

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **COUNCIL SESSION**

### **Webinar**

**May 13, 2013**

### **SUMMARY MINUTES**

#### **Council Members:**

David Cupka, Chair  
Mel Bell  
Martha Bademan  
Anna Beckwith  
Charlie Phillips  
Tom Swatzel  
Doug Haymans

Ben Hartig, Vice-Chair  
Dr. Roy Crabtree  
Steve Amick  
Dr. Michelle Duval  
Tom Burgess  
John Jolley

#### **Council Staff:**

Bob Mahood  
Mike Collins  
Amber Von Harten  
Dr. Brian Chevront

Gregg Waugh  
John Carmichael  
Myra Brouwer  
Dr. Mike Errigo

#### **Observers/Participants:**

Tony Austin  
David Newman  
Dr. Bonnie Ponwith

Jimmie Hull  
Paul Nelson

Additional Attendees Attached

The Full Council of the South Atlantic Fishery Management Council convened in a Webinar Meeting, May 13, 2013, and was called to order at 1:00 o'clock p.m. by Chairman David Cupka.

MR. CUPKA: Good afternoon. I would like to welcome everyone to the May 13, 2013, Webinar Council Meeting. We have two major agenda items to deal with this afternoon. One is Snapper Grouper Regulatory Amendment 19, which will address adjustments to the black sea bass catch limits.

The other one is a Gulf Council permit transfer and renewal requirements' issue, which is a Gulf Council issue, but it does impact for-hire vessels in the Coastal Migratory Pelagics Plan, which is a joint plan, so it will require action by our council as well. We will be taking public comment here in short order.

We have asked people to register by 1:15 if they wish to speak, and we will be taking that up shortly. The first thing I'm going to ask is for our executive director to take a roll call on council members so that we know who is here. I will turn it over to Bob and Mike to do the roll call.

MR. MAHOOD: Anna Beckwith.

MS. BECKWITH: Present.

MR. MAHOOD: Ben Hartig.

MR. HARTIG: Here.

MR. MAHOOD: Charlie Phillips.

MR. PHILLIPS: Here.

MR. MAHOOD: Doug Haymans.

MR. HAYMANS: Here.

MR. MAHOOD: John Jolley.

MR. JOLLEY: I'm right here.

MR. MAHOOD: Martha Bademan.

MS. BADEMAN: Yes, I'm here.

MR. MAHOOD: Mel Bell.

MR. BELL: I'm here.

MR. MAHOOD: Roy Crabtree.

DR. CRABTREE: I'm here, Bob.

MR. MAHOOD: Steve Amick.

MR. AMICK: Yes, I'm here.

MR. MAHOOD: Tom Burgess.

MR. BURGESS: I'm here.

MR. MAHOOD: Tom Swatzel.

MR. SWATZEL: Here.

MR. MAHOOD: All right, Mr. Chairman, it looks like all the voting council members are present. I'm sorry, Michelle.

DR. DUVAL: I'm here.

MR. MAHOOD: All right, now they're all here.

MR. CUPKA: Okay, thanks, everyone for that. Steve, we have an indication you have your hand raised; did you have a question?

MR. AMICK: No, I did not.

MR. CUPKA: All right, that takes us down to adoption of the agenda. Everyone was sent an agenda for this meeting. Are there any changes to the agenda? If anyone wishes to make a change to the agenda, you will have to raise your hand so we'll know to turn your speaker on. Okay, then the indications are that no one has anything to add or change on the agenda, so the agenda will stand approved.

Next is approval of our March 2013 council meeting minutes. Are there any changes, corrections or additions to the council minutes? Okay, indications are no one wishes to change anything, so our March 2013 council meeting minutes are approved. We will be starting the public comment period at 1:15. We're probably a little early for that.

So far we have four individuals who have indicated they desire to speak. We will allow a few more minutes. We did tell people that the registration for the public comment period would be open until 1:15. We want to make sure we give everyone an opportunity to register to speak who wishes to do so. Like I say, so far we have four. We will allow our usual three minutes for people to speak on the issues. We will go ahead and wait a few minutes to make sure everyone who wishes to speak has a chance to register. Doug, did you have a question?

MR. HAYMANS: While we're waiting for additional people; do you have any indication of how many of the public have joined the call?

MR. CUPKA: Our last count was 53 total, Doug.

MR. MAHOOD: Doug, to refine your question a little bit, it looks like about of those 53 – well, actually about 26 people are non-council NOAA/NMFS folks; so from the public, it looks like we have 26 people.

MR. HAYMANS: I was just kind of curious as to what the response was to this webinar format.

MR. CUPKA: Okay, it fairly close to 1:15 now, and we have enough speakers, when we call on them and listen to their remarks, should carry us past the 1:15 deadline. We will go ahead and start and first individual who wished to speak was Tony Austin.

MR. AUSTIN: All I have to say is very simply if you don't go to 75 percent or something less than that, it would be right back to square one in about two years. The history of this council, like the history of the New England Council, is a history of greed and ignorance. That is why there are no cod left in New England. You managed to salvage black sea bass down here. It is as important as ever to not get back in the same mess. That is all I've got to say.

MR. JIMMY HULL: I have sent in my written comment earlier, but I would like to say that this stock has been rebuilt since 2011 according to the latest update. The anecdotal evidence from the fishing industry groundtruths that. In fact, we fishermen know that the stock has been growing exponentially for years.

The bag and trip limits along with the small ACL previously in place have been more than enough buffer for this highly productive short-lived species. The SSC has recommended the black sea bass ACL for 2013, '14 and '15. The council should accept their recommendation. The economies of the coastal communities have waited and suffered and sacrificed long enough waiting for the science to catch up with the reality on the water.

Now the science is starting to match reality. Please give us the fish we gave up during this rebuilding and catch-up time for the science. The people deserve to have their fish back. Economically we need every pound that is available to us. I want to thank the council members for moving as quickly as you have on this black sea bass issue. Thank you.

MR. PAUL NELSON: I sure would like to thank everybody for moving on this really quick. I would like to say that we go for Alternative 2 on the recommendation and give us back what we have been waiting for for a long time. I appreciate your time on this. Thank you.

MR. DAVID NEWMAN: Thank you to all the council members. I am with the Natural Resources Defense Council. I just wanted to commend the council on a successful rebuilding from the stock assessment – we're finally after decades bringing the stock back to a quality level – and to the sacrifices that have been made in rebuilding this stock. It is a great success and hopefully the first of many in the South Atlantic. I want to recommend some serious common sense and precaution at this time.

There is an opportunity to dramatically increase the catch for this year and moving forward; but if you go too far too fast, I feel we're going to be back in the same place all over again. On a technical standpoint, the stock assessment and the review of the stock assessment shows that there is a lot of uncertainty in particular around the 2010 recruitment.

Just to quote a few places from the stock assessment, the bootstrap analysis indicated much uncertainty in the estimate of stock status, the increasing trend for biomass, and now it is just above Bmsy. The increasing trend for biomass is dependent on high recruitment estimates, which has taken a downturn in the last two years of the assessment and is not well supported by the age composition data.

The Monte Carlo Bootstrap Analysis shows that in a third of the runs the stock is actually not rebuilt. The Southeast Science Center commented on this. I think you should take precaution or take note of what they're cautioning here. They say that Alternative 2 carries with it great risk in the way the science is interpreted.

There were a number of data sources that had to be approximated to carry out the assessment so early in the year. The resulting ABCs from the assessment must be interpreted with caution as they depend greatly on the magnitude of that 2010 recruitment event and other information. Fishing at the edge of what may be possible for the stock to sustain assumes all the data are correct and carry little to no uncertainty.

I just want to remind the council that the ABC, according to the National Standard 1 Guidelines, are an interpretation of the overfishing limit when scientific uncertainty is factored in. The SSC has recommended an ABC that now has reduced the uncertainty buffer by changing a P-star of 0.275 to a P-star of 0.4. I just don't see how that is justified.

I don't see how it is justified on the science. I don't see how it is justified on the facts. I also am concerned about the results, which is the lack of stability in this fishery. We are going to go from a catch limit of 900,000 pounds, roughly, to two and a half times that, and then we're going to ramp down over the next three years.

You're going to give the fishermen lots of fish, which is great, but then you're going to have to take back some of that over the next two years with not only a declining catch limit but a declining buffer; so by the third year your buffer is a mere 43,000 fish between ABC and OFL. I just don't see the logic there as a matter of stability in the fishery, as a matter of attaining the goals of NS-1 and ending overfishing and achieving optimum yield.

If we're wrong – I just want to ask the council if we're wrong about the recruitment plateau and we're overestimating it, why take such a risk when we can simply increase the catch dramatically without going that far and keep it stable over the next few years to see in the next assessment if it shows that the stock is still doing well. I don't see where that logic comes.

I have a technical question I just want to – I know I'm over my time but I just want to ask the question I hope you get to address. Maybe I'm misunderstanding the assessment, but Table 17 in the assessment shows an Fmsy of 0.61. Table 19 projections that are the basis of the ABC

recommendation are based on an F – a recommended fishing mortality rate of 0.65 in 2013; 0.64 in 2014 and 0.64 in 2015. My understanding of the fishing mortality rate at MSY – Fmsy should be multiplied times the current abundance.

The current abundance is above Bmsy right now, which it shows that it is, then you'll get a catch limit above Bmsy, but I don't understand why the fishing mortality rate is changing from the recommended Fmsy in the stock assessment. That was one question that I just wanted to have answered and look forward to hearing the council proceedings. One request in addition to that is if you could take a roll call vote on all the votes by name because we are on the phone; we would appreciate that. Thanks very much.

MR. CUPKA: Thank you, David; that is our intent to take a roll call vote since people obviously can't see who is voting how. We will be doing that. We have a number of presentations here to go over this information so hopefully your question will be answered during the presentation. It is past 1:15 and Mike Collins has indicated to me that there is no one else who has expressed a desire to provide public comment, and so we will go ahead and close the public comment session of the meeting. I am going to turn it over now to Michelle Duval and we will go right into our first major action in regard to Regulatory Amendment 19.

DR. DUVAL: Just for the benefit of the public as well as the council members who are on the phone, I just wanted to quickly outline how we're going to proceed here. First of all, we're going to receive a presentation from staff on Regulatory Amendment 19 as well as a review of the public comments that were submitted previously.

After the presentation has been given and we have taken questions from council members and had any discussion on that presentation, we have a series of decisions that we are going to have to make. I am going to just outline those decisions for you right now, because we do not have a decision document associated with this amendment.

One of the first things we are going to need a motion on is to approve the purpose and need. The second thing will be to choose a preferred alternative. Our next decision would be to approve or potentially modify the council intent and finally to approve this regulatory amendment for formal review and approve the codified text as we usually do. I just wanted to make sure that folks knew about that.

The second thing is that in order to facilitate discussion, just as we do during a normal in-person council meeting, I am going to keep sort of a running scratch pad of folks who would like to speak. To facilitate that what I am going to ask folks to do is if you use that little hand-raising icon on your control bar, I will know who has raised their hand and I will recite that list of folks out loud so that council staff can then go ahead and unmute and we will simply proceed in that order. With that, I am going to go ahead and turn things over to Gregg and/or Myra to walk us through the presentation.

MR. WAUGH: What we're going to do is first Myra is going to go through the public comment and I will be showing the summary that is Appendix H that we will have up so that people can follow along. This has also been posted to our website. Then when Myra gets finished and if

there are any questions, we will handle those. Then I will go through a brief presentation that will incorporate the SSC comments and review; and if John has any additions to that, he will add them as we're going through. Then we will take questions on that. Myra.

MS. BROUWER: What I will do for the benefit of folks that do not have the summary in front of them, I am going to go through the summary of public comments that we compiled on everything we received – written comments that we received until the 10<sup>th</sup> of May. Overall we got 54 written comments.

I realize the document on line I believe says 49, but there were five that came in a little bit late. Twenty-five of those comments directly supported Alternative 2, which means they explicitly said they supported that alternative. There were many comments that said they supported an increase to the ACL but did not support an alternative specifically.

Four comments supported Alternative 3 specifically. Among the other comments that were made, several folks commented on an increase in the minimum size limit, but there was also support for maintaining the current limits. A few also suggested an increase in the bag limit was needed.

Other folks commented on the allocations, and it was their opinion that the allocation should be increased – the commercial allocation should be increased, excuse me, and the recreational allocation decreased until both approach 50 percent. One fisherman expressed concern over Florida continuing to allow fishing for black sea bass in state waters after federal waters are closed.

One person said that the black sea bass season should be opened year round in South Carolina. The fishery has always been primarily a winter fishery, and this would allow charterboats to have a constant source of income. Someone suggested that non-stainless circle hooks should be required for black sea bass.

Recreational fishermen should be polled by a South a Carolina Saltwater Fishing Licenses in March 2014 to report 12 months' catch by month. There was a suggestion to prohibit the use of pots permanently in order for the fishery to take place year round. Someone in Georgia stated that he frequently catches black sea bass inshore; something that was not common.

He attributes this to changes in management; specifically increases in size limits, reductions in the daily bag limit and closing down the season. He is concerned about the effects that these changes will have in other inshore species. Someone is of the opinion that the current bag limit should be effective in keeping the season open year round since there are significantly fewer fishermen who are targeting black sea bass.

The council should consider establishing regional seasons for black sea bass. They should consider an alternative that would set the ACL at the median of the three years, 2013 through 2015. This would allow for more poundage than an ACL using the yield at 75 percent of MSY. Someone commented that the Beaufort Assessment Model is extremely conservative as a result of data limitations and produces some of the most restrictive results of any assessment models.

One fisherman stated the following in support of Alternative 2. The estimated habitat area for black sea bass is enormous, but the area of specific sampling and areas fished for harvest are small in comparison. The areas that are untouched and that have never been fished for harvest provide more than enough biological buffer to give the fishing industry sectors the full annual catch limit as projected by the SSC; meaning Alternative 2.

There was one comment in support of the proposed November 1<sup>st</sup> through April 30<sup>th</sup> closure. That comment said that though it is not always possible to determine the origin of lines that entangling whales, rope associated with trap or pot gear was more frequently found on entangled right whales than rope associated with gill nets.

They also cited that there has been increasing evidence of right whales outside of the restricted area; also using the waters off North Carolina for calving. There has also been recent reports of newborn whales off North Carolina. Someone suggested that off North Carolina the black sea bass season needs to be opened earlier than June 1<sup>st</sup>.

When the AP members reviewed this amendment, when they met in April, they felt that they did not engage in sufficient discussion before making a recommendation, and their recommendation was for Alternative 3. In response to this discussion, council staff sent the transcript of that discussion to all AP and council members to make sure everybody was aware of exactly what was said.

One comment said the council should focus on limiting waste while keeping the fishery open as long as possible and enhancing habitat with artificial reefs to increase fish biomass. In addition, the council should consider removing the size limit or reverting back to eight inches; allowing a minimum of one fish and up to 10 percent of the catch to be undersized or over the limit; setting aside a portion of the 45,000 pounds allocated to dead discards along with 10 percent of the commercial quota for a 100 pound bycatch allowance; aligning the opening date for black sea bass with the shallow grouper opening on May 1<sup>st</sup> to avoid excessive regulatory discards; setting up a way for recreational fishermen to voluntarily submit fishing reports online; issuing some ethical angling tips on how to handle fish that must be discarded and discouraging high grading or catch-and-release fishing for species with high discard mortality rates; follow Alabama's model for allowing the public to place artificial reefs in areas of sandy, barren bottom to increase the total biomass of fish an area can support.

Another comment suggested allocating a portion of the total ACL to North Carolina based on landings five to ten years ago. One fisherman stated that the assessment of black sea bass in the South Atlantic is even more conservative than the assessment in the Mid-Atlantic; yet Alternative 3 would reduce the ABC by 17 percent.

This person wants to know how can one branch of the NMFS increase the ABC of a species by 22 percent because they think an assessment is too conservative and another branch reduce it by 17 percent when they are both using the best available science in both assessments. Someone stated that until management decisions are made based on the conditions off the states, no plan will be fair to all segments of the angling community.



Another fisherman was concerned that the overabundance of black sea bass could be hurting other species. He suggests going back to higher limits and longer seasons to get the ecosystem back in balance. Someone suggested that the hook-and-line sector should be allowed to harvest enough black sea bass to extend the fishery to January 1<sup>st</sup> so for-hire boats can operate.

Then when landings are within 20,000 pounds of reaching the commercial ACL, then prohibit the use of pots. Again, more concerns over the accuracy of the stock assessment, and those results not accurately reflecting what the fishermen are seeing on the water. There was support for changing the recreational fishing year to start on April 1<sup>st</sup>; a suggestion to consider a recreational season for black sea bass and shallow water grouper between May 1<sup>st</sup> and November 30<sup>th</sup>, and leave the current size and bag limits in place; reduce commercial fishing and only allow recreational fishing; concern over the high mortality of young fish due to poor dehooking practices.

This person suggested a slot limit as done with red drum would minimize this problem. Several folks stated that the population of black sea bass is out of control and they're young of other important species like red snapper and gray triggerfish. Another comment stated that the closure to protect right whales should be from November 15<sup>th</sup> to April 15<sup>th</sup> as is currently specified by the Atlantic Right Whale Take Reduction Team.

There should also be a commercial start date of April 16<sup>th</sup> through November 14<sup>th</sup> each year, as long as the commercial black sea bass ACL is not caught. The remaining ACL could then be landed using hook and line by commercial fishermen with a snapper grouper permit during November 15<sup>th</sup> through April 15<sup>th</sup> each year.

This commenter stated that regulations that were implemented in Amendment 18A have diminished the possibility of any interactions with protected whales. Finally, someone suggested returning to a 12-inch size limit and a 15-fish bag limit and keeping the recreational fishery open year round. That is the extent of the comments that we received.

DR. DUVAL: Thank you, Myra, for reviewing the comments, and are there any questions from council members before we go ahead and move into this. Tom Burgess, I see you have your hand up.

MR. BURGESS: As far as comments about AP members concerned about the discussion concerning this action, I did read one letter from an AP member about that. Were there any other AP members writing in about their concerns?

MS. BROUWER: I'm sorry, Tom, I didn't quite understand your question.

MR. BURGESS: Myra, were there many members of the AP that expressed concern about not having enough discussion on this action?

MS. BROUWER: No, Tom, there weren't very many. There were a few folks that agreed with the person that sent in the comments saying that he felt there hadn't been enough discussion. Some folks felt there had been enough and that is why we decided to go ahead and send the

transcript of that discussion. We had it expedited so we could send it out and everybody could read what was actually said and who said it.

DR. DUVAL: Are there any other questions before we turn things over to Gregg to go through his presentation? I'm not seeing any other hands raised, so, Gregg, I think you're free to go ahead.

MR. WAUGH: We did distribute several versions of this presentation as it was modified. We used a similar one during the question-and-answer session. I will go through this fairly quickly. It was sent out again today to all council members. Again, the council discussed this in March and gave us direction that as the assessment update was being completed, to begin work on the regulatory amendment document.

The stock assessment was completed in April. It was provided one week late, and unfortunately the projections weren't available until the presentation was actually given to the SSC, which made it difficult to address some of these issues. The SSC did review it and give their results during their April meeting.

It has been through the AP and we had a draft document completed and posted online on April 26<sup>th</sup>. We have revised that document and a new version was posted May 10<sup>th</sup>. In addition, Appendix H of public comments and all the individual public comments were provided to all council members yesterday, May 12<sup>th</sup>, and posted to the website.

We have tried to keep the public up to date on what is going on with this amendment as well as the council members. It has two major actions; one to adjust the black sea bass ABC, OY, annual catch limit and the recreational annual catch target; and then also to deal with the black sea bass pot fishery closure, which we will get into in a few minutes.

It is helpful to look at landings. You can see that early on in the late seventies and eighties we had high levels of landings, primarily recreational in those early years. If you look at it by gear, early on we had a trawl fishery that was prohibited and now we have a black sea bass pot fishery and a hook-and-line fishery on the commercial side.

On the recreational side we have a headboat fishery that was more dominant in the eighties and then it declined somewhat. We have included a table here so that it is helpful I think when you're looking at setting ACLs, to look back in time and see when those high catches occurred and what happened to the stock after those high catches.

This is one of the outputs from the stock assessment in terms of stock status. What you want is your biomass to be up above this line, which means if your biomass is above the level that produces MSY, and you want your fishing mortality rate to be below it. You can see that early on when we had some excess biomass, similar to some of the situation we have now, that was harvested,

As the fishing mortality rate went up, the biomass went down. As we put in more restrictive regulations, we brought the fishing mortality rate down; and those regulations combined with

better recruitment has the stock now above the level that produces MSY, and so the stock is rebuilt.

As was stated in the stock assessment, these conclusions are highly dependent on the level of recruitment. We had a good year class in 2001 and a good year class in 2010, and that has contributed a lot to the condition, and the results are highly dependent on that. The year classes '11 and '12 haven't shown up on the fishery yet, but indications are they below average. Any information about what is going on with more recent recruitment is helpful, and we found out during public hearing on Regulatory Amendment 30 that there is some ongoing work on red snapper using pinfish traps that are recording the number of juvenile red snapper.

They also encountered juvenile black sea bass. Mr. Jimmie Hull of Hull Seafood told us about this, and this has been confirmed by Mike Burton. Mike Burton, Southeast Fisheries Science Center Beaufort Lab, is one of the researchers that is working on this. We do have some indication that perhaps we're getting more good recruitment; that once we get some more data on that and they show that we have higher recruitment.

The other output from the projections from the assessment; these two tables were used by the SSC. They applied our ABC Control Rule. We are going to look at landings here. In Table 20 they used a projection at a P-star of 50 percent; so a 50 percent probability of overfishing to determine the overfishing level or OFL. We will use these numbers here in a few moments as we compare the various alternatives.

Then for calculating the ABC, they used a P-star of 40 percent and that is these numbers here ranging from 2.1 in 2013 to 1.8. We will come back to those numbers. This is a new slide that we added to clarify how overfishing is determined, and we're proposing to change this in Amendment 18A.

For black sea bass, overfishing is determined on an annual basis by either the maximum fishing mortality threshold or MFMT; or the overfishing level, OFL. The MFMT uses the fishing mortality rates while OFL uses catch levels. The estimate of MFMT and Fmsy for black sea bass from this last SEDAR update is 0.61; and the OFL is based on the projections of P-star of 0.5. I just showed those down here, so these are your overfishing levels by year.

Amendment 18A established that if either the maximum fishing mortality threshold during an assessment year, which is this year, or the OFL method during a non-assessment year, which presumably would be 2014 and 2015, is exceeded, the stock will be considered to be undergoing overfishing.

The SEDAR update concluded that black sea bass are not overfished and overfishing is not occurring because the fishing mortality rate is well below that Fmsy value. If you apply what is in 18A, until another assessment or assessment update is conducted overfishing will not occur as long as landings are less and are equal to the values of OFL.

Now, the Center comments have pointed out that, well, when you calculate the OFL, this is based on a 50 percent probability, so at this level you do have a 50 percent probability of

overfishing and a 50 percent probability of not overfishing. But how this has been applied on a non-assessment year basis, as long as the landings are below that OFL level, we're considered to not be undergoing overfishing.

Now, the Southeast Fisheries Science Center has determined that since they did not provide an OFL or ABC projection beyond 2015 in the update, this obviously prevented the SSC from providing an OFL value for beyond 2015. They have determined that 2016, unless there is another stock assessment, there will be no OFL value and the OFL will be unknown, so we won't be able to make any determinations about overfishing in 2016. I will point out where this applies in a few moments.

Now, if we look at the alternatives, Alternative 1 is no action. The current ACL is 840,000 pounds. Here is how it is broken out. The allocation is 43 percent commercial/57 percent recreational. We're not proposing to change those. In addition, the fishing years for all sectors are June 1 through April 30, and there is no commercial ACT.

Another item that is not changing is the accountability measures; so for both the recreational and commercial sector, if their sector ACL is met or projected to be met independent of stock status, so it doesn't require that they be overfished, you will prohibit the harvest and retention of black sea bass.

If either sector exceeds their ACL independent of stock status, the Regional Administrator shall publish a notice to reduce that sector's ACL in the following season by the amount of the overage. We have the payback provision in both recreational and commercial sectors. Now, this payback is not required when new projections are adopted that incorporate the ACL overage and the ACLs are adjusted in accordance with those provisions.

For this year, since we're incorporating the adjustments and the projections, we don't have to adjust for the recreational overage this year. I will show you where those numbers are in a few moments. Alternative 2 would retain the current ACL and ACT formulas and revise the values based on the new assessment. The intent was that those would stay in place over that time period and then beyond until modified.

In addition, both Alternatives 2 and 3 have a closure for black sea bass pot gear November 1 through April 30<sup>th</sup>. Here are the values. Again, the SSC provided ABC in landings and discards. We're using landings because that is all we can track. There is no real-time data stream that we can use to track discards, so we're focusing in on these landings' values.

Those would be the ACLs by year under Alternative 2. That would be your commercial allocations using the 43 percent commercial; recreational using the 57 percent. The recreational ACTs are calculated. We're not using those to propose any changes to the management measures.

Then Alternative 3 would revise the total ACL, sector ACLs, the recreational ACT and OY based on the results of the new stock assessment. We would retain those values until modified,

but we would change the ACL formula from ACL equals to ABC, where it is now, to ACL equals the yield at 75 percent of Fmsy when the stock is at equilibrium.

It still has that black sea bass pot closure. Here are the values. Now, over the past several years, the council has treated different species differently. In the Comprehensive ACL Amendment in 2011, for multiple species and groups we set the ACL equal the ABC. In Regulatory Amendment 12, in 2012 for golden tilefish, long-lived species, we changed the ACL from the yield at 75 percent of Fmsy to the yield at 75 percent of Fmsy at equilibrium; so it's slightly more conservative.

Then earlier in 2013, in Regulatory Amendment 15, for yellowtail we kept ACL equal to ABC. We rejected reductions of the ACLs to 90 percent or 80 percent of ABC. For Regulatory Amendment 18 in 2013 for vermilion snapper, we had ACL equal to yield at 75 percent of Fmsy and we changed that to ACL equal to ABC.

Then, finally, also in Regulatory Amendment 18 for red porgy, again a short-lived species, we kept ACL equal to ABC but changed how ABC was calculated, such that it is calculated based on the yield at 75 percent of Fmsy. We have got a table here that compares these alternatives. We have some indication of the level of risk for Alternative 2.

Again, this uses your current ACL formula. These are the ACL values. These are the OFL values. Under the process in 18A, if landings exceed the OFL, then you're overfishing; so the ACL in 2013 would be 2.133 million pounds. As long as we didn't exceed 2.296, we wouldn't be overfishing, and you have an 80 percent probability of keeping the stock above Bmsy.

In 2014, if you then step it down to 1.992, you only have a 47 percent of being above Bmsy. And overfishing, you can see that there is not as much of a difference between the overfishing value, but overfishing wouldn't take place unless you exceeded 2.074. And then the final step-down at 1.814; you have a 43 percent probability of being above Bmsy, and your overfishing level is 1.857.

How does that change when you look at Alternative 3 where you change your ACL formula to the ACL being at yield at 75 percent of Fmsy? That remains constant at 1.756. Unfortunately, we don't have a projection over time of the yield at 75 percent of Fmsy so we knew what these probabilities are.

We can interpolate them from the projection run provided for Alternative 2 in that we know that 1.756 is less than the 2.133, so we have greater than an 80 percent probability of being above the spawning stock biomass at MSY. Again, these overfishing levels are the same, so we wouldn't be overfishing unless we exceeded the 2.296.

These two values here, the best we give you guidance on now is it is better than a 50 percent probability that you would be above SSBmsy. Again, in terms of overfishing beyond 2015, we can no longer make any comments about that because we don't have an OFL value for 2016 and beyond.

The other way to gauge these values are comparing them with your MSY, so your MSY is 1.78 million pounds, and you can see that there is not a lot of difference between these values. If you round that off to one decimal point, it is 1.8. This is 1.8 and you're talking about a range between 1.8 and 2.1, so we're basically talking across this of 300,000 pounds.

In terms of impacts to fishermen over the short term, comparing this alternative to Alternative 2, Alternative 3 to Alternative 2, the first year they would be giving up 376 and half thousand pounds; 235 and half thousand pounds. Again, this is short term and not looking at the long term. We have some figures later on that gets to the long term.

You have to balance the higher risk under Alternative 2 with the lower level of risk here versus the amount risk that are being invested by being left in the water. The other thing to look at is, okay, how well are we tracking our ACL to make sure we don't exceed these overfishing levels? This is looking from the 2007/08 year up through the current – well, 12/13 fishing year.

You can see that in 2010 and 2011 the commercial was over by 100,000 pounds. This is when the commercial fishermen started fishing differently. The monitoring system at that time wasn't set up to pick that up. There have been vast improvements made to the quota monitoring program. We have had presentations on that, and you can see how much that has improved over the couple of years here; such that 2012/13 fishing year, we're about 8,000 pounds under.

As our mandatory dealer reporting amendment comes on line, hopefully by January of 2014, that will improve this even more. On the recreational side, you can see it was first implemented in 2010 and 2011 and we were over by about 14,000 pounds; over 2011 and 2012 by about 149,000 pounds. Right now up through December we're at about 20,000 pounds.

The January/February wave is available on the MRIP Website, but the Southeast Fisheries Science Center hadn't done their analysis to provide those numbers to us converted to pounds. That is a way of looking at the big picture of comparing those values. Now, quickly to talk about why the closure is the fact that large migratory whales are in the South Atlantic Region during this time.

Right whales, which are critically endangered, give birth in the South Atlantic Region during this time of year. There is a concern that black sea bass pots pose a risk of entanglement for whales. There has not been a documented interaction of black sea bass pots with marine mammals in the South Atlantic Region, even going back to when we didn't have limits on the numbers of vessels that could use pots and pot gear.

Black sea bass pots now must conform to the Atlantic Large Whale Take Reduction Plan marking requirements. That is the citation for it. We have included the appendix that has those regulations in Appendix I in the latest version that was posted to the website. In addition, the council implemented new regulations for 2012 and 2013, which reduced the potential for interactions.

There are only 32 vessels that can have pot gear on board. They're limited to 35 pots per vessel. Pots must be brought back to shore after each trip. There is a commercial trip limit of a thousand

pounds. One vessel in the northeast lobster fishery has more traps than our entire black sea bass pot fishery. We have done a lot to reduce the potential for impacts.

In terms of a summary of the effects, Alternative 2 and 3 have a greater positive socio-economic effect than Alternative 1. Under Alternative 2, the commercial sector would be better off by about \$600,000. The private recreational would be better off by about \$8 million, and the for-hire sector by about \$200,000. The details for this are included in Table 4.1.8A in the latest version.

Alternative 2 and 3 may benefit commercial hook-and-line participants since you have that pot closure. Alternative 2 and 3 would improve harvest opportunities, extend the season for commercial and recreational sectors and have a positive social effect on the recreational anglers and for-hire businesses.

Alternative 2 does have a higher risk of overfishing in 2015. We can no longer say anything about beyond 2015 because we have no OFL in place. Fishermen could again face restrictions if the stock is declared to be undergoing overfishing in the future. This is more likely to happen under Alternative 2 than Alternative 3. Again, we have no OFL in 2016; so we will have to get a new stock assessment to make determinations for 2016 onwards.

The rest of the slides here are more pertinent to the presentation during the hearing process. I'll end there and be glad to try to answer any questions. If you have any for the stock assessment, John can help with those and the SSC.

DR. DUVAL: Are there questions for Gregg on the presentation or are there any questions for John regarding some of the stock assessment stuff. Mel, I see that your hand up.

MR. BELL: Gregg, on the summary of assessed slide, talking about Alternative 2, the commercial sector would be better off by about 600,000 and probably about 8 million; was that the difference between the 2 and 3 or is that over status quo?

MR. WAUGH: Mel, I think this is the slide you were asking about here; the difference between Alternatives 2 and 3 – we're having a little difficulty hearing you, but as I understand you asked me if this is the difference between Alternative 2 and 3, and it is. Alternative 2 would have higher benefits; \$600,000 higher to the commercial, and that is over three years. That is over the three-year period, but the largest portion of that is in the first year.

MR. HARTIG: I wanted to get some input from John or Gregg about the differences between two and three and leaving some of those fish in the water. That 2010 year class seems to be driving a lot of this and the impacts of that year class; although there are some better than average year classes all the way back to 2008. I would like to hear some discussion on that about the benefits of leaving some of these fish in the water.

MR. CARMICHAEL: Ben, if you look at the philosophy of the different approaches in those two alternatives and how they would work out, if you take Alternative 2 and you take out those fish that are a result of that good year class, then there is the possibility that if recruitment heads

back to the average or you end up with some recruitment events that are below average, you're going to have less fish available and you could end up with yields less than that 1.7 over time.

Both being based on some expectations of recruitment, you have to think if – you know, recruitment is not always going to be better than average. Some years it is going to be a little bit lower and that is where the idea of Alternative 3 in this fixed harvest comes in is that it would provide stability of landings.

When there is more fish, you leave them out there and then they support the fishery during periods when there is a little bit less fish. Now, in the case of sea bass, we are early in the rebuilding time. We're seeing an increase in recruitment over a number of years. There is a lot of uncertainty as to what the last couple of years are actually doing, and we really won't know those until they recruit into the fishery.

Maybe the recruitment average goes up over time; we get a better estimate of recruits expected at MSY-type fishing conditions the next time we do the assessment, and the overall yield could go up.

That kind of stuff we really don't know so it really just does come to down to a risk-type determination for the council about taking those higher yields now versus leaving some of those out there so that when you do get lower recruitment – and you have to expect you will at some point – that you have something then to rely on.

MR. WAUGH: And, Ben, just to follow up a little bit; I think this is where obviously the conclusions of the stock assessment are highly dependent on recruitment. This evidence of more recent recruitment, that research really needs to continue and we need to make sure we're having all the juvenile black sea bass that are encountered recorded so that can be incorporated into the next stock assessment.

That is the one item that is a positive I guess to offset some of the risk that you all would have to weigh and how much do you want to put on the – how much weight do you want to put on this input from evidence of more positive recent recruitment versus the risk that has been identified under Alternative 2. Then, of course, we unfortunately don't have the projections under Alternative 3 so that you could more accurately weigh the risk of that alternative.

DR. DUVAL: Ben, does that answer your question somewhat?

MR. HARTIG: It answers it very well. The part about what we know about recruitment from Jimmie Hull's stuff, yes, we know there is some recruitment occurring, but really that is a very limited area from a limited number of traps. It doesn't show us a whole lot. It doesn't give us a whole lot to sink our teeth into, and the only way you will ever know how that recruitment is going to be good, fair or poor is to do it over a long timeframe.

I think Gregg is right when he talks about this would be a great addition to a sampling scheme to get either fishermen involved or either MARMAP/SEFES type – those types of traps in shallower water to get to this. Then we'd have much less uncertainty in those last few years



going into knowing what our recruitment is. I'm pretty excited about the possibility of doing that, but what we really have from Jimmie now doesn't give us a whole lot.

DR. DUVAL: While John is there at the microphone; John, I was wondering if you could address a question that came from the public about the difference between the point estimate of Fmsy, which is 0.61 from the base run of the assessment, versus the higher levels of F that are coming out of the projections of 0.65 and 0.64.

If I recall correctly, it is because you have a point estimate from the assessment, but the projections are actually using the median value of F, which is based on all of those Monte Carlo runs. I don't want to misspeak, so I was hoping that you might be able to quickly address that and then we can move on to Tom Burgess and then Roy and then Steve.

MR. CARMICHAEL: Yes, that is a very good question and it certainly pertains to what is allowable and what is not. The SSC had a lot of discussion about this when they reviewed this assessment at their last meeting. As you summed up is exactly the point. The table which shows the Fmsy and say the value of 75 percent of Fmsy, that is based on a single base run from the stock assessment; the run that is based on the configuration that is considered most representative, but we know that there is uncertainty around that.

There is uncertainty in most all of the decisions as well as uncertainty within the data points themselves. The probabilistic runs which form the basis of the projections and which reflect the P-star analysis so they get at the probability of overfishing, they're done with a pretty robust process. As you can see from the determinations of the SSC in applying their control rule, they have a lot of confidence that process incorporates the major uncertainties in the assessment and carry those uncertainties forward into the projection process, so they give you a better picture really in the minds of the SSC I would say than a single base run gives you.

Now, what that tells us is that the Fmsy that you get based on the median of those many thousands of runs is on the order of 0.71, so that explains why that lines up with the 50 percent probability of overfishing because it is the 50 percent probability – you know, it is the median of that. That is the basis for the OFL.

And then the value that gives 40 percent chance of overfishing occurring moving ahead over the next three years is a little bit less than that 0.71; so what it shows us is that little bit of difference between what the full uncertainty analysis tells us about the middle expectation and what you're actually getting out of a single base run.

The SSC was aware of not mixing these things. They realized there is kind of a mismatch situation going on if you start mixing results from probabilistic analysis and what we call the deterministic analysis, which is the single base run. This is probably something that hasn't discussed enough at the SSC, especially with regards to how we set MFMT and MSST.

You will see in the SSC report they gave the probabilistic runs along with the deterministic analysis, and it really gives them a good way of presenting to the council the full uncertainty that goes within these different projections within this assessment itself. I expect that in the future

we're going to have more discussion about this process at the SSC, and you may see us moving away from those deterministic types of runs just for this situation.

DR. DUVAL: Thanks for that, John. I really appreciate you going through that. I know probably not everyone was able to listen in on the SSC meeting, so I appreciate having that and hopefully that has answered that question from the public. Tom Burgess.

MR. BURGESS: Gregg, when you were discussing the whale season and the shifting of the date from November 15<sup>th</sup> to November 1<sup>st</sup>, is there a justification provided for that change in the starting date?

MR. WAUGH: When we started out, we had November 15<sup>th</sup> through April 15<sup>th</sup>, and then the Protected Resources staff said to change it to November 1 through April 30<sup>th</sup>. I don't recall a lot of discussion about that. They felt that better encompassed the calving season. It should be reflected in the sections under protected resources that describe that in Chapter 3. I don't remember a lot other than just their recommendation to change it to better reflect when calving is taking place.

DR. DUVAL: Tom, is that okay?

MR. BURGESS: Yes, that's fine; thank you.

DR. CRABTREE: Well, I was coming back to Alternative 2 and some of my concerns with that one. I understand that we have projections for three years, the '13, '14 and '15, and not beyond that. I understand the statement that we don't have an OFL beyond 2015, but we do have an estimate of MSY, which is on Page 5 of the document, the 1.78 million pounds. The way that Alternative 2 is structured it seems to me the catches would remain at 1.814 million pounds after 2015 until changed.

It does seem to me we know that 1.814 million pounds is not a sustainable catch level. It can't be because it is higher than MSY, and so it does seem to me that Alternative 2 would ultimately lead to overfishing because it would allow fishing to continue at a level that is higher than MSY. I think that is one of the concerns that was raised by the science center.

John, I wonder if you could comment on that? It seems to me that after 2015 you would have to bring catch back down to something less than MSY. Otherwise, it is difficult for me to interpret that except that ultimately it would lead to driving the stock down and overfishing because it is not a sustainable catch level. Now, I understand that recruitment varies from year to year and so saying exactly when any of that would occur – but I just don't think you can leave a catch level set at a level above MSY and escape the conclusion that ultimately it would be overfishing.

DR. DUVAL: John, can you comment on that?

MR. CARMICHAEL: Yes, I can try and I think part of that gets into this issue of mixing those deterministic and probabilistic runs. I'd feel most comfortable in saying where the P-star at 50

percent settled down maybe in ten or fifteen years or however long it takes to work average recruitment through the whole population and see where that puts you.

But, yes, armed with what we have, I think you make a good point. If you take what we have in the assessment and the recommended MSY from the deterministic runs, a long-term average expectation, then, yes, I think you would have to say if you moved beyond 2016 you'd want to have that landings' level below that MSY estimate and maybe consistent with that like 1.75, which isn't all that different from the 1.8 looking ahead.

I felt like that was a pretty reasonable way to move forward on this and then read the comments from the science center and they seemed to have an awful lot of concern about putting anything out in place in 2016. I think, as you say, you could set it below MSY for the long term or you're going to have to get an assessment, and the science center certainly leans toward saying we're going to have to get an assessment because of their considerable concern about what recruitment will do in the next couple of years.

MR. WAUGH: Michelle, if I could jump in and just add to that; part of it, too, is this cutting off the projections at three years and us finding that out so late really limited what we could do about it, but to me the center cutting it off at three years, to me, I took that to imply that they then realized that they would have to do another update and provide us new values for 2016.

Now, certainly, we can't compel them to do that, but them unilaterally cutting off the rebuilding time period at three years, I interpreted that as acknowledgement that they would then have to go ahead and give us another update for 2016. In addition, as you're considering this, when you look at how well we can track our ACLs, that needs to be a factor, too; because as the difference between your ACL and your overfishing level gets smaller, you have to look at what the potential is for being able to keep the commercial under that and the recreational under that. That is another element of risk that we want to make sure that is in the forefront of people's minds. Thank you.

DR. DUVAL: Thanks for that, Gregg. John, I guess just thinking ahead in terms of assessments and assessment slots, we would need something that we could act on in 2015. It seems to me like we have pretty much filled everything up for 2015; is that correct?

MR. CARMICHAEL: Yes, we tend to have about twice as much penciled in moving ahead into 2015 and 2016 than we even expect that we can do at this point, so we will have to make some hard decisions about what the priorities are and how we get at minimum an update; maybe some updated projections.

I don't know what level of information will be considered acceptable. With the recruitment uncertainty that exists and the lack of any sort of say juvenile abundance index, which gives us good feedback on recruitment over time, we may have no choice but to do the full update assessment so that we can work in the age composition information and get good handle on those couple of year classes that are out there now, but we haven't seen fully yet. I think we'll just have to make the hard call and figure out what gets replaced by black sea bass so we can have a number for 2016.

DR. DUVAL: That is what I was afraid of. I have some similar concerns to those expressed by Ben and Roy regarding the uncertainty or not the uncertainty about some of the recruitment that we have had the past couple of years and the fact that a lot seems to riding on this 2010 year class; and also a lot of concern about getting ourselves back into the hole that we just dug ourselves out of. Steve.

MR. AMICK: I had a question for John because we have the black sea bass considered rebuilt and then an MSY of 1.78. Looking at the future, I was wondering if that will ever change or if we can ever get to a biomass of what we used to see in the eighties or nineties; or is this the projections that will stay constant?

MR. CARMICHAEL: Steve, at this point I guess I'd say we really don't know for certain. I think you can see from that recruitment figure that there was time in the early years of the time series where recruitment was higher. If you think back to the other figure about biomass and F, Fs were considerably below Fmsy and the biomass was actually greater, so that is sort of how all that works out.

In terms of looking to the future, maybe the average recruitment goes up. These fish have a complicated life history; one that we don't necessarily understand so well in terms of being able to predict. We have to maintain a reasonable fishing mortality and see how much recruitment goes up.

I'm encouraged by the recruitment estimates that shows a pretty regular increase as the council began to get some real restrictions in place that were actually effective at controlling landings and we had whatever good environmental conditions co-inspired to give us some good recruitments. In dealing with other rebuilding stocks, sometimes it is sort of a wait and see as to determining when you reach the top. Is 2010 going to be a peak where you're a little bit better than the MSY expectation; or, maybe, you know, in five years or longer we start to see that expectation of MSY actually go higher.

That certainly happened in some fish; and as we get bigger females and bigger males out there, maybe they're more productive in their spawning and we actually do see higher production. I certainly wouldn't rule it out and I wouldn't be surprised to see if we determined in a few years that, yes, we can be a little bit more productive than where we are now.

MS. BECKWITH: I wanted to get some feedback from John on an alternative that I was going to suggest once we got to that section. I had wanted to put out for consideration by the council an additional alternative that would set the ACL for 2013, '14 and '15 to that 1,814,000 pounds per year for those three years.

My mindset for that was that it would provide stability while not being considered overly conservative and it would allow that surplus to remain in the population to act as a buffer and reduce some of that risk but still allow a little bit more poundage for the recreational and commercial folks over the Alternative 3.

That would still technically be fishing over Fmsy by about 34,000 pounds a year. But since we would be leaving that additional surplus from Alternative 2 for your 2013 and '14, I wanted to get a sense from John if that would alleviate the risk and if there were any concerns that would come to mind from that potential alternative. Thanks.

MR. CARMICHAEL: Anna, I think that would fall in between these alternatives with regard to a risk evaluation and just kind of looking at it and then making some inference based on what you have before you there in the table, and that is an alternative that would be acceptable because the level set would not exceed the fishing level recommendation of the SSC in any of those particular three years.

It would be a compromise situation and it would give a little more landings, and it would still leave a good bit of that biomass out there in the population. The purpose of that is one thing is to encourage better recruitment down the road. I think from the scientific standpoint, that certainly is a viable alternative. I don't know about the management implementation and dealing with that type of thing at this stage in the game, but I'll leave that to Gregg and others to comment on.

DR. DUVAL: Gregg, did you have a comment on sort of the practicalities of that, and then I see Roy has his hand up and I'm assuming he would want to comment on this after that.

MR. WAUGH: Just quickly; any alternative – and I presume any additional alternative will be a new alternative such that we don't have to change the document with these three. Something like selecting a different fixed value that is one of the values that is here; we have some of the analysis that could be pirated, but my estimate is it would add a day or two to the time period to finalize the document if we pick a different alternative.

DR. CRABTREE: I think that would be a reasonable thing for 2013, '14 and '15; but what I would suggest if we want to add that as an alternative would then be to specify at the beginning of 2016 and from then on the yields would be 1,756,450 pounds, which is the yield that is in Alternative 3.

That gets us around the problem that I see inherent in Alternative 2 of it ultimately leading to overfishing. My suspicion is we'll update the assessment along the way and we'll end up specifying new catch levels after 2015, and we will learn more about what the recruitment levels are.

I think if you want to fish as one of these higher levels above MSY, that you need to specify and bring the catch levels back down at the beginning of 2016. Otherwise, my concern would be that it is going to lead to overfishing and that is going to create a lot of problems in terms of our being able to put this in place.

DR. DUVAL: Thanks for that, Roy. That might make some folks feel a little bit better. Are there other questions or comments to staff regarding the presentations or about any of the details of the assessment? Mel.

MR. BELL: After 2015, unless we were convinced a stock assessment; I am just a little uncertain of what would happen. I guess the assumption was we would certainly stay where we were at 1.814 or 1.756. Roy's point there was you actually put that wording into an alternative, then that would be acceptable; and if we didn't do a stock assessment for a couple of years after that?

DR. DUVAL: I'm not sure; maybe a couple of years but I think it would probably – and I see Roy has his hand up and I'll let him jump in, but I think, Mel, if we were to create a new alternative as Anna has suggested that held landings to that 1.814 million pounds for 2013, 2014 and 2015 and then for 2016 and beyond bring it down to that 1.756, that would at least buy us a little bit more time to determine if, say, a full update assessment needs to be done or whether we could somehow, I think as John mentioned, maybe update the projections. Roy.

DR. CRABTREE: The way it is set up now that these TACs after 2015 would just stay in place until they change. But, yes, I think if you added an alternative that sets the TAC at 1.814 million pounds for '13, '14 and '15; and then specify that it is would go to that equilibrium level in 2016 of 1,756,450 I think keeps you out of trouble.

That is assuming that we're going to see recruitment on average about what we have seen in the past. It seems to me that is a reasonably defensible way to go. Even if you chose Alternative 2 as where you wanted to go, which is in my view a pretty risky way to go, but with that one you'd still need to bring the catches back down to that equilibrium level.

I think that is the best we can do right now outside the projection years if we set it at the equilibrium level and then understand we're going to try to do an new stock assessment before we get there, but that is not a guaranteed kind of thing. With budget cuts and other priorities potential arising, you just can never be positive as to when an assessment would come. Did that kind of get to your question, Mel?

DR. DUVAL: I think silence is probably yes.

MR. BELL: Yes, that answered that. My concern I guess is I definitely want to kind of reward folks for having suffered through this and have done a good job. It really should go back to the fishermen, but at the same time I don't want to see us get into kind of an yo-yo effect. I found Anna's idea attractive and I understand Roy's modifications to that. The ability to actually do a stock assessment, you know, we don't how budgets are going to be in a few years, and we may or may not be able to, so that might be a reasonable alternative, I think.

DR, DUVAL: It is probably going to be a topic for the SEDAR Steering Committee as to other assessment priorities that we're going to have to balance. The council is going to have a SEDAR Committee meeting coming up here where we can certainly make a recommendation. We will have to take the advice of some of our scientists with regard to a full update assessment or would it be possible to rerun some projections further out. Ben.

MR. HARTIG: Michelle, let me get in the weeds with one thing in the assessment a little bit. There is just one question I've got and two of the cautions that they noted. The second was the

increasing trends with biomass are dependent on high recent recruitment estimates which take a downturn in the last two years, and we have already talked about that.

What I really want to know is their other statement is not well supported by the age composition data. John, what does that mean? We don't know what those last recruitment years are at all or what does that really mean?

MR. CARMICHAEL: Well, the two terminal years of recruitment; those cohorts have not fully recruited to the fishery and they're not very well recruited at those ages to our survey data; so we haven't really seen an opportunity within our data collection that we have to judge how abundant those year classes are.

The fishery starts getting them pretty good at three and a hundred percent by four. I think MARMAP starts getting them around three or so. Once we see the fish at age three, we usually have a pretty good handle of year class strength. So those younger ages, those younger cohorts we just kind of don't know yet.

DR. DUVAL: All right, I'm doing one more scan to see if anybody else has any other questions? Tom Burgess.

MR. BURGESS: I have a question about Anna's proposal, which sounds great. What happens if we go over the ACL in any of those years; what would happen with that?

DR. DUVAL: That is a good question.

MR. CARMICHAEL: Well, if you go over the ACL but stay below the OFL, then based on this system you assume that overfishing did not occur within that year. Depending on how accountability measures are set up, whether they kick in at ACL or OFL – you know, it is a rebuilt fishery; is there going to be payback?

I think all that is going to come into how the accountability measures are set up, but obviously as long as you stay below the OFL that is estimated there, we would assume that overfishing is not occurring.

DR. DUVAL: Go ahead, Gregg, because I was just going to talk about the accountability measures for payback. We do have paybacks set up no matter what, I believe.

MR. WAUGH: Right; that is the point I was going to make. Regardless of stock status, if you go above the OFL – if either sector goes above their ACL, there is payback, either sector.

DR. DUVAL: And I see Roy has his hand up probably in that regard.

DR. CRABTREE: I was going to mention that there is a payback feature. You look at the distance between the ACLs and the OFL, and it is not that much of a buffer in there. Bear in mind while I agree with Gregg that the dealer reporting in the commercial sector is improving,

there is still going to be a considerable amount of uncertainty in the recreational fishery for the foreseeable future in terms of estimating those catch levels.

There is reason to believe that we can easily have some overruns that could exceed 200,000 pounds in this fishery. If you go over but you remain below the OFL, then you've got the payback. Now, if you go over and you exceed the OFL, then you're going to get a letter from Fisheries Service notifying you that overfishing occurred, all those kinds of things. Bear in mind we're not that far above Bmsy, so if we had overruns and we had some disappointing year classes and some problems, then you're starting to work yourself back towards the minimum stock size threshold. I think this is one that bears to be careful with.

DR. DUVAL: Are there any other comments before – I see Ben again.

MR. HARTIG: As your season gets longer to monitor the recreational fishery – I mean, we're going to have a longer season for sure – does that help or not?

DR. DUVAL: Roy, can you tackle that?

DR. CRABTREE: It will give us an opportunity to get possibly a wave's worth of data and get a look at where we are, so that is helpful to some extent, but you're still going to have to base a lot of this on projections because the timeliness of it is just two-month waves with the turnaround time on it. It may help a little bit, Ben, but it is still a problem and we've had some big overruns in recreational fisheries in the past because it is just hard to tell what is going on sometimes.

MR. HARTIG: The thing that is interesting about black sea bass is the amount of effort that is going into people who are actually fishing for them seems to be now the most important reef fish species we have. They do occur closer to shore and people aren't willing to make the fuel expenditures.

Obviously, what we're seeing in gag and vermilion is that the recreational fishermen are catching 50 percent of their allocation; so if black sea bass is that important and we are going to have that effort, that does kind of tempers your anticipation of what is going to happen. There are going to be people fishing for black sea bass, for sure, in the recreational fishery from what we've seen in the past with the closures, so that is just one more thing to think about.

DR. DUVAL: Ben, that is a good point. There is a lot of effort on the recreational side and I don't expect that ACL to go unsold at all. Are there any other questions or comments? I'm just looking one more time. Mel.

MR. BELL: I was just going to point out something when we got into a discussion. It was managing our nation's fisheries and they were talking about how the recreational fisheries were kind of living by available fish. I think the ACL will definitely be filled out. One of the concerns I have I guess that fall under the category of management I guess is that I know in South Carolina and Georgia, we don't sample – or MRIP doesn't sample during Wave 1.



Someone mentioned in one of the comments that sea bass are actually targeted in that Wave 1 period and we catch them. You get a really nice day in January and February and you can get out there, you can do quite well. There is a little bit of uncertainty in the estimates just by the fact that we don't sample Wave 1.

That's how MRIP compensates for that or they just put zeros, but we know that we do have sampling. Of course, we have states where you will have a year-round fishery that prefers Wave 1. That just provides a little bit of additional management. People are going to get excited about this, and this is our ability to kind of manage the success. That is why I am tickled to be able to give back some fish. I'm just a little hesitant about kind of it is too much too fast.

The other thing I guess that I'm concerned with is in managing success what does success look like. Is that ratcheting down when we say, well, it was rebuilt, we're fishing, but you know we're going to ratchet down over three years. If we can explain that up front, you know, why we're ratcheting down but it is still going to – from year to year as we ratchet down, it is still going to feel like what is going on. This is why I kind of like Anna's constant cover, and I realize it is based on Roy's modification now with after three years – I guess it is that initial going to 2.13 down to 1.84, which is highly (Recording is too garbled here to be able to transcribe)

DR. DUVAL: Thanks, Mel; those are all great points, definitely. Certainly, explaining having to decrease the ACLs over three years as well as the uncertainty given that South Carolina and Georgia do not sample Wave 1. We do here in North Carolina and have for a number of years. I'm sure Florida does as well. I don't know what kind of formula is used to try to account for that. I know that north of here, Virginia and Maryland do not sample Wave 1 and do some manipulation of North Carolina's estimates to try to account for that harvest. I see Anna has her hand up.

MS. BECKWITH: I was just going to mention would it not be possible for us to project a closing for the recreational fishermen or fishery, say – I forget what day black sea bass closed this past year, but project a closing in mid-October or end of October during the first year.

DR. DUVAL: I think the document actually has some of that information in it with regard to how much longer a season might last. There have been a number of different models that were run trying to look at how much longer the season would last for both sectors, for both commercial and recreational. I don't recall off the top of my head exactly how much further the recreational fishery would be projected to go out. I'm hoping that maybe John or Gregg have those numbers at their fingertips.

MR. CARMICHAEL: I don't know how much we have at our fingertips. I think one way to look at it is say, well, if you about double the allocation, maybe you double the season. The question, of course, will be what are the catch rates within the particular year. Kind of the problem with doing a real robust scientific evaluation of that is as we head into a much higher stock than we have seen before and higher abundance, the catch rates tend to be kind of hard to predict.

They were quite a bit higher last year than they had been in most of the previous years. Anything we would do would be kind of an educated guess, maybe, but I would just sort or rule of thumb say if you double the amount of allocation, then you're probably going to get a doubling of the season or so.

That will be longer if catch rates are a little less and it will be shorter if catch rates end up being a lot higher. We do know that – and most recreational components in particular is fishing is good and people tend to go more and have more trips, and that can tend to drive up your overall catch rate per day and maybe work to shorten the season somewhat, but certainly it will be longer.

MR. WAUGH: Michelle, Table 4.1.3B has the predicted 2013/14 closure dates for the recreational black sea bass sector. It is on Document Page 66 of the amendment. Of course, it depends on what your recreational ACL is, but Alternative 3 at about a million pounds you were looking at – depending on which model – September 16<sup>th</sup>, December 17<sup>th</sup> and December 5<sup>th</sup> in terms of your mean; so looking some time in December.

DR. DUVAL: Okay, thanks for that, Gregg; I knew I had seen it in there somewhere, and I see Roy has his hand up.

DR. CRABTREE: I think what we would end up doing is get the one wave of data in August so that is the catch for June, right, and then we refine the projection. Bear in mind that the table you're looking at is Alternative 2 because the TACs are coming down. I guess all things are equal, the recreational season would get shorter each year, which I think is kind of a problem because one thing I heard last week at the Managing our Nation's Fisheries from the recreational guys is a desire to have stability in some of these things. I've heard a lot of comments and a lot of good comments, so I'll go ahead and float motion out just to see where it goes. I would go ahead and make a motion that we select Alternative 3.

DR. DUVAL: Roy, I just wanted to let Ben have the final word on the comments – he had his hand raised – before we get into motions and I would like to take it in sort of an orderly fashion and start with a motion to approve the purpose and need first and then we will get into the preferred alternative right after that. Ben, if you want to go ahead and have the last word.

MR. CUPKA: Michelle, you don't have me on your list so I can't raise my hand. I apologize, but the only way I know is to just jump in here if I have a comment I want to make, which I would like to make at some point before you close it out. Again, I apologize but I'm not on your list so I can't raise my hand.

DR. DUVAL: Yes, please go ahead, David.

MR. CUPKA: Okay, I've looked at these alternatives and listened to some of the new alternatives being floated and obviously they're all good in the sense that we're going to get to increase the ACL. They're all based on science that has been looked at and considered by our SSC. Although we do have an SSC recommendation for Alternative 2 and the majority of the comments we got certainly favored Alternative 2, I'm not sure how opposed people are to having an ACL that would ratchet down every year for a couple of years.

That being said, to me the bottom line is the amount of risk involved here. That is something that is up to the council to decide, how much risk we want to take. It is not a function of the regional office or the science center or even the SSC. They can give us their best scientific advice; but when it comes to risk that the council is willing to take, that is a council decision.

I kind it is kind of hard for me in a way because looking at that table, the only idea I've got about the risk involved, which really gives me any idea between Alternative 2 and Alternative 3; on Alternative 3 it says in some of those years it is more than 50 percent, but I don't know how much more at 50 percent because I guess we didn't have the projections to find that.

The second year in Alternative s2 is 47 percent. Alternative 3, I don't know what it is other than it is said to be greater than 50 percent. It could be 50.2 percent or 51, which really isn't that different. I know in the past I've always tried to keep the resource first in mind and be conservative if there is a problem.

But on the other hand, I have to consider some of the things that have gone on in the fisheries. To me there has been a significant economic impact. There are a lot of people who have made a lot of sacrifices to get us to where we are in this whole process. I really would like to take some of that into consideration.

At the conference last week there was a lot of talk about flexibility and chasing noise and things like that, but to me it boils down to a question of how much risk is this council willing to accept. I know Alternative 2 has a problem in terms of where we end up relative to MSY, which I think could be dealt with, but I don't want to lose sight of the fact that, like I say, a lot of people have made sacrifices.

It would be good to be able to give them something back, and I just don't have any way of evaluating what the risk of one alternative is to the other. I know Alternative 2 does have a higher risk, but how much higher I don't know. That is kind of where I'm coming from on this.

DR. DUVAL: Thank you, David, for those comments. It is certainly valid that we don't have specific estimates of what that risk is. We have had a lot of good discussion around the table with regard to the specifics of what might happen and what might not happen and what would be the benefit or lack thereof to the public regarding these different alternatives and some suggestions for how they could be modified I guess within the scope of what has already gone out to the public. Ben, did you have a final comment that you want to make before we get into approving the purpose and need?

MR. HARTIG: I just wanted to go back to what John was talking about having trouble on trying to estimate what the recreational catch is going to be with the higher abundance. There are some other things to work into that we've heard about over the years with black sea bass is as we extend the commercial season, the fish abundance goes down for those recreational fisheries and they become harder to catch, actually. It is going to be tough trying to balance those. David is right and I have struggled with this. I think everybody on this council has struggled with this.

My only thing I have is when you increase a quota this much, even given that the assessment is conservative, we have an SSC that takes a P-star analysis and reduces it even further and then – you know, we have got the best data of any of the species to manage on black sea bass from the fishery-independent side of the science.

There are a lot of things in here that I'm trying to weigh. Even so, that scientific side of me is still trying to err on the side of caution in this time and for particular instance. I am putting this on the record because if this happens again and MSY doesn't go up, I won't have any problem with going to the high estimates we have and taking them. At this time I've got some concerns and I'm just looking at just that high quota in such a short period of time and that uncertainty in that year class and how hard it has been to get where we are. I will leave it at that.

DR. DUVAL: So now I'd like to move into some of the decisions that I outlined earlier. Myra has the document projected up there on the screen, and the first thing we need to do is approve the purpose and need. I think there have been just a few small changes perhaps suggested by the IPT, so I'm going to ask staff if they please outline this.

MR. WAUGH: Michelle, there is no change to the purpose; that stays as it is stated there. There is a slight change to Item 4 under the need. It currently says, "Minimize the probability of interactions", and the intent there was to reflect what we're trying to do. The IPT is recommending that be changed to "prevent interactions between black sea bass", and the rationale black sea bass pot gear and ESA species.

The rationale is that the Section 7 Consultation will likely be that because no gear will be in the water when large whales are present, the gear will not affect the species. That rationale indicates no interactions are likely and not just that we think we are minimizing their likelihood. Also, minimize the probability still suggests that an encounter could occur albeit probably unlikely.

That begs the question of, well, how likely is it an encounter might occur, which would require an analysis. What we're trying to do here with this whole closure is prevent the analysis now. We will get the Section 7. We will get a more consultation under Regulatory Amendment 14. It would be good to change Item 4 from "minimize the probability of" to "prevent". We need to accept the purpose and the need with that revision.

DR. DUVAL: So I would entertain a motion to approve the purpose and need with the recommended changes from the IPT. I see that Doug Haymans has his hand raised. Doug.

**MR. HAYMANS: Madam Chair, I would make a recommendation that we accept the IPT's recommended change and to accept the purpose and need as has been changed.**

DR. DUVAL: We have a motion by Doug. I see Ben Hartig has his hand up. Is there a second from Ben?

MR. HARTIG: Second.

DR. DUVAL: We have a motion on the floor and because we are operating via webinar we are going to do a roll call vote for these motions. I believe our executive director is going to go through the roll call.

MR. MAHOOD: If there is no more discussion, yes, I'm ready to go. Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Amick.

MR. AMICK: Yes.

MR. MAHOOD: Ms. Bademan.

MS. BADEMAN: Yes.

MR. MAHOOD: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. MAHOOD; Mr. Bell.

MR. BELL: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Jolley.

MR. JOLLEY: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Duval.

DR. DUVAL: Yes.

MR. MAHOOD: **The motion to modify the purpose and need passed unanimously.**

DR. DUVAL: Thank you very much, Mr. Mahood. The next decision we have to make is to choose a preferred alternative. We have three alternatives that the staff has gone through for us. We've also had discussion of potentially something of a hybrid alternative. We've also discussed the need, if Alternative 2 is the preferred that is chosen, to potentially modify that to address the concerns of the regional office and the science center with regard to overfishing or having an ACL that is above MSY in 2016 and forward. Is there anyone who would care to make a motion? Anna, I see you have your hand up.

MS. BECKWITH: **I would like to move to add Alternative 4 that the set the ACL for the 2013, 2014 and 2015 to 1.814 million pounds per year; and beginning in 2016 set the ACL to equal equilibrium level of 1,756,450 until changed. And then, of course, add the additional retention, possession and fishing for black sea bass is prohibited using black sea bass pots annually from November 1<sup>st</sup> through April 30<sup>th</sup>.**

DR. DUVAL: There is a motion by Anna; is there a second to her motion? If someone would like to second Anna's motion, please your hand. John Jolley; did I see your hand raised? Did John have his hand raised. I thought I saw that; apparently not.

MR. MAHOOD: Mel Bell has his hand raised, but he has got himself muted.

MR. BELL: I will second that.

MR. WAUGH: Michelle, can you give us a minute to get that up on the screen.

DR. DUVAL: Yes, we will hold off any discussion until we can get this up on the screen a little bit bigger for folks to see.

MR. WAUGH: Okay, Michelle, I think we've got it up there now.

DR. DUVAL: **Okay, the motion reads Alternative 4 for black sea bass; revise the total ACL, sector ACLs, recreational ACT and OY values based on results from the new stock assessment, SEDAR 25 Update, 2013; change the ACL formula to; one, 2013 through 2015, the ACL equals OY equals 1.814 million pounds; two, from 2016 onward ACL equals OY equals 1,756,450 pounds whole weight, which is the yield at 75 percent Fmsy when the**

**stock is at equilibrium; three, retention, possession and fishing for black sea bass is prohibited using black sea bass pot gear annually from November through April 30.** Now I think we're ready for some discussion, and I believe Anna had wanted to kick that off.

MS. BECKWITH: No, that is good. I was just going to say if this passes, I'm going to offer it as the preferred alternative.

DR. DUVAL: Is there discussion on this motion? John Jolley, you had your hand raised.

MR. JOLLEY: I just want to make sure that I'm not muted going forward here. I was trying to second the motion here earlier and for some reason we couldn't get through.

DR. DUVAL: I think, John, what we're doing is as people click that little hand and they raise their hand to speak, then the staff is actually unmuting you on their end; because the fewer people whose mikes are on, the less feedback there is. Tom Swatzel, I believe you had your hand up.

MR. SWATZEL: Michelle, I'll pass.

DR. DUVAL: Is there anyone else? Ben.

MR. HARTIG: This is a pretty good compromise. We're able to give a little bit more fish back to the fishermen and yet we're not giving them that full range of poundage that we had in Alternative 2. This is new; I haven't had a lot of time to think about it, but, Anna, did put it on the internet earlier. This does give more fish back and still allows some fish to fill out some of those age classes. Basically, it is a pretty good compromise.

DR. CRABTREE: I agree with Ben; I think it is a reasonable motion, and I think it addresses the issues that we discussed about overfishing. It gets a good balance to where we need to be. I would suggest in the 1.814 million pounds; if you could make clear that is whole weight as well. I think this is reasonable.

DR. DUVAL: Is there anyone else who would like to make – I see Mel.

MR. BELL: Yes, I'm looking at one of the tables; and if I'm reading the landings correctly, even at the 1.8 figure we're talking about, that would be higher than any landings going all the way back to 1991, with the exception of 2004. I assume that is the 1.85 million. It is not giving back as much as we absolutely positively could, but it is giving back part of this.

It is a pretty significant jump from where we were and where we just left off. I appreciate David's point that he made earlier about trying to give back. I guess my concern again is I don't want to jeopardize the hard work that they have gone through, so this is kind of a reasonable compromise.

DR. PONWITH: Of course, I'm not a member of the committee, but I appreciate the opportunity to weigh in. This particular new alternative is attractive from the standpoint of it

prevents what appears to be a known scenario of overfishing by reducing that number in 2016 to that equilibrium level.

We've heard a lot of discussion regarding the automatic need for an update and we also heard that it created a difficult situation to have the projections only go out three years. The reason for those projections stopping after three years is because the uncertainty in the projections going any farther out beyond '15 was just so high that the projections weren't valuable scientifically in terms of having weight in making these management decisions.

I believe speaking exclusively to this new alternative that putting the equilibrium amount in '16 is a smart thing to do, but I do believe that it would also be required to do some additional projections in either 2015 or in 2016 with the same type of timing that we did it this year to be able to capture what is happening with respect to those recruitments and be able to revisit the 2016 values.

MR. HARTIG: Bonnie, I'm glad you're on. Given the fact that we have got some information from this survey that was done this summer; that we're looking at age zeros and young age ones in these pinfish traps. If we got on that and could possibly add some of that sampling through SEFES or MARMAP or fishing platforms, I think we could possibly even have some information going into the next update to help shore up that recruitment in those last two years. Do you think that is feasible?

DR. PONWITH: Typically, when we would do the update, we would include the additional actual landings from those terminal years. Our ability to actually update existing – I'm just thinking out loud here, but to update existing indices of abundance is certainly a step above that. To add a new index of abundance really kind of goes beyond what a true definition of an update assessment would be.

I guess what we'd have to do is make sure we're talking about the same thing. Are we talking about an actual update stock assessment; are we looking at revisiting the projections and putting the actual landings in there or what; and then make a decision on what would be possible based on that shared understanding.

MR. HARTIG: Yes, it would be a new index and I forgot about the way we characterize our assessments. Sometimes we get into these boxes where if you could include one more index in an update, it would be important, but then we don't meet the qualifications of what that update is. I don't know; sometimes I think without having the extra flexibility, that becomes a problem over time.

I'm just really interested in getting together with you and trying to find a way forward with this, because I think it could be relatively easily done with the platforms we have on the water now to sample in some shallow waters with some different gear and then try and add – I know Jimmie Hull is willing to do it his own at least in his area – so try and add some fishing platforms to this, but it will take more conversation than we have today, but I just wanted to know the feasibility.



DR. PONWITH: Just one last word on that is that we are planning right now to try and have some discussions with the Reef Fish AP the next time there is a meeting that we can talk about ideas that the AP may have for cooperative research. This would be cooperative research using substantive input from the industry be it the commercial or the recreational side.

I would love to see this on the short list of good ideas because a new index is a new index. There is a point in space until you get some partners along side of it; but if you don't begin that index work early on, the problem perpetuates, so that would be a discussion that I'm quite keen on having.

DR. DUVAL: Are there any other comments on this motion? I don't see anyone else with their hand raised at this point, so, Mr. Mahood, I believe we are ready to go ahead and vote.

MR. MAHOOD: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: No.

MR. MAHOOD: Mr. Jolley.

MR. JOLLEY: Yes.

MR. MAHOOD: Ms. Bademan.

MS. BADEMAN: Yes.

MR. MAHOOD: Mr. Bell.

MR. BELL: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Amick.

MR. AMICK: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Duval.

DR. DUVAL: Yes.

MR. MAHOOD: **The motion passes by a vote of twelve to one.**

DR. DUVAL: We have added a new Alternative 4 to our list of alternatives to choose from. At this point we need to choose a preferred alternative. Anna.

MS. BECKWITH: **I move that we make Alternative 4 our preferred alternative.**

DR. DUVAL: There is a motion by Anna to make Alternative 4 the preferred. I see Ben's hand up.

MR. HARTIG: Second.

DR. DUVAL: A motion by Anna; seconded by Ben to make Alternative 4 the preferred alternative. Is there discussion on the motion? Tom Swatzel.

MR. SWATZEL: Michelle, I appreciate Anna's efforts on this. It is certainly a good compromise alternative. However, I support Alternative 2, which could be easily modified to have a catch limit in 2016 of 1.756 million pounds to alleviate some of the concerns about what will happen after those first three years.

The problem that we have here is that we had a successful rebuild I think after seven years of a ten-year plan. We now have effectively extra fish that the fishermen could benefit from. These are long-suffering fishermen who have sacrificed a lot during that seven-year period. We have a recommendation from the SSC based on their ABC Control Rule, which factors in scientific uncertainty.

The council has an existing ACL Control Rule for black sea bass. What we're saying now is particularly since we've got a rebuilt stock that is even rebuilt above the threshold, that the

SSC's recommendation and our ACL Control Rule are not conservative enough. I don't think that is fair to the fishermen.

Again, the difference here; I know it is a little bit less with Alternative 4, but we're talking about millions of dollars of benefit to fishermen. I think it was \$10 million, the difference between Alternative 2 and Alternative 3. I realize it is going to be slightly different now with Alternative 4, but that is significant economic impacts and benefits that again these long-suffering fishermen can have.

I do appreciate the efforts of Anna and the fact that the majority of the council added this alternative, but I can't support it as long as we've got Alternative 2 out there which meets the SSC's ABC Control Rule and effectively could be plugged into our existing ACL Control Rule.

And just to point out, you know, we're working on Amendment 27, which would relate to framework actions like this for black sea bass. Effectively what we would do is we would just plug these numbers into our existing formula. For those reasons I cannot support Alternative 4 as our preferred. Thank you.

DR. CRABTREE: Well, it strikes me that this is a pretty reasonable compromise. I hear what you're saying, Tom, about the fishermen. I agree they have sacrificed a lot for the last several years, but still even with this alternative we're looking at an increase, more than doubling, almost a million pounds increase.

If we push this too far – and there are a lot of uncertainties here, and it is not just the scientific uncertainty which the SSC dealt with. There is management uncertainty here. We all know from experience estimating how many fish the recreational fishery is going to catch – and that is the biggest part of the harvest in this fishery – is a difficult thing to do.

If we make a mistake and go too far with this and push it too close to the limit and then we end up driving this stock back down, those economic benefits are going to evaporate and we potentially come in and looking at catch reductions and the problem again. I just think that is too great of a risk to take.

I think several people have talked about how this is a really big TAC, more than doubling. I just think the wiser course of action here is to be a little more conservative and I think that it strikes a pretty good balance. Let's see what happens and let's not take the chance of losing all the gains we've gotten and think a little more in the long-term benefit here. I am going to support the motion.

MR. CUPKA: Michelle, again, I can't raise my hand; but if you will bear with me, I would like to state that I'm going to vote against the motion. Again, like Tom, I appreciate all the efforts, and I'm not going to go back through all the reasons that he gave, but those are exactly some of the reasons that I've been considering. I will vote against this motion, but I do appreciate Anna's efforts and voted to add it so it could be considered, but I can't vote for it.

MR. HAYMANS: Madam Chair, although I appreciate the chance to try to find some middle ground, for reasons that have already been stated. With regards to keep at some long-term balance for the fishermen, I do not want to go back in four years if we don't have an assessment and say we're going to reduce the limit because that is the way we set it four years ago. I'd rather look at Alternative 3, keep it at 1.7 and see how that works out. I will not support this motion.

MR. JOLLEY: In looking at this estimated recruitment for black sea bass and looking at the highest year recruitment, middle and the lowest, those trends are all the same. I don't know exactly what that means, but those lines are all parallel. That gives me a lot more confidence in this data. Having heard a great deal of input from the anecdotal evidence of abundance and the size of these fish throughout their entire range now, I have a lot less fear about risk. I think Anna's new motion here has the right amount of caution and I'm going to support this motion.

MR. HARTIG: The recruiting trends are pretty interesting. They're going up pretty good until the last couple of years, so that is positive. Hopefully, those trends will increase over time and we'll get some more productivity out of the stock and actually get it up to somewhere where I think it should be.

There has been something that has bothered me about the black sea bass assessment all along. I have talked to you at length about the range expansions and the things we're seeing where I am, which hasn't occurred in the 40-plus years I have been on the water. John, in the West Palm Beach Fishing Club, they're seeing them in areas where they have never seen them in I don't know long, John, a hundred years, 75 years your club has been in existence.

We have the best information of sea bass than any other species. It is the number one in the SEFES and the MARMAP collections. It traps easily. We have the best data we could have. Having said all that, I still go back to being a little more cautious. I would like to have a compromise where we leave some of these fish in the water to fill out some of these age classes and yet be able to give a little bit more than the more restrictive alternative. That's where I am.

MR. AMICK: I would just like to comment that I'm not prepared with Alternative 3 because it is very conservative and then Anna brought up this Alternative 4. Just quickly I worked in my mind the difference – you know, what the difference between the two alternatives would be as far as poundage of fish for fishermen.

If I'm correct – and somebody can correct me if I'm wrong, but it turns out to be about 50,000 pounds whole weight more of an ACL per year. And then you multiply, I think the figure is for the gutted weight I think 1.8 and then you get down to about 53,000 pounds a year; dividing the allocation 57 and 43 for the commercial, and you're talking about a good bit more for the fishermen but not excessively more that it is going to impact the biomass in any way.

I think recreationally it would add maybe 10 or 15 days of recreational fishing and maybe with a trip limit for the pot fishermen maybe another trip or two for the commercial fishermen. It is a new alternative. It is giving a bit more to the fishermen and yet not impacting the biomass like Alternative 2 could. Thank you.

MR. HARTIG: The last thing I want to say, and I tried to elaborate a little bit on it, when this comes up the next time and if it shows the same kind of things, you know, we could take biomass above MSY, I don't have any problem going with an alternative like Alternative 2. It is just right now I have a problem with that alternative not being conservative enough with the big increase we're having.

MR. BURGESS: I am struggling with this, and I think the fact that I have consulted with people in my business specifically but also key stakeholders who you have described in the visioning process, Michelle, with other fishing communities, these individuals that I have spoke to supported Alternative 3 because of the stability and not taking as much as Alternative 2.

But I am leaning to this motion – I am thinking pretty heavily on Roy's comments that it is a compromise. We are going to get a little bit more fish and that if this is monitored properly, we should be in good shape. Also, the second part of this motion that 2016 comes – so as I say, I am struggling with the risk associated, but the people that I speak to who have suffered – at this time I am going to support this motion.

MR. BELL: I just want to say Alternative 4 is slightly more conservative than 3 or the 2 less than 3, what it does is it leaves some additional fish in the water and continue with that rebuilding. Someone asked earlier about we're at 1.78 million pounds MSY; is that all there is? I think one of the things about this alternative is it does allow you to continue to rebuild and it does minimize a little bit of the risk that we're talking about.

It also enables you to perhaps rebuild, and then the next assessment we may find out that things are even better. I fully understand the concern and I agree with it, too, about the payback to the fishermen and the economics associated with that. We will double the ACL even with this alternative. Again, it projects a little bit beyond just that three years.

What we see in the step-down, you're really going to step down those two years in Alternative 2. Well, the benefits goes beyond just those three years. I think we could reap some additional benefits from this and economic benefits in the long run. It is slightly a little bit more conservative. I like the somewhere between the two and three aspect of this. I just think we will get more benefit in the long run and then perhaps avoid the risk of some sort of yo-yo effect.

DR. DUVAL: Are there other comments on the motion. I'm not seeing anyone with a hand raised. I'll just go ahead and say a couple of words. I certainly came into this from my perspective supporting Alternative 3 for a lot of the points that have been made around the table with regard to mostly not wanting to get ourselves back into the kind of situation that people have really suffered for to rebuild over the past several years.

I've kind of struggled with this like some have with regard the economic benefit to the fishermen from dealing with Alternative 2 and trying to balance that risk with ensuring that we wouldn't have to take further cuts after 2015. I appreciate Anna's efforts to create some compromise here that would allow for an additional roughly 180,000 pounds of whole weight of fish over those three years; and as Mel just noted not quite as drastic of a step-down when you get to 2015 and

then allowing for a little bit more buffer to balance some of that uncertainty with that 2010 year class.

I guess the other piece of uncertainty that really has me concerned is the ability to monitor the recreational landings. I'm not trying to make any slice any MRIP but really just a lag time in terms of having the numbers and just knowing I think a pent-up demand out there and the power of that recreational fishery; so I appreciate Anna's effort for a compromise here. Are there any other comments around the table? If not, Mr. Mahood, I believe we are ready for a vote.

MR. WAUGH: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. WAUGH: Mr. Hartig.

MR. HARTIG: Yes.

MR. WAUGH: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. WAUGH: Mr. Haymans.

MR. HAYMANS: No.

MR. WAUGH: Mr. Jolley.

MR. JOLLEY: Yes.

MR. WAUGH: Ms. Bademan.

MS. BADEMAN: Yes.

MR. WAUGH: Mr. Bell.

MR. BELL: Yes.

MR. WAUGH: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. WAUGH: Mr. Amick.

MR. AMICK: Yes.

MR. WAUGH: Mr. Burgess.

MR. BURGESS: Yes.

MR. WAUGH: Mr. Swatzel.

MR. SWATZEL: No.

MR. WAUGH: Chairman Cupka.

MR. CUPKA: No.

MR. WAUGH: Dr. Duval.

DR. DUVAL: Yes.

MR. WAUGH: **The motion carries with three no votes.**

DR. DUVAL: Thank you, Gregg. I believe the next decision that we have to make is to approve or modify the council intent, and I believe Gregg is going to move us down to the appropriate language here.

MR. WAUGH: Yes, this is on PDF Page 21 of the document. The first two items deal with a black sea bass pot closure. It is the South Atlantic Council's intent that for both Alternatives 2 and 3; and this would also be Alternative 4 now; all black sea bass pots must be removed from the water from November 1 through April 30. Black sea bass pots may not be on board a vessel in the South Atlantic EEZ from November 1 through April 30.

Then the third item switches gears and deals with the recreational ACL. It indicates that the recreational ACL will be monitored in numbers of fish as reported by the MRIP Program. We've discussed this in the past, considered it in the past, but stayed with the current situation where the MRIP numbers are made available and then at some point in the future the Southeast Fisheries Science Center applies their process to come up with the poundage.

We run into situations like we have now where the January/February wave is available on the MRIP, have been for a period of time and we still don't have the January/February wave numbers. This would improve the timeliness of our tracking those recreational numbers.

DR. DUVAL: Gregg, I think Roy maybe has a question about this.

DR. CRABTREE: I'm trying to figure out Number 3. It seems to me if you want to monitor the ACL in numbers, you have to set the ACL in numbers, but we didn't. We set the ACL in pounds, and so I don't quite understand what this means because in order for us to tell if we've hit the ACL or not, we'll have to take the numbers of fish in MRIP and convert them to pounds.

When the MRIP waves are available to you, you can pull it right off MRIP either in numbers or in pounds, but it does seem to me that you have to monitor the catch in the same unit that the ACL is set in. I don't think we're prepared today to make that sort of change to this document.

This is something we could come back to in a subsequent amendment. If you wanted to convert the recreational quota from pounds into numbers, we could look at doing that maybe in Reg 14. But, it seems to me you monitor an ACL in whatever unit the ACL is expressed in.

DR. DUVAL: I see Steve has his hand raised, but, Gregg, I didn't know if you wanted to respond to Roy's comments.

MR. WAUGH: Well, Roy is correct; it is the chicken and the egg. You have to tell us which way you want to do this; and if you were interested in having the recreational sector monitored in numbers, then we would have to go back and convert the ACL to numbers of fish. What we're trying to do here in this document is that black sea bass are landed whole, so we're expressing all the ACLs in whole weight.

On the recreational side, the way the data are collected is in numbers of fish and at some point we may want to get to that. Roy is correct; you have to have both of them be the same, and so we just need to decide how you want to specify and monitor the recreational ACL. As was pointed out, that is the biggest challenge to ensure that you don't have overages. We do have the payback; so if they do over, it will be deducted from the following year.

MR. AMICK: I just wanted to comment. I have concerns about doing one or the other as far as reporting in numbers of fish and depending what average pound you use for a fish; you know, from one pound up to, what, three or four pounds. Right now we're looking at 1.814 million pounds; how that converts to numbers of fish could vary easily from one to two pound average per fish. I have concerns about moving forward with using one or the other.

MR. HARTIG: I was just wondering if we could do that in this amendment; that was my question. Roy had some concerns that we couldn't. It just seems to me you just do the arithmetic either way, whichever way you do it. I think we should monitor in numbers myself, but then you get into Steve's problem what average poundage that you're going to use. Basically, you would use whatever came out of the headboat and MRIP it seems to me. That is where I would like to go in the future.

DR. CRABTREE: Well, I think this is something that it is best to come back to in Regulatory Amendment 14. It seems it would be beyond the scope of what we're able to do today. There are plus and minuses in all waves. When you have a strong year class that just hit the fishery, that could pull the average size down; and then as it works through the fishery, it could pull the average size up. It is not quite as simple as just applying numbers to it, I don't think. I think it is something we would want to confer with the center folks on and probably the SSC. I think this is just something better left to a more deliberate discussion in the future.

DR. DUVAL: I guess we could certainly add this to Regulatory Amendment 14. I guess I would just remind folks that is something we're scheduled to approve for public comment at our upcoming June meeting, which is not that away. It is just something to keep in mind in terms of any staff analysis that is required there.



Are there any other comments or questions with regard to this because we are going to need a motion to approve the council's intent. If it is the committee's preference that we not tackle number three in this list right now, monitoring the recreational ACL in numbers of fish as reported by MRIP, then we would need to modify this intent to remove that.

Folks can ponder that for a minute, but I am going to need someone to make motion **that it is the council's intent for Alternatives 2, 3 and 4, that all black sea bass pots be removed from the water November 1<sup>st</sup> through April 30<sup>th</sup>, and that black sea bass pots may not be on board a vessel in the South Atlantic EEZ from November 1 through April 30<sup>th</sup> at a minimum.** Ben.

MR. HARTIG : **So moved, Madam Chairman.**

DR. DUVAL: There is a motion by Ben. Roy, you have your hand up?

DR. CRABTREE: Yes, I'll second that our intent is numbers one and two. I don't have any problems with coming back to the MRIP numbers issue. I just didn't expect it and am not prepared to move on that. I will second Ben's motion.

DR. DUVAL: Okay, motion by Ben; second by Roy. Is there any discussion on this motion?

MR. BURGESS: I am going to support the motion but I did want to say that I'm not too happy about it, but knowing that we can address in Amendment 14. I still support that. Of course, I have to think about that change in the whale season from November 1<sup>st</sup> through April 30<sup>th</sup>.

DR. DUVAL: Thank you, Tom. I think there are probably a number of folks who have similar concerns as to what you just expressed. Are there any other comments on this motion? Seeing none; it looks like we are ready to vote, so I would ask staff if they could please do the roll call.

MR. MAHOOD: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Jolley.

MR. JOLLEY: Yes.

MR. MAHOOD: Ms. Bademan.

MS. BADEMAN: Yes.

MR. MAHOOD: Mr. Bell.

MR. BELL: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Amick.

MR. AMICK: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Duval.

DR. DUVAL: Yes.

MR. MAHOOD: **The motion passes unanimously.**

DR. DUVAL: The next thing we need to do is we actually need a motion to approve Regulatory Amendment 19 for formal review. Gregg, do you guys want two separate motions for the approve for formal review and the codified text or would you prefer that all in one motion; does it really matter?

MR. WAUGH: It can be in one motion. What we need to do is make sure we include the editorial license for staff and the chair to redeem, because for the codified text we gave you a version for Alternative 2 and Alternative 3. You've included a new Alternative 4, and what we will do is take the version that is in there for Alternative 2 and just substitute the new ACLs in there so that gives you a good idea of what will be in the codified text.

DR. DUVAL: Okay, why don't we just go ahead and approve and get a motion to approve this regulatory amendment for formal review and then we can deal with the codified text in a separate motion. Ben.

**MR. HARTIG: I would move we approve Regulatory Amendment 19 for formal review.** Do you want me to give you the rest of it yet or not?

DR. DUVAL: Sure, we can do it all in one motion.

**MR. HARTIG: And give staff and the chairman editorial license to –**

DR. DUVAL: I think it would be approve Regulatory Amendment 19 for formal review and give staff and chairman editorial license – there we go. I need a second to that motion. Anna.

MS. BECKWITH: I'm happy to second that.

DR. DUVAL: Is there any discussion on this motion? Okay, seeing none; I think we are ready to vote, so again I'll turn this over to staff.

DR. CRABTREE: Michelle, I believe the modified regulations have been sent to Gregg and Myra, but as Gregg said it is pretty much what you already had; just substituting the letter. Are we going to make yet another motion for deeming the regulation; because if not, we ought to put some language in this one.

DR. DUVAL: Yes, we will make another motion to deem the codified text. Is there anything else? If not, we are ready to vote.

MR. MAHOOD: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Jolley.

MR. JOLLEY: Yes.

MR. MAHOOD: Ms. Bademan.

MS. BADEMAN: Yes.

MR. MAHOOD: Mr. Bell.

MR. BELL: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Amick.

MR. AMICK: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Duval.

DR. DUVAL: Yes.

MR. MAHOOD: **The motion passes unanimously.**

DR. DUVAL: Now we need a motion to approve the codified text as necessary and appropriate and to give the chairman license to make any necessary changes and redeem the text. Okay, I think we have got the motion up there. Ben.

**MR. HARTIG: I move to approve the codified text for Regulatory Amendment 19 as necessary and appropriate and give staff/chairman editorial license to make any necessary changes to the codified text and the chair to deem the codified text.**

DR. DUVAL: Is there a second to the motion? I see Mel.

MR. BELL: I will second that.

DR. DUVAL: Is there any discussion on this motion? Seeing none; Mr. Mahood, I believe we are ready to vote.

MR. MAHOOD: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Jolley.

MR. JOLLEY: Yes.

MR. MAHOOD: Ms. Bademan.

MS. BADEMAN: Yes.

MR. MAHOOD: Mr. Bell.

MR. BELL: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Amick.

MR. AMICK: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Mr. Swatzel.

MR. SWATZEL: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: Chairman Duval.

DR. DUVAL: Yes.

MR. MAHOOD: **The motion on the codified text passes unanimously.**

DR. DUVAL: Thank you, everybody, for some good, productive discussion on this particular topic. I am now going to happily turn things back over to Chairman Cupka for the last item on our agenda today.

MR. CUPKA: Thank you, Michelle, and thanks to all the council members. That does bring us down to our next issue, which is the Gulf Council Permit Issue. I am going to ask Dr. Crabtree if he will review this issue for us and see what action we need to take.

DR. CRABTREE: Okay, this is a framework action by the Gulf Council. Normally I don't even think this would come before the South Atlantic because we have been able to do regulatory amendments independently, but apparently something was left out or modified inadvertently in the framework, and it is being fixed in Amendment 19 or 20, but it isn't fixed yet.

Recall some years ago the Gulf Council put in place a moratorium on for-hire permits, charterboat and headboat permits, and there are two types of those permits. One is a reef fish permit and the other is the for-hire coastal migratory pelagic permit. The coastal migratory pelagic is the joint plan; and because we have this issue with our frame-working ability now, this requires your approval.

The Gulf Council has already approved this at their last meeting. Now, there is a moratorium on these permits in the Gulf, meaning we don't issue anymore permits, but they are transferable. The for-hire permit that are for vessels with more than six-pack capacity can only be transferred to a vessel with the same or lesser passenger capacity as to the vessel that the permit was initially issued to.

The Gulf Council didn't want to have vessels to be able to increase capacity by moving to larger and larger vessels and taking more and more folks out. Now, the way we originally did this, when we issued the permit, is we tied the permit capacity to the certificate of inspection that the vessel had at the time their permit was issued. What has happened over the years is when a vessel comes in to renew their permit or to transfer their permit, we checked to make sure they're COI has not increased from what it was when the permit was first issued.

The problems that has arisen over the years is a number of these vessels now have multiple certificates of inspection. Many of these vessels will have one passenger capacity specified for fishing in the EEZ, but they may have higher passenger capacities allowed when fishing in inland waters or freshwater areas and those types of things.

What we have been doing is telling those vessels that even if it is a passenger capacity for fishing in the Great Lakes, if that passenger capacity is greater than what was on the COI when we issued the permit, we make them go back to the Coast Guard and bring their COI passenger capacity back down.

Now, some of these vessels want to engage in non-fishing types of activities, and I suspect this is a result of a lot of the closures that have been taking place. Some of them have wanted to do things like dinner cruises or dolphin-watching activities, whale-watching activities, and those kinds of things.

The Gulf Council didn't feel like it was ever our intent to limit the passenger capacity of these vessels when they're engaging in non-fishing activities. What this framework does is it delinks the passenger capacity on their permit from the capacity on their COI; so that when the vessel is operating as a fishing vessel, fishing under charter, they can have no more passengers on board than the passenger capacity specified on the permit.

But when we renew or transfer them, we aren't going to look at these COIs anymore; so lessening what we thought had become a needless burden on these vessels that would allow them to engage in other non-fishing activities and take however many passengers the Coast Guard determines their able to carry, and we will only regulate their passenger capacity when they're acting as a charter vessel and fishing. Now, this only affects the Gulf Council permits that are under the for-hire and has no effect at all on any South Atlantic for-hire vessels. I'm happy to answer any questions if you have any.

MR. CUPKA: Thank you, Roy, for that explanation; and as you pointed out, we do need to take action. The Gulf Council has already approved it, but it does just affect the Gulf permits. Are there any questions for Roy? Okay, I don't see anyone with their hand up, but we will need to take an action. We will need a motion to approve the Gulf action. Is there anyone that would like to make that motion?

**DR. CRABTREE: I'll make a motion to approve the Gulf action on permit transfers and to deem the codified text as necessary and appropriate.**

DR. DUVAL: I'll second the motion, Mr. Chairman.

MR. CUPKA: All right, we have a motion by Roy and a second by Michelle. Is there any discussion on the motion? Ben.

MR. HARTIG: I was just going to second it.

MR. CUPKA: Is there any discussion on the motion? I don't see anyone with their hand raised, so I will ask our executive director to take a roll call vote on this motion.

MR. MAHOOD: Ms. Beckwith.

MS. BECKWITH: Yes.

MR. MAHOOD: Mr. Hartig.

MR. HARTIG: Yes.

MR. MAHOOD: Mr. Phillips.

MR. PHILLIPS: Yes.

MR. MAHOOD: Mr. Haymans.

MR. HAYMANS: Yes.

MR. MAHOOD: Mr. Jolley.

MR. JOLLEY: Yes.

MR. MAHOOD: Ms. Bademan.

MS. BADEMAN: Yes.

MR. MAHOOD: Mr. Bell.

MR. BELL: Yes.

MR. MAHOOD: Dr. Crabtree.

DR. CRABTREE: Yes.

MR. MAHOOD: Mr. Amick.

MR. AMICK: Yes.

MR. MAHOOD: Mr. Burgess.

MR. BURGESS: Yes.

MR. MAHOOD: Dr. Duval.

DR. DUVAL: Yes.

MR. MAHOOD: Chairman Cupka.

MR. CUPKA: Yes.

MR. MAHOOD: I think Mr. Swatzel has left us, so **the motion passes unanimously.**



MR. CUPKA: Thank you, Bob, and that brings us down other business. Is there any other business to come before the council? I don't see anyone, but I do want to take this opportunity, first of all, to recognize this is the first time that we've had a council meeting by webinar. I think it went well, and I want to acknowledge and thank staff for all their hard work on making sure not only that we had the documents we needed but also that the technology worked well. Bob.

MR. MAHOOD: I especially wanted to thank Mike Collins for all the work he did to make this work and thank the council members who took the extra time to get with Mike ahead of time and do the studying and work necessary to make this go very smoothly. We do appreciate it, but we're still going to meet down in Stuart, Florida, in June, so we will see you all there.

MR. CUPKA: Okay, unless anyone else has anything to add; the meeting is adjourned.

(Whereupon, the meeting was adjourned at 4:15 o'clock p.m., May 13, 2013.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

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# South Atlantic Fishery Management Council

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# FULL COUNCIL - ROLL CALL VOTE

Date: 5/13/13

Meeting Location: Charleston

Purpose & Need

Issue: BSB AMEND 19

	AMEND	REGS	AMEND	REGS	ABSTAIN	
	YES		NO			
CUPKA	✓					
HARTIG	✓					
AMICK	✓					
BADEMAN	✓					
BECKWITH	✓					
BELL	✓					
BURGESS	✓					
CRABTREE	✓					
DUVAL	✓					
HAYMANS	✓					
JOLLEY	✓					
PHILLIPS	✓					
SWATZEL	✓					

FULL COUNCIL - ROLL CALL VOTE

Date: 5/13/13

Meeting Location: Charleston

Issue: BSB AMEND 19 + CLOSURE THE PREFERRED, MAKE ACL ALTERNATIVE 4A

	AMEND YES	REGS AMEND.	NO	REGS	ABSTAIN
CUPKA			1		
HARTIG	1				
AMICK	1				
BADEMAN	1				
BECKWITH	1				
BELL	1				
BURGESS	1				
CRABTREE	1				
DUVAL	1				
HAYMANS			1		
JOLLEY	1				
PHILLIPS	1				
SWATZEL			1		

**FULL COUNCIL - ROLL CALL VOTE**

Date: 5/13/13

Meeting Location: Charleston

Issue: BSB AMEND 19 <sup>ADD/MAKE APPROPRIATE</sup> ACL ALTERNATIVE 4.  
AMEND REGS AMEND. REGS + CLOSURE 141-430

	YES	NO	ABSTAIN
CUPKA	✓		
HARTIG	✓		
AMICK	✓		
BADEMAN	✓		
BECKWITH	✓		
BELL	✓		
BURGESS	✓		
CRABTREE	✓		
DUVAL	✓		
HAYMANS		✓	
JOLLEY	✓		
PHILLIPS	✓		
SWATZEL	✓		

# FULL COUNCIL – ROLL CALL VOTE

Date: *5/13/2013*

Meeting Location: *Charleston*

Issue: *BSB AMEND 19 COUNCIL INTENT:*  
*AMEND REGS AMEND. REGS 1. and 2.*

	YES		NO		ABSTAIN
CUPKA	✓				
HARTIG	✓				
AMICK	✓				
BADEMAN	✓				
BECKWITH	✓				
BELL	✓				
BURGESS	✓				
CRABTREE	✓				
DUVAL	✓				
HAYMANS	✓				
JOLLEY	✓				
PHILLIPS	✓				
SWATZEL	✓				

# FULL COUNCIL – ROLL CALL VOTE

Date: 5/13/13

Meeting Location: Charleston

Issue: BSB AMEND 19 FOR PERMANENT REVIEW

	AMEND		REGS		ABSTAIN
	YES	NO	AMEND	REGS	
CUPKA	✓				
HARTIG	✓				
AMICK	✓				
BADEMAN	✓				
BECKWITH	✓				
BELL	✓				
BURGESS	✓				
CRABTREE	✓				
DUVAL	✓				
HAYMANS	✓				
JOLLEY	✓				
PHILLIPS	✓				
SWATZEL	✓				



FULL COUNCIL - ROLL CALL VOTE

Date: 5/13/13

Meeting Location: Charleston

Issue: BSB AMEND 19 Codified Text

BEN

ST

MAR

AND

MEL

TOM

ROY

MICH

DOUG

JOHN

CHARL

TOM

	AMEND YES	REGS AMEND.	NO	REGS	ABSTAIN
CUPKA	✓				
HARTIG	✓				
AMICK	✓				
BADEMAN	✓				
BECKWITH	✓				
BELL	✓				
BURGESS	✓				
CRABTREE	✓				
DUVAL	✓				
HAYMANS	✓				
JOLLEY	✓				
PHILLIPS	✓				
SWATZEL	✓				

# FULL COUNCIL – ROLL CALL VOTE

Date:

Meeting Location:

Issue: GULF COUNCIL PERMIT TRANS & RENEWAL  
AMEND REES AMEND REES

	YES		NO		ABSTAIN	
CUPKA	✓					
HARTIG	✓					
AMICK	✓					
BADEMAN	✓					
BECKWITH	✓					
BELL	✓					
BURGESS	✓					
CRABTREE	✓					
DUVAL	✓					
HAYMANS	✓					
JOLLEY	✓					
PHILLIPS	✓					
SWATZEL						

79	burgess, tom	<a href="mailto:tburgess@embarqmail.com">tburgess@embarqmail.com</a>	250 min
79	Hudson, Rusty	<a href="mailto:dsf2009@aol.com">dsf2009@aol.com</a>	250 min
78	Ruby, Matt	<a href="mailto:warriorfishing3@gmail.com">warriorfishing3@gmail.com...</a>	372 min
77	crabtree, roy	<a href="mailto:roy.crabtree@noaa.gov">roy.crabtree@noaa.gov</a>	206 min
77	duval, michelle	<a href="mailto:michelle.duval@ncdenr.gov">michelle.duval@ncdenr.gov...</a>	203 min
73	hull, james	<a href="mailto:hullsseafood@aol.com">hullsseafood@aol.com</a>	246 min
73	Quinn, Doug	<a href="mailto:dquinnau@gmail.com">dquinnau@gmail.com</a>	427 min
73	Coffey, Fin	<a href="mailto:fincoffey@ftc-i.net">fincoffey@ftc-i.net</a>	108 min
71	mershon, wayne	<a href="mailto:kenyonseafood@sc.rr.com">kenyonseafood@sc.rr.com</a>	29 min
71	Bell, Melvin	<a href="mailto:bellm@dnr.sc.gov">bellm@dnr.sc.gov</a>	202 min
70	McGovern, Jack	<a href="mailto:john.mcgovern@noaa.gov">john.mcgovern@noaa.gov</a>	203 min
70	Hartig, Ben	<a href="mailto:mackattackben@att.net">mackattackben@att.net</a>	250 min
69	Haymans, Doug	<a href="mailto:doug.haymans@gadnr.org">doug.haymans@gadnr.org</a>	197 min
69	Mehta, Nikhil	<a href="mailto:nikhil.mehta@noaa.gov">nikhil.mehta@noaa.gov</a>	147 min
68	Carbone, Chris	<a href="mailto:linmicfarm@aol.com">linmicfarm@aol.com</a>	36 min
64	Swatzel, Tom	<a href="mailto:tom@swatzel.com">tom@swatzel.com</a>	198 min
63	jolley, john	<a href="mailto:jolleyjw@yahoo.com">jolleyjw@yahoo.com</a>	199 min
63	levy, mara	<a href="mailto:mara.levy@noaa.gov">mara.levy@noaa.gov</a>	192 min
61	Amick, Steve	<a href="mailto:steveamicks@aol.com">steveamicks@aol.com</a>	263 min
56	Austin, Tony	<a href="mailto:redress@ec.rr.com">redress@ec.rr.com</a>	258 min
55	Bademan, Martha	<a href="mailto:martha.bademan@myfwc.com">martha.bademan@myfwc.com</a>	250 min
55	Shortland, Becky	<a href="mailto:becky.shortland@noaa.gov">becky.shortland@noaa.gov</a>	202 min
49	Hesselman, Don	<a href="mailto:don.hesselman@ncdenr.gov">don.hesselman@ncdenr.gov</a>	175 min
46	Brame, Dick	<a href="mailto:dbrame55@gmail.com">dbrame55@gmail.com</a>	226 min
46	Holland, jack	<a href="mailto:jack.holland@ncdenr.gov">jack.holland@ncdenr.gov</a>	54 min
44	Martin, Gretchen	<a href="mailto:gmartin@edf.org">gmartin@edf.org</a>	198 min
43	Beckwith, Anna	<a href="mailto:annabarriosbeckwith@gmail.com">annabarriosbeckwith@gmail...</a>	249 min
42	Newman, David	<a href="mailto:dnewman@nrdc.org">dnewman@nrdc.org</a>	217 min

41	everhart, david	<a href="mailto:bhibroker@hotmail.com">bhibroker@hotmail.com</a>	263 min
41	Jordan, J	<a href="mailto:lowcountrywildlife@gmail.com">lowcountrywildlife@gmail.com</a>	243 min
39	Nelson, Paul	<a href="mailto:captpaul1966@aol.com">captpaul1966@aol.com</a>	254 min
38	Andrews, Katie	<a href="mailto:kate.andrews@noaa.gov">kate.andrews@noaa.gov</a>	260 min
38	ponwith, bonnie	<a href="mailto:bonnie.ponwith@noaa.gov">bonnie.ponwith@noaa.gov</a>	261 min
37	Carr, Liam	<a href="mailto:lcarr@pewtrusts.org">lcarr@pewtrusts.org</a>	220 min
36	Barbieri, Luiz	<a href="mailto:luiz.barbieri@myfwc.com">luiz.barbieri@myfwc.com</a>	231 min
36	Heil, Dave	<a href="mailto:dheil331@gmail.com">dheil331@gmail.com</a>	195 min
35	McInerny, Stephani...	<a href="mailto:stephanie.mcinerny@ncdenr.com">stephanie.mcinerny@ncdenr.com</a>	247 min
34	Knowlton, Kathy	<a href="mailto:kathy.knowlton@gadnr.org">kathy.knowlton@gadnr.org</a>	177 min
34	Fetherston, Elizab...	<a href="mailto:efetherston@oceanconservation.org">efetherston@oceanconservation.org</a>	195 min
33	Powell, Jessica	<a href="mailto:jessica.powell@noaa.gov">jessica.powell@noaa.gov</a>	187 min
32	Martin, Bob	<a href="mailto:rmartin@palmettoheritage.org">rmartin@palmettoheritage.org</a>	263 min
32	Neer, Julie	<a href="mailto:julie.neer@safmc.net">julie.neer@safmc.net</a>	184 min
32	Waugh, Gregg	<a href="mailto:gregg.waugh@safmc.net">gregg.waugh@safmc.net</a>	263 min
32	Bresnen, Anthony	<a href="mailto:anthony.bresnen@myfwc.com">anthony.bresnen@myfwc.com</a>	251 min
32	Farmer, Nick	<a href="mailto:nick.farmer@noaa.gov">nick.farmer@noaa.gov</a>	185 min
32	Eich, Anne	<a href="mailto:annemarie.eich@noaa.gov">annemarie.eich@noaa.gov</a>	242 min
31	Killer, Edward	<a href="mailto:ed.killer@scripps.com">ed.killer@scripps.com</a>	110 min
31	g, a	<a href="mailto:andrea.grabman@safmc.net">andrea.grabman@safmc.net</a>	199 min
31	Michie, Kate	<a href="mailto:kate.michie@noaa.gov">kate.michie@noaa.gov</a>	411 min
31	Ballenger, Joseph	<a href="mailto:ballengerj@dnr.sc.gov">ballengerj@dnr.sc.gov</a>	158 min
30	Clemens, Anik	<a href="mailto:anik.clemens@noaa.gov">anik.clemens@noaa.gov</a>	250 min
30	Reichert, Marcel	<a href="mailto:reichertm@dnr.sc.gov">reichertm@dnr.sc.gov</a>	216 min
30	Maclauchlin, K	<a href="mailto:kari.maclauchlin@safmc.net">kari.maclauchlin@safmc.net</a>	241 min
30	Pate, Michelle	<a href="mailto:pates@dnr.sc.gov">pates@dnr.sc.gov</a>	38 min
29	Martin, Anna	<a href="mailto:anna.martin@safmc.net">anna.martin@safmc.net</a>	186 min
28	Helies, Frank	<a href="mailto:fchelies@verizon.net">fchelies@verizon.net</a>	137 min

28	Byrd, Julia	<a href="mailto:julia.byrd@safmc.net">julia.byrd@safmc.net</a>	199 min
27	Graves, Jonathan	<a href="mailto:jonathan.s.graves@uscg.mi...">jonathan.s.graves@uscg.mi...</a>	365 min
26	McCollum, Frazier	<a href="mailto:frazier.mccollum@gmail.co...">frazier.mccollum@gmail.co...</a>	96 min
20	Port-Minner, Saman...	<a href="mailto:sport-minner@oceanconserv...">sport-minner@oceanconserv...</a>	0 min
20	Phillips, Charlie	<a href="mailto:ga_capt@yahoo.com">ga_capt@yahoo.com</a>	229 min