim Iverson

### KING & SPANISH MACKEREL

George Geiger, Chair  
David Cupka, Vice-Chair  
Mac Currin  
Brian Cheuvront  
Duane Harris  
Ben Hartig  
Rita Merritt  
Charlie Phillips  
Mark Robson  
Tom Swatzel  
Ron Smith, Mid-Atlantic Representative  
Jack Travelstead, Mid-Atlantic Representative  
Staff contact: Gregg Waugh

### LAW ENFORCEMENT

George Geiger, Chair  
Mac Currin, Vice-Chair  
Robert Boyles  
Duane Harris  
Ben Hartig  
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Staff contact: Gregg Waugh

### LIMITED ACCESS PRIVILEGE PROGRAM (LAPP)

Rita Merritt, Chair  
Robert Boyles  
David Cupka  
George Geiger  
Vince O'Shea  
Charlie Phillips  
Susan Shipman  
Tom Swatzel  
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### PERSONNEL

Susan Shipman, Chair  
David Cupka  
George Geiger  
Duane Harris  
Staff contact: Bob Mahood

### PROTECTED RESOURCES

David Cupka, Chair  
Wilson Laney, Vice-Chair  
Rita Merritt  
Mark Robson  
Susan Shipman  
Staff contact: Myra Brouwer

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David Cupka  
Ben Hartig  
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Mark Robson  
Tom Swatzel  
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Open Position

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# PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

## Joint Ecosystem Based Management and Habitat Committees' Meeting

Charleston, SC

Thursday, September 17<sup>th</sup>, 2009

NAME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

P.O. BOX/STREET  
CITY, STATE & ZIP

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Michelle Owan EDF

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Dick Bram

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South Atlantic Fishery Management Council

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North Charleston, SC 29405

843-571-4366 or Toll Free 866/SAFMC-10

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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.

Joint Ecosystem Based Mgmt and Habitat Committee Meeting  
Charleston, SC  
Thursday, September 17, 2009

**NAME &  
ORGANIZATION**

**AREA CODE &  
PHONE NUMBER**

**P.O. BOX/STREET  
CITY, STATE & ZIP**

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South Atlantic Fishery Management Council  
4055 Faber Place Drive, Suite 201  
North Charleston, SC 29405  
843-571-4366 or Toll Free 866/SAFMC-10

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## Joint Ecosystem Based Management and Habitat Committees' Meeting Charleston, SC Thursday, September 17<sup>th</sup>, 2009

NAME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

P.O. BOX/STREET  
CITY, STATE & ZIP

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Joe Grant NOAA/NMFS (enter)	(301) 563-1195	1305 East-west Hwy (N/HRM) Silver Spring MD 20910
Marcel Reichel	843 953 5728	212 Ft Johnson Rd CHS 29412
MEL BELL	843 953-9007	" " " "
Rusty Johnson ASF	386-239-0948	PO Box 9351 Daytona Bch, FL 32120-9351
Guy DuBois NMFS	301-713-2347	1315 East West Highway, Silver Spring, MD
Kay Brenner-Geisz NMFS	301-713-2347	1315 East-west Hwy, Silver Spring, MD

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