

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
LIMITED ACCESS PRIVILEGE PROGRAM COMMITTEE MEETING

Avista Resort
North Myrtle Beach, South Carolina

September 20, 2007

Summary Minutes

LIMITED ACCESS PRIVILEGE PROGRAM COMMITTEE

Rita Merritt, Chair	Robert H. Boyles, Jr.
Dr Roy Crabtree	David Cupka
Benjamin "Mac" Currin	Dr. Brian Cheuvront
George Geiger	Anthony Iarocci
Susan Shipman	Tom Swatzel
John Wallace	

Council Members:

Columbus Brown	Charles "Duane" Harris
Lt. Brian Sullivan	Mark Robson

Council Staff:

Bob Mahood	Gregg Waugh
Mike Collins	John Carmichael
Myra Brouwer	Rick DeVictor
Kim Iverson	Roger Pugliese

Observers/Participants:

Monica Smit-Brunello	Dr. Jack McGovern
Dr. Joe Kimmel	Tracy Dunn
Jim Cohen	Tom Wheatley
Libby Fetherston	Margot Stiles
Sean McKeon	Glenn Delaney
Richard Vendetti	Lt. Charlie Gris
Eileen Dougherty	John Reed
Bob Gill	Katherine Burnham

The Limited Access Privilege Program Committee of the South Atlantic Fishery Management Council convened in Ballroom B and C of the Avista Resort, North Myrtle Beach, South Carolina, Thursday afternoon, September 20, 2007, and was called to order at 2:00 o'clock p.m. by Chairman Rita Merritt.

Ms. Merritt: The Limited Access Privilege Program Committee is brought to order. The first item on the agenda is the Approval of the Agenda. Do we have any changes, corrections, additions? Seeing none, the agenda is approved. We also have Approval of the June 2007 LAP Program Committee Meeting Minutes. Are there any additions or corrections to that? Seeing none, the minutes are approved. We have Gregg Waugh sitting in for Kate Quigley to give us an overview.

Mr. Waugh: As Rita said, I am no Kate Quigley. I'll try and do my best here. Kate was very diligent. She sent me an email with all the crib notes and so I shouldn't mess this up too badly. In terms of updates and issues concerning the Limited Access Privilege Program Exploratory Workgroup, the first item is overview of changes made the LAPP Workgroup working document.

You have this material. This is also outlined in the overview document, Section I. The December LAPP Workgroup meeting has been changed to December 5th and 6th. It was previously scheduled the 4th and 5th. The proposed LAP objectives have been modified so that the reader can distinguish between objectives developed by this committee and those developed by the workgroup.

A section called "Prerequisites for a LAPP Workgroup Supported LAP Program" has been added. Sections IV, A, B, C and D, these sections have been expanded to include objectives satisfied through the options identified, as well as including direct language from the Magnuson Reauthorized Act and workgroup discussions.

Section IV, D, the multispecies share definitions section, has been expanded to include an explanation of how aggregate quotas might work in the South Atlantic fishery and workgroup discussions have been summarized also. Section IV, F, an additional option has been added and also, three notes have been added that may influence revision of the options already identified.

Section IV, I, an option identified at the August meeting, has been added and workgroup discussions summarized. Section IV, J, K, and L, these options identified at the August meeting have been added and workgroup discussions summarized and finally, Section IV, Sections P, Q, R, and S, background information has been provided on several monitoring, enforcement, and real-time data collection tools, including onboard observers, VMS, electronic monitoring, paper logbooks, electronic logbooks, and dockside monitoring. A summary of the outreach subcommittee has also been included.

This is a document that's available that sort of keeps track of where the committee is in its deliberations and we've got John Reef from the workgroup here who will be making a presentation later on, but if you have any questions, between the two of us we'll try and answer them. That's the first item. I don't know if there are any questions.

Then you were emailed the reports from the August and September workgroup meetings. The

August 1st and 2nd, the workgroup met in North Charleston and they received presentations from Bob Spaeth, looking at an overview of his experience with Gulf red snapper IFQ and his participation in the Gulf Grouper IFQ Advisory Panel.

Lee Green and Dietmar Grimm of Redstone Strategy Group provided a presentation looking at potential impacts of LAPs in the snapper grouper fishery. South Carolina Sea Grant Extension Agent Amber Von Harten and North Carolina Sea Grant Extension Agent Scott Baker led a discussion on possible outreach efforts and a subgroup, outreach subcommittee, has been formed. It's Amber Von Harten, Scott Baker, Ben Hartig, Charlie Phillips, and Sean McKeon.

The outreach subcommittee met following the close of the LAPP Workgroup Meeting and the subcommittee also reported back to the group at this September meeting. The report you have before you and it's projected up here indicates what the workgroup reviewed. I'm not going to go through that in any detail.

They discussed development of options for quota and pounds transferability, caps on quota ownership and control and individual overage and underage provisions. They include one recommendation, that the LAPP Workgroup recommends that the LAP Program Committee request NOAA GC to provide information on the legality of aggregate quotas and rollover provisions, including, but not limited to, those as they are defined in the LAPP Workgroup document. We've got a discussion item later on, Item F, where I think Monica is going to give us what she has so far on that and that's what resulted from the August meeting.

The September meeting just took place here, concurrently with some of our meetings. They received presentations from Amber Von Harten and Scott Baker, an update on the LAPP Workgroup Outreach Subcommittee's work. They also led a discussion on possible timing for Sea Grant holding some informational meetings.

The idea here is to use Sea Grant as a non-regulatory agency to provide some opportunities for information exchange with fishermen beyond those on the workgroup. Paul Raymond, Manny Antonaras, and Beverly Lambert, NMFS Office of Law Enforcement, provided presentations on various aspects of NMFS Law Enforcement.

Lee Green and Dietmar Grimm, again of Redstone, provided a presentation looking at LAP options. John Reed and Kate provided the group an overview of the data being used to analyze various initial allocation scenarios and John Reed provided the workgroup with a presentation on real-time data collection.

The workgroup approved several recommendations. First, the LAPP Workgroup requests that the LAPP Committee discuss the issue of making full landings history associated with a permit available to current permit holders.

What has developed is some of the individuals that are buying permits -- John, jump in and help here if it needs further clarification, but when they purchase a permit, two-for-one, they're not

getting access to the full catch history until they become the permit holder. They're sort of buying an unknown quantity and so one recommendation here from the workgroup is to look at ways that that information can be given to them ahead of time. It involves confidentiality issues.

The second recommendation is the LAPP Workgroup requests that the LAPP Committee make limited snapper grouper permit holders eligible to participate in a possible LAP program, but disallow transferability of limited snapper grouper permits. These are the 225-pound trip limit permits and we've got an item later on where we'll discuss that in a little more detail.

The workgroup provided additional guidance and, again, you all have this report before you. I'm not going to go into it in detail, but they did -- They were scheduled to meet for the last time in December and they have asked for one to two additional meetings next year and I believe Kate has started some discussions with Bob on how we work that into the budget and that covers the August and September meetings and I would be glad to answer any questions.

Ms. Merritt: Any comments or questions from the committee? Seeing none, we can go on to our next --

Mr. Waugh: I must be doing a really good job.

Ms. Merritt: You are doing a great job.

Mr. Geiger: I was kind of holding back. Rita, could you kind of give us a general sense of your impression of how this is all going and what -- Kind of the acceptance and -- Not all of us were able to get in and hear and have not been able to hear the type of dialogue that has taken place and I think it would be helpful if maybe we heard from your perspective how this is being perceived and how general acceptance and how the discussions are going and that type of thing.

Ms. Merritt: George, up until this week, I have been attending the workgroup meetings as much as possible, but I didn't get to listen in on anything yesterday at all and maybe even John and Gregg can pass along some comments from that, but up to that point, it seemed to be going pretty well.

The things that I've been hearing is that they feel good about the fact that they're getting information that appears to be non-biased, in that it's coming from people who are pro-LAPs as well as people who have expressed some concerns about it. They've been glad that the council staff has been so open and available to them with as much information as they've asked for.

As far as their attitude about LAPs in general, it's still somewhat guarded. It's a very complicated issue and I think they're recognizing that there is an awful lot more to it than originally thought. There is still -- There is the self interest aspect of it, is what is it going to do for me and what is it going to do to other people and I think that that is probably the biggest stumbling block at this point, to come to unanimous decisions about anything. That's about all I can -- How about you, Gregg?

Mr. Waugh: I was not in for any of the meeting and so I would defer to John.

Ms. Merritt: John, do you care to make any comments?

Mr. Reed: Yes, just a couple of elaborations. I agree with you that there are still hesitations as to whether or not the workgroup will recommend a limited access privilege program to this AP. Some of those hesitations are based on regional differences, the regional characteristics of fishing between maybe North Carolina and south Florida, but probably they're most sensitive to what initial allocations might be.

They also have hesitation as to whether to recommend to this committee a full multispecies LAP or limit that to a series of single species. We hope in October to present to the workgroup a model of different ways to compute the initial allocation to develop some context there and we hope also to present to them more definitive data in terms of landing data and how that might be managed.

Ms. Merritt: Thank you, John. We have a comment from George Geiger and Sean McKeon wanted to add something from his observation of the workgroup.

Mr. Geiger: Let me follow up to John for just a second. You said something in there, John, that kind of peaked my interest and that was the fact that you guys were considering possibly single species LAPs as an alternative to a whole snapper grouper limited access program. How much discussion has taken place in that arena and did I hear you say that you're planning to talk about that more or has that kind of died on the vine or what?

Mr. Reed: The discussion will continue in October regarding that. There is a sense now that multispecies is very, very complex and the ability to develop a management plan might be better served if we started with a series of single species and learned more about the characteristics of an LAP in the South Atlantic. I think that's more a point of wisdom than it is planning. There's a great deal of discussion yet to be dealt with in that area.

Ms. Merritt: Sean McKeon, did you want to interject some information that came out of the meetings?

Mr. McKeon: Sean McKeon, North Carolina Fisheries Association. From my talk with not just the fishermen that I represent, but the other fishermen, most of the discussion has been centered on one of the points that the Redstone group made. They made it in Charleston and they also made it again yesterday and I believe -- As I recall yesterday, they said they're going to be sending a document to everyone or actually to Kate. It will be a twenty-page summary or report of what they presented yesterday and the issue that they raised that has been raised before is the issue of recreational overages and their summary that regardless of what program is put in place, whether it's status quo or whether it is a LAP program that does eventually come to this fishery, it will have little or no positive impact until recreational overages are addressed.

I believe that's a fairly accurate paraphrase of what their report said and you will get that report in short order. We have also had a lot of discussion about not necessarily knowing how to phrase it yet, in line with what Magnuson discusses, but state allocation or regional allocation, particularly since the fisheries are so different, even from Wrightsville Beach and Southport up to Cape Hatteras. These are very different fisheries and so there's a lot of concern about that.

Everything then went back to the allocation issue and one of the issues that concerns us and not to -- Obviously I have my spin here and my agenda and I put that on the floor, but it was a discussion and I think it was one that a lot of people are very concerned with and that is the allocation being current and forward looking, as most of the recreational interests would like, or whether it would be an actual historical perspective, where pre-regulation, before landings and before effort was reduced as a result of regulations in place now, the fishery -- The actual fishery would look quite a bit different.

That was a topic that came up many times, the fact that if there is going to be a LAP, that a one-size-fits-all will not work and the recommendation is that until recreational overages or recreational effort is codified with some degree of certainty, there's a lot of skepticism as to whether or not any program will work in that fishery and then third, just from our point of view that the issue of allocation is very important as we move forward, whether or not it will be current or forward looking, to quote some of this council's literature, to address the changing demographics in the fishery or whether it will be an actual picture of what the fishery looked like pre-regulation. I think those are issues that are very much of a concern to the fishermen that are involved in those discussions. Thank you.

Ms. Merritt: Thank you, Sean. Anyone else?

Mr. Iarocci: It was hard trying to be between Snapper Grouper -- I wish a few more council members could have been in to hear some of the dialogue, but Sean hit on some valid points, as John did.

One thing I do want to get across to everybody is I think the knowledge right now that's coming out about the difference between a hard-core ITQ and what a LAP could be, whether it be regional or whether it be a sector or whether it be state or a different species, single species, like what tweaked George's interest, that's all coming out now.

Having a new member, Bruce Irwin from the Florida Keys -- He came up to my room last night for a half-hour and sat there and said I didn't know this and I didn't -- He said this is totally different from what I had heard and what I had thought and what everybody is telling me. I think a lot of that information needs to get out to the fishermen and to the council members by the next meeting and get the truth of what's being said and what the possibilities really are.

I had to get up on the record and state, because I forgot who it was that put that this is a done deal at the beginning of it, that we're going to jam it down their throats and I said in no way is

this council jamming an ITQ down anybody's throat. We're here to listen and we're waiting and we're giving you the opportunity to put together -- Like I said earlier, whether it's a sector or whether it's some form of a LAP and so work through this process and get it to us and then we'll see where we go with this.

I think there was good dialogue and I think, like I said, more and more people are figuring out what's going on and whether this thing is going to work or it's not going to work and I have to compliment Ben Hartig. This is a hard thing to try to pull together and he's doing a great job.

Ms. Merritt: Tony, I have a question. What is it you're looking for or you think that they're looking for when you said that we need to have more information given to the council and to the members?

Mr. Iarocci: It's hard when you have concurring -- We had Snapper Grouper going on here and the LAPP going on there and so I wish we could get, as we did from John, which was great getting that and Sean's. I would like to see more of exactly a clearer statement, once they get some more concrete information or their opinions, to us so there isn't that failure to communicate between the two by the time we move on, so we know exactly what's going on.

I would love to see in the future maybe to have a joint LAP AP and LAP Committee, where we could sit and listen to most of that stuff and then maybe pull the two together, but I don't know if maybe it's premature for that at this time.

Ms. Merritt: Thank you, Tony. Anyone else? Gregg, do you want to go on to the longline representative?

Mr. Waugh: Next is 4(c), Update on the Use of Proxies. This is laid out in your overview document. We actually need some guidance here. We're asking for the committee to vote on who will be the longline representative to the LAPP Workgroup. This seat was held available until August 1, but has not been filled yet.

Steve Shelley is from Pawley's Island and Jeff Oden is from Hatteras, North Carolina. There's a little bit of information about both of them in there. Any of these appointments to the LAPP Exploratory Workgroup are pending law enforcement background review.

Ms. Merritt: Do we have anyone who wants to speak on behalf of either of these potential representatives on the workgroup?

Mr. Wallace: I have a question, I guess. I know Jeff was here for this one. Is it too little late? We don't have but a couple more meetings and can they catch up that fast? It's kind of an issue to me and that would be something that maybe John or an AP meeting may be able to take, do they think they could catch up and --

Mr. Waugh: We certainly have been trying to get someone from this sector from the get-go. It's

just been very hard to get somebody. I don't think it's too late. I don't think Kate does either. She would have mentioned that. There's still a lot of work to be done. There's been a lot of information presented thus far and they're developing some options, but I think there's plenty of time left for them to have input. Remember, the workgroup has asked for one or two meetings next year as well.

Dr. Chevront: Are we looking for a motion at this point? I would like to make a motion that we select Jeff Oden. I know he was here for the meetings and he has definitely shown an interest in LAPs. He's been involved in quite a few of our fisheries and sometimes in a rather contentious way. **I just think it's a perspective that we definitely need and so I would like to make the motion that we appoint Jeff Oden to the LAPP Workgroup.**

Ms. Merritt: John Wallace seconds that motion. Is there any discussion?

Mr. Currin: I was trying to get this in before there was a motion, but that's okay. My only question was whether Steve Shelley -- It appears he was a snapper grouper longline fisherman and I thought that was kind of the perspective that we wanted on here. Is that in fact the case? It appears that he worked in the golden tile fishery.

Ms. Merritt: I think it's been expressed in the past that the preference was for that type of background.

Mr. Currin: I don't know whether Jeff has participated in the snapper grouper longline fishery or not. I know he does longline some. He pelagic longlines and has done some shark longlining as well, but that was going to be my question.

Mr. Boyles: I have just another question about -- Is there any consideration that we need to have regarding geographical make-up, just before we go in and make this selection?

Ms. Merritt: I haven't heard that expressed to this point. Gregg, do you have any knowledge of that?

Mr. Waugh: No, but we could look to see the workgroup and where they're from. I haven't heard that concern expressed.

Ms. Merritt: We can certainly run down that real quickly if you would like, Robert.

Mr. Boyles: I think so. I know this is an important perspective that we had held and going back to the January meeting, where we talked about the make-up. I know this is something that we would be well served to get this taken care of. I just didn't know if there was any particular consideration that we needed to give before we made the appointment.

Ms. Merritt: I think it certainly is something for us to consider, particularly in light of the fact of how the number of permits that will be affected are divided.

Mr. Cupka: I was just going to raise the same issue that Mac did and I feel a little uneasy voting on this without knowing the background on particularly -- I don't know if Jeff has done any longline snapper grouper fishing, but certainly the intent was, I think, to get somebody who had participated in that fishery. I feel a little uneasy voting on the motion without really knowing the background of these individuals a little more fully.

Mr. Reed: Just some insights, without prejudices. Mr. Shelley, I believe, has been in attendance in the audience for the last two meetings, or at least a good portion of those meetings. It's my understanding that he is a longliner and I'm not sure what geographical characteristics.

Mr. Cupka: Again, I don't think the geographical -- It's not a concern to me. It's more important to get someone who has actually participated in that fishery that can represent that segment. I've sat in several of the earlier meetings and I don't think we've ever indicated that it had to be a geographical consideration.

To me, like I say, it's more important to get somebody who is knowledgeable of that segment of the fishery and can provide input. At least to my way of thinking, I don't really care what area he came from, as long as he participated in that fishery.

Dr. Chevront: I was just checking to find out -- To confirm whether or not Jeff had actually participated in the snapper grouper longline fishery and I just talked to Sean McKeon and he said he had just talked with Jeff and yes, he has actually participated in snapper grouper longline. I know he's been doing longline fishing and I know he's involved in snapper grouper, but I just couldn't make the connection. Sean confirmed that for me.

Ms. Merritt: We have a motion on the floor. Is there any further discussion?

Mr. Wallace: Is there consideration of only one? We looked forever to get one and now we've got two. Since we have such a short meeting time left, you may get more information out of the two of them, but what's your pleasure?

Ms. Merritt: We also have to consider the fact that the background check is going to have to be done anyway and if we do vote for one, we need to consider whether or not we would also want to consider the second person or not.

Mr. Waugh: Just something to consider along that line is we've tried to get people from different sectors within the fishery and the bottom -- The longline fishery in the snapper grouper is a relatively small sector and you would be giving them two seats on this committee, which may ruffle some feathers on the other sectors' parts. I just raise that as an observation.

Mr. Cupka: Another thought that crosses my mind is I know Jeff is a member of the Snapper Grouper AP, whereas Mr. Shelley is not and hasn't been formerly a part of the process. I don't know whether that's -- From the standpoint of getting more people involved in the process, if it

would be better to go with someone like Mr. Shelley. I'm assuming at some point all this is going to come back to the Snapper Grouper AP anyway, where they would have input into it. That's something that I'm considering also.

Ms. Merritt: What you're saying is a fresh or a different perspective may add something to the mix versus the fact that Jeff has already been a participant in the AP? Is that what you're trying to say?

Mr. Cupka: Like I say, get more people involved in the process, instead of using some of the same people. At some point, it's going to go to the Snapper Grouper AP anyway and so Jeff is going to get a shot at it. I would just like to see us maybe broaden the representation. Maybe this is an opportunity to do that. It's not that I'm opposed to either one, but thinking in terms of trying to increase or maximize the number of people involved in the process.

Ms. Merritt: Sure, I understand.

Mr. Boyles: **In an effort to move us along, I would make a motion for a substitute motion to invite Steve Shelley to the LAPP Workgroup.**

Ms. Merritt: Robert has a substitute motion and we would appoint rather than invite. Susan has seconded that motion. Do we have further discussion?

Dr. Chevront: I guess I'm the one who has to agree to whether to allow this other motion? No? My reason -- I'm just trying to figure out the parliamentary procedure here. I just want to find out from Robert the reasoning behind substituting then.

Mr. Boyles: My sense is picking up on what David commented on, in terms of just casting a broader net and getting another perspective on this. I don't have really strong feelings one way or another, but I know this is something we need to do to just keep us going down the road. It is great that we've got two folks who have expressed interest, but I just think it's time for us to make a decision and move on. I offer that motion in that vein.

Dr. Chevront: To follow up with that, are there other Snapper Grouper Committee members who are also on the LAPP?

Ms. Merritt: Yes, there are. Let me see. Ben, the chairman, is -- He's not on Snapper Grouper?

Mr. Waugh: He's on Mackerel.

Ms. Merritt: He's on Mackerel, I'm sorry. Mark Marhefka, Charlie Phillips, Phil Conklin --

Dr. Chevront: You've basically answered my question. I just wanted to make sure that there was adequate representation of members who were on part of both committees, because I'm sure if this is going to the snapper grouper that there's going to be a lot of discussion there and it

would be really important to have LAPP Workgroup members who participated throughout the whole process who were there to represent what actually happened.

Ms. Merritt: **All in favor raise your hands, six; all those who are opposed, two. The substitute motion becomes the main motion.** Is there any further discussion on the motion, which is to appoint Steve Shelley to the LAPP Workgroup? **Seeing none, I'll call for the vote and all those in favor raise your hands, eight; any against. Seeing none, the motion is carried unanimously.**

Mr. Waugh: The next item is 4(e), Discussion Regarding Eligibility of the 225-Pound Trip Limited Permit Holders, and just a little bit of background on this. In Amendment 8, when the council set up the limited entry program, we heard from a lot of fishermen, primarily in Florida, that they had made plans for their retirement and being in the snapper grouper fishery as a part of that plan and that they would not meet the entrance requirements for getting a limited entry permit.

What the council did was created a 225-pound trip limit permit that was not transferable and not to be harsh, but basically this was a permit until that group of individuals died off and that it gradually would decay, so to speak.

We've had some and here's the information showing that in 1999, the first full year after implementation, we had 281. This column shows the number of permits on the first day of the year and the Column F over here, and the graphs are below them, show the number with valid snapper grouper permits for that entire year. You can see that it's gone from 355 in the first year down to -- If you just look at 2006, it's 185 in 2006. These percentages are the annual decline and you can see this in the charts presented below.

Now what we're doing is we're coming up -- The AP has pointed out before that as we've ratcheted down regulations and put in trip limits that we've left this group untouched and they're starting to get this 225-pound trip limit, which seemed like a very low and restrictive trip limit, all of a sudden is not looking like it's very restrictive anymore.

When you start talking about a LAP program, the question comes in of what do you do with this group? Certainly the council made a commitment to them initially to allow them to have that until they exited the fishery. The question is now what do we do in terms of moving to a more permanent LAP program?

Do you build in provisions for these individuals or recognizing that we've got to make some significant reductions from the existing number of permits that we have, such that this group just would not be included in that? They have had -- From 1999 to 2007, there would be several more years before any regulations would likely come into place.

The workgroup had a recommendation and it was the LAPP Committee make limited snapper grouper permit holders eligible to participate in a possible LAP, but disallow transferability of

limited snapper grouper permits. The retired quota share resulting from retirement of the limited permits should be reallocated for new entrants or reallocated to remaining unlimited quota shareholders.

You've got a letter from Ron Myers that addresses this issue as well and so what we're looking for is guidance from the LAPP Committee to the LAPP Workgroup as to whether or not, as they continue their deliberations, they should factor this group into that program.

Ms. Merritt: Any questions or comments or concerns?

Dr. Cheuvront: I like the LAPP Workgroup's recommendation and the reason behind that is that we kind of made an agreement with these guys who took these lower limited permits early on that they could continue to fish off of those things until they ended their fishing careers. This would be an abrupt change to that that kind of goes -- It's a breach against that agreement that was made with them.

I don't have any problem with any of the restrictions that the LAPP Workgroup has made on that group. I really think that we need to keep it as it was intended. However, we need to be careful to make sure that this group doesn't somehow get an advantage of some sort over the other group in terms of the allocation.

I understand the reasoning behind it. There's no way they're going to be able to land more than 225 pounds on a trip or whatever. I would presume that that provision would stay in, but their overall allocation -- If there's reductions, then they clearly need to have reductions of at least the same amount.

Mr. Currin: I think the working group's recommendation is reasonable. When you think about it, I have a hard time imagining that someone with a limited permit such as this would actually have landings of a single species that might allow them up to a 225-pound share of whatever LAP might be developed.

It's likely to be, in my mind at least, to be less than that. I would be curious to see what the distribution of the landings are within those permits among the different species. That might give you some more insight, but certainly for now, I think that's a very reasonable way for the working group to proceed.

Dr. Crabtree: I guess I'm trying to figure out quite what that would mean, assuming we're going to go to some type of an IFQ-type program, which I guess that's what we're talking about. We have had an experience similar to this in the red snapper IFQ program. Remember there were Class 1 red snapper licenses, which were subject to a 2,000-pound trip limit, and there were Class 2 licenses that were subject to a 200-pound trip limit.

Most of the Class 2 license holders got fairly low allocations in the red snapper fishery, but once the IFQ program went into place, the Class 1 and Class 2 licenses ceased to exist and I'm

assuming that our current snapper grouper permit system would likely cease to exist in its present form.

There were though some Class 2 license holders, I believe, who got as much as almost 20,000 pounds, as I recall, of quota allocation, which is quite a lot. If you think about it, if you fish a lot of trips in a year, you can catch a lot of fish under a 225-pound trip limit, but I'm assuming under an IFQ program that the 200-pound limit, trip limit, would go away and these folks would get an amount of quota share and they could fish it however they choose.

What we're saying here is we would disallow the transferability of their limited snapper grouper permit, but I'm not sure that permit necessarily even exists and even if it does, we would still allow them, I think, to sell all their quota share out before they went anyway. It's not clear to me what the specifics of what they're saying to do and how it would work.

Ms. Merritt: As I recall from earlier conversations when they talked about this, I don't think that they quite knew what they wanted to do with it. They just didn't want to leave them out from being considered in a LAP program. That's the way I took it.

Dr. Chevront: I have a question, Roy, because I don't know about that fishery that you're talking about in the Gulf, but my question is that there was the 2,000-pound permit and there was the 200-pound trip permit. Was there a sunset clause on that 200-pound permit that was not transferable or that somehow when they stopped using it that it would go away? That's the issue that I think that we see here.

Dr. Crabtree: No, there weren't. The only thing that I'm getting at is I guess under this system that you could still have their -- You could disallow transferability of their limited snapper grouper permit, I suppose. You would have to restructure that permit, but they could still transfer all their quota share away, unless you made their quota share non-transferable, so that when their permit expired, their quota share went away.

Then that's going to -- One of the things you're looking for in an IFQ program generally though is to let the market consolidate and come to some measure of the capacity. If you make these small players' quota share non-transferable, that's going to interfere with the efficient operation of the IFQ in terms of consolidation and likely, a lot of the very small allocation holders would be these trip-limited permits and they may be the ones that most logically might choose to sell out when this happens. There are a lot of things, I think, that would need to be looked at and thought through very carefully on this.

Mr. Iarocci: I sat through most of the discussion on this part and I remember there was a motion made to do away with the 225 permits that was voted down. The majority of these permits are held by spiny lobster and stone crab fishermen in south Florida that go off season and catch yellowtail and mangrove snapper, which are not the species at risk here at this time.

Most of those people do need those permits, but it was also discussed that any reduction that they

would take at the unlimited permits should be taken at the 225, but I understand completely what Dr. Crabtree is saying. At this time, until we move forward with this LAP and see the way it is going to be structured, I think it should stay status quo and we keep them intact and see what comes out of the outcome of this LAP and then look at it seriously, because Dr. Crabtree did make some valid points.

Ms. Merritt: Did you want to put that in the form of a motion?

Mr. Iarocci: That Dr. Crabtree made valid points? No, I would rather not do that on the record in the form of a motion. **No, I'll go along with the AP's recommendation and stay status quo with that. I always like to go along with what the AP says.**

Ms. Merritt: You want to make the recommendation by the AP as your motion? Okay. We're going to get this up on the board in just a minute. Do we have a second? Brian has the second and now we can have discussion.

Mr. Currin: I was going to ask how critical it is that we deal with that at this meeting, because I would like to ask the working group for some clarification of their intent here. Roy has raised some good issues and I think I know what they want or what they're trying to say, but I would like some clarification about what they exactly mean regarding transferability, because Roy is right that they won't have any permits to transfer.

I think what the working group is after is that they don't want them to be able to transfer quota shares, but I don't want to put words in their mouths and so that's why I would like to -- Before I fully endorse this, I would like to have some clarification from the working group or from somebody, to make sure that we know exactly what they were talking about.

Mr. Iarocci: I would rather have John do this.

Mr. Reed: Madam Chair, to give some insights into that recommendation, the working group intent there was that we issue quota share to that group of fishermen, consistent with the methodology that the AP chooses to initiate quota share, but that particularly community of fishermen would not be able to transfer those shares, maintaining that consistency of the council's desire there during the permitting process, but it would be the shares that would not be transferable.

As those shares retired, those shares would either be, one, redistributed to all participants proportionally according to their holdings or two, pooled in such a way that could be made advantage to new entrants, consistent with Magnuson-Stevens and requirements of new entrants.

Mr. Currin: John, one more question then. Would that imply that those shares for the 225 permit holders would not be leasable during that period? They would be stuck with that? If they couldn't fish, they couldn't say do a temporary transfer or lease those to somebody within a fishing year? Was that their intent as well?

Mr. Reed: Not necessarily. We really didn't discuss the leasing of allocation or number of pounds. I think the goal of the workgroup was to limit the privilege of that segment of the fishing community, rather than the activity of that.

Mr. Robson: I apologize, but I've been sitting here so long on the Snapper Grouper Committee that I thought I was a member of this committee and I voted on that advisory panel -- I'm not a member of this committee, but I do want to make a comment about this issue. I think to me it seems that this is a general recommendation, assuming a LAP program that is very broad reaching and would apply to the entire snapper grouper fishery and that that was the intent and that may not be where this ends up.

I think it may be premature to assume that that sector of small permit holders would have to be -- There's a possibility that they could be treated uniquely, if in fact they are a very specific fishery on very specific species of snapper grouper. It just seems like this is a little premature, based on where LAP programs may be going, particularly if you're looking at communities or sectors or species groupings of fisheries.

Ms. Merritt: Thank you, Mark. I don't think your vote really mattered, because it wound up being unanimous, but I appreciate your input.

Mr. Robson: I would like to have thought it mattered, but I realize it didn't.

Ms. Merritt: Your thoughts matter and your input matters, but not your vote.

Mr. Waugh: From my discussions with Kate, what I think is important here is not so much any specific role for that group, but the question that we were hoping to get guidance from is should the workgroup consider them in the program or should they not consider them in the program? To me, that's the more critical guidance to give the workgroup at this time, rather than crafting any specific role for them.

Dr. Cheuvront: It sounds to me like, from all the discussion that we've had -- It doesn't sound like anybody has made a suggestion to leave them out of the process and so I guess if all it is that you're looking for is guidance on this, I think that we probably ought to include them in there and we just don't know how to do that yet or what the caveats of such a program would be, but I think folks pretty much are saying yes, we do need to include them in the process.

Ms. Merritt: Brian, do you feel like the current motion that's on the floor is sufficient to include them without it being set in stone?

Dr. Cheuvront: Maybe it's overly sufficient at this point and that what we need to do is back up with the motion and make it much simpler, but that's -- It's been withdrawn?

Ms. Merritt: Tony made the motion.

Dr. Chevront: Tony made the motion and I was the seconder of it, but we have to go to him first, right?

Ms. Merritt: I hope you're all on the committee.

Dr. Crabtree: I think we have a long way to go on this, but my two-cents on IFQ-type programs like this is you want to put as few constraints on what people do with their quota share as possible, because the whole premise of this is to have the quota share end up where it's most valued and the people who want it.

It's not entirely -- I understand the logic about these guys were thought that they would leave the fishery at some point, but they do have landings and if they qualify for quota share, it's not clear to me why we would really want to treat them much different than anyone else. There are probably a lot of ways you could -- Some of these guys who have Class 2 permits may decide they want to acquire more quota share and become larger participants in the fishery and I think that gets complicated as to how you would handle that.

We have a long way to go on this, but just remember that what we're trying to do is get out of these guys' business decisions and let them figure out where the quota share belongs. The more constraints we put on that, then it seems like to me that we're interfering with the markets that are going to develop.

Mr. Boyles: **I'm wondering, for the maker and the seconder of the motion, if we just lop off the tail-end there, after the phrase "possible LAP" and just a period.** I'm wondering if that gets us where we want to go. I guess I look to Tony and to Brian for that. In other words, not to be too prescriptive at this point.

Ms. Merritt: I take it this would be an amendment to the motion? Would that be agreeable?

Mr. Boyles: I'll offer that if that's what the committee wishes to do. I look to Tony as the maker of the motion if he wants to consider it a friendly amendment or I'll offer another substitute motion.

Ms. Merritt: **Tony, would you consider that as a friendly -- Okay. The seconder, do you agree? Thank you, Brian.** I'll read it. The motion now reads: The LAPP Workgroup requests that the LAPP Committee make limited snapper grouper permit holders eligible to participate in a possible LAP.

Mr. Robson: Madam Chair, I'm not a member of this committee, but we're changing the LAPP Workgroup's recommendation and I think this is really a motion of the LAPP Committee and the workgroup should be --

Ms. Merritt: Yes, thank you. Your voice does matter and your input matters, but your vote does

not. Tony, you were the original maker of the motion. Does this read --

Mr. Iarocci: **We can just leave that off and if you want to make it short and sweet, that we recommend, that the committee recommends, the LAPP Workgroup and start with “the committee” instead of the “LAPP Committee.”**

Ms. Merritt: Thank you. Brian, is that okay with you as the seconder?

Dr. Chevront: Yes.

Ms. Merritt: Is there any further discussion? I'll reread the motion. **The committee recommends that the LAPP Workgroup make 225-pound limited snapper grouper permit holders eligible to participate in a possible LAP. Any further discussion? All in favor please raise your hand if you're on the committee, nine; any opposed. Seeing none, the motion carries unanimously.**

Mr. Waugh: The next item is Item (f), Discussion of the Potential for Incorporation of Overage and Underage Options and Aggregate Quota Options into a Possible LAP. Attachment 4 has been prepared. That's an overage fact sheet and that's been included in the briefing book materials. The letter that the council sent to Monica requesting clarification on these points is also included.

Ms. Smit-Brunello: The letter asked guidance on the legality of the use of aggregate quotas as well as individual overage allowances and the legality of the individual underage allowances as defined in the LAP Program Exploratory Workgroup Working Document. My version of that was dated, I think, late August of this year.

I've looked at the Magnuson Act and talked to one of our attorneys in GCF who specializes in LAP programs and we see no reason why under the Magnuson either of these -- Well, either, but there's three of them, but either underages, overages or aggregate quotas would not be allowed. I can think of a lot of practical reasons that it's going to be very difficult to monitor some of these things, but as far as further consideration of them by the working group or the committee, I think that's fine. I see no problem with that.

Ms. Merritt: Thank you, Monica. Any discussion or comments? Next up is John Reed, to give us a presentation on the red snapper IFQ.

Mr. Reed: While Gregg is loading the PowerPoint presentation, I'll go ahead and introduce two caveats for this presentation. One, I'm John Reed, Information Specialist at the Regional Office, not John Reed the previous heard scientist this morning. We did agree though that he is taller and I'm better looking.

Two, this presentation, howbeit, is couched in Gulf of Mexico red snapper terminology. Its purpose is to introduce to this committee concepts and one way to implement those concepts.

It's certainly not intended to be guidance of any sort or to limit the creativity of the workgroup or the AP. Now we just depend on Gregg's technical abilities.

A few of the aspects that I would like to share with you from the Gulf of Mexico are some of the characteristics of the red snapper IFQ that the workgroup had sensitivity to and one of the first sensitivities was the share distribution and initial allocation. I'll share with you how the Gulf of Mexico did that and then as the presentation unfolds, I would also like to annotate it with lessons learned, things that I can bring to the workgroup in terms of what things we did that need to be matured or possibly done a little bit better.

The share distribution and initial allocation of the Gulf of Mexico was based on the reef fish permit holders. As Dr. Crabtree alluded to earlier, they were two classes of holders or actually there were three. There was a very small third class, but the Class 1 permit holder had a 2,000-pound trip limit and the Class 2 had a 200-pound trip limit and there was a third category that had one or two participants in it called a historical captain. Those were a number of fishermen that were grandfathered in early in the red snapper endorsement program.

The Class 1, their initial share was based on historical fishing of the best ten consecutive years, 1990 through 2004, while the Class 2 was any five years, or the best of any five years, in 1998 to 2004. Initially, we distributed 97 percent of all of the shares available. We held back 3 percent for appeals.

After the appeals process was concluded, we had agreed to -- There were actually seventeen appeals that we agreed to, resulting in a 0.9 percent redistribution. The 2.1 percent remaining out of the set-aside was proportionally redistributed to the original shareholders. The minimum share was established administratively, just because the math required it to have something small. It was 0.0001 percent, based on at that time 2.25 million pounds of commercial quota and that was about one fish.

The maximum share currently is approximately 6.3 percent. That's still under evaluation. The regulation required shareholders who were also a member of a corporation -- They required corporations who were shareholders to disclose to us their members who were shareholders also. The regulation in the determination of cap requires us to know the individual holdings of a shareholder and the collective holdings of a shareholder. The idea obviously is to limit potential monopolization of the fishery.

The other aspect of a limited access privilege program is establishing the actual privilege. Privilege in the Gulf of Mexico was based on two separate activities, two distinct activities, the activity of fishing, at-sea activity, is based on the reef fish permit being in good standing and an IFQ endorsement.

A separate activity, distinct from fishing, was landing and that's bringing the fish into the dock. It requires a reef fish permit and an IFQ endorsement and succinctly, a sufficient amount of allocation to cover that endorsement. That's a bit subtle, because the regulation does not require

a shareholder to have a sufficient amount of allocation when they go fishing.

They can actually go fishing with zero pounds in their account. Before they hit the dock, they've got to have enough pounds to have been transferred to them to cover their catch and so that was an important enforcement aspect.

During the fishing activity, you noticed that there is the requirement of having an IFQ endorsement. That was not a very difficult thing. What it required the fisherman to do is log into his account and change his password. That was really all that was necessary, but what that did was established the technical capability for him to gain allocation before he hit the dock.

If he had not logged into his account and set it up, he would not have the ability to actually have allocation transferred to him before he hit the dock and so the IFQ endorsement being a part of the fishing activity also allowed him to meet that sufficient allocation requirement before he came in.

One aspect of the program that differed from the Alaska IFQ was that the shareholder was not required to be onboard the vessel, but that shareholder is required to be personally at the dock when that fish is landed or have a predetermined designate.

The program allows the shareholder to designate a person to be at the dock for them and in some cases, they designate the captain of the vessel so that they can land fish for them. The system generates another account for that person and the vessel is then restricted at that point and only that person that the shareholder has identified can land fish on that vessel.

Data collection is an important aspect. To the best of my knowledge and if I'm wrong, I'll apologize, which I have a lot of experience in, but this is the only IFQ, I believe in the world and maybe Environmental Defense can correct me if I'm wrong, that is collecting data real time. There is no delay when a fisherman hits the dock. There is a landing transaction that has occurred online and that landing transaction is recorded in real time.

The fisherman's allocation is debited in real time and we know at any given time, and I'll show you in a moment, I'll bring the system up and show you, how many pounds are left that has not been expended and we know who landed it, where they landed it, what time they landed it, how much they landed, what the ex-vessel value was. Maybe more importantly to enforcement is where the fish went after it left the dock.

It is a web-based internet system. The regulation requires if you're going to be a participant in the Gulf of Mexico red snapper IFQ that you have to have internet access and there's no ifs, ands and buts about that.

Each participant is qualified at the time of transaction. If the participant is -- For instance, a participant is selling allocation to -- Participant A is selling to Participant B and when that page comes up, we automatically offer to the participants who is qualified to get allocation and that's

based on their permit and good standing with law enforcement and that's real time.

If that person is not in that list, then they're not qualified to receive that allocation. We have that occur sometimes, because their permit is maybe in the renewal cycle and it for a moment is expired. As soon as that permit expires, they fall out of the list of qualified participants and therefore, they can't receive any new allocation, nor can they land fish at the dock.

One of the strong aspects -- If you recall from reading Magnuson-Stevens in regards to limited access privilege, the centerpiece of an LAP program is enforceability. One of the strong aspects of the Gulf of Mexico IFQ ensuring enforceability is that the fishermen, by virtue of the fact they have a reef fish permit and an IFQ endorsement, are allowed to catch, possess and possess the fish.

Once they get to the dock, the dealer has no right to possess or transport the fish. They have to obtain that right from us. They have to log in. The dealer tells us what vessel it is and tells us which fisherman it is and tells us the total amount of pounds of the landing and the ex-vessel value and then the fisherman agrees with all that information by entering his PIN on the system.

At that point, if the fisherman has sufficient allocation, we give the dealer an approval code to move the fish off the dock. That, in summary, means that the fish can't move off the dock unless it has an approval code and that approval code is correlated to an exact amount of pounds. If law enforcement stops a truck that has a thousand pounds of red snapper, they would request from that driver a sufficient number of approval codes to come to a sum of a thousand pounds. I think I can say that just a bit more confusing if I get time.

Again, enforcement is clearly a core of any limited access privilege program. Enforcement in the Gulf of Mexico starts off with there is the requirement that the fisher notify us no sooner than three hours and no later than twelve hours where he's coming in at and what dock he's going to be landing at and what vessel he is and who he is and what dealer he's going to be dealing with.

That is one of the areas where technology sort of failed us and we're moving aggressively to add to the VMS unit the ability to make that notification. Again, just to repeat under enforceability, the approval code that we issue to the dealer to give them the right to transport the fish is a tool that law enforcement can use and it also requires the establishment of the exact amount of fish.

Also embedded in the system are certain enforcement qualifications, like the participant is -- His permit is good and he has no sanctions and has sufficient allocation to do certain things. We log every transaction. As a security factor, we give, every time there is a transaction, whether it's a landing transaction or share transfer or an allocation transfer, we notify all of the participants that that occurred.

That seems a little bit of overkill, but we've already had one incident of a fisher calling and saying look, I got this message where I landed fish over in Destin, Florida and I'm out of Matagorda, Texas and I don't land fish in Destin, Florida, which indicates one of two things,

somebody has maliciously taken his PIN or has gotten his PIN and is misusing his account. We always tell the fisher or the participant to immediately change their PIN until we look into it. That turned out to be just an administrative error that was quickly corrected.

The one other enforcement aspect of the program is the visibility that enforcement has to the data. Enforcement can get from the system at any time the current allocation that any shareholder has. They can get the reef fish permit numbers, they can get the validity of that. There's a large amount of data about the fisher that the enforcement has available to them that they've never had before.

Management from the point of view of the regional office or NOAA Fisheries, I would like to just take an opportunity to brag for a moment, because we did some good things. We introduced something that had not been done before, which we thought was healthy.

The system was built off of Amendment 26 of the red snapper FMP. We established a multidisciplinary business rule team made up of law enforcement, the General Counsel, fishery managers and IT folks like myself.

We established the business rules first before we went to regulations and so the regulations and the system were built off of that set of business rules which was predicated by Amendment 26 or the version of Amendment 26 at the moment. That gave us a sense that the system would be automatically consistent with the regulations. That turned out to be very healthy.

I wanted to show you a timeline not necessarily because of this activity, but because of this activity over here, these improvements. We started development before the ratification of the amendment. We knew we were taking a risk there, but our time was short. Amendment 26 was ratified in March of 2006 and on January 1 of 2007, we deployed a system.

The final rule wasn't approved until November of 2006, of which two months later we deployed a real-time system. The reason that I wanted to emphasize that for lessons learned is we're still improving the system and we're proactively listening to the fishing community to make improvements. We're certainly bounded by final rule and we're bounded by the intent of Amendment 26, but to whatever extent we possibly can -- I would encourage the South Atlantic to be similar, to listen to the fishing community.

I think one of the things that I personally learned out of this exercise was the wisdom that was expressed by the fishing community. Many of the fishermen are very good natural resource managers.

Again, the whole system is based on a reef fish permit. The IFQ -- One of the characteristics of an IFQ is that it is a participant-supported buyout. The rationalization of the fleet is supported by the participation of those in the fishery. In other words, the government is not going in and buying allocation to reduce the level of effort. The fishermen are buying allocation from each other to reduce the level of effort. The fleet is being rationalized internal to the fishery,

stimulated by open commerce.

We have an active support system, which is one of the lessons learned. We support the fishing community via telephone and via email. We encourage the email practice because it gives the community a written answer rather than a voice. I would like to bring up the actual system and show it to you, but if there's other questions, I would certainly entertain those.

Ms. Merritt: Are you going to bring up the system now?

Mr. Reed: Yes, is that okay?

Ms. Merritt: Yes.

Mr. Currin: John, great outline of the way that thing works and you indicated -- You pointed out one place where you had some problems that you were able to correct or are working on. Are there any other hints you can give us if we go down this road of pitfalls to look out for or other things that you have identified that need improving as you go along?

Mr. Reed: That timeline I showed you was very, very aggressive. One of the things that we did accomplish, but not to a degree of at least the team's satisfaction is we visited nine cities during that period of time between the proposed rule and the final rule and we gave -- There was nine outreach sessions. We made mistakes in those early days, during those outreach sessions, because we were working off a proposed rule and some things got changed.

One of the lessons learned there is when we do outreach, we should say the things that we know and not what we assume to know. We made some errors and the team made some errors in regard to that and that took a while to undo. I would just quickly note that this being a real-time system that there is actually two pieces of paper in it that are not real-time and we're working on a third.

When a share transfer occurs, a share is a representation of a lifetime privilege. The General Counsel thought that was a very serious thing and it shouldn't be done online, that there should be a notarized application for that. That's the piece of paper that we have in the normal system. A share transfer requires a notarized affidavit that is mailed into the regional office for review.

The other piece of paper that we currently have is a disaster contingency form. In the event that Dr. Crabtree deems a particular geographical area as under disaster, like a hurricane or a tornado or something like that, each dealer has a booklet we hope they never have to use to document the transactions and send it into us. That's the only time they can use that, is when the Regional Administrator has given privilege to use that.

We're currently developing a third piece of paper based on a lesson learned. Our program was designed as if nobody ever made a mistake, which that's inconsistent with the team. We are now developing a way that a participant can document an error and request that error be corrected.

We don't do that trivially, because if we start doing that as automatically or too trivially, malfeasance will creep in, unbeknownst to us.

This page here, if I can get it all the way up, is a public page. It is not restricted to any participant and anybody can see this. You'll notice there's some real-time data here. This is actually the remaining quota as of today and probably, I'll show you in a moment, as of a few minutes ago. Dr. Crabtree, we have reached less than a million pounds remaining.

We are still on a linear path. The catch history for the year indicates the potential, if we stay at this level of effort, of about 180,000 pounds remaining in the biomass at the end of the year. Notice that we have a toll-free number. That's part of our support and we have an email that's part of our support and we try to keep the freshest information possible for each of the different documents that we have available.

If you'll allow me to log in, I have a generic account that can play any role. Now, this system is role oriented. There is the role of the shareholder and they can do certain things in the system. The dealer can do certain things in the system and the manager can mess up anything in the system.

We have other roles, like law enforcement. That gives them the visibility that they tend to enjoy. We're still developing the General Counsel role and we have the role of the permit. The client role is the -- The permit is the permit managers at the regional office. The client role is a generic role. Currently, the three-hour notification that comes in on the toll-free number during the after hours, during the after federal office business hours, goes to an answering service and that client -- They log in as that client and I'll show you the form they fill out.

I'll log in as manager first, so that you can see some of the intricate aspects of the program. What I'm not going to be able to show you, since this is live and this is production -- This particular user account I'm logging in does not have a reef fish permit and so I can't show you much about allocation transfers or share transfers or that sort of thing. There is -- Let me see if I can do this.

What I'm hesitating on is this is the list of current participations. This particular shareholder here, if I submit that, I'm going to bring up confidential information that's inappropriate to disclose to the public and I thought I might be able to mask that off, but I don't think I'll be able to. General Counsel has ruled that the amount of shares that a shareholder currently possesses is not confidentially held. That's public, but the current allocation that a shareholder currently possesses is protected. If I open that up, it will give you that information and so I'll not do that.

One of the aspects of Magnuson-Stevens that's new to at least me -- Dr. Crabtree, I'm not sure if there's any other representations in the Southeast of the cost recovery fee, but the Act allows us to collect a maximum of 3 percent cost recovery fee to help offset some of the cost of running the program and that's exactly how much we collect.

I have been telling the fishing community that that program is used specifically for improvements and for the needs of that particular fishery. I've also been telling them that the team is accountable to Dr. Crabtree at the end of the year to ensure that we have used that money appropriately and except for that one trip to the Bahamas, I think we have.

Let me show you what we have collected. You'll notice that in the first quarter there was enough landings that the ex-vessel value in the first quarter was about two-and-a-half million dollars. The cost recovery fees off of that was about \$77,000. We have collected \$77,000 and we have reconciled it to the penny.

There is no paper involved in this. The dealer is responsible for submitting those monies to the government. They go online and they go to pay.gov, which is a Department of Treasury facility. They can transfer that money directly to the Bank of Cleveland, which is the bank account that the government has, either via ACH, Automatic Clearing House, or debit or credit card. We can't process a check. We've actually had one dealer send us a check and we sent it back to him and said you've got to do this online. That's automatic.

At the end of the quarter, I submit a cost recovery fee report to our budget analyst, because we wanted the independent management control there, and then they reconcile that all the monies that were due to us got to us. If a dealer -- A dealer has thirty days after the end of the quarter to pay the cost recovery fee due. If they elect not to pay, on the thirty-first day, they get a politically correct but somewhat unnecessarily stern letter. I think that was the way it was described.

On the thirty-first day, a dealer is no longer able to do landings. Their account becomes suspended to the point where all they can do is pay the cost recovery fee. If they stay in arrears on the sixty-first day, we have yet another nice letter that we send them telling them that their dealer IFQ endorsement is suspended. On the ninety-first day, we turn them over to NOAA Finance and they have one more letter of due diligence and then on the 121st day, we lose control of it, because we turn it over to the IRS.

You'll notice that in the second quarter the money was similar. We are now in the third quarter and you'll notice that there is a dealer in arrears in the second quarter. Did you notice that? He's not happy. In the third quarter, we have accrued almost \$2 million in ex-vessel and the current value of cost recovery is about \$60,000. Obviously none of that has been paid. We're not near the end of the quarter.

One of the aspects of the program -- Let me show you this real quick and I'll quit. I'm not going to talk faster. I'm from Texas and I couldn't if I wanted to. This is real time. The last landing that occurred was George Hessler on the Edna. He landed 2,350 pounds with Milt's Seafood and he did that this afternoon at 12:07.

Notice that the ex-vessel value, average value, is \$3.58 a pound. That's down. It's been decreasing for the last several months. We've had 1,872 landings so far, representing the 1.9

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million pounds. Are there any questions? I tend to be a little over exuberant about this system. I'm very proud of it and I tend to have a bit of an evangelistic attitude about IFQs and I have most of my sermons on tape that I can send you for a dollar.

Ms. Merritt: Do we have any questions? Thank you so much, John. You do a great job and it is an impressive program. Do we have any more business to come before the Limited Access Privilege Program Committee? Seeing none, if you have any comments, please forward them to Kate and I appreciate your attention and this meeting is adjourned.

(Whereupon, the meeting adjourned at 3:35 o'clock p.m., September 20, 2007.)

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TOM JAMIR

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JOHN REBO - LAPP WKGP **NMFS REG. OFFICE**

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South Atlantic Fishery Management Council

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Gregg Waugh- FEP Comprehensive
Amendment

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John Wallace
Staff contact: Myra Brouwer

(Continued on the next page)

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Gregg Waugh ✓

Mike Collins ✓

John Carmichael ✓

Rick DeVictor ✓

Roger Pugliese ✓

Kate Quigley

Myra Brouwer ✓

Kim Iverson ✓

Julie O'Dell

Rachael Lindsay

Cindy Chaya

Deb Buscher

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

LAP PROGRAM COMMITTEE MEETING

North Myrtle Beach, SC

Thursday, September 20, 2007

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Jim Cohen NMFS (301) 113-2252 x186 jim.cohen@noaa.gov

Tom Wheatley, NRCN

Wibby Fetherston TOC-FL

Margot Shles, Oceana 202 833 3900

SEAN MCLENNAN NCEFA

GLENN DEANEY SSA 202 434 8220

Richard Venable SSA 512-222-8798

LT CHARLIE GRS, VSCG 843 740-3178

LT CHARLIE GRS, VSCG 1050 REGISTER ST NORTH CHARLESTON SC 29405

Eileen Dougherty Env. Defense 843-737-4466 Charleston, SC

South Atlantic Fishery Management Council

4055 Faber Place Drive, Suite 201

North Charleston, SC 29405

843-571-4366 or Toll Free 866/SAFMC-10

State of North Carolina
Department of Environment & Natural Resources
Division of Marine Fisheries

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

LAP PROGRAM COMMITTEE MEETING

North Myrtle Beach, SC

Thursday, September 20, 2007

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Katharine Burnham

Env. Defense

Washington DC, DC
~~20001~~

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

Roland C Meyers

1471 State Rd. 4
Little Torch Key, Florida 33042
305/872-9132

Seafever@bellsouth.net

9/16/2007

*South Atlantic Fishery Management council
4055 Faber Place Drive
Charleston, SC 29450*

LAPP/IFQ Committee,

My name is Roland Meyers I'm a 64 year old commercial fisherman from Little Torch Key, Florida. I have been fishing for 35 years from the outer banks of North Carolina to the Florida Keys and served on your snapper/grouper AP for 6 years. I must speak out against the LAPP/IFQ your committee is working on. This type of fishery management simply does not work for the Keys, were a multi species fishery exists, meaning we catch small quantities of all kinds of reef fish which makes it hard to qualify for any one group. For a low income fisherman like myself, I need every bit of income to make ends meet. To be a fisherman is more than a job for us, it's a great way of life living in and with the environment and without the turmoil of city life. We do this not only for the money but for all the good things life on the water gives you daily.

Here is an analogy; fishermen under a NMFS IFQ are like an auto mechanic that you take your car to and ask them to fix the brakes, but he replies that although he knows how, you took his tools last year because he hadn't done enough brake jobs to keep them. Now I ask you, no I beg you; please don't take the tools that I need to make my living by restricting me from catching any of the reef fish that my current permits allow. Remember that our nation has always used the free enterprise system which works very well for us in the Keys.

I would also like to say to those fishermen that endorse the LAPP/IFQSHAME ON YOU for trying to sacrifice low income (low landings) fisherman to better yourself in a fishery that we have all lived together in. With the overall reductions in licenses with the two for one system, I see no need to further reduce or limit our fisherman more. Stay with our current system, it works just fine. If you insist on a vote to decide the outcome every permit holder should be treated the same and have the same vote no matter if he has landings or not. If he qualified to hold the permit he should be able to vote- don't discriminate because he had low or high landings.

Sincerely,

Capt. Roland C. Meyers

REVISION #1

FACT SHEET FOR SNAPPER GROUPER AMENDMENT 16 (GAG GROUPER AND VERMILION SNAPPER)

**Prepared by Gregg Waugh, SAFMC Staff
(gregg.waugh@safmc.net or 843-571-4366)**

August 2, 2007

Background

Based on revisions to the Magnuson-Steven Act, the Council must develop annual catch limits that may not exceed the fishing level recommendations of its SSC and must end overfishing of these two species in fishing year 2010 at the latest.

This information is being provided prior to the scoping meetings to give everyone a chance to prepare comments. A more detailed scoping document will be available prior to the following scoping meetings (**all meetings begin at 6 pm**; detailed location information is shown on the last page of this document):

Wilmington, NC	September 4, 2007
Atlantic Beach, NC	September 5, 2007
Marathon, FL	September 4, 2007
Daytona Beach, FL	September 6, 2007
Charleston, SC	September 10, 2007
Myrtle Beach, SC	September 17, 2007

Written comments must be received by 5 pm on September 17, 2007.

Schedule for Snapper Grouper Amendment 16 (Gag grouper & Vermilion snapper):

- Scoping through September 17, 2007
- Review Options Paper & provide direction to staff/Team– September 17-21, 2007 meeting
- Approve for public hearings – December 2-7, 2007 meeting
- Public hearings – February/March 2008
- Review public hearing input and approve actions – March 3-7, 2008 meeting
- Review and approve final document for formal review – June 8-13, 2008 meeting
- Intent to have regulations in place on – January 1, 2009

SEDAR stock assessments have been conducted for gag grouper (benchmark) and vermilion snapper (benchmark and update #1). At their June 2007 meeting, the South Atlantic Council's Scientific and Statistical Committee (SSC) reviewed and approved these two assessments with some guidance as shown below.

I. GAG GROUPER

A. Stock is undergoing **overfishing** as of 2004; $F_{2004}/F_{msy} = 1.31$. F_{2004} = Fishing mortality rate in 2004 = 0.31 and F_{msy} = Fishing mortality rate that would produce the maximum sustainable yield = 0.237.

B. The stock was not **overfished** as of 2005; $SSB_{2005}/MSST = 1.10$; SSB_{2005} = Spawning stock biomass at the start of 2005 = 7,470,000 pounds gutted weight and $MSST$ = Minimum stock size threshold = 6,816,000 pounds gutted weight. Spawning stock biomass increased after 1999 corresponding to implementation of the 24 inch minimum size limit. Fishing mortality has been decreasing since 1992. However, recruitment in the last three years has been lower and these fish are just entering the fishery. The fishing mortality rate was above F_{msy} such that the stock could become overfished. The stock assessment model projections show the stock becoming overfished in 2007.

C. The Council has set Optimum Yield as 75% of F_{msy} which equals a long-term total catch (after the stock has been rebuilt) of 1,217,000 pounds gutted weight. In order to end overfishing and rebuild the stock the Council will set Annual Catch Limits based on the following catch levels from the SEDAR assessment: (Note: The Council's Scientific and Statistical Committee will provide their recommendations on setting catch levels to prevent overfishing at their December 2-4, 2007 meeting.)

Year	Annual Catch Limit (gutted weight)
2008	694,000
2009	716,000
2010	768,000
2011	840,000
2012	916,000
2013	976,000

D. Allocations – the Council has not chosen any allocation alternatives for gag grouper. As an example, using the same time periods as the Council has proposed for vermilion snapper (see below), the following recreational/commercial allocations would result:

Years 1999-2003 = 51% commercial & 49% recreational

Years 1986-2005 = 61% commercial & 39% recreational

Applying these percentages to the annual catch limit in each year results in the following commercial quotas and recreational allocations (pounds gutted weight):

		Allocation Alternative 1. 51%C/49%R		Allocation Alternative 2. 61%C/39%R	
	Annual	Commercial	Recreational	Commercial	Recreational
Year	Catch Limit	Quota (gutted weight)	Allocation (gutted weight)	Quota (gutted weight)	Allocation (gutted weight)
2008	694,000	353,940	340,060	423,340	270,660
2009	716,000	365,160	350,840	436,760	279,240
2010	768,000	391,680	376,320	468,480	299,520
2011	840,000	428,400	411,600	512,400	327,600
2012	916,000	467,160	448,840	558,760	357,240
2013	976,000	497,760	478,240	595,360	380,640

E. Impacts

Gag Grouper Landings (gutted weight)				Total	Total
Year	Commercial	Headboat	MRFSS	Recreational	Landings
2001	532,000	53,000	455,000	508,000	1,040,000
2002	534,000	51,000	266,000	317,000	851,000
2003	560,000	32,000	519,000	551,000	1,111,000
2004	551,000	82,000	517,000	599,000	1,150,000
2005	568,681	71,736	468,814	540,550	1,109,231
2006	568,681	46,537	437,493	484,031	1,052,711
Avg 04-06	562,787	66,758	474,436	541,194	1,103,981

Note: 2001-2004 data are from the SSC based on gutted weight in the SEDAR Assessment; 2005 & 2006 from NMFS landings provided by McGovern and converted to gutted weight.

Allocation Alternative 1 results in a 37% reduction from the average of 2004-2006 landings for both the commercial and recreational sectors. Allocation Alternative 2 results in a 25% commercial reduction and 50% recreational reduction from the average of 2004-2006 landings.

F. Management Regulations to Achieve Necessary Reduction

- (i) Current gag grouper commercial regulations = 24 inch size limit; March & April - no harvest above bag limit & no sale; vessels with longlines may only possess deepwater species; limited entry program with 2 for 1 provision.
- (ii) Current gag grouper recreational regulations = 24 inch size limit; within 5 grouper bag limit only 2 may be gag or black grouper; March & April – no sale.

The Council will consider modifying these measures as well as potential new measures (e.g., closed seasons during spawning and/or cold water events, recreational boat limits, commercial trip limits, etc.) to achieve the necessary reductions. The public is urged to comment and to provide suggestions during the scoping process.

II. VERMILION SNAPPER

A. Stock is undergoing **overfishing** as of 2006; $F_{2006}/F_{max} = 2.05$. F_{2006} = Fishing mortality rate in 2006 = 0.729 and F_{max} = Fishing mortality rate that would produce the maximum yield per recruit (yield per fish) = 0.355. F_{max} is being used as a proxy for F_{msy} (F_{msy} = Fishing mortality rate that would produce maximum sustainable yield) because the SSC did not have confidence with the calculated biomass reference points. The SSC does have confidence in the fishing mortality rate estimates from the SEDAR assessment.

B. The stock status as far as **overfished** is concerned is unknown because the SSC did not have confidence with the biomass reference points from the SEDAR assessment.

C. The Council has set Optimum Yield as 75% of F_{msy} . The SSC provided an estimate of this value based on the yield per recruit at the geometric mean of the 2004-2006 fishing mortality rates compared to that at 75% of F_{max} . In order to lower the fishing mortality rate to 75% of F_{max} , a 61% reduction in total catch is required. This results in a total harvest (recreational and commercial) of 628,459 pounds whole weight. The Council will set the Annual Catch Limit based on the catch level from the output of the SEDAR assessment: (Note: The Council's Scientific and Statistical Committee will provide their recommendations on setting catch levels to prevent overfishing at their December 2-4, 2007 meeting.)

D. Allocations – the Council has chosen allocation alternatives for vermilion snapper based on landings data. The allocation alternatives are as follows:

Alternative 1 (no action). Do not define allocations for vermilion snapper.

Alternative 2. Define allocations for vermilion snapper based upon landings from the ALS, MRFSS, and headboat databases.

Alternative 2a. The allocation would be based on landings from the years 1999-2003. The allocation would be 69% commercial and 31% recreational.

Alternative 2b. The allocation would be based on landings from the years 1986-2005. The allocation would be 68% commercial and 32% recreational.

Alternative 3. Define allocations for vermilion snapper based upon landings from the SEDAR Assessment Update (2007).

Alternative 3a. The allocation would be based on landings from the years 1999-2001. The allocation would be 67% commercial and 33% recreational.

Alternative 3b. The allocation would be based on landings from the years 1986-2001. The allocation would be 57% commercial and 43% recreational.

The Council has decided not to use the SEDAR data for allocations.

Using the landings data (in pounds whole weight) and the allocations for the two time periods shown below results in the commercial quotas and recreational allocations shown in the table below:

Years 1999-2003 = 69% commercial & 31% recreational

Years 1986-2005 = 68% commercial & 32% recreational

Vermillion Snapper		Allocation Alternative 2a. 69%C/31%R		Allocation Alternative 2b. 68%C/32%R	
	Annual	Commercial	Recreational	Commercial	Recreational
Year	Catch Limit	Quota (whole weight)	Allocation (whole weight)	Quota (whole weight)	Allocation (whole weight)
2008	628,459	433,637	194,822	427,352	201,107
2009	628,459	433,637	194,822	427,352	201,107
2010	628,459	433,637	194,822	427,352	201,107
2011	628,459	433,637	194,822	427,352	201,107
2012	628,459	433,637	194,822	427,352	201,107
2013	628,459	433,637	194,822	427,352	201,107

E. Impacts

Vermillion Snapper Landings (pounds whole weight)				Total	Total
Year	Commercial	Headboat	MRFSS	Recreational	Landings
2001	1,685,431	402,620	284,539	687,159	2,372,590
2002	1,367,488	326,447	208,626	535,073	1,902,561
2003	755,716	287,444	274,961	562,405	1,318,121
2004	1,120,613	361,562	311,274	672,836	1,793,449
2005	1,122,432	311,977	146,132	458,109	1,580,541
2006	813,605	321,858	372,304	694,162	1,507,767
Avg 04-06	1,018,883	331,799	276,570	608,369	1,627,252
Note: 2001 thru 2006 from SEDAR Update (2007).					

Note: Headboat data for 2006 were not available for the SEDAR vermilion snapper assessment update; average headboat landings from 2002-2005 were used as a proxy for 2006 headboat landings.

Allocation Alternative 2a results in a 57% commercial reduction and 68% recreational reduction from the average of 2004-2006 landings. Allocation Alternative 2b results in a 58% commercial reduction and 67% recreational reduction from the average of 2004-2006 landings.

F. Management Regulations to Achieve Necessary Reduction

- (i) Current vermilion snapper commercial regulations = 12 inch size limit; commercial quota = 1,100,000 pounds gutted weight (1,221,000 pounds whole weight; vessels with longlines may only possess deepwater species; limited entry program with 2 for 1 provision.
- (ii) Current vermilion snapper recreational regulations = 12 inch size limit; 10 vermilion snapper bag limit.

The Council will consider modifying these measures and potential new measures (closed seasons, recreational boat limits, commercial trip limits, etc.) to achieve the necessary reductions. The public is urged to comment and to provide suggestions during the scoping process.

**SNAPPER GROUPE AMENDMENT 16
PUBLIC SCOPING MEETING SITES AND DATES**

All scoping meetings begin at 6 p.m.

Tuesday, 9/4/07

Hilton Wilmington Riverside
301 North Water Street
Wilmington, North Carolina 28401
Phone: 910-763-5900

Tuesday, 9/4/07

Sombrero Cay Clubs
19 Sombrero Boulevard
Marathon, Florida 33050
Phone: 305-743-2250

Wednesday, 9/5/07

Sheraton Atlantic Beach
2717 W. Fort Macon Road
Atlantic Beach, North Carolina 28512
Phone: 252-240-1155

Thursday, 9/6/07

Hampton Inn Daytona Speedway
1715 W. International Speedway Boulevard
Daytona Beach, Florida 32114
Phone: 386-257-4030

Monday, 9/10/07

Holiday Inn Charleston Airport & Convention Center
5264 International Boulevard
North Charleston, South Carolina 29418
Phone: 843-576-0300

Monday, 9/17/07

Avista Resort
300 North Ocean Boulevard
North Myrtle Beach, South Carolina 29582
Phone: 843-249-2521

Written comments must be received by 5 pm on September 17, 2007.

“Working Waterways & Waterfronts- Management Tools to Maintain Access”

Tom Murray
Marine Business Specialist
Virginia Institute of Marine Science,
College of William and Mary
Gloucester Point, Virginia

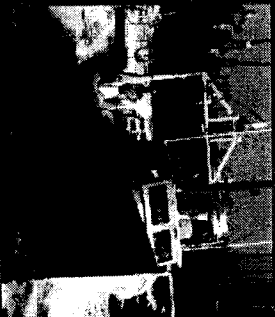
tjm@vims.edu

Presented September 20., 2007

South Atlantic Fishery Management Council
Beach S.C.



Share local, state, and national-level initiatives that are addressing water access



Questions?

Contact: Tom Murray, Virginia Sea Grant
804/684-7190
tjm@vims.edu

Or visit the conference Web site:

www.waterrc2007.com

Conference Sponsors:



Sea Grant Communications
Virginia Institute of Marine Science
P.O. Box 1346
Gloucester Point, VA 23062

Working Waterways
and Waterfronts
2007

A National Symposium
on Water Access

May 9-11, 2007

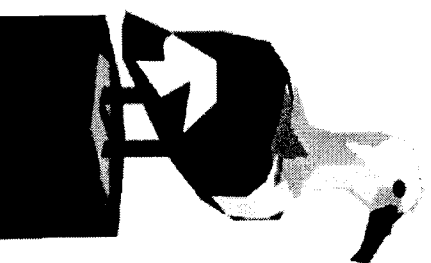
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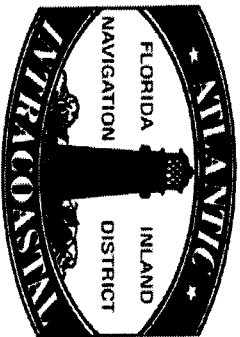


Water Access 2007

**A National Symposium on
Working Waterways & Waterfronts**

**May 9 - 11, 2007
Norfolk, Virginia**


Sea Grant
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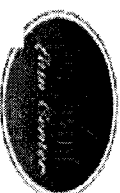
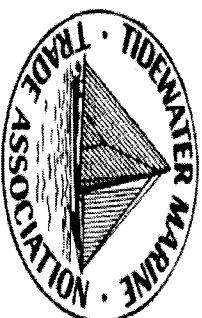
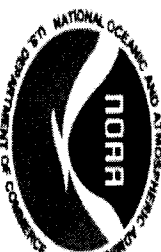
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INSTITUTE

National Marine Manufacturers Association



Sea Grant
Virginia

About the Symposium

- This symposium educated attendees about local, state, and national-level initiatives that address water access and develop management approaches to the access dilemma.



**Working Waterways & Waterfronts 2007
Symposium
May 9-11, 2007**

Norfolk, Virginia

Audience

180 Coastal managers and planners, public officials, resource agency staff, water-dependent industries (fishing, marinas, boat yards, etc.), non-government organizations, the legal profession, and national, state, and local government legislative staff.



Coalition Solutions to address Problem

- A nationwide commitment has been struck to act together and to make public access a high priority;
- A national agenda for action, including legislative initiatives, as well as ideas for state policy is being finalized;

A coalition that will shepherd the strategic goals and actions was created at summit on water access held in Norfolk

- Tools, or a set of approaches to specific situations are being shared and built upon;
- A structure for communicating among these diverse constituencies about these issues has been developed;



Learn More

- Stay tuned as the program continues to take shape.
- <http://www.wateraccess2007.com>



“Working Waterfront Preservation Act of 2005.” Senate Bill 1723

■ Federal Legislation

- September 2005, Senator Susan Collins (ME) introduced 1st such bill co-sponsored by Senators Edward Kennedy (MA), John Kerry (MA), Trent Lott (MS), Jack Reed (RI), and Olympia Snowe (ME), was referred to the Senate Committee on Finance. No major action has been taken on S. 1723 since then.

Bill would amend the Magnuson-Stevens Fishery Conservation and Management Act

- establish a fund for the acquisition of waterfront property by state and local governments, nonprofit organizations, and fishing cooperatives to provide access for industries. It would appropriate \$50 million in 2005 and 2007 to fund eligible projects.



Jo Ann Davis (Va.) Companion House Bill H. R. 2565 in 2007

(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R.

To amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. JO ANN DAVIS of Virginia introduced the following bill, which was referred to the Committee on _____

A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a grant program to ensure waterfront access for commercial fishermen, and for other purposes.

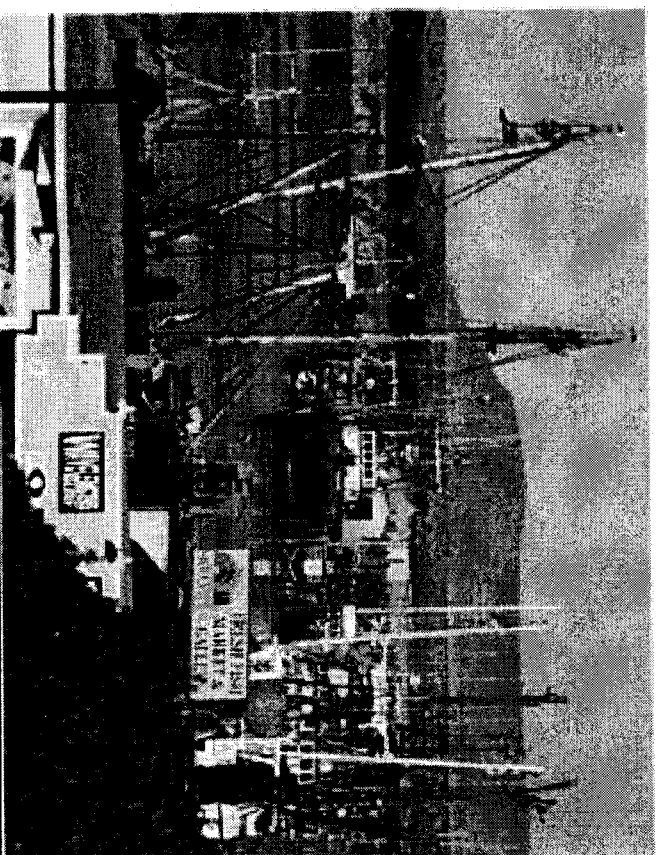
- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 **SECTION 1. SHORT TITLE.**
- 4 This Act may be cited as the "Working Waterfront
- 5 Preservation Act of 2007".

Sea Grant
Virginia

More Recently Broadened HR 3223-Allen & Capps

Keep Our Waterfronts Working!

Cosponsor H.R. 3223, the Keep Our Waterfronts Working Act of 2007



The act would amend the Coastal Zone Management Act of 1972

- establish competitive matching grant program administered through the Department of Commerce. Coastal states would apply for matching grants to purchase title or development rights to Working Waterfront...



Eligibility

- To become eligible for the grant program, a coastal state would develop a comprehensive Working Waterfront Plan. States with an approved Working Waterfront Plan would become eligible to apply for Working Waterfront matching grants under an expedited funding process.



Broader and Different Procedure

“SEC. 320. WORKING WATERFRONT GRANT PROGRAM.

“(a) FINDINGS AND PURPOSE.—

“(1) The Congress finds the following:

“(A) Water-dependent commercial activities are the economic and cultural heart of many coastal communities. These activities include commercial fishing, recreational fishing, tourism, aquaculture, boat-building, transportation, and many other water-dependent businesses.

“(B) Water-dependent commercial activities depend on coastal access in the form of docks, wharfs, lifts, wet and dry marinas, boat ramps, boat hauling, repair, and construction facilities, commercial fishing facilities, and other support structures on, over, or adjacent to navigable bodies of water.



Different Approach in CZMA

- Would likely be implemented in a way modeled after the “Coastal and Estuarine Land Conservation Program” (“CELCP”)



Existing Procedures

- Done through state network of coastal programs.
- <http://coastalmanagement.noaa.gov/land/media/CELCFinal02Guidelines.pdf>



Federal CZM Act Reauthorization

- Authorization expired in 1999
- Has been operating on original authorization from 1972
- Water Access now a national priority
- Reauthorization is being pushed now by NMMA, BOAT US and other stakeholder orgs.

Other local tools being used

- Working Waterfront Retention Measures Many and varied
- but can be summarized as:

1. Legislative
2. Regulatory
3. Comprehensive Measures

Legislative Measures

- ***Tax Deferrals*** -agree if certain conditions met; i.e. use and ownership don't change.
- Survey in Florida suggest not popular with contingent tax liability accruing on property

Legislative Measures

- **Exactions**-conditions on developers that must be met to receive local approvals.
Complicated, in general such must compare to the impact of the new development. Ex. New development hinders waterfront access condition may require public access to water.

Legislative Measures

- ***No Net Loss***
- As it relates to marinas and waterfront access, for each public access site removed from use another comparable must be built.
- Limited success in Florida.

Legislative Measures

- ***Liability Waivers***- Designed to give incentive to property owners by mitigating liability exposure for accidents on property.
- Doesn't really create new access but rather encourages owners to keep access open.

Legislative Measures

- **Concurrency** - adequate public access facilities must be in place before development can occur.
- Basis is level of standard for services, for example could be number of boat slips open to public or number of slips for commercial vessels, etc.

Regulatory Measures

- ***Development Moratoria*** -allows local gov't time to formulate and implement retention measures by effectively freezing permitting for specific type of development for specific time period.
- Most downside on developers and stakeholders in proposed property.

Regulatory Measures

- ***Land Use and Zoning Restrictions***
- Zoning divides into “use districts” for limitations on possible use of given property.
- Many areas have such marine industrial zoning.
- Probably need discretionary review process for conditional uses, etc.

Regulatory Measures

- *Transferable Slip Rights*
- *Allow developers/owners to transfer slip rights to another waterfront property*
- *Preserves slip numbers and encourages density in certain areas.*

Regulatory Measures

- Concurrency-requirements state that adequate public facilities must be in place before development occurs.

Regulatory Measures

- *Rights of Way*
- *ROW are public property usually walkways to waterfronts.*

Regulatory Measures

- Transferable Rights
- Slip Rights, Development Rights, Density Transfers, etc.
- Generally allow buying and selling of development rights, separate from sale of property.

Comprehensive Measures

- Incentive Strategies (such as density bonuses, fee waivers, expedited approvals) encourage developers to provide public benefit and build in preferred areas.
- Land Acquisition:
- Counties and Land Trusts

Comprehensive Measures

- *Design Standards usually architectural, but in terms of marinas and the like, standards can include rights-of-way to water and other requirements for public access.*

Maine Working Waterfronts Coalition

- currently actively implementing the Working Waterfront Access Protection Program a \$2 million public bond funded program to protect significant commercial fishing related working waterfront properties.
- six active projects in the program a little funding left in the current funds and another \$3M earmarked for the program in a public bond request going to the voters in November.
- six projects include projects with private fishing business, fishing co-ops, a new community foundation, a town, and a land trust.
-

Maine Working Waterfronts

- Permanent fishing access is secured by the creation of a working waterfront covenant (WWC), which basically limits the property to fishing use. The WWC is held by the State (Department of Marine Resources) and the price paid is based on appraised values.
- This is a pilot program and they are learning many lessons along the way, but it is a tool that seems to be working so

What's Up in the SAFMC Region?

- Couple of quick updates.

North Carolina

- State budget passed and was signed by the governor. It included a new \$20 million waterfronts fund.
- the legislative action did not address all the recommendations presented by WASC, it does show a start to the process.

Passing legislation (Senate Bill 646, Session Law 2007-485) that, among other actions:

- Makes commercial fishing-oriented and recreational fishing pier waterfronts eligible for deferred real estate tax assessments known as "present use value" taxation.

Keep from being “taxed out of business”

- In short, such properties, like actively farmed and forested lands in the state, can be assessed at their current use value, and not at their potential value as residential or other property.

Directs the NCDOT

- to work with agencies and other entities "to ensure that public access to coastal waters is expanded along the roadways (and) bridges ... owned or maintained by the department."

Creates new and expanded funding

- Increases boat registration fees so as to generate, by formula, millions of dollars more in additional funding for the state's boating facilities infrastructure program.

SC like other coastal states

- is experiencing a significant loss in diversity of marine working waterfront-dependent uses in the face of escalating demand for public access (e.g. boat ramps, fishing piers, etc.) to the shoreline by recreational fishing stakeholders.

SC Sea Grant Extension Program conducted a
pilot project in May 2007

- to characterize the causes and socioeconomic impacts of coastal access issues on SC marine fishery stakeholders and recommend possible solutions.

Preliminary results

- information from interviews of various stakeholders along the SC coast during the summer of 2007
- Commercial development and waterfront privatization (e.g. "dockominiums") have and will continue to negatively impact South Carolina marine fisheries stakeholders and related communities, leaving decision-makers and their constituencies with various challenges to cope with this trend.

Lessons Learned

- policies successfully used in other coastal states to mitigate this trend suggest that without state and local government involvement, the problem will continue to the detriment of coastal communities and fishery stakeholders.

“Crisis in Slow Motion”

- element of urgency for marine fisheries stakeholders in South Carolina. For example, the pending sale and redevelopment of the Port Royal terminal by the SC State Ports Authority could significantly reduce the waterfront infrastructure in Beaufort County for commercial shrimp trawler owners and their crews.

Georgia

- Cong. Kingston hosted waterways mtg late August.
- State DOT/DNR working on waterway dredge maintenance initiative.
- Interest in Inland Nav. District as Fla.

Georgia

- Lots of current documents provided by Richard Vendetti (SSA) and the Georgia Shrimpers Association reflect extensive revisions and interest in the States Coastal Management.
- Included in the program's priorities is water access and working waterfronts.

Waterfronts Florida Program

- The Waterfronts Florida Program was launched by the Florida Coastal Management Program in 1997. The program is now an interagency initiative with the Department of Community Affairs acting as lead agency.

Waterfronts Florida Program

- The Waterfronts Florida Program was created to assist local communities experiencing economic and social changes at their traditional working waterfronts.

As expected Lot's Going on.

- The Issue of public access to the state's waterways has become enough of an issue to warrant recent attention by the state legislature. In recent years the Florida Legislature has enacted legislation and conducted studies to address the issue of public access.

Waterfronts Florida

- The program designates three communities every two years. To date 13 communities have benefited from the program. During the last application cycle of 2005-2007 five communities were selected.

Major Study

- outlined the various state agencies and grant programs available to local governments for the provision of public access facilities.
- strategies described to increase access include tax relief for uses providing public access conditional permitting or rezoning for redevelopment that preserves or increases public access.
- The report also suggests expanding existing grant programs and funding for state programs that increase public access.

Working Waterfront Legislation

- House Bill 955 of the 2005 legislative session was passed in large part as a response to the interim summary report outlined above. The bill as adopted into law provides a number of incentives and directives aimed at increasing public access to the state's waterways.

Florida Working Waterfronts Leg.

Section 6. Section 342.07, Florida Statutes, is amended to read:

342.07 Recreational and commercial working waterfronts; legislative findings; definitions.—

(1) The Legislature recognizes that there is an important state interest in facilitating boating and other recreational access to the state's navigable waters. This access is vital to tourists and recreational users and the marine industry in the state, to maintaining or enhancing the \$57 billion economic impact of tourism and the \$14 billion economic impact of boating in the state annually, and to ensuring continued access to all residents and visitors to the navigable waters of the state. The Legislature recognizes that there is an important state interest in maintaining viable water-dependent support facilities, such as public lodging establishments and boat hauling and repairing and commercial fishing facilities, and in maintaining the availability of public access to the navigable waters of the state. The Legislature further recognizes that the waterways of the state are important for engaging in commerce and the transportation of goods and people upon such waterways and that such commerce and transportation is not feasible unless there is access to and from the navigable waters of the state through recreational and commercial working waterfronts.

(2) As used in this section, the term "recreational and commercial working waterfront" means a parcel or parcels of real property that provide

Summary of Other Major State Programs Providing Public Access

- Florida Department of Environmental Protection Recreation and Development Assistance Program (FRADAP):
Provides financial assistance to local governments for outdoor recreation projects per Statewide Comprehensive Outdoor Recreation Plan (SCORP)
- Analyze outdoor recreation facility and resource needs and establish goals and strategies to guide a statewide planning process Provide grants for projects designed to serve the needs of boaters and boating related activities

State Lands Land Acquisition programs

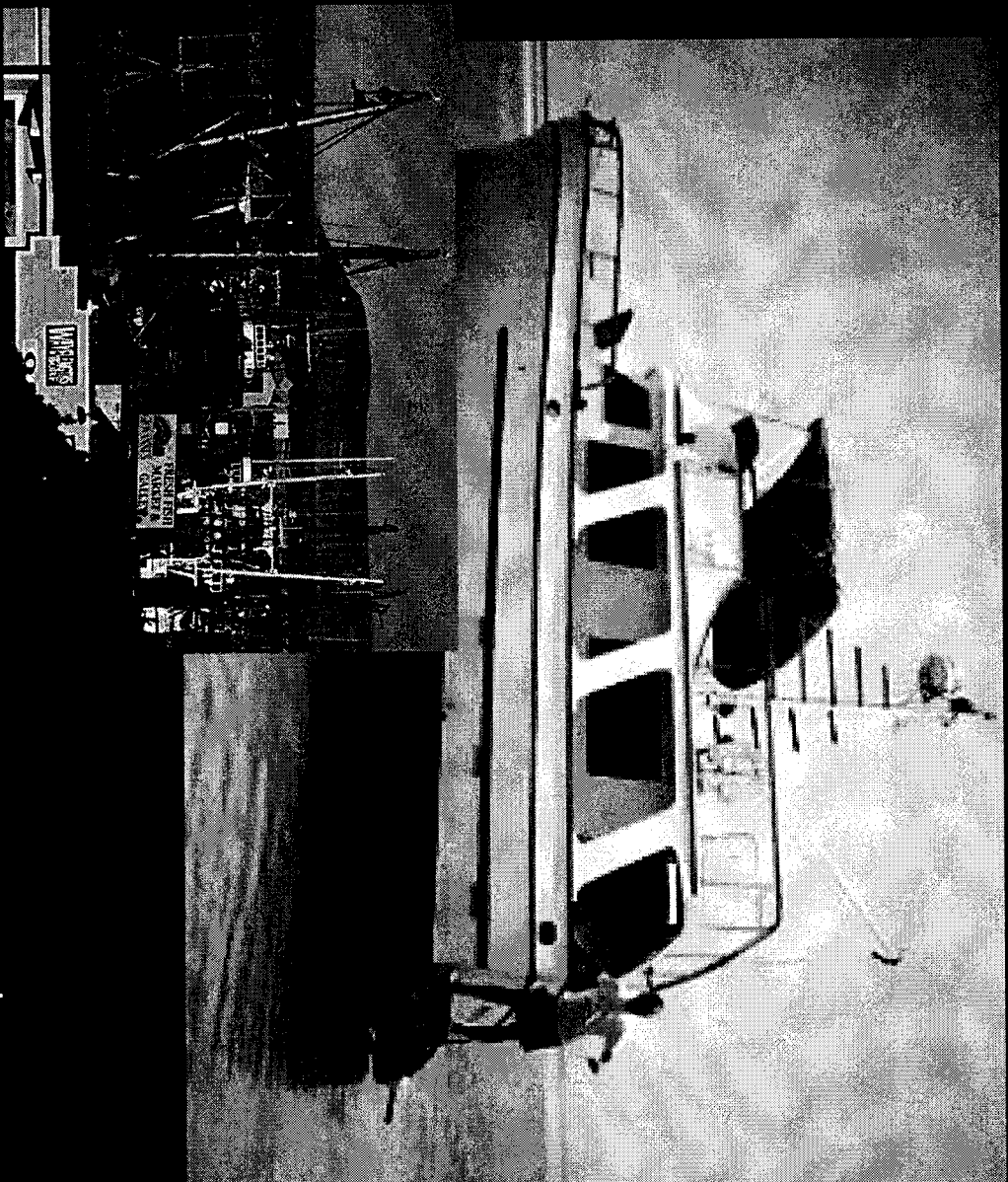
- such as Conservation and Recreation Lands Trust Fund (CARL) Acquire environmentally sensitive or high quality lands for conservation and public use Boating and Fishing Access Program Provide public access to freshwater lakes and rivers Florida Boating Improvement Program (FBIP)

Florida Fish and Wildlife Conservation Commission

- Division of Law Enforcement Boating and Waterways Section Ensure that the opportunity exists for the public to have safe and adequate access to the water

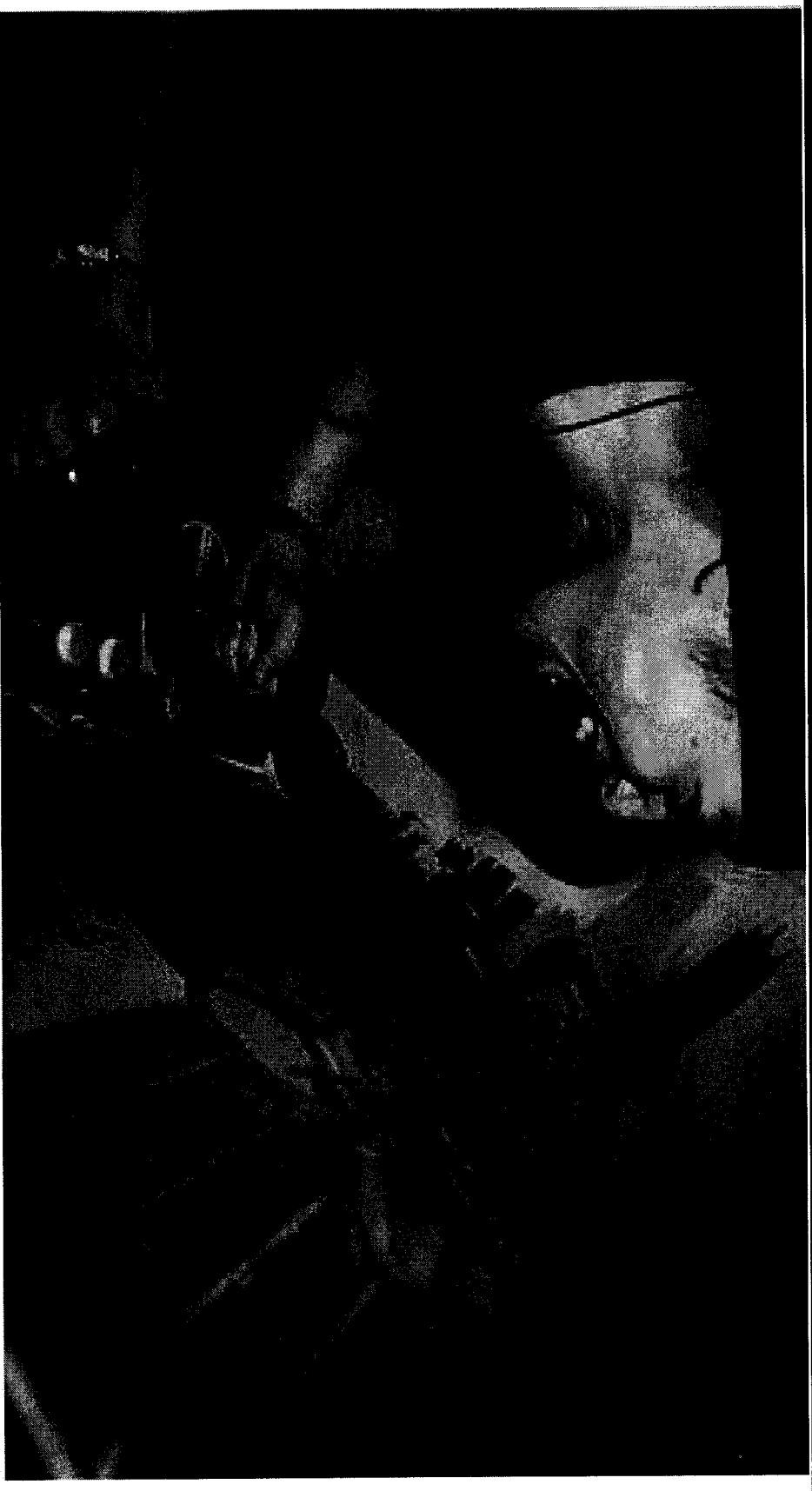
Florida Coastal Program

- requires that coastal counties now include in their future land use elements regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts.
- act further requires that the coastal management element contain a shoreline use component that includes strategies to preserve recreational and commercial working waterfronts



www.wateraccess2007.com

New environmental educator administrator ?



■ Or this?



Sea Grant
Virginia