

Vision Blueprint Recreational Amendment for the Snapper Grouper Fishery of the South Atlantic Region

Options Paper



The Vision Blueprint Recreational Amendment to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region would address modifications to existing recreational management measures to address specific action items in the 2016-2020 Vision Blueprint for the Snapper Grouper Fishery of the South Atlantic Region.

September 2016

Background

The 2016-2020 Vision Blueprint for the Snapper Grouper Fishery constitutes the long-term strategic plan for managing the fishery. The Council began developing the strategic plan through the Visioning project, which included extensive outreach to stakeholders throughout the region and across all sectors in the fishery. The Vision Blueprint identifies the goals, objectives, strategies, and actions that support the vision for the snapper grouper fishery and centers around four goal areas - Science, Management, Communication, and Governance. During 2015, the Council prioritized action items that would be addressed through amendments to the Snapper Grouper Fishery Management Plan over the short-term (within 5 years). Through a series of surveys, Council members selected several items which were identified to improve management of the recreational and commercial sectors. At their June 2016 meeting, the Council gave staff direction to begin development of an amendment that would address recreational management measures. The following items were selected for inclusion:

- Recreational stamp
- Re-consideration of the aggregate bag limits
- Re-evaluation of the shallow water grouper closure
- Recreational season
- Seasonal area (depth) closure

All but two of the above items are likely to be addressed in Amendment 43 (red snapper). Hence, this Options Paper presents possible actions and alternatives for re-considering aggregate bag limits and re-evaluating the shallow water grouper closure.

Recreational Aggregate Bag Limits

The Council has used aggregate bag limits since 1991 (Amendment 4) to manage the recreational sector of the snapper grouper fishery. The regulations resulting from that amendment specified a 10-snapper aggregate bag limit, excluding vermilion snapper, and where no more than 2 fish could be red snapper. The levels of fishing mortality at that time were “jeopardizing the biological integrity of the snapper grouper resource” in the South Atlantic Region, with 13 species considered to be undergoing overfishing as indicated by a spawning stock ratio (SSR) of less than 30%. Moreover, another 14 species with unknown SSRs were thought to be overfished and additional species were considered likely to be overfished or experience overfishing in the future. Hence, the Council took action to reduce fishing mortality “on overfished species and thereby prevent overfishing” and specified management measures to achieve the target SSR of 30% for vermilion snapper and established an aggregate bag limit for other snappers to “provide additional protection from overfishing, assist in achieving the target level of 30% SSR, and spread out the harvest within the recreational sector.”

The aggregate grouper limit was also specified in Amendment 4 (1991). Again, the intent of the Council’s actions at that time was to achieve the target SSR level to prevent overfishing. The amendment described that a minimum size limit of 20 inches would result in reaching the target SSR level for some groupers that were thought to be overfished but for which SSRs were unknown. The 5-grouper aggregate, excluding Nassau and Goliath, was established to achieve the same objectives as the 10-snapper aggregate.

The Council has made some modifications to the aggregate bag limits over the years and established a 20-fish aggregate for species without bag limits (excluding tomtate and blue runner (later removed from the management unit)) in Amendment 9 (SAFMC 1998). The current aggregate limits are as follows:

Aggregate Snapper Bag Limit: Ten (10) snapper per person/day with the following exceptions: red snapper harvest is closed to both commercial and recreational harvest. Snapper species included in the 10-snapper aggregate are: lane, yellowtail, gray, mutton, queen, blackfin, cubera, and silk. Maximum of 2 cubera snapper per person (not to exceed 2 per/vessel) for fish 30" total length (TL) or larger off Florida. These are not included in the 10 snapper bag limit. Cubera snapper less than 30" TL are included in the 10-snapper aggregate bag limit.

Aggregate Grouper Bag Limit: Three (3) groupers per person/day including: gag¹, black¹, snowy², misty, red, scamp, yellowedge, yellowfin, yellowmouth, blueline tilefish³, sand tilefish, golden tilefish⁴, coney, graysby, red hind, and rock hind.

¹Maximum of 1 gag or black grouper (but not both) per person/day

²Maximum of 1 snowy grouper per VESSEL per day (May-Aug only; closed Sept-Apr)

³May-Aug only; closed Sept-Apr

⁴Maximum of 1 golden tilefish per person per day

Aggregate for Species Without Bag Limit: Twenty (20) fish per person/day includes: whitebone porgy, jolthead porgy, knobbed porgy, saucereye porgy, scup (south of Cape Hatteras, 35° 15.0321' N. Latitude), gray triggerfish, bar jack, almaco jack, banded rudderfish, lesser amberjack, white grunt, margate, sailor's choice and spadefish.

Shallow Water Grouper Closure

Implementation of Amendment 16 to the Snapper Grouper FMP (effective July 29, 2009) established an annual closure on the possession (commercial and recreational) of shallow water groupers from January through April in response to needed modifications to end overfishing of gag and to protect spawning fish. Species included in the closure were: gag, black grouper, scamp, tiger grouper, yellowfin grouper, red grouper, red hind, rock hind, yellowmouth grouper, graysby, and coney. The Council removed tiger grouper from the Fishery Management Unit in 2012 (Comprehensive ACL Amendment).

Rationale from Amendment 16 (SAFMC 2009 and references therein):

Off the southeastern United States, gag spawn from December through May, with a peak in March and April (McGovern et al. 1998). There is some evidence that spawning may occur earlier off Florida than areas north. Gag probably make annual late-winter migrations to specific locations to form spawning aggregations and many of these locations are known by fishermen. McGovern et al. (2005) found gag were capable of extensive movement and suggested movement may be related to spawning. Gilmore and Jones (1992) indicated gag may be selectively removed from spawning aggregations

because they are the largest and most aggressive individuals and the first to be taken by fishing gear.

*In 1998, the Council took action to reduce fishing mortality and protect spawning aggregations of gag and black grouper. Actions included a March-April spawning season closure for the commercial sector. While a March-April commercial closure may offer some protection to spawning aggregations including the selective removal of males, a January-April spawning season closure (**Preferred Alternative 2**) would provide greater protection. Although gag spawn during December through May, aggregations are in place before and after spawning activity (Gilmore and Jones 1992). Therefore, males can be removed from spawning aggregations early in the spawning season and this could affect the reproductive output of the aggregation if there were not enough males present in an aggregation for successful fertilization of eggs. **Preferred Alternative 2** would also close the fishery for other shallow water groupers including black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney, which are also known to spawn during January-April (see Section 3.2.1). (Note: Red grouper and black grouper are listed as overfishing in the Stock Status Report to Congress.)*

Like gag, the other shallow water grouper species are vulnerable to overfishing because they change sex, many are long lived, and some species (e.g., gag, black grouper, scamp, red hind, and tiger grouper) are known to form spawning aggregations at locations known to fishermen (Section 3.2.1). Therefore, extending the spawning season closure to other shallow water groupers could have positive biological effects including protecting spawning aggregations, increasing the percentage of males, enhancing reproductive success, and increasing the magnitude of recruitment.

In September 2007, the Snapper Grouper Advisory Panel (AP) recommended a January to March spawning closure, during which harvest and possession be prohibited. Their rationale was there is some spawning during January off Florida and gag form aggregations before spawning. Therefore, an earlier closure would help to protect males before they begin to spawn. There was some discussion during the AP meeting about adding two weeks on both ends of the current March/April closure.

The AP also felt any closure should be applied the commercial and recreational sectors. Extending the spawning season closure to the recreational sector would have positive biological benefits since approximately half of the gag are landed by recreational fishermen. Although recreational fishermen generally catch gag in shallower water than commercial fishermen, it is likely some spawning locations of gag are being targeted by recreational fishermen. Furthermore, gag are reported to form

pre-spawning aggregations in shallow water before moving offshore to spawn, which would make them available to recreational fishermen. In addition to protecting gag while aggregated and during the spawning season, a seasonal closure could prevent high harvest rates during periods of cold water intrusion. During 2003, cold water upwelling may have caused gag to move inshore en masse where they may have become susceptible to harvest in large numbers by divers.

*Gag are part of a multispecies fishery. Therefore, some bycatch of gag would be expected during a seasonal closure when fishermen target co-occurring species such as vermilion snapper, scamp, greater amberjack, red grouper, and others. However, since **Preferred Alternative 2** would close all shallow water groupers during January through April, bycatch of gag would likely be decreased since fishermen would not be targeting other co-occurring grouper species.*

At their April 2015 meeting, the Snapper Grouper AP made the motions below regarding the shallow water grouper closure. The minutes of the discussion are included as **Appendix A**.

MOTION: AP RECOMMENDS ALTERNATIVE 1, NO ACTION, ON REMOVING THE SPAWNING SEASON CLOSURE FOR SHALLOW WATER GROUPERS.

MOTION: THE AP RECOMMENDS THE COUNCIL MOVE FORWARD WITH IDENTIFYING SPAWNING AREAS FOR SHALLOW WATER GROUPERS THAT MAY BE APPROPRIATE, AT SOME POINT, TO DESIGNATE AS SPAWNING SMZs.

INTENT IS TO EVENTUALLY REMOVE THE SPAWNING SEASON CLOSURE ONCE SPAWNING AREAS ARE IDENTIFIED AND PROTECTED

Possible Actions and Alternatives

Action 1. Evaluate and Modify the Composition of the Recreational Aggregate Bag Limits

Alternative 1 (No Action). There is a 10-snapper per person/day aggregate bag limit, a 3-grouper per person/day aggregate limit, and a 20-fish per person/day limit for all snapper grouper species without a bag limit. The following limitations and exclusions apply: red snapper harvest is closed to both commercial and recreational harvest; maximum of 2 cubera snapper per person (not to exceed 2 per/vessel) for fish 30" total length or larger off Florida; maximum of 1 gag or black grouper (but not both) per person/day; maximum of 1 snowy grouper per vessel per day (May-Aug); blueline tilefish harvest only allowed May-Aug; maximum of 1 golden tilefish per person per day; tomate are excluded from all bag limits.

Alternative 2. Establish an aggregate bag limit for deepwater species including: snowy grouper, yellowedge grouper, misty grouper, queen snapper, black snapper, blackfin snapper, silk snapper, golden tilefish, blueline tilefish, and sand tilefish. Current restrictions would remain in place for golden tilefish (maximum of 1 per person per day), snowy grouper (maximum of 1 per vessel per day) and blueline tilefish (retention only May-August).

Sub-alternatives would be developed based on range of bag limits the Council wishes to consider

Does the Council want to consider including wreckfish?

Alternative 3. Establish an aggregate bag limit for shallow water groupers (gag, black grouper, scamp, yellowfin grouper, yellowmouth grouper, red grouper, red hind, rock hind, graysby, and coney).

Sub-alternatives would be developed based on range of bag limits the Council wishes to consider

Alternative 4. Reduce the 20-fish aggregate for snapper grouper species without a bag limit to XX fish per person per day and exclude the following from the bag limit:

Sub-alternative 4a. gray triggerfish

Sub-alternative 4b. almaco jack, banded rudderfish, lesser amberjack (Jacks Complex)
Others?

Alternative 5. Modify the 10-snapper per person/day aggregate bag limit (lane, yellowtail, gray, mutton, queen, blackfin, cubera, and silk)

Sub-alternatives would be developed based on range of bag limits the Council wishes to consider

Others?

Does the Council wish to consider individual bag limits for gray triggerfish, Jacks Complex, Porgies, Grunts?...

COMMITTEE ACTION:

OPTION 1. APPROVE INCLUSION OF ACTION 1 IN VISION BLUEPRINT RECREATIONAL AMENDMENT AND APPROVE THE RANGE OF ALTERNATIVES UNDER ACTION 1 FOR ANALYSIS.

OPTION 2. ADD/MODIFY ALTERNATIVES UNDER ACTION 1 (COMMITTEE TO SPECIFY) AND APPROVE THE RANGE OF ALTERNATIVES UNDER ACTION 1 FOR ANALYSIS.

OPTION 3. DO NOT APPROVE INCLUSION OF ACTION 1 IN VISION BLUEPRINT RECREATIONAL AMENDMENT BUT CONSIDER MOVING TO ANOTHER AMENDMENT.

OTHERS??

Action 2. Modify the Annual Recreational Prohibition on Possession of Shallow Water Groupers

Alternative 1 (No Action). During January through April each year, no person may fish for, harvest, or possess in or from the South Atlantic EEZ any South Atlantic shallow water grouper (gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, yellowfin grouper, graysby, and coney). In addition, for a person on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper grouper has been issued, the provisions of this closure apply in the South Atlantic, regardless of where such fish are harvested, i.e., in state or Federal waters.

Alternative 2. Remove the annual prohibition on harvest and possession of shallow water groupers from January 1 through April 30.

Alternative 3. Retain the annual prohibition on harvest and possession of shallow water groupers from January 1 through April 30 but exclude the following species:

Sub-alternative 3a. species a

Sub-alternative 3b. species b

Alternative 4. Extend the annual prohibition on harvest and possession of shallow water groupers.

Sub-alternatives would be developed based on time periods the Council wishes to consider

Alternative 5. Prohibit harvest and possession of shallow water grouper species annually from:

Sub-alternative 4a. January through May throughout the South Atlantic

Sub-alternative 4b. January & February off east Florida

Sub-alternative 4c. March & April off Georgia and South Carolina

Sub-alternative 4d. May & June off North Carolina

Others?

NOTE: sub-alternatives presented here for discussion purposes only. Sub-alternatives would be refined based on scientifically determined spawning periodicity of affected species

COMMITTEE ACTION:

OPTION 1. APPROVE INCLUSION OF ACTION 2 IN VISION BLUEPRINT RECREATIONAL AMENDMENT AND APPROVE THE RANGE OF ALTERNATIVES UNDER ACTION 2 FOR ANALYSIS.

OPTION 2. ADD/MODIFY ALTERNATIVES UNDER ACTION 2 (COMMITTEE TO SPECIFY) AND APPROVE THE RANGE OF ALTERNATIVES UNDER ACTION 2 FOR ANALYSIS.

OPTION 3. DO NOT APPROVE INCLUSION OF ACTION 2 IN VISION BLUEPRINT RECREATIONAL AMENDMENT BUT CONSIDER MOVING TO ANOTHER AMENDMENT.

OTHERS??

Timing

- Guidance to prepare amendment – June 2016
- Review options paper and provide guidance on actions/alternatives and timing – September 2016
- Review and approve for scoping – December 2016
- Scoping hearings – January/February 2017
- Review scoping comments and revise actions/alternatives – March 2017
- Review effects analysis and approve for public hearings – June 2017
- Public hearings –August 2017
- Review public hearing comments & approve all actions/alternatives – September 2017
- Final action to approve for Secretarial review – December 2017

COMMITTEE ACTION:

OPTION 1. APPROVE TIMING AS PRESENTED ABOVE

OPTION 2. PROVIDE GUIDANCE ON ALTERNATE TIMING FOR AMENDMENT DEVELOPMENT

OTHERS?

APPENDIX A

MR. ATACK: Okay, that would likely be another motion after we vote on this one, then. If there is no more discussion on this, let's go ahead and vote on this motion. **Recommend the council consider a recreational bag limit of one fish per person for almaco jack. All in favor of this motion raise your hand; all opposed raise your hand. The motion carries with two opposed.** Is there another motion that someone wants to make?

MR. DeMARIA: I would make a motion to establish some sort of minimum size limit. I wouldn't want to recommend a size but some sort of a minimum size limit I think is justified for almacos.

MR. FEX: Second.

MR. ATACK: Any discussion on this? Okay, if there is no discussion, I'll read the motion. **Recommend the council consider establishing a minimum size limit for almaco jack. All in favor of this motion raise your hand; any opposed. Three opposed; the motion carries.** Now we're back down to Action 8, right?

MS. BROUWER: **Action 8 looks at adjusting the spawning season closure that has been in place for shallow-water grouper.** That closure is an annual closure from January 1st through the end of April for all the shallow-water groupers, including gag. Alternative 2 would extend the spawning season closure for red grouper by one month.

This would be to address, as I said earlier, the concern primarily off North Carolina that the spawning closure is not matching when the red grouper are spawning at that latitude. The commercial and the recreational harvest of red grouper would be prohibited annually from January 1st through May 31st. Then Alternative 3 would be to remove the closure for all affected grouper species in the South Atlantic. This alternative came over from the Joint South Florida Issues Amendment.

However, I believe the Gulf Reef Fish Committee at the Gulf Council meeting a couple of weeks ago voted to put this alternative in the considered by rejected appendix. I don't know exactly where that leaves us. This is one that we're going to really request a lot more guidance from the council as far as what they want to do.

Do they want to consider each sector separately; do they want to consider rolling closures? This is something that we heard over and over during the port meetings. Do they want separate alternatives for gag or black grouper or not? Here is average commercial landings in pounds whole weight for shallow-water groupers.

I believe January through April landings were backfilled using the mean ratio of landings January through April from '86 through 1990 to see when the landings – if there was no closure when the landings would be the highest; and it looks like they would peak in May. Then here are the average recreational landings; the same sort of thing; and those landings were highest in Wave 2, which is during the closure.

Basically this just shows you that based on historical landings, if you just remove the closure, this is when you would expect to have the highest landings. The 2014 data doesn't have headboat in

them because we don't have those data yet. This is just very quickly back of the envelope sort of thing to quickly illustrate and help you guys come up with any recommendations if you so choose.

MR. FEX: Trying to extend the red grouper closure into May is going to do nothing but create dead discards. There is nothing in this amendment that says we have to reduce the landings; so I would not support making that spawning closure go into May, because even red grouper start spawning in December.

I was involved with gutted research for two years in North Carolina so I know this for a fact; that they start in December and they do spawn into May. The original four-month spawning closure was put in effect because we put grouper in an aggregation and the numbers would have worked out right; and they did work out right for the first couple of years. We pretty much met our ACL towards the end of the year. I really wouldn't support getting rid of the spawning closure either. I figure I would throw that point out.

MR. DeMARIA: I think the council needs to figure out which way it wants to go on this. If we're going to have special management zones to protect spawning fish; do we need seasonal closures; and if we're going to have seasonal closures, do we need special management zones? I think it ought to be one or the other. I'm not sure how you could have both and then still have a functioning fishery at hand.

MR. FEX: Well, your special management zones, I really ain't in favor of because they're keeping the commercial sector out of them but then you're letting the recreational do whatever they want in them. I don't think that is going to be a solution.

MR. FEX: I don't think any SMZ has a no fishery for the recreational sector.

MR. JOHNSON: I don't know about that, but I would agree with Don's point. I think if you're going to establish these SMZs and that has been consistently the message from Day 1 about that kind of management is it may allow for some of this other stuff to change. I think fishermen buy into that. If you can establish SMZs and then maybe look at the spawning closures of those months and then remove them, then that might work. I think he is exactly right; you have to have one or the other. I don't know if we need both.

MR. BOWEN: It is of my opinion that the council is considering removing some of the seasonal spawning closures for the recreational side because we're not meeting the ACL on gag grouper. I think you were speaking of commercial, and I just wanted to clarify what the council's intent is on the recreational side.

MR. LORENZ: With respect to red grouper, if it is considering increasing the spawning closure for red grouper, here in North Carolina they tend to be basically pretty deep and they're out near the stream. I'm with Kenny there; that I don't feel it would be really necessary at this point because I would also wonder what could be the possible infiltration of larvae from other areas out there where we tend to have considerable current. I don't think we gain much with the all the complications that would occur like dead discards.

MR. HULL: Just to add to the discussion of what has been presented, the option of rolling closures, spatially and regionally fish spawn different times off of our coast in Florida then they do up there up off North Carolina, and we know that. One size doesn't fit all. The possibility of the council adjusting these spawning closures spatially I think would be something to pursue.

MR. ATACK: I guess the question I have is there is no data showing landings of red grouper by month. If you were looking at doing something, it would be good to see the data as to what that really means. With the red grouper, a lot of it is in deeper water. Some of them aren't; some of them are in 80 to 100 feet. But the deeper water ones, you're right, you have to stop fishing that area not to have those discards.

MR. HARTIG: That's a good observation, Jim, and I agree with you to look at what bang for your buck can you get for closing the month. To say extending the spawning closure for red grouper is the only option we have I think would be misleading you. Red grouper has a pretty finite spawning season. From what I've seen, it is more like April, May and into June at times, depending on where you are. In the south it could go into June.

I think you could get away on red grouper with a two-month closure. You have to remember that some of this stuff, as we've gone through management, we've done this stuff over time. Red grouper had that four-month closure primarily because we were overfishing red grouper and we had to clamp down, and we added it to that four months because that was a way to reduce mortality and to keep us within our rebuilding plan; so you've got that to consider.

With red grouper, the status of the catches now, there is a lot of concern on the council about the direction of red grouper catches. The assessment; I can't remember when we're on the assessment schedule. Myra, I don't know if you know when that is.

MS. BROUWER: I think it is coming up next year; I'm not sure.

MR. HARTIG: There is a number of things with these groupers that we've done over time; and as we've added ACLs to the picture and as some of these stocks are getting better – like gag is getting better incrementally, but it is getting better. We see the aggregations reforming where I am again, which is great news, because we lost them before the Carolinas did.

These aggregations are persisting now all the way down into Miami again. That is great information that these fish are making that long-term migration that they had for years and years, and that has reformed again. That is really good; but I think for some of these species – and Don mentioned it – you talk about how are you going to handle each individual species.

You may want to handle each species differently. Like gag; you're probably going to have to leave the time/area closure – the time closure in place; and you may adjust it somewhat based on the north versus south, and you may have different regulations. I don't think it needs to be four months for gag. I think we can shorten it to three; but I think you may want to have a different month opened in North Carolina than you do in South Florida.

Somewhere you may have different options based on how the fish spawn differentially in the southern latitudes versus the northern area where you guys fish. There is a lot to think about with the groupers. There is a lot of individual spawning characteristics that are different for each one; and I think if we put all those together, we could look at each species and get a handle on when the spawning closure could be in effect.

We talked about these SMZs, and Don has another good point, and he talks about it the same way with MPAs. It even goes down in the Keys which has a much broader closed area. Hogfish is one and you're talking about doing a lot for hogfish, but you have a relatively large area of closed areas in the Keys where a number of these fish are being protected.

I think you could kind of take that into your management as well. SMZs; I mean if you want to go to that concept as your spawning – your main spawning concept, I think you could do it, and you may be able to get rid of some of the time closures if you closed the right places. I'm convinced with Riley's Hump, what we've seen there, that if you get those right places closed, you could probably do away with some of these regulations that we've had long term for the council.

This would take a monumental group to work developing with fishermen these special places. Now, having said that, I think in our area, if you took a couple of spots for gag grouper, you could open up the rest of the area, because most of them go to these spots when they're spawning in our areas. That would be a more long-term way to maybe change the regulations. It is a lot to think about with the groupers, and certainly for some you're going to have different ways to manage them. I just wanted to put that out there.

MR. ATACK: I think we're going to have to recess due to time. We'll pick up here tomorrow morning at 9:00 o'clock tomorrow morning.

(Whereupon, the meeting was recessed at 5:35 o'clock p.m., April 13, 2015.)

The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Cypress Room of the Hilton Garden Inn, North Charleston, South Carolina, April 14, 2015, and was called to order at 9:00 o'clock a.m. by Chairman Jim Atack.

MR. ATACK: Let's come to order. We're going to restart where we left off yesterday on Action 8 for Amendment 37. We were discussing adjustments to annual spawning season closures, if we wanted to look at those alternatives. Does anybody want to start off where we left off yesterday? The council is looking for input from us to look at closing maybe sectors separately or rolling closures or other alternatives.

MR. FEX: A comment to the rolling closures; I don't think that would be very productive. We will have effort shifts from one area to the next. We already see that from the Florida vessels wanting to move into North Carolina. Then if you open one area first and they got a shot at the quota, that would most likely affect the other areas. If you did open it, then we're already having problems with gag grouper. We're already meeting the quota on it; so if you opened another month earlier, then we're going to meet the quota even sooner. We will be losing more fish at the end of the year like we have the last couple of years.

MR. JOHNSON: Is this for both sectors; for all sectors or is it just for the commercial?

MS. BROUWER: Well, the council hasn't specified. This is just something that came up, and that's why those questions are there. Those are questions that came up from the IPT discussion; so we don't really know where the council is coming from as far as that goes.

MR. DeMARIA: I agree with Kenny; this rolling closure thing doesn't make sense. It takes many, many years for these aggregations to form and build up. After Riley's was closed, it was a good ten years before it really built up to what it is today. The first few years there was not much of anything, but it takes years and years for these fish to build up.

It is very specific places they aggregate. It doesn't make any sense to close them and then shift them and open them. It is not like growing tomatoes and rotating crops. That is what some people have tried to compare it to, but the fish are much different. We just need I think to set specific areas aside that are historical spawning sites if we can identify them and then leave alone.

MS. MARHEFKA: I just want to go on record of saying I agree with Don. I think we leave the current closures in place, maybe adjusting for red grouper if that is biologically appropriate. In the meantime start identifying sites – if these spawning SMZs are going to move further inshore, identify appropriate sites and hope at one point we find enough sites that we can protect that are site-specific and then possibly look at opening the month-long closure. I personally – and I can speak for Mark – don't see any point in lifting these until we have a better biological replacement.

MR. JOHNSON: I agree with her completely. I'm not sure – if we were going to talk about an increase in the ACL, then I could see maybe where we might want to do something, but we're not talking about that. I'm not sure what we'd achieve other than closing a fishery down even sooner than it does already.

MR. ATACK: So does somebody want to make a motion then like the preferred alternative is Alternative 1, no action, or what do you guys want to do?

MR. FEX: I'll make a motion Alternative 1 be the preferred by the AP.

MS. MARHEFKA: I'll second.

MR. ATACK: Anymore discussion? The motion reads the AP recommends Alternative 1, no action, on removing the spawning season closure for shallow-water grouper.

MS. HELMEY: I'm in favor for changing it if it – I don't know if they're going to separate it from commercial to recreational. If they are going to separate it, I would be for opening it 30 days sooner. I know their reasoning behind it is they don't want to reach their quota sooner, but in my case I would want it. It would help us a lot in the charterboat business.

MR. DeMARIA: I don't have a paper with that on it. Could we look at Alternative 1 and the other ones for a minute on there?

MS. BROUWER: And I'll remind you, as I said yesterday, these alternatives the council has not yet had a chance to see them; so if the AP wants to recommend a completely different alternative than what I have up there, that's also appropriate.

MR. JOHNSON: Why did we not choose Alternative 2? Isn't that the same as Alternative 1 but just extends the red grouper closure. Wasn't there some discussion about red grouper numbers declining and there is some proof that they actually spawn later? I don't know if there is anybody that can answer that question for me.

MR. FEX: Yes; we did think about that; but any extension of that closure would just leave the dead discards of red grouper because of the post-catch mortality rate. As for the red grouper, that is my backyard; and I've caught a lot of them through the history. I did see a decline a little bit in them, but effort has decreased on trying to catch grouper in my area.

You've got a season that opens in May. I fished one month. Once the triggerfish closed, I made one more trip and then I waited until July. When July opened, I targeted B-liners mainly, and that is what has happened. Most of the fishermen are targeting B-liners at that time; so your effort towards them at that time is low or minimal.

Then when the season closed, I fished one time in October and then I took the rest of the year off because it wasn't productive to just target one fish when I'm out there killing all these fish trying to catch this one type of fish. I would actually look at effort. I know CPUE is based on people going fishing and then if you catch one grouper on a trip, then that is catch-per-unit effort on that trip.

That vessel in Florida – I'm just making the comment – that went 17 trips and caught a thousand pounds every trip; if he caught one grouper every trip, then that's part of the CPUE so it looks bad, well, the grouper is in trouble because we've got all this effort. But it is not always just directed at the grouper; so I would really question that just for that fact.

And when I fish, I have to weed through triggerfish in my area to get my baits down to them groupers, so it really hard to catch grouper when the triggerfish are closed. I used to actually weed through triggerfish to catch grouper; so now that the triggerfish are closed during most of the grouper season, it is not very productive for me in my area to even target them. I think a lot of effort has been reduced on grouper just for that fact. The dive boats are doing good. I talked to a dive boat guy at the last trip, and he bought a longline endorsement so he did real good last year. I would look at how their landings are going to see how well the groupers are doing.

MR. MUNDEN: I have a question for staff as to where the suggestion came from that the red grouper season be extended by one month in North Carolina. I attended the meeting in Morehead City, North Carolina, the vision committee meeting, and I think there was a recreational fisherman who spoke in favor of a longer closure. Captain Terry Gould was there with me and I don't believe he spoke against it or spoke in favor of it. Did this come from the southern part of the state of North Carolina or did I miss something in Morehead City?

MS. BROUWER: What I remember was the meeting in Sneads Ferry there were some folks that came and they were indicating that every time they started fishing for grouper, come May 1st for red grouper, they were all in spawning condition. We have the notes from all those port meetings, and I'm quite sure that was Sneads Ferry and there may have been another meeting in North Carolina where folks said, yes, the spawning season closure is not matching up. They're spawning into May and the council ought to look at extending it.

MR. STIGLITZ: I support the motion. I wouldn't support Alternative 2 because where we're at red grouper spawn in February and March. By the end of April our red grouper are spawned out, so we would just lose another month of fishing. With Judy's thing, if you're going to open it for the recreational, I think it ought to open for the commercial and keep it all at the same time.

MR. DeMARIA: I'm going to support Kerry's motion, but I'd like to make a motion at some time – and I'm not sure how to do it – that once the council does – if they do move ahead with spawning area closures; that they consider removing a lot of these closed seasons. I'm not sure how to do that, but we shouldn't have both. Some species it might make sense to have a seasonal closure; the ones that don't aggregate like hogfish. Red grouper don't aggregate either. To have both for everything is a bit too much, I think.

MR. SMITH: I agree with Don. I think that we're just kind of looking at the map of what we're going to get, and I think that is a point that needs to be continued to be made because it will help other people get along with the process of protecting the spawning areas, the high relief, if there is a carrot down there. Those are the kinds of things that we need to do, but I think we've got a long ways to go before we know exactly in Richard's backyard where those red grouper are spawning and how we better protect them. We've got a ways to go, but I agree with you.

MS. MARHEFKA: Would it make sense is what we're saying as an AP that we do recommend the council look for specific spawning areas for these species, to possibly close the special management zones and as part of that process, when those are found and are successful, then the AP would recommend the council look at removing the overall spawning season closure? Is that where we're all at on that page? Are we saying we'd like to find the spawning areas and possibly protect them?

MR. DeMARIA: That's where I'm at.

MR. ATACK: Well, we've got this motion the table and it would be good to kind of wrap it up and then go to the next motion if that is what you want to do, I think. Is there more discussion before we vote on this versus the next motion?

MR. FEX: One other thing I want to make a point is if we do take away the spawning closure and we open up in January, when do you think the grouper is going to close?

DR. KELLISON: To my knowledge just with regard to red grouper, there is not any information that suggests that when they produce; that they migrate to specific areas. As Don mentioned, they're not known to be aggregate spawners.

MR. LORENZ: I agree with just about every comment that is made here. As the special management zones come forward, I think for public acceptance and to initially start to get folks enrolled in the process, we're going to do a little bit of horse-trading. Leaving this alone as status quo reminds me as kind of one of those things and then we're not going to throw something new at them that they're going to look at further restricting fishing.

MR. ATACK: Okay, we're going to vote on the motion. **The AP recommends Alternative 1, no action, on removing the spawning season closure for shallow-water grouper. All in favor of the motion raise your hand; all opposed raise your hand. Two opposed; the motion carries.** Is there another motion somebody wanted to make right now?

MS. BROUWER: I don't want you to get stuck because you don't want to make motions about these things, but you can certainly provide recommendations or clarification or some kind of rationale for where you're coming from with this motion. Don't feel like you need to make a motion every time you recommend something.

MS. MARHEFKA: In this case, just because it tends to be something that's semi-controversial and not everyone has had a chance to speak on it, maybe it is worth making a motion just to say that maybe the AP recommends the council consider looking for the appropriate species' spawning SMZs for shallow-water grouper.

MS. BROUWER: Are you making a motion?

MS. MARHEFKA: That is made in the form of a motion – and where biologically appropriate; so if it is not appropriate for red grouper, it is not appropriate for red grouper, but for those that do aggregate to spawn. **The AP recommends the council move forward with identifying spawning areas for shallow-water grouper that may at some point be appropriate to designate as special spawning SMZs.**

MR. HARTIG: While she is writing that down; that was what I really needed to know; that you wanted us to look at the shallow-water groupers as well because everything else that we've done so far has been focused on the deep.

That is a game-changer because I see that evolving into something that Don has talked about and a number of you have talked about something that we could horse-trade down that we could actually lift some of the time closures if we had some specific area closures. I think that would work.

MR. ATACK: Okay, we have a motion; does anybody want to second that motion? Don DeMaria seconded,

MR. STIGLITZ: Would this be to take place of the spawning season closures or both; I mean, have the SMZs plus the spawning season closures or would you add to replace the spawning season closures in there?

MS. MARHEFKA: I think the intent that I'm hearing around the table is that we keep the spawning season closures in place until the sites are identified and able to be protected with the idea and the intent that the AP thinks the council down the road, when that is taken care of, we would expect to see the spawning season closures removed, if appropriate. What you're trading is a big, huge four-month closure that is protecting everything for small closures that protect what really need to be protected. Yes, in my perfect world I would envision the spawning season closure going away once the sites were protected. Does that answer your question?

MR. STIGLITZ: Yes; I just wanted to see that in the motion. I believe they just modified it.

MR. COVINGTON: I was going to echo the same thing from Ms. Marhefka's motion that we need to be very careful in how that is crafted. In my mind's eye and what I think this committee would prefer is to replace that seasonal broad, geographic, four-state-wide closure for spawning for shallow-water grouper, end up replacing that with these targeted special management zones to protect spawning activity only for these time periods when we know that those species are indeed spawning.

MS. MARHEFKA: I just want to say one more thing and then I'll stop. I think what the council needs to hear from us and what they're trying to get at – correct me if I'm wrong – is that as an advisory panel are we comfortable moving forward with this different way of managing, which is closing site-specific areas.

We're talking closed areas versus these other forms of management we have been using all these years. I feel like if we gave them – even if it is like Myra said, it is not a motion; but they understood does the AP support that shift. Is that something the AP is comfortable with; then it seems to me that would help them a lot, because I feel like we are recommending is a shift in how things have been happen in the past to a new way of managing.

MR. JOHNSON: I support it. I do know for like red grouper it probably wouldn't work because they do spawn everywhere. I do like the idea. I just wanted to make that point. Also, shallow-water grouper, they spawn on the shelf edge, so I struggle with calling them shallow-water grouper because that is 180 feet. To me shallow water is 80 feet.

MR. SMITH: I'm looking at Riley's Hump and I'm thinking about Riley's Hump and the mutton snapper. While we know that we're seeing more mutton snapper in Brevard County and being caught at Sebastian Inlet in the fall than we ever did before; and I'd like to think that it has a lot to do with what happened at Riley's.

I'm hoping that's true, but then again we're seeing other species moving north in bigger numbers, too, and we're talking birds and mangroves and everything like that. With climate change, we have more mangroves and it has been documented they're moving further north. You would like to think – and I like the way you said that; yes, we need to let the council know that this is a way to replace the old guard and bring in the new guard; you know, protect spawning habitat. I agree with it and I would vote for it, but I think this is just a transformation that is going to take time.

MR. MUNDEN: First, I have a procedural question. Has this motion been seconded?

MR. ATACK: Yes.

MR. MUNDEN: And my comments are I understand where a lot of the AP members are coming from, but I think this is placing the cart before the horse. I would rather that we focus on the deep-water spawning management zones and see if that flies. Then if it does, to go ahead and move to protect the shallow-water species. We already have protection for the shallow-water grouper in place. I'd say let's leave this alone and let's move ahead with the deep water first and see what happens.

MR. FREEMAN: If you'll make that a motion, I second on that.

MS. MARHEFKA: We have a motion.

MR. FREEMAN: I totally agree with Red.

MR. WAUGH: Just one point of clarification on timing; the way I read that motion where it says "that may be appropriate at some point", I don't view that as going into this round of spawning SMZs. Okay, I just wanted to get that clarification.

MR. MARHEFKA: For the record, this absolutely means after the deep water – this would be the next phase; that the council knows from us it is okay at some point in the next phase to look at not in the deep-water realm.

MR. ATACK: Okay, I'm going to read the motion and I think we can go ahead and vote on it. **The AP recommends the council move forward with identifying spawning areas for shallow-water grouper that may be appropriate at some point to designate as spawning SMZs. The intent is to eventually remove spawning season closures once spawning areas are identified and protected. All in favor of the motion raise your hand; all opposed. Two opposed; the motion carries.**

MR. DeMARIA: I just want to say something before we move on from the shallow-water spawning areas. This seems to be a thought with a lot of people that this is something driven by the NGOs and environmental groups as just a way to take away from fishermen, but I don't think it is. Certainly, they support it but there are a lot of fishermen that support it, too.

There are a lot of fishermen that would rather fish year round and have to avoid just small areas rather than having these four-month closures. It is devastating to some fishermen especially in our area to not be able to fish for a certain part of the year. I look at it more of a way of trying to get to a year-round fishery rather than just taking something away from fishermen just because it feels good; and that's what some people do want to do.

I think we can get to a year-round fishery if these are done properly and if they're well thought out like Riley's. That is an exceptional place. If you haven't seen video of it, it is pretty impressive. You look at it and you say, "Yes, this needs to be left alone, these fish need to do their thing there and it will work out."