

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER ADVISORY PANEL

**Charleston Marriott Hotel
Charleston, SC**

October 5-6, 2011

SUMMARY MINUTES

Snapper Grouper AP:

Don DeMaria, Chair
Jim Attack
Phil Conklin
Kenny Fex
Rob Harris
Scott Osborne
Micah LaRoche

Steve Amick
Robert Cardin
Blaine Dickenson
Terrell Gould
Robert Johnson
Rodney Smith
Mark Marhefka

Council Members:

David Cupka
Ben Hartig

Mac Currin

Council Staff:

Bob Mahood
Myra Brouwer
Dr. Mike Errigo
Julie O'Dell

Gregg Waugh
Anna Martin
Dr. Kari MacLauchlin
Kim Iverson

Observers/Participants:

Kate Quigley
Dr. Marcel Reichert

Rusty Hudson

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The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council convened in the Charleston Marriott Hotel, Charleston, South Carolina, Wednesday morning, October 5, 2011, and was called to order at 9:00 o'clock a.m. by Chairman Don DeMaria.

MR. DeMARIA: The first item we have is the approval of the agenda, but there are a couple things I wanted to add or just reword it a little bit before we approve it, if it is okay with you. On the last part, under other business we have discussion on how Council/AP communication can be improved, and I would like to add and how the process in general can be improved.

That just gives you all a chance to say anything you want about the council, NMFS, the whole process. Whatever you all want to say, but let's not make it a personal issue, just the process in general. Also, under 9, items to be included in the comprehensive ecosystem-based management, the powerhead issue is going to come up, and I would like Mr. Cupka to come up and sit with us and ask any questions that he wants and have a real thorough discussion on this one.

This is one I know quite a bit about. Over the years there has been a lot of misunderstandings both for and against powerheads, and I think we ought to just get it out in the open exactly what is going on, so he can go back to the council and make an informed decision. Those are the only two additions

I would like to make, and if that is okay with everybody we can vote to approve the agendas. Is there anyone that doesn't want to approve it? Okay, the next item is the approval of the minutes from the last meeting. Does everybody approve of the minutes as they were written? All right, the next item is the Comprehensive ACL.

MS. BROUWER: I am going to give you a short update on the Comprehensive ACL Amendment. This amendment was approved for submission to the secretary. There is a hard copy summary for you in the back table. It is a little bit different than what you received in your briefing book. It has been updated. There are not major changes to it, but if you would like a copy of the updated summary it is available.

MR. DeMARIA: Myra, maybe before we get started, I forgot one other thing I was just reminded of. We need to go around and have everybody introduce themselves. I know everybody knows who they are but the tape recorder doesn't. If we could start and go around and introduce ourselves, that would help.

MR. DICKENSON: Blaine Dickenson.

MR. SMITH: Rodney Smith, Satellite Beach, Florida, media.

MR. GOULD: Terrell Gould, snapper grouper charter/headboat.

MR. CONKLIN: Phil Conklin, commercial, recreational, wholesale, Murrells Inlet, South Carolina.

MR. COLE: Bill Cole; I guess I am a fishery scientist today.

MR. MARHEFKA: Mark Marhefka, commercial fisherman, Charleston, South Carolina.

MS. BROUWER: Myra Brouwer, council staff.

MR. DeMARIA: Don DeMaria, Key West, Florida, and I don't really have a title.

MR. HARRIS: Rob Harris, Key West, Florida, recreational.

MR. ATACK: Jim Atack, North Carolina, spear fisherman.

MR. JOHNSON: Robert Johnson, St. Augustine, Florida, charter/headboat.

MR. OSBORNE: Scott Osborne, Port St. Lucie, Florida, commercial fisherman.

MR. FEX: Kenny Fex, North Carolina commercial fisherman.

MR. CARDIN: Bobby Cardin, Fort Pierce, Florida, professional fisherman.

MR. AMICK: Steve Amick, charter/headboat, Savannah, Georgia.

MR. THOMPSON: Robert Thompson, charter, recreational, commercial, Murrells Inlet.

MS. BROUWER: Okay, so up on this screen I have what we call an issues paper. This is what we use to walk the council through the amendment and explain to them the things that had changed. The main thing that changed was the allocations for the commercial and recreational sectors had been calculated using total landings instead of average landings, and that was not what the council had intended.

We had to go back and redo those allocations, which evidently had the effect of changing the ACLs and the ACTs. The numbers were a little bit different. What the council looked at in December was this table which shows the allocations as they were before, then the recalculated allocations on the right, and then at the far right you have the percent difference. I am trying to get as much of it I can on the screen as big as possible so you can see it.

For example, blueline tilefish used to be 64/36 commercial/recreational under the preferred alternative prior to us discovering that this had not been done correctly. Then the allocation changed by 16 percent in favor of the recreational sector. The allocations are also displayed with two decimal points and that is just to help folks understand the rounding issues.

If you apply the rounded percentages to the ACLs or to the ABC, rather, or to the total ACL, your numbers are just a little bit off and that is just a rounding issue, because they were calculated with so many decimal points, and so we elected to include two decimal points just to make it clear for everybody.

Most of this species didn't change very much, and you will see the council in August also voted to not remove as many as they had originally proposed. There were about 26 species that got added back into the FMU, so then another thing we had to do was redo the species groupings, so that is different than what you remember from the last time you saw this amendment.

The jacks stayed pretty much the same. You can see lesser amberjack changed by about 10 percent; gray snapper, 7 percent. Most of them are not very much. For greater amberjack the sector allocations were calculated using a different data set. There were some data that were available from the assessment, and so those data were used instead of the previous data sets, so that changed. That was at the suggestion of the Science Center because the data were more accurate, and so that changed the allocations a little bit as well.

Then for yellowtail snapper, mutton snapper and black grouper, the issue here was that the sector allocations had been calculated using a data set that had not been corrected for the landings in Monroe County. There had to be what they called a post stratification procedure to make sure the landings from Monroe County are attributed to the South Atlantic.

When the regional office calculated the sector allocations, they used the data set that did not allocate those landings to the South Atlantic but to the Gulf of Mexico instead. They went back and redid it and that changed the allocations for those three species as well a little bit. Well, for black grouper it was quite a big change.

MR. ATACK: One comment on your numbers there. It is a little deceiving, because when you look at the right column it is really a percent change, not a percent change of your basis. In other words, the black grouper was 65 percent commercial and you are showing a 28 percent minus, which is hard to see because it is up above it; it looks like it is both plus 28 percent.

But, really that is like a 50 percent reduction in their total pounds that they can land that year. You are going from 65 percent to 36 percent. You are really cutting it in half. The 28 percent is just a subtraction from the 65, so it is not a percentage of what you used to have, it is not a percent change. The same thing with the mutton snapper, it went from 24 percent to 17. That is a 75 percent reduction in what their allocation used to be. Depending on how you look at those numbers, they say different things.

MS. BROUWER: Right, so this was just to illustrate to the council how the percentages changed, but you are right the ACLs – the numbers can be a good bit different for different species. Your summaries that you have and that are available, like I said, hard copies have the correct ACLs, the correct allocations, the correct ACTs. If you would like to go over those, those are available.

MR. DeMARIA: Just one question on Goliath grouper and Nassau grouper; how can there be any numbers at all if they are closed?

MS. BROUWER: Right, we were wondering about that as well, but in fact, yes, these are prohibited species, but, for example, red snapper is up there somewhere as well. What we were

told when we brought this up to the region is they said, well, you can use a framework procedure to change the ACL should the council want to do that later on, but you can't use a framework procedure to change allocations. It is better if the council already has an allocation for these species that hopefully one day will be allowed to be harvested. That is the reason why that is there.

MR. MARHEFKA: I'm just trying to go and see, when was all this data pulled together and in conjunction with the demographics that has changed with our fishery from the commercial and recreational increase? When was that time, what was the setup?

MS. BROUWER: The Comprehensive ACL uses data from 2005-2009; is that what you are asking?

MR. MARHEFKA: Yes, basically that is what I am trying to – so from 2005 to 2009, okay.

MS. BROUWER: The timing is we are still working on putting the finishing touches on this amendment, cleaning it up. It is taking a long time because the amendment itself, without the appendices and all the extraneous information, is over 700 pages, and so it is taking us a little while to review it. Hopefully, by next week we will be submitting it to the regional office. At that point, basically it leaves the council's hands and it is up to NMFS to send it through all the channels to implement the regulations.

MR. MARHEFKA: Just by looking at this, it seems like the commercial guys are getting the short end of the stick here as we have changed the demographics of the industry. As each year goes by, the commercial guys are getting pushed down farther and suppressed and it seems like the recreational continues to go and catch.

I mean, looking at blueline tilefish; I mean, come on, seriously? They didn't even think about going out after anything deeper than 20 fathoms years ago, and it seems like we are just letting that go and keep on chip away at us here, and I am wanting the council to make sure they go and take notice here. It just seems we are getting chipped away and we are going to go and sort of keep on pushing it more towards the recreational sector.

MS. BROUWER: This is just for clarification. The council has been very consistent in how they allocate between the sectors. They use something that we now call Boyles' Law, which is basically using the average landings between 1986-2008, half of that, and then the other half of the allocation is made up of average landings between 2006-2008.

The reasoning back when the council took this up, which was in 2008, they had an allocation committee that went through a lot of discussion on how to allocate, and they decided that this was a way that was very transparent that let the public see how exactly the council was divvying things up and taking into account historic participation or catch history, half of it the historic portion and then half of it the recent history. That is where the allocations came from and they have opted to apply this formula to pretty much every managed species that we have. Mark is right, as time has gone by the importance of the recreational sector has gone up, and so unfortunately the weighting has changed.

MR. JOHNSON: Mark, you also notice though that the commercial allocation for scamp grouper is twice as much as the recreational allocation. There are different species; I mean in all fairness you have got to look at all of it.

MR. MARHEFKA: I see a few of them that are up more than others. I am just basically wanting to go and make it be aware around the table that as we have been here for years and years – I have been here over 20 years doing this – that watching us slowly get chipped away, and demographics have changed along our coastline. It just sort of seems to me that we are sort of getting the short end of the stick every time we turn around.

MR. DeMARIA: I will make a suggestion; just one more and then let's let Myra go through the whole thing and then we can have a discussion afterwards, but go ahead, Steve.

MR. AMICK: Could you scroll down there. I would just like to see the allocation on the red snapper. I am not sure where it is sitting now.

MS. BROUWER: Sorry, it is just going to take me a little while to get to it, bear with me here. What I am showing now is the summary that you received. While I am looking for it, Don, I hadn't planned on going through the whole thing, this is basically an update, so if you have any specific questions or things that you want to revisit, then I would be happy to answer those, but I don't think that we should spend the time going through the whole amendment.

MR. DeMARIA: No, I just want you to be able to finish your presentation and then we can ask questions afterwards.

MS. BROUWER: Okay, so up on the screen, the allocation for red snapper would be 28.07 percent commercial and 71.93 percent recreational. That pretty much wraps up what I had for you on the Comprehensive ACL unless you have any questions.

MR. DeMARIA: Is this the time to talk about when species are excluded in the management unit, like the tiger grouper thing, or later?

MS. BROUWER: Yes, this is the amendment where all that is going to be implemented. The council in August, as I mentioned, opted to only remove 13 species out of the management unit. The last time we met back in April, they were proposing to remove 39 species out of the management unit and there were a lot of issues with that.

When they met in August, they made a motion to only remove the 13. They also decided that there should be some species designated as ecosystem components, which mainly means that they are not subject to ACLs and AMs. They remain within the management unit, but there are species that are really not retained for personal use that are part of the ecosystem and should be monitored, but they are not really a big component of the fishery. There are six of those that were designated as ecosystem components.

Two of them, tiger grouper and I forget what the other one is, have had zero landings in the South Atlantic. For that reason the council reasoned these are important but these are probably transient species that don't really occur in our waters very much, and so they opted for ecosystem component designation for those.

MR. DeMARIA: I just have something to say about the tiger grouper. It is not a very common fish in our area but there are certain pockets out west of Key West, Tortugas especially where you will find a pretty good number of them. I have certainly sold enough of them. I think they must have all got sold years ago as black grouper if there is no record or landings.

I would be afraid that if you removed them from the management unit that would remove any size limits or anything like that in federal waters. Since they were sold as black groupers before, will that – if there is no size limit on tiger grouper, I wonder if that would give like a way for people to sell black grouper as – sublegal black groupers as tiger groupers since they are so mistaken.

I would keep them in there because even though there wasn't much recorded landings, I think they were landed and I still see a few of them. I would hate to see them go the way of the marble grouper, and I don't want to create a means for people to sell undersized black grouper and that might happen. I would recommend that they keep them in the unit just for that reason.

MS. BROUWER: I misspoke earlier. Tiger grouper is actually a species that is being considered for removal. If you look at this table, the species that are displayed in that brownish color, those are the species to be removed. The species that are indicated in green are the ones that will be designated as ecosystem components. You are correct in that tiger grouper at the moment is being considered for removal, because there have been zero landings of tiger grouper between 2005 and 2009 in the South Atlantic.

MR. DeMARIA: Are there anymore questions on her presentation or any of this?

MR. ATACK: Yes, is this the time to throw the two graphs up on the hogfish in the presentation? I am concerned when you look at the ACL Amendment and you go down to the annual landings, the ACLs that are going to be set up for the hogfish, that they have like 48,000 I think pounds per year – it is on Page 14.

When you look at the landings for the last three years, they are on the right side there, and these are three-year rolling averages, I think, that they really have jumped up, so I think when the other fisheries have been closed there is more and more pressure on the hog snapper. The other graph that you bring up is from Nick Farmer as the actual official landings per year.

These are also like a three-year average; because of the rules of three, they couldn't show every year, but it is a three-year average. If you draw the line in there at 48,000, five of the eight dots are going to be above the ACL. If we just put this ACL Amendment the way it is and do no other management measures, then hogfish will be overfished. There is a lot of discussion and research thinking that they are overfished now, anyway.

The landings with the more recent pressure will push them up over the limit on the ACL that we pass here. I would like to propose a new management measure of increase the minimum size on hogfish so that they can properly reach the proper age to breed and reproduce and get out of the exceeding the ACLs versus some type of closed season. The research from McBride and Johnson and all the research I read suggests, along with the SEDAR 2003, increase the minimum size to 20 inches. That is what I would like to see as part of the ACL.

MR. DeMARIA: Is that a motion?

MR. ATACK: Yes, I would like to make a motion to increase the minimum size on the hogfish to 20 inches.

MR. DeMARIA: Is the motion seconded? Seconded by Mark, so it is open for discussion now.

MR. CONKLIN: That 20 inches you are talking about, is that fork length or total length?

MR. ATACK: It is fork length, the same way it is measured now, because right now it is a 12-inch fork length. A 20-inch fork length is what the research in the SEDAR says we should be doing.

MR. CONKLIN: I would think maybe more like 18 inches; just for the simple reason that I see a whole lot of hogfish, and they don't – rarely do you see a small one under 15 inches, but 18 is about the minimum size that I will see. If I see a thousand pounds of hogfish off a trip, 2 percent of them are less than 20 inches, but still there is a – they do sometimes get them.

MR. SMITH: That is a perfect example of how the regional management would work better right there; because you look at South Florida and they would be happy to see 18-inch hog snappers all the time.

MR. CARDIN: Myra, when is this ACL Amendment set to go to the secretary?

MS. BROUWER: We are going to be submitting it to NMFS by next week, probably late next week or early the week after.

MR. ATACK: Yes, I just wanted to make sure everybody understands the way the fishery works in hog snapper. They all start out females; they are usually a harem. The largest female converts to a male and they don't really reach breeding size until they are 12 inches. There are papers written on juvenescence and whatnot. If the size isn't raised to like a 20 inch, then the stock is impacted by that – it's reproduction is impacted by that.

MR. DeMARIA: Is there anyone else who wants to talk?

MR. JOHNSON: I just had a question for Rodney. You talk about they would be happy to see one as long as 18 inches? I just want to clarify that.

MR. SMITH: Yes.

MR. JOHNSON: Because South Florida they have a lot of smaller hog snapper?

MR. SMITH: Absolutely.

MR. JOHNSON: Is there any kind of trip limit, commercial trip limit on the hog snapper fishery right now, just a question?

MS. BROUWER: No, I don't believe there is.

MR. CARDIN: Jim, is this where we want this motion to be in the ACL Amendment or do we want to put it somewhere else; it's your motion?

MS. BROUWER: I just need to remind you the ACL Amendment is ready to go, so there can't be anymore changes made; so whatever changes you would like to see would have to happen in a future amendment.

MR. CONKLIN: North Carolina has a trip limit on their landings of hogfish per trip in the state. South Carolina has none; it is an unlimited fishery. I take care of two dive boats. I have got to say they are very, very thorough and very efficient fishery on what they do and how they do it, but the people in North Carolina, I am not so sure that since it is federally managed fish, how North Carolina can go and tell the fishermen that they can't land over 750 pounds of fish a trip of that species.

MR. DeMARIA: Is there anymore discussion on this or are we ready to vote? Do you want to say something, Rodney?

MR. SMITH: Well, seeing that they are 12 inches now, Jim, and 20 inches, I am for protecting the hog snapper until they get to spawn a couple of times, but then again we know about the discard mortality. Would you consider 18 inches?

MR. ATACK: Yes, I would consider 18. I was just going by what the research and scientific data was saying it should be 20. That is where I started out with their recommendations, but 18 is much better than 12.

MR. GOULD: If you look at the history of any size limits that has been imposed on us, you are invariably going to catch a lot of fish that was in a half an inch, quarter of an inch of what the legal size limit is. Sea bass in North Carolina is a good example. We throw back plenty of 11-½, 11-¾. You set it at 20; the average is 18 or so, 18 to 20. You are going to increase your discards there. I would fully support an 18-inch size limit, but I can't see the reasoning behind a 20 because of the increase in the discard rate.

MR. CARDIN: Question; who is catching these hogfish that release them? \Do you catch that many hogfish hook and line? Discard mortality isn't really an issue in this fish, I wouldn't think.

MR. DeMARIA: We have a motion to increase it to 18 inches, is that okay? Is everyone ready to vote on that or do we need more discussion? **All in favor of the 18-inch size limit raise your hand; all those opposed. The motion passes with one opposed.**

MR. JOHNSON: Just one quick question. I don't want to take up time, so would this be a place to make a motion to increase the minimum size limit of gray triggerfish and establish a recreational bag limit or is that under other business?

MR. DeMARIA: Do you want to do it now?

MR. JOHNSON: I would like to make a motion to raise them across the board, commercial and recreational, to 14 inches and establish a 5 fish per person recreational bag limit for gray triggerfish.

MR. DeMARIA: Is there a second for that?

MR. SMITH: I will second that.

MR. DeMARIA: It is open for discussion if anyone wants to discuss it.

MR. ATTACK: What is the basis for the 14 inch versus 16 inch versus 12 inch? I mean is there any kind of a minimum stock breeding size for gray triggerfish?

MR. JOHNSON: I am just concerned about the low ACL, trying to keep from busting it. A 12-inch triggerfish is not much use to anybody.

MR. ATTACK: I agree with that, but I have heard from the fish dealers they are also concerned because when the grouper was closed a lot of pressure went on the gray triggerfish. There was a lot harvested in I think '08, '09 because of grouper closures. They put them in the freezer, they gave them fish to sell and so the minimum size really should be for what is the spawning size.

If we need to increase it to 16 inches or whatever, that way that stock can spawn before it is taken. They are a pretty hardy fish; I think it should have a low bycatch mortality. When we increase it I think we should be looking at increasing to the size that is right for the fishery, the sustainable minimum size, not just hit ACLs but what is right for the fishery. What is going to give you your MSY?

MR. DeMARIA: That is something that might not even be known with triggerfish, I don't know, but my thinking is this is probably a step in the right direction that Robert is making. Did Terrell or someone else want to comment?

MR. GOULD: Putting a limit at this time on triggerfish, they are still pretty prolific. I fish for them quite a bit up there what we are doing. Right now they are in part of the aggregate limit, which is the 20 per person for other species, the gray triggerfish is. What you are going to do is you are going to take this fish out, limit people recreationally 5 per person.

Now, you take my situation. I run a headboat; I can catch 5 vermillion snapper, I can catch 5 sea bass, I can catch a combination of 20 red mouth grunts, other reef complex fish, including the triggerfish. We do not specifically target all of this stuff here. What you are doing is you are going to take and put a 5 per limit person of triggerfish on, say, my vessel or any other recreational vessel. That is freeing me up to go with 20 of the reef complex species that is in the aggregate limit, which would probably increase mine a little bit but put more pressure on the fish. If you want to do that, have at it, you are just going to put more pressure on it. I have no problem with a 14-inch size limit, but then again the deeper you go for a gray triggerfish the more mortality you are going to have; and yes, there is a lot of pressure that is put on them during the winter especially with the new regulations.

I am seeing an incremental choking point for anybody and everybody. This past year alone I have seen about a 50, 60 percent reduction in offshore traffic out of Morehead than what we have had in the recreational sector in four or five years. You keep on choking it out there is nobody going to be able to fish it.

It behooves me to have viable fisheries, but if you keep a choke, choke, choke, choke; choke and a lot of the fisheries that we are fishing for now is increasing. I mean, you couldn't believe the stuff that we have to throw back five and six times our limit. They are on bass, on vermillion snapper, silver snapper; red porgy is a good example of what is going on.

I think that the 5 per person limit should be put on the back burner for a few years until you get some real good data on it. The rush towards regulation is not good either economically or for the fisheries. It is a viable fisheries; it has been good. I can go out there and catch all I want most anytime, if the current is not running. I am just saying that you need to watch what you are doing there because you are going to increase the pressure in different ways on other fish.

MR. JOHNSON: My point, Terrell, is at the end of this month probably, most likely, in all probability, we won't be catching or we won't be retaining black sea bass. If we had gone to a 5 fish or even a 7-fish limit two or three years ago, we would have a year-round fishery still. What my business can't stand is all these closures when we can't retain anything.

I am just trying to be a little proactive before they do a stock assessment on gray triggerfish and come and shut those down, too, one of the few fish that we are still allowed to catch in January, February and March. I am just trying to get ahead of the game here because when they do an ACL – they haven't done a stock assessment on gray triggerfish that I am aware of.

I am sure – you are saying how plentiful black sea bass is, well, guess what? In the science community's eyes they are overfished such as red snapper and vermillion snapper and all these other species that we say are plentiful, so that is not the point what we are seeing on the water. The point is what we are going to be facing down the road.

MR. DeMARIA: Hold on a minute, Terrell, I think Robert has got a good point about black sea bass, and I believe they are – from what I understand, they are going to be closed down pretty soon, and Mike can tell us more about that when he gives his presentation. Terrell, go ahead.

MR. GOULD: Well, I will tell you, Rob, what I am seeing is the ultimate goal is to shut everything down, the incremental choking. And, really, look at it over the history of it, I have been in this 40 years. I have seen the best of it; I have seen the worse of it. There has been a lot of it that has really, really needed a lot of regulation.

But it is like a cancer there, when it gets a hold on it, it is more and more and more, and there has got to be a point where we have got to step back and take a breath and look at it real close. The timelines for rebuilding a lot of this stuff has gotten too short and it is hurting a lot of people, so I have to weigh that out and look at what I see in my neck of the woods doing this professionally. I don't want to be a buccaneer or a pirate or anything like that, but I want my customers and other people that are in this fishery to be able to get what they need, not overdo it, but not to be cut down so short that it puts pressure on other stuff, which your discard rates go up, your numbers go down, people quit fishing, and they don't get the data, so it is a cumulative thing where eventually they are going to say, well, we have got to shut this down, we don't have enough data to regulate it so we are going to shut it down just to be on the safe side. Red snapper is a good example of that.

MR. MARHEFKA: The motion reads that it is for recreational catch. Is this for recreational only or is this across the suite and can you clarify, please?

MR. JOHNSON: The size limit would be across the board, all sectors. The bag limit would be for the recreational only. I would think maybe the council at some point would look at a trip limit on gray triggerfish. I am just looking at ways to keep the fishery open, because that is what is killing us, all these starts and closures. We need to have something that we can keep.

MR. MARHEFKA: Well, as a professional commercial fisherman for over 30 years, I sort of side – I regulate myself on these things, because anything smaller than a 14 inch, economically the restaurants are not really looking for a small fillet, and that is only going to give you about maybe a 4-ounce portion at the most if you leave the bone in it.

Seriously, there comes a point in time where we can overregulate ourselves or we can go and sort of doing what we should be doing is regulating ourselves. Second of all, if you are using the circle hooks like you should be using, I don't know how in the world you are going to go and get a 14 inch or smaller on a circle hook, anyway, or larger. I mean it is hard enough to catch a triggerfish the way it is. Just to give you the heads-up on the circle hook.

MR. SMITH: I have a question for Steve and Robert and the other charter captains. Would it be in its usual occurrence to catch five 14-inch gray triggers if you are targeting them?

MR. JOHNSON: The limit right now in the state of Florida is 10 per person, 12-inch minimum size limit. We very seldom catch our limit if we have more than 3 or 4 anglers on board. Again, my customers and I think the industry in Florida as a whole will live with reduced bag limits. What we can't live with is, we can't keep anything, and that is where this is all headed and that is what I am trying to keep from happening.

MR. AMICK: No, we don't catch the 5 triggerfish per person, it just doesn't happen. I would like to comment on what Terrell said about the aggregate total. I mean over all the years, last 20

years, 25, whatever since we have had the 20 aggregate total, I have never had an angler hit their 20 aggregate totals; it just doesn't happen. I am not sure what the ACL is on triggerfish or what we are looking at as far as a recreational side, but as far as on our end, as far as charterboat/headboat, that would not have a great effect one way or the other.

MS. BROUWER: The proposed ACL on gray trigger would be 305,262 pounds commercial and 367,303 recreational.

MR. GOULD: Myra, what was that ACL that you just said, please?

MS. BROUWER: For the commercial the ACL is 305,262 pounds whole weight; for recreational 367,303.

MR. GOULD: Just to clarify it in my mind; this is for a swath of land south of Cape Hatteras or the Virginia Line or water all the way down to the tip of Florida, 368,000 pounds?

MS. BROUWER: That is correct.

MR. GOULD: That sounds like a pittance; don't it? Do you know how many thousands of square miles of water there is? I just wanted to make that point, folks.

MR. DeMARIA: I am going to vote to support this because I think it is a step in the right direction, but I have to say I don't see how you all stay in business with all the closures and what not, it is just – it has got to be very difficult. I think until we get something more permanent in place, it is just going to be a constant messing with the numbers and increasing and decreasing this and that and it is always going to be a problem.

I make no secret of it, I am a strong proponent of marine reserves, and I think we would be much better off with smaller areas of the ocean just set aside with no fishing and let you all fish outside of that year round with reasonable regulations rather than this closures and openings and now pretty soon black sea bass will be closed again.

It has got to be incredibly difficult to run a business, whether it is commercial or recreational or even have fun recreationally with these closures. And the discards, it has got to be near impossible, but let's go ahead and vote on this. **All those in favor of the motion; all those opposed. The motion passes with 3 opposed and 1 abstaining.**

MR. CARDIN: Mark, why did you oppose that; if you don't mind my asking? Did you oppose the size limit or do you oppose the count bag limit?

MR. MARHEFKA: We are going to keep on going on these size limits and size limits; we are going to have to start throwing more and more fish back. I am just sort of – I am wanting to get away from this whole discard issue that we are going to have. They are a very hardy fish and they are going to go and recover well and get back to the bottom. They are mainly a midwater column fish so they are going to survive really well.

I think that we are just chipping away and chipping away and chipping away here. Once again, I think the commercial industry self-regulates itself. The buyers are only going to buy the certain size. They are going to go and spank the guys money-wise on the others. I mean, come on, if we are supposed to be professionals around the table, and hopefully there are professionals out there what we are looking to go and do out there, they need to go and sort of regulate themselves and kick them back if they are not going to go and bring them any good money.

MR. CARDIN: I would like to say I haven't been happy with what I have seen size limits do. I mean, bag limit that is fine, being proactive, setting bag limits on fisheries, slow down now so we don't stop later, that is great, but I am really opposed to size limits in general. I would rather catch a fish, put it in the cooler and quit fishing for it than sit there cull fishing all day, creating post mortality bycatch.

MR. GOULD: Okay, everybody knows that in Florida you have your fisheries. It is basically a specific fishery with all your fish into it. Georgia is pretty much the same way; North Carolina is pretty much the same way. You can walk on a triggerfish off here. Now, I want to ask you all do you think that any of them triggerfish are going to swim against the current and go to Florida and go down there?

Why take and keep me from catching something in a viable fishery that is never going to go to Florida? I can take and utilize it and then get saddled with an artificially low ACL on top of it; this fishery should be done state by state by state by state, the landings. In the past with the commercial boats, a lot of them would go from one state off another state.

Since that has been cut down from, what, 2,800 boats over the last 25 years to 600 or less, you are seeing less and less of boats going interstate. But to take and penalize me because you have overfished your stock in Florida is not fair in any way, shape or form. This is supposed to be a democracy, it is supposed to be fair to the stakeholders. I am sorry you all ain't got a lot of fish, but up here we have done real good. I intend to fight for my state to keep it fair.

MR. CARDIN: Well, we are going to find regionally that we have different sized fish. Whether it is from overfishing or just the geographical tendencies of where the fish come from, but once again that is why with bag limits it is a lot more fair all around than it is to say size limits. Once again, I hope we stick more with bag limits, and I wouldn't mind if this AP took to council we would like to go more with bag limits than size limits.

MR. JOHNSON: I just wanted to reply to Terrell. Terrell, we have a great fishery in Florida. This isn't about the number of fish. This is about this number I am looking at on my screen, and my desire to keep a fishery going year round. I don't want to catch more fish for a shorter period of time; I want to catch fish for a longer period of time even if that means less per trip. That is my goal.

MR. DeMARIA: Let's take one more from Steve unless somebody wants to make a motion on this triggerfish thing, another one, and then we have got to move on to black sea bass.

MR. AMICK: I would just like to comment. I agree that commercially the size limits doesn't make sense, but on the recreational side there have been lots of good benefits. As far as releasing the size limits in the recreational sector I think has its benefits. Commercially, catch your fish, put them in the box and add it to your quota. But recreationally there are benefits to size limits.

MR. CONKLIN: My reasoning behind this 14 inches is perfect because when the black sea bass fishery is open and there is a pot fishery going on, I have seen sometimes triggerfish the size of your hand. It is a shame to kill those. Those fish come up on a hauler with black sea bass all around them, red porgies. Just cull the fish. I mean, I have seen big triggerfish like this in a trap. How do they get in that little hole?

They have got to fold themselves up and get in there. That is the only way they can do it, but cull those fish – 14 inches is fine with me. When black sea bass are open and they are going at it and they come on hard, then those guys don't have to stop and do anything. The size limits are fine, the fish cull themselves in the trap sizes now. It is pretty much a simple thing. But when you dump them in the box, you are going to see the triggerfish. They are healthy enough, just like Mark said, throw them back in the water, they are going to make it.

MR. DeMARIA: Yes, I think we need to move onto the black sea bass, which is probably going to take up some time. Mike was going to give a presentation on this?

MS. BROUWER: Before we get into that, Gregg has an update on Regulation Amendment 11.

MR. WAUGH: Good morning, Gregg Waugh, council staff. Regulation Amendment 11 that proposes to remove the 240 Deepwater Closure was sent to NMFS on September 28. This is a regulatory amendment; it doesn't have a statutory deadline, so we will keep you all posted as it moves through the process. But that is now with NMFS undergoing formal review and implementation.

MR. DeMARIA: Are we ready for the black sea bass now?

DR. ERRIGO: I am Mike Errigo. I am council staff, and I am just going to give you guys an overview of what is going on with the black sea bass assessment and then after that the golden tilefish assessment. One thing I will say is please don't shoot the messenger, because I have some good news for you and I have some bad news.

First of all the assessment is – these are only preliminary results; they have not gone through any review. The SEDAR review is going to be October 11 through the 13th, next week. The SSC will get to review it the beginning of November, and then the council gets it at the beginning of December.

SEDAR 25 used data through 2010 and it shows that there are more black sea bass out there than there were previously. However, there is still some overfishing occurring, but it is not as bad as it was in the past, and I will show you the graphs for that. Also, the spawning stock biomass, which is SSB there, that is how we measure if it is overfished or not. It is above the minimum stock size threshold, which means it has moved up out of overfished status.

However, it is not rebuilt yet. It does not rebuild until it gets to the spawning stock biomass that gives you MSY. It is still in its rebuilding plan. Here is what the biomass looks like for black sea bass according to SEDAR 25 preliminary results. The dotted line is biomass that yields MSY. We are still well below that but you will see that the stock is increasing here.

It is on its way up slowly but surely. This here is the graph for spawning stock biomass. The bottom dotted line, this is the minimum stock size threshold, so we are above the minimum stock size threshold, but we are still a ways away from the SSB_{msy}, which is when it is considered rebuilt. This is the fishing mortality as it relates to F_{msy}.

What you want to see is that the graph goes below the dotted line, which means F is equal to F_{msy}. You will see we are slightly above it, but only by a little bit, and I will show you also in a graph later there is a lot of uncertainty around that estimate, so we would consider that pretty close to 1. I am going to show you now what the uncertainty in these estimates looks like. They get the uncertainty using what they called mixed Monte Carlo and bootstrap. All that means is you take the input data and you resample it randomly.

Then you feed that into the model, and you re-estimate all your parameters and you get a set number of parameters, and then you do it again and again and again thousands of times and that shows you what the spread is around each of the parameter estimates. We look at the uncertainty to see how confident we are in the conclusions of the stock assessment.

For the fishing mortality, there is a lot of uncertainty there, so it actually can go either way. There is more confidence in the estimates of spawning stock biomass. Here is spawning stock biomass. This is just the same graph – these are two of the same graphs. The minimum stock size threshold is this line and you will see we're above it, and a lot of the spread is actually above that, which is good.

This is SSB_{msy} and even with the full spread around the data we are still below it, so we are definitely not rebuilt yet. This is the estimates of fishing mortality with the one line. You will see that there is quite a bit of spread around either way. Basically this estimate is very close to 1, so the amount of overfishing that is going on is actually very little, especially compared to what it used to be. It used to be like way up here.

Now I am going to tell you what a continuity run is and show you how SEDAR 25 relates to the last update in 2005, so where the differences are. When you do a continuity run, all that means is you run the model with the same assumptions from the last assessment, which are actually quite different from the assumptions from this assessment.

They assumed a single natural mortality across all ages in the last assessment. This time they estimated mortalities for each age class. The last time they had one discard mortality across all gears; this time they estimated discard mortality for each specific gear and fishery. They used dome shaped selectivity for the MARMAP survey last time and this time they are using a logistic selectivity.

Last time the spawning stock biomass was based on the mature biomass of males and females, where they just say how many mature males and females there are and that is your spawning stock biomass. This time the spawning stock biomass, they used number of eggs, so it is a very different estimate of spawning stock biomass that went into the model, and the model was altered to correct for that.

Basically what you are going to see is that this assessment has a more optimistic outlook of the stock than using the previous assessment runs. Also, I will show you a direct comparison from the graphs from 2005 and the graphs now and you will see that again we have a much more optimistic view of the stock.

This is what the continuity runs look like. This is the spawning stock biomass. This is SEDAR 25. This is the continuity run from the last assessment. You will see the spawning stock biomass is shown to be much higher this time than it was last time. This is the fishing mortality. This is SEDAR 25; you will see we are close to 1. If we had used the assumptions from the last assessment, the continuity runs shows fishing mortality way up here.

The newer assessment has things looking much better. This is a direct comparison to the 2005 update and this is biomass. The black is SEDAR 25 and this is Bmsy. The red is the 2005 update and this is the Bmsy from the 2005 update. The reason why they don't match up for the same years is because the assumptions are different so the models are estimating things differently. What this shows is it shows the biomass is higher than the 2005 update showed, but it also shows that Bmsy is lower, which means the productivity of the stock is not quite as high as they thought it was in the 2005 update.

It shows some good things and some not as good things. It is still pretty high but the Bmsy is lower, so there is not quite the same potential for productivity though neither of the biomasses have reached it yet, anyway. This is fishing mortality. This is what the 2005 fishing mortality showed for I think that is 2003 or 2004 estimate, and then here is the fishing mortality from SEDAR 25.

You will see using the new assumptions from this assessment we have a much better outlook over the overfishing status. These are the projections that basically what they are showing is, depending on different situations, what is the stock going to look like as we go into the future, what kind of catches can we expect.

The projections are showing that they are giving a 50 percent chance of being rebuilt by 2016. That is how they did the projections; how can we get to a 50 percent chance of being rebuilt by 2016? All the scenarios I am going to show you are constant F strategies. What that means is you hold the fishing mortality constant over time, which allows the catches to go up as the stock rebuilds.

The bottom line is the ACLs are going to depend sometimes rather heavily on the overages from this year, if there is an overage and how much the overage is. These are three scenarios since they didn't have the data from this year. This is if we meet the quota this year exactly. This is if

we are 50 percent above the quota and this is if we are 100 percent above the quota, so this is if we catch twice as much.

If we hit the quota this year and the council decides to go with a constant F , the constant F will be 0.5 – that is the rebuilding F – and you will see that the ACLs can increase from a little over one million up to almost one and a half million pounds by 2016. This is the total ACL; these are not the sectors. The allocations will stay the same.

If we go 50 percent over the quota, you will see that in 2012, the next fishing year it will be less than it was here. It will be almost what it was this past year, but it will still increase over time to around 1.4 million by 2016. If we catch double the quota this year, the ACL will actually go down next year, and then it will go up from there to 1.38 million by 2016.

That is what the projections show. We don't know what the catch is this year yet. We only know what the catch is for June. That is what the projections look like right now. I know they are talking about in a situation like this perhaps modifying an F -based strategy so that you would stay at the 847 for like the next two years and then move to an F -based rebuild so that you won't get a reduction in your quota.

They are trying to figure out how to not reduce the quota, but they are going to have to figure something out, some kind of work-around if the overage is high enough. Why aren't the ACLs any higher than they are in these projections? Basically, although the stock is recovering and they are showing rebuilding happening, due to overages in the past it is not as quick as it might have been from when the rebuilding started; therefore, those overages took away from future productivity and therefore that is why the ACLs aren't quite as high as they could be.

Although you are seeing more fish on the water, there were a lot of removals and so since those fish can't contribute to the spawning stock biomass, the ACLs will have to be a little lower in order to get the stock to rebuild by 2016. That is the deadline for rebuilding. This is just the graph of what the landings were from 2006, from the 2006/2007 fishing year to the 2010/2011 fishing year.

The dotted lines are the ACLs; the solid lines are the landings. Four out of the last five fishing years there was an overage in the fishery. That is all that shows. To conclude, the assessment shows there are more black sea bass. The stock is not currently overfished but it is not rebuilt yet to SSB_{msy}.

Overfishing is occurring but it is relatively small especially compared to previous years. Allowable landings for rebuilding are going to depend on what the overages from this current fishing year, if there is an overage. The future allowable catches will be constrained by the current overage and the overages that occurred in the past. That is all I have for black sea bass, if anybody happens to have any questions.

MR. ATACK: I have a question on the ACL. Currently in the ACL Amendment they are doing the ACLs based on Boyles' Law, and the black sea bass ACL is not calculated that same way, right?

DR. ERRIGO: Boyles' Law refers to the allocations, so that is how the allocations are being worked out. I believe for black sea bass that is how they are doing the allocations.

MR. ATACK: Yes, but in the ACL Amendment they were calculating annual landings, annual catch limits based on 50 percent of the landings from 1986 to blah, blah, blah, 2008 and then 50 percent from '06 to '08, and the ACL was the sum of – those two averages put together gave them an ACL, right?

DR. ERRIGO: No, the ACL was gotten from the previous stock assessment. For a fishery that has a stock assessment, they don't need to use landings. Boyles' Law refers only to allocations. You take each sector, you take its average landings from over the long time period and then the average landings over the short and then you average those together and that is how you get your allocations. The ACL came directly out of the stock assessment.

MR. ATACK: Yes, for the black sea bass, but the other fish that don't have a stock assessment, they were calculated based on the average landings. That was a different method.

DR. ERRIGO: Other species that don't have stock assessments, it didn't quite use Boyles' Law. They used a different method having to do with the third highest landings. If the stock looked okay to the SSC, they used the third highest landing in the time series; and if it looked like it was decreasing or something like that, they used the average landings over the time series. But that does not apply to black sea bass.

MR. FEX: I just want to make a point that I might bring up later on that if we do stay within the ACLs, that our rebuilding schedule will gradually go up, right? Am I correct saying that?

DR. ERRIGO: The council is very much leaning towards going to an F-based rebuild; so no matter what the overage is, each year of the rebuilding plan the ACL will go up.

MR. DeMARIA: Why don't we let Gregg give a short talk on where we are at with the black sea bass? I think he can explain a lot of these questions.

MR. WAUGH: If you look at where we are now with respect to the quotas, these numbers come directly off the NMFS website and this is black sea bass. You all can use this to track where we are with respect to these quotas. We are looking at the 2010/2011. The total on the recreational side was 476,253 pounds.

We don't know yet if that is the final numbers, but your limit on the recreational side was 409,000 pounds. You went over by the difference between these two and that is 67,253, so that needs to – since black sea bass are overfished, that needs to come off of the next year's ACL. NMFS has not published that notice yet. That should be coming out any moment now.

The actual catch limit for 2011/2012, the fishing year we are in now, should be 341,747 pounds. Now if you look at the catches thus far this year, in June, this includes the MRFSS data and the headboat data, 145,174 pounds. What is on the website is just a part of the headboat catches for the July/August period.

There are no MRFSS numbers yet. Those numbers will be available mid-October. However, NMFS did finish entering the rest of the headboat data and this number now, just headboat catches in July and August are 73,346 pounds. That shows that at the end of August, with June having MRFSS and headboat, July/August just headboat, we are at 64 percent of the reduced ACL of 341,747 pounds.

We expect to see a notification in the next several days that black sea bass will close recreationally probably effective sometime middle of October. This is what the regional administrator informed the council right in this room during our September council meeting, that their expectation was a closure in the middle of October.

Now another way at looking at where we are now, because we are in October, is comparing the catches in this current fishing year to the last fishing year. You can see that June is about one and a half times June of last year. Now we did have the bag limit reduction go into effect approximately mid-June.

One could argue that is going to have some impact on catches the remainder of this year, although with the increased abundance, no control on trips and actual harvest may or may not be constrained very much by that bag limit. Specifying the 5-fish bag limit, we were not expecting a big reduction, anyway.

We worked up just a couple of examples to take a look at what happens by the end of October. If you just assume that the catches this year for July and August are equal to what they were last year, and the same thing for September and October, then at the end of October you are at 120 percent of the quota, that modified quota of 341,747. If you compare, as I said before, the June catches this year are one and a half times what they were in June; if you just increase the 2010/2011, July/August catch by one and a half times; same thing for September and October, that puts you at 159 percent of the quota.

As Mike pointed out, it is a double-edged sword. You have got the closure impacts this year, but then again these overages are going to affect what ACL the council can set. When we get into going through what the council is looking at in 18A, they are proposing to change the rebuilding strategy to allow the maximum fishing mortality rate and still rebuild within the required time period.

The council is doing everything they can to maximize the amount of ACL that will be available. However, if the quota monitoring system isn't sufficient to constrain the catches, and it doesn't appear to have been thus far, then they won't be able to increase the ACL to the extent that would have been allowed had these overages not taken place. I would be glad to answer any questions.

MR. AMICK: I am sorry, Gregg, I have been trying to follow what you said there. In the 2011 fishing year, July and August, that figure of 36,598, that is from the headboat reporting; that is total?

MR. WAUGH: That was partial headboat. They have now finished entering all the headboat data for July and August and that number is 73,346 pounds. It would be interesting to hear from you all that are familiar with the headboat sector; do you think that is an accurate representation of what the headboat sector would have caught in those two months or do you think it is high or low?

MR. AMICK: Well, I am not – I would have to look back and see it. In the 2010 year the 122,000, that is also the recreational catch as well for 2010?

MR. WAUGH: That is correct; that 122,445 includes all the headboat and recreational MRFSS.

MR. AMICK: Just looking quickly here, if I understand this, so you had the recreational and the headboat data in 2010 and you add we are sitting at 76,000 in 2011 at a 5-fish bag limit, and you have not added the recreational catch to that point; so effort is down, bag limit is down, I am not sure where the numbers are coming from the recreational to get – I am not getting the whole picture there. I don't understand. I suppose the estimates. Effort is down, the bag limits are down, we are at, I will figure real quick, 75 percent headboat catch of what we caught in 2011, and I don't see how that is possible mathematically.

MR. WAUGH: We have not added in – we do not know what the MRFSS catches are for July and August and we won't have those until the middle of October. But just adding the headboat catches for July and August to both the MRFSS and headboat for June, that gets you at 64 percent of the quota. Once the notice is published, the ACL, for this year will be 341,747. We are already at 64 percent of that. That leaves 36 percent of the quota left, so you are betting that 36 percent of the quota would not have been landed by the recreational sector in July and August and then you have also got September for both headboat and private recreational to add in.

MR. DeMARIA: If any of you have any suggestions on how to manage this differently, you are not stuck with just talking about this; but if you have got any other ideas, bring them up. I hate to see fish thrown away and season closures and all that; but if you can come up with another way so the council doesn't have to close these fisheries, present it.

MR. GOULD: Gregg, you said that the July/August for this year was 36,598 and then it went up to 76 when you added in the headboats?

MR. WAUGH: Well, this figure of 36,598 only includes partial headboat data for July and August. They have now entered the rest of the data for July and August from the headboat, so the figure for July and August, just headboat is 73,346 pounds.

MR. GOULD: That seems high to me, being a headboat and everything. Now, what is the certainty of accuracy of your MRFSS surveys that you are doing? How do you base how accurate this is? How do you take and – do you call somebody, you take them up on the dock, talk to them and then interplay it out to a hypothetical point in space there and say, well, this has got to be it, and you are real certain as to what the accuracy of this is?

MR. WAUGH: You all know and it is well known the issues with the MRFSS data. That is what we have now. NMFS has transitioned to what is called MRIP, and that is a change in methodology to address the concerns that were raised about how the MRFSS program sampling was done. Those estimates have been delayed.

The latest we hear is that after the first of the year those estimates will be available. We have heard at various times that MRIP numbers will be higher than the current MRFSS, lower than the current MRFSS. We really don't know where they are going to come out. The MRFSS numbers now, you are well aware of how that is done, it is two parts, one part sampling the trips and measuring the fish, the other the phone survey. It is what it is; it is the best available data that we have and that is what is being used to track the quotas now.

MR. GOULD: Well, the general public in general is getting real wary of what they are being presented and everything. Does the National Marine Fisheries Service use their own scientists, NOAA use their own scientists without utilizing any outside private scientists to help crunch the numbers, go over them, make sure this is correct?

And just from a view of making it more palatable to the general public, everything that I see, well, we are going to do this in-house and we are not going to have any outside peer review in what we are doing. Is that the way it works there, everything in-house?

MR. WAUGH: Not for MRFSS, I mean MRFSS, a lot of the intercept data for particularly in our area are collected by state employees, and MRFSS has a very well-defined review process where they bring in the people that have collected the data and review it. There is actually a very well-defined review process on the recreational side for how these estimates are generated.

MR. GOULD: I wasn't really looking at the collection part of it. I was looking at the crunching part of it, the crunching of the data that comes in. I lost my train of thought; go ahead.

MR. WAUGH: They have these review meetings where they present the estimates that they have generated and it is reviewed by the people who have collected the data. They do look for outliers and other issues.

MR. DeMARIA: Why don't we take a short break now, come back about 10:35. Terrell, if you want to get together with Gregg and talk with him, that would be great.

MR. DeMARIA: I didn't mean to cut off anybody over on this side with the black sea bass, but if there are any other things you want to say, otherwise we are going to move I guess into the golden tilefish with Mike.

DR. ERRIGO: Yes, next I will talk about golden tilefish; but if there are any other questions or anything, I would be more than happy to try and answer whatever I can. All right, I will move into golden tilefish for now. I will take any questions about anything after that. I am going to give you basically the same overview for golden tilefish.

Again, these are all preliminary results so no review has been done. SEDAR review is next week, SSC gets it in November and the council gets at the beginning of December. It is the same schedule as black sea bass. Right off I will tell you this assessment is showing that the stock is not overfished and overfishing is not occurring.

Stock biomass is fairly high above Bmsy according to the assessment. All the data used was through 2010, so we are using the most recent data that we had. Even with a high degree of uncertainty, which I will talk about later, there is still a lot of confidence in the fact that it is not overfished and overfishing is not occurring, and I will go over all that in the presentation.

Here is what the biomass for tilefish looks like. You will see the dotted line is Bmsy so we are well above that according to the assessment. This is the spawning stock biomass; it is well above the minimum stock size threshold and it is also well above SSBmsy, so that is a very good sign. This is the fishing mortality, and, of course, we want to be below the dotted line, which we are by quite a bit, which is great, so there is no overfishing occurring here.

However, there were some major issues with this assessment and I will go over those now. The model was having a hard time fitting the commercial longline age compositions for certain years; and since a large portion of the fishery is executed by the commercial longlines, this was a bit of a problem.

The model is trying to compensate for this lack of fit by estimating one extremely large recruitment spike, and what it is doing there is trying to push the curve over to match the age compositions, and I will show you the graphs of what is going on there. This causes a high degree of uncertainty, so they calculated uncertainty the same way they did in black sea bass with the boot strapping, of resampling of the input data, and then re-estimating all the parameters thousands of times and that creates a distribution.

What it did was it caused the base run to kind of fall towards one of the tails of this distribution, which is not a good thing. I will also show you, based on all the sensitivity runs, why we are still confident in the conclusions that were made. This is what the commercial longline age compositions look like. The circles are the observed data and the solid line is the estimates. You will see that it starts off the estimates are shifted to the left and then over the course of the few years they shift back over to the right to match the age comps.

It may not look like a big difference, but because it is an age-structured model it should be fitting the age comps very well, and it is not here. This is how it is pushing the spikes over to the right to match the age comps. That is 2001, I think, and it is a recruitment spike that is much larger than has ever been seen in golden tilefish.

Golden tilefish is a fairly long-lived, fairly slow-growing deepwater species, so not everyone is super confident that this enormous spike is accurate. Perhaps there wasn't a recruitment event that was spread out over a couple years, but we are not exactly sure, and there are other indicators to show that the uncertainty is not really high.

MR. AMICK: I am sorry, we were discussing black sea bass and then we took a break, and I didn't think we got finished on the black sea bass issue before the presentation on the golden tile. Am I wrong?

DR. ERRIGO: I can do it either way. If you want me to stop and wait for black sea bass to be done, that is fine. If you want me to go to the end, then you can do both together, either way is fine.

MR. DeMARIA: Why don't we let him finish with this and then we will just do both of them together.

MR. ATACK: Do we have this data in an electronic format that came to us or is this the only way we get to see it?

MS. BROUWER: The presentations were finalized yesterday. We have hard copies here and they are posted on the website, so they are available.

DR. ERRIGO: Also, all of this information came right out of the stock assessment report, the preliminary assessment workshop report. I believe that is available online. It will definitely be available after the review workshop or sometime after the review happens. Everything is online now. Actually, in fact, this graph came right out of the assessment report. I just copied it and pasted it here. All that information is available in the actual report, which is fairly lengthy and complicated, but it is all there.

MR. ATACK: This spike, how –

MR. DeMARIA: Jim, let's let him go through all of this and then we can go in the end. If we keep interrupting him, he is not going to get the chance to finish it. Let's let Mike go through the whole thing.

DR. ERRIGO: All right, I will just run through it quick and then any questions I will be happy to answer. This is how the model compensated for the lack of fit in the age comps. Because the lack of fit in the age comps caused this kind of uncertainty, so as you can see there is a great deal of spread around – this is the spawning stock biomass. However, we are very, very confident that it is still above minimum stock sized threshold here, which is good.

This is the fishing mortality and there is still a great deal of the spread that is below 1, so we are still fairly sure that overfishing is not occurring. Now the actual point estimate – so the actual fishing mortality that they estimated for the terminal year, the actual spawning stock biomass estimated for the terminal year, there is not a huge amount of confidence in those because of the amount of spread around the data.

Therefore, I don't want to speak for the SSC or the council, but it makes changes in the ACL unlikely. They are still pretty confident that it is not overfished and overfishing is not occurring, so I don't see any reductions; but due to the fact that there is not a lot of confidence in the point estimates, I don't see a lot of support for an increase in the ACL.

I will show you now – I will show you all the sensitivity runs and how they show the status of the stock. These are all the extremes that they came up with in order to bracket where the stock would actually be. In this graph you want to be in the upper left-hand quadrant and that is where all the sensitivity runs are, in the upper left-hand quadrant. That means you are above the minimum stock size threshold and you are not overfishing in that quadrant.

All the sensitivity runs are there, so we're pretty sure that this stock is in good shape. In conclusion, we are pretty sure the stock is not overfished, pretty sure overfishing is not occurring. Due to the modeling issues, there is fairly little confidence in the actual model estimates, so more than likely the ACL will stay right where it is, but that is up to the SSC and the council. That is just my read on things. Take that however you want and that is all I have for golden tile.

MR. ATTACK: Yes, on the estimated recruitment graph you had there with the big spike; how is that estimated recruitment calculated and what could cause a big spike like that?

DR. ERRIGO: They estimate recruitment based on – I believe it is estimated based on the spawning stock biomass. Depending on where the spawning stock is and some other factors, the model estimates the recruitment. But it also has some leeway, so it can estimate recruitment here even outside of where the spawning stock biomass is if the decrease in fit there is less than the increase in fit it gets by fixing the age comps.

That is a little complicated but that is how it does it. How do you get a spike like this in reality? This could happen from – environmental factors can cause larger recruitments; also large immigration events can cause what appear to be large recruitments. I don't think we have any evidence to suggest immigration. I don't know if there is any evidence to the contrary or not. It is difficult to say how it would happen. I know people – from what I heard from the conversations, people felt that this was an unlikely scenario. Not that it is impossible, but it is unlikely given the life history of this fish.

MR. DeMARIA: Why don't we have Steve go next? He has some questions about black sea bass, I think. Again, if you have another option that you want to make a motion on how to regulate these fish differently so you are not shut down, I am sure the council would like to hear it.

MR. AMICK: Yes, if I could have a moment, black sea bass is kind of an important to what is going on in the headboat/charterboat industry in recreational, commercially also, but it seems like the commercial fellows have their nice fish management plan to work through as far as the pot fishery.

As far as the headboat and charterboats in the recreational, the fish management plan is really difficult to operate under. Here we have a preliminary assessment that is showing the stocks not to be overfished and barely overfishing and an improving stock and yet we are having a difficult time operating under the current regulations.

I'll just continue with my comments with what the idea of the 5-fish bag limit was to try to keep a year-round fishery and even at the 5 fish bag limit it is impossible to do. I think the stage that we are at now it is going to be unavoidable to have closed seasons with these low ACLs. With the projections on the black sea bass, we are not going to have great increases over the next several years.

My point is how do we want to harvest the sea bass that we are going to be allowed to catch? I have some motions. I think the bag limit has to be revisited, because the whole notion of keeping a year round fishery is not viable; it won't happen. Also, the start date of the fishing year, I would like to make a couple motions to look at it. I know the council voted down the January 1 start date for black sea bass, but I would like to make a motion to try to get the start date for black sea bass, April 1. Basically, I would like to make two motions and discuss them.

MR. DeMARIA: Do you want to go ahead and make your motions now?

MR. WAUGH: One at a time.

MR. AMICK: Yes, I would like to make a motion. I would like to change the recreational fishing year to start April 1.

MR. CARDIN: I will second the motion.

MR. DeMARIA: Okay, it is open for discussion.

MR. ATACK: I guess we are bottom fishing for black sea bass; grouper season is closed until May 1; would it make more sense to have everything start May 1 and reduce bycatch mortality and allow everything to start the same day?

MR. AMICK: I agree that these overlapping seasons where we have – grouper doesn't open May 1, we have to wait until June 1 for the black sea bass, and we have the red snapper closure. It is just not feasible to operate a charter/headboat. It is not even feasible to be a recreational fisherman and have all these – ultimately it would be great to have a one day – you know, a start date for all seasons. It would eliminate – it is a good idea, but May 1 is too late.

Just like June 1 is incredibly late in the season for us to get started on sea bass. April 1 is workable at least. I am not sure about Florida is a different situation,, but I have talked to fishermen in Georgia, South Carolina and North Carolina and everybody could live with an April 1 start date for the black sea bass season.

MR. WAUGH: Just to address a couple of points that Steve made, I don't think the commercial fishermen feel that they have such a good management plan right now. Their season this year lasted I think six weeks for black sea bass. The other is the 5-fish bag limit. The 5-fish bag limit was not – there was zero expectation that would result in a year-round fishery when it was set.

I think the estimate was hopefully it might get us through roughly the same time that it closed last year. But there was a lot of concern expressed when the council was deliberating that about

the fact that you have increasing abundance, you have increased size fish, so the expectation was that would be filled sooner.

I think if your desire is to have a year-round fishery, you are going to have to look at a much lower bag limit. The council considered that at the September meeting to include in Amendment 18A, but the decision was not to include a potential reduction in the bag limit. They didn't feel that the public could deal with a bag limit any lower than 5 fish.

MR. AMICK: Yes, I think anymore it is unrealistic to try to have a year-round fishery with everything that is going on, it is just not feasible. If we are going to have a recreational sea bass season, let us fish for whatever the ACL would be set in the future during that period and it will be whatever it is.

Right now we are not able to – 5 sea bass, we have shortened the length of the trips, we went from two hooks to a single hook, we quit running areas where there is an abundance of sea bass because there is no reason to run 40 miles and catch a limit of sea bass in 35, 40 minutes and then have to run another 30 miles or 20 miles to get into your vermilions. It is not workable.

My position is it is better, as far as the fish management plan, to whatever the ACLs are set, abide by that and we are going to get close, like we are having this year, you shut it down. But when we are fishing for black sea bass, as far as recreationally – and I am talking about the fellow that has got a 25 footer charterboat or headboat – let us fish for a reasonable amount of fish during a reasonable amount of time.

Once it is done, well, then we move on. But right now it is just not feasible to put a \$2,000 trip for a handful of sea bass. People are not going to lay out the money what it cost to do a recreational trip or hire a for-hire boat, much more so now than in the future when our fuel goes up to four or five dollars a gallon, it is just not – it is a poor management plan to have such a low bag limit; it is just not enough.

MR. DeMARIA: Yes, we have someone from the audience who wants to say something. State your name and go ahead.

MR. BROWN: Yes, my name is Mark Brown; I am from here in Charleston. The thing with the sea bass, every area is different too. I mean North Carolina, here in Charleston, and right on down the coast to the Florida guys, so every area is different. For this area, for off of Charleston, this year we have encountered more black sea bass and bigger ones than we have ever had before in the past.

One of the problems with that is that you catch you limit fairly quickly, and then you are going to have a lot of discards. Then we have troubles trying to get to the other species of fish to be able to try to make something out of the trip. You are just constantly throwing black sea bass back. We are just covered up with them. And the 5 per person limit, we are living with it right now. When I made the recommendation to Dr. Crabtree, I thought 10 would have been sufficient and would have been better.

I know that some of the other people here had recommended that and then we were put at 5, which like I said we are making do with that for now, but the problem is there is just so many of them. I think that eventually we are just going to be covered up everywhere we go and you can't get a live bait through them to try to catch a grouper because there are so many big bass.

MR. DeMARIA: Okay, one more and then let's go ahead and vote on this. I am going to support this because I think it will bring you some relief in the short term, but I would really like to see some type of measures get in place that are more permanent so you guys can fish year round and not throw fish away. I am not sure exactly what to do, but I am going to support this.

MR. JOHNSON: The problem with starting it one date, one place, Steve is looking through this at how he operates, but if you look at the recreational angler especially in the state of Florida, most of the guys in April and May are blue water fishing. That is when the mahi are around, and they are not going to catch black sea bass.

Again this points to a need for more of a regional plan; because if you open it up April 1, and he is hammering them in Georgia and everybody in Florida is trolling, by the time they get done trolling and they start bottom fishing, usually the latter part of June, July, August, the quota is about done. I have a hard time supporting anything other, Steve, than the need to set bag limits in a way that allow for a year-round fishery. I think that is where we have got to go for the recreational and the for-hire sector.

MR. DeMARIA: Okay, one more and then let's go ahead and vote on this.

MR. AMICK: Yes, I understand what you are saying, Robert, but I can tell you, you can go to the SKS and ask all your king fishermen how many fellows will quit king fishing and then go try to catch black sea bass just to fill up the day. You have got two different groups of people that targeting different species. For your bottom fishermen the sea bass are important.

MR. DeMARIA: Can we go ahead and vote on this or do you have one more?

MR. GOULD: This is just a good example of what I have harped on for the last three years off and on. By changing this to April 1, you are going to give one sector an advantage over another sector. Everybody's bass don't bite the same way the same time of the year. What I would recommend instead of just having, say, the whole spectrum open up the first of April, is look at what the traditional times in each state is, have it rolling, have the closures rolling back and forth, look at their traditional landings, both recreational and commercial, allocate that to them.

If a state goes over the allocation that it has been allocated, dun them for it. Don't take and make somebody hurt for somebody in another sector going over another one. The commercial fishermen run into this with I think it was blueline tilefish. We had one of the members quit the other year because by the time it was opened up in the winter, by the time he could get out to fish them in the spring, it was closed. It is a very, very unfair process. I would rather see a rolling opening and closure state by state with an individual allocation myself. That is all.

MR. DeMARIA: Do you want to offer some kind of substitute motion, if it is okay with Steve?

MR. AMICK: Not really, no. I mean, that is the problem that we have now, these overlapping closed seasons. I mean I can see the need for regional management. Florida being the difference so that they need the sea bass in the wintertime much more so than we do. But I think when you look at the fishery from Georgia, South Carolina, North Carolina, it is very similar for sea bass, when we can get started and when the sea bass are caught.

I know that you catch dogfish and bluefish to get started in the year. It would be great to be able to fish for black sea bass starting April 1. No, I don't want to change it. I think we need to see the recreational fishing year for black sea bass up there, but I would like to keep it the way it is.

MR. ATACK: I see what you are saying, Steve, but to me I think May 1 would make more sense with everybody starting the same time, but if your concern could be addressed in another way is really your sector allocations.

If Florida had their annual catch limit, then the other states wouldn't be catching them. When Florida gets around to fishing for them, they would have their allocation. To me it would make more sense to have your sector allocations to solve the problem that you have got.

MR. DeMARIA: Why don't we go ahead and vote on this either up or down, then whoever wants to make another motion can. Do you want to say something else before we vote?

MR. COLE: Yes, I do. I am not going to support this because it doesn't solve the problem that it is trying to solve. I think it is best to let this motion – I am going to vote for it. I mean, if it goes down, at some point we are going to have to get serious about state-by-state quotas, and that is the reason I can't support this because it is not solving the problem.

It solves it for him but it doesn't solve it for somebody else. The only way that we are going to get to where he wants to go is to start taking what is available and breaking it down historically to the regional areas, which is state-by-state quotas. I don't think that in this discussion at this time we are ready for a motion to do that, so I am going to vote against it.

MR. DeMARIA: We have got a motion on the floor; did anybody second this?

MR. CARDIN: I seconded..

MR. DeMARIA: Why don't we go ahead and vote on it. It sounds like there are some other ideas, and we could make some more motions after that.

MS. BROUWER: I have been told that I need to read every motion before you vote on it, because otherwise Joe is going to be very mad at me, so I am going to read the motion. The motion reads, change the recreational fishing year for black sea bass to begin April 1.

MR. DeMARIA: **All those in favor, and those opposed, and those abstaining. So the motion was approved 6 for, 5 against and 2 abstaining.** It sounds like there are some other ideas out there so why don't we talk about that and make some other motions.

MR. DICKENSON: We keep talking about taking regional approaches, and I don't think we have seen any regional approaches and I don't think I have. There obviously is no one size fits all. Obviously Florida and North Carolina are just absolutely, totally different. Could we hear from a council member about whether or not they have decided to consider taking regional approaches, which seems to me to be a fantastic idea?

MR. DeMARIA: Is there a council member that wants to address that?

MR. CURRIN: The folks from North Carolina have been pushing in that direction for a number of years now. I don't exactly know why the council hasn't made more progress in that direction, although I think in reality that the reason we haven't made more progress is because we have been strapped with statutory deadliness to finish ACL Amendments, set ACLs for all these species.

This whole regional approach, state-by-state quota approach has been carried forward from amendments. It has been in several amendments and it has been taken out or deferred, delayed. I know the folks from North Carolina are going to persist in pushing for that. I certainly appreciate the folks in Florida and understand the need for having a different system in place, especially for southern Florida than North Carolina. It is not a dead issue in my mind. I think in the next year or so I would predict that we would see the council move more in that direction and start getting serious about it for at least some fisheries, if not a great number.

MR. DICKENSON: Thank you Mac, I appreciate it. Let's keep pounding away. Didn't we make a motion last time to ask the council to consider the regional approach? I would like to make another motion to ask the council – once again let's just keep pounding away – asking them to consider regional approaches when appropriate.

MR. DeMARIA: Is there a second on that?

MR. SMITH: Rodney Smith; I will second that.

MR. DeMARIA: Discussion.

MR. GOULD: When I first brought this up four years ago and it was explained to us, one, you would run into a problem with the Magnuson-Stevens Act, which states there each fishery has to be done by its entire range. It doesn't allow for the fisheries to be divided up and sectorized out. I don't remember if it was Gregg or who else there four years ago – I know that is fading; it is still in my mind but I don't remember who it is – said that the logistics of doing this would put a lot of undue pressure or more pressure on keeping the statistical side of it in line.

The National Marine Fisheries Service has not got the best reporting system at all. Sometimes it takes months to crunch the data. By that time it is already overdone, so you get dunned out of your quota for next year. If they would adopt a more complementary system for immediate reporting, something like along the lines that North Carolina uses, which is instantaneous, it is

overnight, I would see where this could go through beautifully, but this is something I would really love to see done on everything.

MR. FEX: Yes, this has been something that has been brought up at many council meetings and everything, and I would support it on the recreational charter but not the commercial sector, because nothing keeps you from going from state to state except for a land-and-sell license. I will support it recreationally. I understand you guys have different types you catch and everything, but commercially I will not support it at all.

MR. COLE: Well, two things, is that if it is broken down into a state by state, a regional allocation, then that is very, very easy – it's a lot easier for the state to manage; it really is. If you look at the fisheries that New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, manages, every one of them are broken down into state by state or area, regional, complex quotas, and it is manageable.

In fact, once the National Marine Fisheries Service catches on, it actually becomes easier to manage. Let's not think that it is too hard to do because it isn't. And by the way, it does work for commercial quotas also. It works quite well, and in fact most states would prefer this, so I am going to support the motions.

MR. WAUGH: Just to address the question that was posed about impacts that this would have, this is in place – and Bill Cole just mentioned this – North Carolina and north. The issue is they have a different quota-monitoring system, North Carolina and north. They use the ACCSP quota-monitoring system.

NMFS has a different system in the southeast. We received a presentation here a couple weeks ago at our September meeting that they are moving towards electronic reporting and it should be pretty close to what the ACCSP system is once it is fully implemented, but right now that is not how quota management is done.

If we were to break this up state by state, it would cause great difficulty with the existing quota-monitoring system, and we have such low quotas here that it would make it even more likely that those quotas would be exceeded because under the current system NMFS just can't track the existing quotas sufficiently to close the season without overages. The more you divide them up the more difficult it is going to be under the current system to prevent quota overages.

MR. DeMARIA: Just one thing – and then, Bill, the motion doesn't state, state by state; it is regional approaches, so however the council would prefer.

MR. COLE: Gregg, we are not going to change the system to a more futuristic, positive way for these fishermen without doing something like this. Now NMFS can get off its rear end and join the rest of the nation, because they are using the same concepts in Hawaii, Alaska and the West Coast. Now just because they want to be different in St. Petersburg, is not an acceptable excuse anymore.

MR. CARDIN: Well, I understand how the more you break it down the harder it is to keep track of it; but if I don't like how people in the county next to me fish, I would like to see it broken down by counties.

MR. SMITH: This is a motion that I would certainly support. It is long overdue. We have been talking about it in Florida at a state level for a long time, it is needed there, it is needed here. It doesn't make things easier but it might make things better.

MR. DeMARIA: Can we go ahead and vote on this or do you have something.

MR. DICKENSON: I am happy to amend the motion to just state that they would consider regional approaches to recreational management. Also, it is my understanding that NMFS gets a lot of their data at least in Florida from the FWC, so there is a lot of state collection of recreational data. I think that is positive and that helps in the regional approach.

Additionally, as far as enforcement goes, obviously I know it is the case in Florida, and I am going to assume it is the case in Georgia, South Carolina and North Carolina, but most of the enforcement of federal fisheries regulations on the water of recreational is done by the state law enforcement officials, so I don't see where it would cause a problem there either.

MR. DeMARIA: Just a point, can we change it like that or do we have to vote the other motion down?

MS. BROUWER: No, it is fine because he was the maker of the motion so he just amended it. It's fine.

MR. JOHNSON: I just have a question for Blaine. Why would you remove the commercial sector from that? I am just curious, because I think that the commercial sector – I know North Carolina would probably be in favor of a state-by-state approach, and I am not sure why you would do that.

MR. DICKENSON: I don't have to do that; I am just seeking some comment. I mean obviously I am a recreational representative so that is my primary concern, but with the economy obviously the way it is, I feel for all the charter captains and the headboat operators and obviously also just for the weekend warrior as well.

MR. CARDIN: I think you should separate them. That is what we are talking about, keeping the sea bass open, and I think commercial and recreational should be separated on this issue.

MR. DeMARIA: Can we go ahead and vote on it or is there anything that desperately needs to be said. Okay, one more and then we are going to vote.

MR. FEX: Until the council can mandate that the commercial vessels stay in its vested state, I will not agree with it because anybody – if the grouper is open in Florida in the beginning of the year and North Carolina says, no, we are not going to open until they are done spawning, the vessels out of Florida can go drive their vessel right up here.

We have got two Florida boats and North Carolina at the present time and fish there and just steadily go up and down the coast. Mark has done that, he has fished up and down the coast, so I cannot support that. Until the council can mandate you stay in that state and stay by those regulations, it is not going to work.

MR. DeMARIA: This is for recreational now, this motion. Go ahead and let's vote. Can we go ahead and vote on this motion; do you want to read it?

MS. BROUWER: Okay, the motion reads, request that the council once again consider regional approaches to recreational management as appropriate.

MR. DeMARIA: **All those in favor, those opposed; and those abstaining. The motion passes with 2 abstentions.** Amendment 18A is next.

MR. WAUGH: I will walk you through this decision document which the council used.

MR. DeMARIA: Hold on, Gregg, we had one question before you start. Go ahead, Steve.

MR. AMICK: No, it is not a question, but I would like to try my hand at another motion if I could before we move on. I would like to make a motion that the council reconsider the recreational bag limit in the face that the preliminary assessment is showing positive results, even if we are looking at –

MR. DeMARIA: Recreational bag limit for what?

MR. AMICK: Black sea bass, and vermilion, but black sea bass right now.

MR. WAUGH: Lower, higher?

MR. AMICK: I understand the position that we're looking at a soon to close season with a higher bag limit, but five sea bass per person recreationally is just not fishable. It is very difficult to fish under that low bag limit. My position is that if you are going to – we have the ACL set; we are only going to catch so many. The seasons will be shortened for sure, probably, but when we can fish for black sea bass we might as well try to make it so the people that are spending money to go fishing have more value on a certain fishing trip, so that is my position.

MR. DeMARIA: Did you want to put a number on how many fish or just reconsider the bag limit?

MR. AMICK: Well, we talked about it earlier and the bag limit of 10 sea bass per person would work for us well. If it is not reachable, then anywhere between 5 and 10, somewhere that is more appropriate than the 5 sea bass per person.

MR. GOULD: Mac, during the consideration last year going from 15 to 5 on it; wasn't the council's vote very close on keeping it at 8 or 10 when they did that? That was with the vermillion, I was thinking it was with the bass, but enlighten us on it here a bit.

MR. CURRIN: Yes, Terrell, I don't recall how close that vote was. Maybe the staff can some time dig it out. I know there was some opposition. I believe there was, but I don't recall it being particularly close, but that is just off the top of my head and I could be wrong. We will have to check that out.

MR. WAUGH: Not to the specific vote itself, but I think there was a motion made to reduce it to 7, but the problem with that, based on the information we had at the time, that would result in a closure roughly about the same time as we had last year, so the idea was to look at a bag limit that would stretch out the season the maximum that we could.

MR. COLE: Gregg, while you are up here, let me see if I can approach it this way. What is the greatest or the best parameter that we could use to impact black sea bass to give us the longest season possible? Is it size limits, is it bags, is it areas or what? What measure could we implement that would have the greatest favorable impact on that stock to give us the longest fishing time in a year?

MR. DeMARIA: Before we go any further, we got a motion; did anyone ever second that? I don't think so. Is there a second for this motion and then we can discuss it? Kenny seconded it so now we can go ahead and discuss it.

MR. WAUGH: To answer Bill's question, the box we are in is we have a total poundage that you can catch recreationally. That is supposed to include discards, so the more you raise the size limit the more you are dealing with discards. I think Steve's approach here is probably on the right track that would I think get at what Bill is talking about, maximizing what you can catch out of the black sea bass stock.

Because you are saying that you want your trips to be economical and they aren't at a 5 fish bag limit so it needs to be somewhat higher, the higher you go the shorter the season is. We have to look at our ability to track the landings to ensure that we don't exceed that ACL because then you have to pay that back.

Assuming you can come up with a way to monitor the recreational sector so they don't go over, then acknowledging that you are going to have a short season with an economical bag limit would maximize the poundage that you can get out. If you mess with the size limit, you are going to have some increase in discard mortality. Now black sea bass are hardy; that will be picked up in future stock assessments and you are likely to get a lower ACL in the future.

MR. BROWN: Mark Brown from here in Charleston. One of the problems that I have is that I have already booked trips beyond October the 15th which is what they are being told that it is going to be somewhere around that time that they are closing the black sea bass, and I have already booked trips for the latter part of October and November for people that want to go catch black sea bass.

I am finding out here at the last minute that they are going to close the season, and I am going to have some really unhappy people. They are going to either want their money back or not want to go and so it is going to affect my business, and I am sure it is going to affect a lot of other people.

I would love to have more – be able to catch more per trip per person, but if it meant being able to keep the season open longer, a reduction in the catch limit would be my option just so that I could land something and be able to keep going and at least say, yes, we can go catch some. I don't know if it would be possible, if there is any way – because I haven't figured a lot of this management or understand how they are doing all these calculations and computing stuff, but if there was any way possible towards the end of the ACL, when the ACL looks like it is about to be met, if they could create or you could come up with an idea for like a braking system.

Maybe where you reduced it towards the end of the ACL with a lesser catch limit or something just so it extended the season a little longer; maybe we have a catch limit that is a little bit more flexible to where it would extend your season and not hit all at one time, and just say, okay, it is over, you can't go catch anymore.

MR. DeMARIA: Can we go ahead and vote on this motion, Steve, and then anybody wants to make another motion, that would be fine unless you want to change yours. Let's go ahead and vote on this motion here. Myra can read it.

MS. BROUWER: The motion reads council reconsider the recreational bag limit for black sea bass (5 to 10 with the understanding that the season would not last year round).

MR. DeMARIA: All those in favor; those opposed; those abstaining. The motion fails with 7 against, 3 for, 4 abstaining. Steve, you are free to make another motion. I know this one is real close to you and it is an important issue so I think we should resolve it or get as close as we can to it.

MR. AMICK: Not another motion, but I would like to make a comment that what Bill was mentioning, the possibility of increasing the size limit on sea bass to try to get a little bit of relief and extending the season, and it is just not feasible. I watched it closely this year to see what would happen if you went to a 13-inch or a 14-inch size limit, and it's just not doable. Your discard would just go up through the roof, especially inside that 25 mile range. And even in that 100 and 130 foot of water, everybody says the average size of the sea bass has increased but I haven't seen it where it is all 14-inch-plus fish, just a comment.

MR. DeMARIA: Any other discussion or motions that want to be made on this black sea bass issue?

MR. JOHNSON: Well, I sort of like what Mark mentioned there. I don't know how I would put that in a formal motion whereas say 75 percent of the ACL is filled, that the bag limit is reduced. Again, I am more in favor of a year-round fishery for the fisherman, especially for the recreational angler and the charter/headboat sector. People may grumble about keeping fewer

fish, but at least they still will go. If they can't keep anything they just don't go. I don't know if that is doable, Gregg, if the council could do that.

MR. COLE: Yes, it is doable. We do it with several species management plans in the Mid-Atlantic. As you get closer to your target, okay your allowable catch, other rules kick in. They do everything they can certainly in the Mid-Atlantic to extend that recreational catch out as far and as long as they can.

Now we are kind of caught between a rock and a hard place here in the South Atlantic because we have got a federal law that is causing us to have to move forward with this Comprehensive ACL document. Now I think that a lot of what we are talking about around the table right now are measures that the council will probably have to take up in the spring or some time then, but not now. I don't think they have a whole lot of option if they are going to meet the law's target. Your concept is very, very valid but it is one of a probably larger suite of management opportunities, let's call it, that can be applied to this fishery and to other fisheries after we climb this mountain that is in front of us. I think the chairman's earlier comments about how do we improve the process, what are some of the things that can be done to give you people relief is very, very appropriate.

Maybe perhaps what you want to suggest, all of us to the council, is that once we get these ACL problems cleared up, let's sit down and start looking at each of these fisheries on a regional basis and see what measures can be implemented to stretch these fisheries out economically. I think that is what we are talking about.

MR. DeMARIA: Before you go, Gregg, we have got a lot of issues to cover here. I think a lot of what I am hearing we could cover under other business and how the process can be improved. If we can kind of keep your comments a little shorter and let's get through this and then under other business you are free to make motions or do whatever you want on that one. Gregg, you had something else?

MR. WAUGH: Just to respond to the question. Our quota monitoring system doesn't allow us to reduce the bag limit in-season when a certain percentage is met. This reduction in the ACL for black sea bass this year, the regulations actually require that should have been done at the start of this current fishing year.

Last year the fishery closed in February. The new fishing year started in June. The regulations state that on or about the start of the fishing year, this new ACL should have been published, but instead of it published in June we are now in October when it is getting published. The idea that we could track a recreational season and then reduce the bag limit when 75 percent is met just isn't there.

We have been advised that commercially, where we have some commercial trip limits that there is a step down, that with the existing system that it has, NMFS can't track a quota and then implement a trip limit when 75 percent is met. Yes, the council can put it in, but the National Marine Fisheries Service does not have the monitoring system in place in the southeast to do that.

MR. DeMARIA: Did anyone want to make another motion on this? Well, we have still got to go through Amendment 18, and that is black sea bass too, 18A. Can we move on to Amendment 18A now?

MR. WAUGH: Okay, thank you, this is going through the decision document. It was sent out to you all.

MR. DeMARIA: Okay, one more question, we really didn't finish the tilefish thing and Rob wants to say something.

MR. HARRIS: I just had a question before we get too far away. I have a question for Mike. As you were giving the brief on the tilefish overview, we kind of splintered off into the black sea bass stuff and I wanted to get back to this before we got too far away from it. My question in there is I have been looking at all the numbers and going through the information that you provided and seeing how everything seems to show an uptrend and where the stock and everything is improving; the one thing in there that really caught my ear and my eye was the no changes on the ACL are likely or anything coming up forward.

The reason I bring that up is because for the recreational AC, the recreational golden tilefish season closed abruptly as of tomorrow based on an overage. Running through the numbers, the recreational sector exceeded its allocation by 2,805 fish and that is based on a 3 percent catch of the total allocation.

I just had some questions here because I have been running the numbers; and if we look at 3 percent of the total allocation, the commercial allocation is 282,819 in poundage. What numbers do they use? I know that we are using a per fish count for the recreational folks. We use poundage for the commercial guys.

At what point do we say that we have exceeded 3 percent, because we don't know what the number is that derives 3 percent since they are based on pounds not on fish or what is being used for our average in the recreational sector as far as the actual size. Just doing some quick math at 15 pounds per fish, that works out to a little over 23,000 pounds for the recreational ACL.

I am wondering as I see all this trend going up, the recreational guys are almost 200 percent overfished based on a 3 percent allocation. We are saying things are getting better, we don't want to change the ACL, so we are just going to allow the recreational guys to keep getting shut off because we don't really know what their numbers are, because we are not willing to change the ACL even though we say that the stock is fine, not overfished and improving, but we are not willing to look at an ACL change.

DR. ERRIGO: Okay, a lot of things going on there. First of all, I don't know what the conversion is from numbers to pound. It is there but I don't know it off the top of my head.

MR. WAUGH: Don, if I could, let me just point out here that this spreadsheet that we just put up – and again this is available off the Southeast Regional Office Website. If you look at tilefish,

this is tracked in numbers of fish, so it is not pounds and converting. What this is saying in 2011 that the catches in May and June were 7,701 tilefish. The ACL for recreational ACL is 1,578, so you are over by 488 percent. There is no payback provision here so the bag limit just reverts to zero and will remain zero until we start again the following year.

MR. DeMARIA: Rob, unless you have got specific recommendations in the form of a motion, can you get together with Gregg or Mike on one of these breaks and just discuss it with them, because I think that would be a better use of our time; can we do that?

MR. HARRIS: I can if you all are willing. Yes, because it is interesting we are looking at the recreational in a headcount but it is based on a percentage of what the overall allocation is and the commercial is on poundage. Well, we don't know what the poundage is. Is there somewhere a magic number that the commercial side only gets says 100,000 fish and then the recreational sector gets 3 percent of that and that is how we derived 1,500 fish?

You have got two different standards there being used for a fishery that is doing well and improving, but yet the actual AM for golden tilefish is a shortened year the following year. Does that mean the recreational sector is going to be closed for four and a half years until it pays back its overage from this year?

DR. ERRIGO: The Southeast Center does have ways to convert numbers to pounds and pounds to numbers. I don't know which way they did it, if they did it in number, did the allocation and then converted the pounds for commercial or vice versa for recreational, but they do have the conversions. I don't know what they are. They have some kind of model that does it.

As for the AMs for golden tilefish, I am actually – I don't think that they would shut it down for the next four years until they paid back. Yes, right, there is not really a payback. They say they are supposed to shorten the season. What they would probably do is look at what people are catching and see if we shorten it by so many months we might be able to get them to hit their ACL.

They can do that because they have the information based on effort and what people caught, like their bag limits, like how many people caught their bag limit and all that. The other thing is that the way they calculate the ACL, it is based on optimal yield and F at optimal yield. Because the new assessment, there is not a large amount of confidence in the point estimates, that is why I said there is little – I believe that there is a low chance that they will change the ACL.

However, the SSC still has the power to change the ACL. They can increase it if they think that the stock is on the rise and things are doing great and it looks like you guys can better exploit the fishery, they certainly can increase the ACL. I was just saying based on the numbers in the stock assessment; I don't think they can use that.

They can't use the stock assessment – they can't use the numbers in the stock assessment to recalculate. I don't think they will use the numbers in the new stock assessment to recalculate the ACL based on optimal yield because the estimate for optimal yield in the new assessment has a huge amount of uncertainty associated with it.

I don't think that they will use the numbers in the assessment. It is completely up to them, and if they feel that you guys are underexploiting, the stock they certainly can increase – well, they can increase the ABC and then the council can increase the ACL as they see fit.

MR. DeMARIA: I think we really need to move on to Amendment 18. If you want to get together with Gregg or Mike and then come up with a motion in the end of this, but I would really like to get through this so at the end we can talk about what needs to be done to improve the process, and that is your time to really say whatever you want. Gregg is going to go through Amendment 18A.

MR. WAUGH: I will go through this fairly quickly, so if you have questions – and I will try and hit on the high points to where I think you would have some interest; but as I go along if you have questions, please just stop me. You have this document, so again we are addressing issues within the pot fishery and we are also looking at modifying accountabilities.

Most importantly, we are looking at changing the rebuilding strategy from a constant catch, which keeps the quota at one poundage level. Then we have a new stock assessment that will be reviewed by the review panel next week and then our SSC in November. At the December meeting the council will have the results of that new stock assessment. We are going to work those into Amendment 18A to take out to public hearings in November.

You will have the opportunity to comment on those values prior to and at the council meeting in December. Action 1, if you look on Pages 4 and 5, this looks at the rebuilding strategy, and that is the approach we use. Right now we are looking at constant catch and that is what is shown here as a no action alternative.

Alternative 2 is to update those values from the stock assessment, and Alternative 3 is a new one that the council added was to define a rebuilding strategy for black sea bass that maintains a constant fishing mortality. You will take a proportion of the fish so as the stock rebuilds, the actual poundage that is allowed will increase.

That is what Mike pointed out with some of those projections. Of course, we have to look and see what happens with those projections based on the overage. But the council's preferred alternative right now is to switch to this constant fishing mortality and use what is called the F rebuild. That is the fishing mortality rate that would allow us to rebuild black sea bass to the biomass at MSY by 2016. That is our deadline.

What this does, the bottom line of this is it allows the maximum poundage each year that you can take and still reach our rebuilding deadline by 2016. There is nothing else the council can do to allow for any higher catches. Then in terms of 1B is setting the annual catch limit. Alternative 2 is the preferred to set the ACL equal to the ABC equal to OY.

Then in terms of annual catch target, we are not setting an annual catch target on the commercial side. We are expecting the quota monitoring system to be able to track that adequately. On the recreational side we recognize there is difficulty there. As we have done for lots of other

fisheries, we are using this approach that uses a measure of the variability in the recreational catch called the PSE.

What that does is set a lower target that you then base your management measures on. The fishery is still tracked and the bag limit won't revert to zero until the actual annual catch limit is met. That looks at modifying our approach to rebuilding to allow the maximum poundage that can be taken and still rebuild in time; and then puts in our annual catch target on the recreational side.

Again, all this will be in the document for you to comment on during public hearings. Action 2 limits participation in the black sea bass pot fishery, looking at an endorsement system. I am not going to go through all of these alternatives. The council's preferred is 2F, so that we are limiting the endorsement and tag distribution to black sea bass pot fishermen with valid or renewable commercial snapper grouper permits as of the effective date of the final rule whose average annual black sea bass landings, using pot gear between December 8, 1998, through December 31, 2010, were at least 3,500 pounds – and we are excluding fishermen who had no reported landings in 2008, 2009 and 2010.

Again, all of this will be analyzed so you will have this information to look at. We estimate that will allow somewhere between 18 and 34 fishermen, and this is shown in this table here. We have got it analyzed for 2,000 and 5,000. The council has picked 3,500 so it is somewhere in between these two values, and that is being analyzed now. Action 3, an appeals process, we are putting in Preferred Alternative 2, and this will track the same appeals process that we are using across all our fisheries, but we are not considering hardship arguments.

MR. DeMARIA: Gregg, I think Rusty had a question for you.

MR. HUDSON: Rusty Hudson, Director of Sustainable Fisheries, representing the East Coast Fishery Section. Gregg, could you explain what Roy had suggested on Friday morning, September 16, at the council meeting. I believe you have indicated this but you said the data that is being worked up. I think you gave me a date of October 21 so that we would have that in the November decision document.

MR. WAUGH: Right, we are targeting October 21 to have our public hearing documents up on our website. The concern is that when you look at this 3,500 pound requirement, we don't know right now how many fishermen that would allow in Florida and Georgia. The concern was expressed within the state of Florida that we wanted to ensure that we had at least two fishermen. Kari on our staff has been analyzing this and so we will have the analysis in the document, but the idea is to look at alternatives that would at least ensure that we have two fishermen per state to get at impacts. Kari, do you want to come up and give a little more detail?

DR. MacLAUCHLIN: I just received the data and am doing a really detailed community-level analysis of all the alternatives. The new preferred alternative with 3,500 pounds average over the qualifying period would give Florida 5 endorsements, North Carolina 11, and South Carolina 5, but none for Georgia.

Then actually there are just a few folks in Georgia who would even be considered, and under that Alternative 3 that would require 2 endorsements per state that Roy Crabtree suggested at the last meeting, actually the Georgia folks, nobody would qualify under the subalternatives, and you wouldn't need it for Florida. I can probably give some more details – I am doing it literally right now – this afternoon about the communities in particular.

MR. DeMARIA: Do you want to continue on, Gregg.

MR. WAUGH: We talked about the appeals process. Action 4 is transferability; the council doesn't have a preferred here but there will be a method to transfer these endorsements. Action 5 would limit effort in the black sea bass pot fishery each permit year. The preferred alternative is to limit to 35 tags, and the intent there is 35 pots per vessel per year.

Action 6 is to implement measures to reduce bycatch. The idea there is to have the preferred alternatives to bring the black sea bass pots back to shore at the conclusion of each trip, so you don't have them left in the water and the potential for lost gear. Action 7 is to modify accountability measures for black sea bass.

Here we are suggesting some modification to the language, but there is one additional change that we were directed to add that is not shown here. Right now if the black sea bass goes over there is a payback provision, so that amount of overage is deducted from the ACL. Well, we have been directed to also add in an analysis that would – and as was shown that as the stock rebuilds you have an ACL that increases.

Well, we have been directed to analyze the alternative that increase in the ACL will only occur if your total ACL is not exceeded. In other words, right now if the quota system isn't sufficient to close a fishery before you exceed your ACL, that amount of overage is deducted from next year. What this would do is also add a penalty that in addition to it being deducted from next year, that the increase you were suppose to get as the stock rebuilds, you won't get that, also. That will be added to Action 7, the accountability measures.

MR. COLE: I can't believe it; this is a double dip into a big black pot of hog grease, frankly, from NMFS. I mean, I can't believe it. If you are going to manage by F, constant F rebuilding, then manage that way. They are doing one thing in the front of the document and here turning it around and doing something else. It doesn't make sense, Mr. Chairman. Gregg, while you are here, are there any commercial harvesters in Georgia, pots? No, okay. What was the basis for two – a minimum of two per state?

MR. WAUGH: That was a suggestion that came from the Regional Administrator and I don't recall any elaboration on why it was two, but the feeling was that would ensure that we didn't have a differential impact on the state of Florida because it was a relatively newer fishery in the black sea bass pot fishery.

MR. JOHNSON: I would like to make one comment to that point, Bill. We were faced with an area closure in the state of Florida that would allow no vertical fishing. Now, thank the good Lord, that didn't happen, but still that is what we were told, and we were also told that, hey, but

you can get some sea bass pots and you will be able to pot fish inside 17A. I ran no sea bass pot trips last year; I will just go ahead and put that on the record.

But some of us, like myself, thought oh, my gosh, how am I going to pay my bills, so we went and bought the gear, invested the money in the fishery, got the tags, did all the right things that NMFS told us to do, and here we are not even two years later saying, well, guess what, we are not going to let you participate. Now you talk about hog grease, that is definitely it.

MR. HUDSON: The reason that came up though was because the day before at public hearing, Jimmy Hull, for instance, in the state of Florida has operated 18 continuous years fishing black sea bass pots, but he also had alternatives. Then when they put the 3,500 whole weight requirements up there, average as opposed to an aggregate of 10,000, it wound up impacting him because he had 3,170 pound average, so it killed him off.

That was not considered a – it was actually discriminatory. Then there is another set of boats that also had a lot of production, and so that was the recent boat, The Finest Kind, the Nelsons. Those two boats is what had Roy talking, and then Duane started talking about some of the stuff and Duane was right on with some of the things that went on on that Friday morning on the 16th of September. Honestly, what we are trying to do is keep people fishing. Unfortunately in North Carolina they are going to wind up annihilating about 20 something boats, and that is wrong.

MR. DeMARIA: Terrell and then Bill again, and then after this is finished with Gregg we are going to take a break for lunch. Go ahead, Terrell.

MR. GOULD: Just looking at this, the Alternative 2 and Alternative 3, cutting down people out of this fishery that have been doing it for years, whether they met the weight limits, trip limits or whatnot, for the thing going from say 2,000 pounds, 34 boats; 5,000 pounds, 18 boats, this is starting to stink of a bastardize version of catch shares being introduced under the radar is what I am looking at. They are cutting people out of a living.

They are more than modifying this here now. I can see in the future where this will be taken and traded back and forth as a commodity outside of somebody making a living. It will be something, well, I am going to sell you my catch share and I am going to make money off of you. I think some of this is going on in the Gulf, but this stinks to high heavens here.

MR. CARDIN: I am not quite sure that I understand this limiting the participation in the black sea bass fishery. I am wondering at what point it became eliminate participation. Now to me limit participation means at a certain point in time or something that you don't allow new entrants. When has this become action to eliminate participation, and that is exactly what some of these alternatives do?

Am I to understand that these people that might have owned sea bass traps for 18 years that might actually be kicked out of the fishery because they don't maintain a 3,500 pound a year landing level? Once again, I ask you if this action is eliminate participation or does it limit participation?

MS. QUIGLEY: At the last council meeting – this is something that Rusty just referred to – they went from a 10,000 pound requirement aggregate over 13 years to 40,000 pounds. There are people who have been participating at a lower level largely in North Carolina but also in Florida that will be eliminated, who have been participating for decades that will be eliminated because they didn't make enough.

They are more small boat fishermen, so there are some that have focused on the live fish fishery, a small number focused on live fish, so bringing in 500 pounds of live fish each time they go out fishing that will not make this. Now they have another boat that harvests a little bit more, but they were trying to maximize profits and because of that they are going to be knocked out of the fishery, so that is one thing.

Just to go on the record, I am speaking for South Atlantic Fishermen's Association, which is in favor of voluntary catch shares but is very much against these endorsements, because you cannot – because it does kick people out and it is more expensive than a catch share would be and catch share quotas.

MR. WAUGH: Just to remind people; the issue the council is trying to address with this limit on participation is the season lasted 45 days this year. We have got way more effort in there than is needed.

MR. CARDIN: I am very well aware that the season was quick. I participate in the tile fishery and the season happened quick and there was new participants. But there is also a fact that you can walk on the fish and the fish are biting fast. I would much rather see more quotas, because the quota is coming, the fish are there, you are eventually going to give them to us, so why are we eliminating fishermen? The quota is going to come to us, you are going to give it to us one day, or you should if you follow science.

MR. WAUGH: Yes, you did say one day because we are not sure you are going to be able to get an increase with this assessment because of all the overages. For several years you are going to be living with these relatively lower ACLs and so you are going to be dealing with 45-day seasons or shorter.

MR. COLE: Before we break for lunch, I want everybody to think about something. Isn't it better to let the fishermen decide whether it is economically feasible to make a trip or not than the Regional Director of the National Marine Fisheries Service to sit down there and make these decisions. If he thinks he can't monitor something, how does he think he can monitor this?

I mean it doesn't make sense. What we are doing is that the system is setting up – it is making your decision for you instead of you making it. This would be very simple to solve and manage. You have got X pounds or numbers of fish available for the next few years. Split them up by regions or states, something and let the fishermen go fish. When it is caught, shut it down. The fishermen can make that decision.

MR. FEX: Well, we all know that our seasons lasted a month and a half. The price was crappy, I don't know, \$2.50 I got for my jumbos, used to get \$4.00 a pound. This limited participation is

just trying to extend it, limit the amount of people going out there and slinging traps. If you didn't have more than 3,500 pounds of black sea bass a year, you really weren't hard into it. I don't know – I know trappers they get 1,500 pounds in a couple days.

That is just two trips. That is all it was about, is just keep the people that actually are vested into it, that actually literally do it. I don't do it; it is not helping me or hurting me. I supported it, and I do, because we need to limit participation. When they go out there and sling it and meet the quota in a month and a half, the price was ruthlessly – I mean it was worthless. That is why I think a lot of it has been brought up that way.

MR. CARDIN: I originally a couple years ago made a motion to make a longline endorsement. I believe in endorsements, I believe they can work. But the way this is coming about, this is over from 1998 until now, pretty soon you had to have 3,800 pounds a year average, calling this a vested fisherman.

There has been three control dates since 1998. You are going back grandfathered – we have already told fishermen they were grandfathered in if they went and bought sea bass traps after February of 1999. We've told people they were grandfathered in 2001. We told people they were grandfathered in with a 2004 control date. Now there is a 2008 control date. Why are we going to go back so many control dates with this long stretching time of 1998 for a 3,500 pounds a year average is beyond me. I don't support this and I am one of the original supporters of those endorsements.

MR. WAUGH: Again, what a control date does, it doesn't grandfather anybody in; what a control date does it says if you enter after this date you are not guaranteed participation. It doesn't mean just because you were in before that you are guaranteed. It means if you enter after that date.

MR. CARDIN: Point taken, but once you have made one control date and we keep having these new control dates, that is when people start spending money. They buy traps and stuff like that because they figured they are grandfathered in when they made this date or that date. To me this is totally misusing control dates in itself going this far back. That is my opinion, thank you.

MR. WAUGH: Okay, so to try and wrap this up; Action 8 is looking at a spawning season closure, and the council has no preferred here. Action 9 looks at trip limits. We do have a preferred alternative of a 1,250 pound trip limit, again to try and stretch out the season a little bit. We have got other alternatives that go down to 500 pounds.

Action 10, the council looked at modifying the recreational bag limit. That was removed to the considered but rejected appendix. It considered modifying the commercial and/or recreational size limits; that was moved to the considered but rejected. Looked at allocating to pot and hook-and-line sector; that was removed from the amendment.

Then we have got two actions that look at improving commercial data reporting. Action 13 is commercial data reporting. Preferred alternative is to provide the option for fishermen to submit logbook entries electronically. Action 14, the preferred alternative is to require selected vessels

with a for-hire permit to report electronically. It still leaves it up to the Southeast Fisheries Science Center to select them.

MR. DeMARIA: Are you finished, Gregg? Okay why don't we go ahead and take a break for lunch now and come back at like 1:30. Get your thoughts together on this black sea bass thing and make motions when you come back.

The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Charleston Marriott Hotel, Charleston, South Carolina, Wednesday afternoon, October 5, 2011, and was called to order by Chairman Don DeMaria.

MR. DeMARIA: I guess we ought to get started again. Gregg had a few more things he wanted to add about black sea bass, and I am sure you all have some questions and motions and whatnot.

MR. WAUGH: Yes, I just wanted to clarify one thing. Under Action 10 where we were talking about modifying the bag limit, the council did move that entire action to the considered but rejected. And then we come to the consideration of the size limit, I incorrectly said that they moved that entire action. What they did was move 2B to the considered but rejected. The option to modify the size limit will still be in 18A and you will have an opportunity to comment on that but not the bag limit. Right now the bag limit has been removed.

MR. DeMARIA: Does anyone have any recommendations on this black sea bass fiasco or motions?

MR. FEX: Yes, I would like to make a motion that the council allocate black sea bass pot fishermen and the hook and line separately so we both get an allocation.

MR. DeMARIA: Well, it is open for discussion if anybody wants.

MR. CARDIN: Question, Kenny, why? Would you please explain to me some of the benefits of different allocations?

MR. FEX: The rationale behind it is the black sea bass pot fishermen. They are pretty productive on catching their fish. The hook-and-line fishermen were constrained to a month and a half fishery not just because of the trap fishermen, but whatever, but I think the hook and line could manage theirs under a trip limit.

That would allow for the fish to be in the market a lot longer, which might help on the price instead of giving all of our fish to the market in a month and a half period. I think that a lot of people in the hook-and-line fishery feel that they could manage it and maybe extend it. I have a lot of people really looking at that that I talk to and communicate with, so I would hope we look at that.

MR. DeMARIA: Just one thing, Kenny, would it be better to add commercial in there somewhere? Do you want to modify it a little and then Bobby can go on.

MR. CARDIN: Kenny, question as to you motion. What do you think the percentages would be for this allocation?

MR. FEX: Well, historically the pot fishermen have caught from 85 to I think 87 percent, and I think it should actually be about an 80/20 split. The rationale for that is several pot fishermen throw their pots and use bandit gear at the same time. They were participating in both fisheries, and whether that was actually separated in the logbooks I don't know. I figure an 80/20 split would be substantial. Two, also when the black pot fishery ends, the black pot fishermen sometimes go to the hook-and-line fishery, so they would still benefit for some of the fish caught on hook and line.

MR. CARDIN: One more question. So we would like allocation split regardless of whether there is an endorsement program or not, or does this have anything to do with endorsement program?

MR. FEX: Well, I still support the endorsement program but I would still like that to be allocated separately like I said so the hook-and-line fishermen would look for trip limits so they could extend the season because it has become a bycatch issue fishing up inshore and trying to avoid a fish instead of actually target a fish.

MR. CARDIN: Kenny, I don't know if you could make a friendly amendment, but we are looking at this endorsement program and the one the council so far has preferred leaves 20 boats, so you are knocking out tons of history and tons of boats. Now who gets that history of all these trappers that are knocked out of the fishery? Should that revert back into the total pie or should the 20 trap boats get all of this quota from the guys that are eliminated? We ought to include where you want that quota to go.

MR. FEX: I see your rationale for that, It was a good idea to separate that just because of the reasons I brought forth, and I didn't look at that as a point, but that could be very well analyzed by council.

MR. CARDIN: Can I ask as a friendly motion that you modify your motion to revert the poundages of the removed pot fishery vessels be put back into the grand total TAC for the bandit fishermen?

MR. JOHNSON: The ACL is the ACL; I mean it doesn't matter who caught what. I know that he is saying traditionally that the pot fishermen caught 85 to 87 percent. The problem I see with this is you are throwing another fly in the ointment of exactly why the council is going down this path of an endorsement. These guys are complaining they had a short season so we are going to appease them and eliminate people so their season will be longer. Well, you start taking 20 percent of the ACL out, you are doing the same thing.

MR. CARDIN: Well, that is the point here. I mean we are talking about custom fitting this little 21 boat pot fishery. Now, if you are one of the 21 boats left, made your job easier, you don't have competition no more, and so forth, but now why should you be rewarded. You are

basically – if it is a 300,000 pound quota and 80 percent is issued to the pot boats and you knock out 75 percent of the pot boats, you are giving quota – you are basically giving ownership of fish to one group.

I believe that is a real important issue here that maybe we don't realize this is happening or maybe the council doesn't realize this is what is happening, but they are eliminating competition and giving people quota with this scenario of the 21-boat fleet. It needs to be addressed and it needs to be addressed now because it does become a thing of ownership.

MR. COLE: I understand the basis of the motion, really I do, but I really believe this is a state – a region-by-region decision. I don't believe it is an appropriate decision for the whole South Atlantic, because the situation might be different in Florida, South Carolina, North Carolina. I think that if the council were to do this, we run a strong likelihood of mistreating somebody.

I don't have a problem with it if it is a state decision in that state's pursuing its available quota, but I do have a problem with it when you have four unknown entities right now not knowing how much of that available quota they can have or not have.

I am going to have to respectfully vote against this because I think there is a better way to do it. Now if you were to add, and we could get the council and the Service to do a distribution of the available ACL down to an appropriate management level, then I have no problem with it, but we haven't gotten that yet.

MR. DeMARIA: Just to remind everybody, this is basically what the South Atlantic did with king mackerel. They split it in the net fishery and the handline fishery with a separate quota for each. Go ahead, Jim.

MR. ATACK: I guess last year we were really looking at when we hit 90 percent of the quota we were going to stop pots and leave the last 10 percent for hook and line. I am asking are you really looking at when you hit 80 percent then stop the pots and leave 20 percent so the fishery can keep going hook and line? I mean, is that what we are looking at here or are you actually looking at completely allocating it differently?

I understand this year with the 90/10 thing, we shut the whole fishery down with the pots. I guess the pots went over their 90 percent so far that the whole fishery shut down. If you are backing up to like an 80 percent and then continue fishing, it is a little different than this. I wonder if you would be open to changing it.

MR. FEX: No, the rationale was that when the season opened, the hook and line would get 20 percent of the quota and the pot fishery would get 80 percent of the quota. Like I said, the pot fishermen are pretty productive. We have heard of boats that have gone out there pretty hard and chased them, and it just left the hook-and-line fishermen in a month and a half not able to catch black sea bass.

As a hook-and-line fisherman I targeted them for that first month and a half just to get rid of them out of the areas that I normally catch B-liners. I mean I hate to say I did that, and I caught

record numbers on hook and line. I was just looking for a way for the hook-and-line fishermen to say; okay, here we get 20 percent of the quota just because historically that is what we landed.

We can take it and put a trip limit of 200, 300 pounds, and it might make it four or five months. It is just sad when we have got four dollars a pound the year before last for our jumbos and we got two dollars a pound this year. I was just trying to alleviate some of the supply and demand that has gone to our markets.

MR. MARHEFKA: Kenny, sitting here doing a little bit of this math, we have got 364,000 pounds of whole weight is what we have, okay, and at 20 percent you are going to be looking at 72,900 pounds is what our 20 percent is going to be. Why not go and change your motion to where basically you would go, and like Jim is talking about, is everybody would continue to fish on the black sea bass as normal.

But when that 80 percent was touched, you then went to a trip limit on that other 72,000 pounds. In other words, the pot fishery would go and be able to go and get 291,000 pounds but the vertical hook-and-line guys would be able to fish it also; but once you hit that 80 percent, that it would put a brake on it and slowed it down to where we wouldn't have this really drastic, boom, shut off.

We might be able to go and have something to go and carry into when we are catching our vermilion snapper and things like that and not have to kick off these black bass. Maybe somewhere doing like a 175 or a 200 pound trip limit, because at 72,900 pounds, the vertical hook-and-line guys, you do the math, it is not going to last very long; it will be about a month also.

MR. CARDIN: What I am looking at here is we are talking about reducing – council is talking about making a 21-boat pot fishery. Now if they are kicking 10 or 20 or 50 or 100 boats out, I don't know, but they might have actually caught 20, 30 or 40 percent of that 85 percent you are talking about.

Now you are going to take their pots away from them, they are going to come start bandit fishing with you, fishing on the 20 percent you historically caught, leaving their historical catches in this 21 boat pot fishery. If you are going to take the pots away from these guys, you need to bring the quota with them into your bandit fishery. If you don't, you are even going to have a shorter bandit season. I hope I am making myself clear.

MR. FEX: Yes, that is a rational point, but I know if I put this in front of the council, the would, the exact thing they would say, well, what was the historical landing, and that is what would come up and that is why you have a valid argument. I didn't look at it that way; I didn't analyze it that way. I didn't crunch the numbers like Mark had said, but that was the way I was looking at it to be fair.

If we as a hook-and line-fishery started June 1 with a 200 pound trip limit at 70 some thousand pounds, I believe it would last more than a month and a half, and I am just trying to extend the

black sea bass fishery somewhat hook and line wise, so that is all it is. Plus it would actually help on –

MR. DeMARIA: Kenny, do you want to carry with this motion or are you open to somebody else modifying it a little bit?

MR. FEX: I am fine with that. I was just looking at an idea to put up there because of the demand that a lot of fishermen have brought forth to me that, hey, we can only catch black sea bass for a month and a half.

MR. DeMARIA: You are fine with it the way it is?

MR. FEX: If somebody has a friendly motion to change it, I am willing to look at it, but I just know what the questions and arguments would be from the black sea bass pot fishermen.

MR. CONKLIN: Why can't the opening dates of the black sea bass fishery be modified for a commercial opening at a different time? I am not a rocket scientist but you don't need to open the fishery up when the entire east coast of the United States is open, and you are throwing fish that are going into a drag fishery in the middle of the summertime up north, and you are wasting a resource here.

You have wasted 100 percent of what should have been made just giving it away. Why not save it and open it up at a later date when the market is a lot better to get rid of some fish? In September and October there is a good bass month, but don't give it away in June and July. It is just giving money back; you are just losing it and it is not fair to the fishermen.

MR. DeMARIA: You can either modify that motion or we could vote on it and you could put up another motion, but you could do whatever you want here.

MR. CARDIN: Can I make a friendly amendment to your motion, a motion that they allocate between the pot fishermen and the hook-and-line fishermen at the historical levels that the disqualified pot fishermen bring into the hook-and-line sectors quota or percentages; so, in other words, you will have to analyze it and everything.

MS. BROUWER: Bobby, could you please repeat your motion.

MR. CARDIN: I would like to allocate the bass fishery to the hook and line and pot sectors whatever pot sector fishermen are disqualified from the pot fishery, their historical, percentage of that historical landings should come with them to the bandit fishery or should come to the hook and line's percent of the TAC.

MR. DeMARIA: Ben wants to say something.

MR. HARTIG: I like this from a couple of different aspects. One, Kenny, you guys will be addressing bycatch release mortality of a number of fish that you encounter on your trips,

whatever trip limit you come up with. The other part of it is that in golden tilefish we set this up when 75 percent of the quota was caught we would reduce it to a 300 pound trip limit.

When the council did that, they never envisioned that the longline fishery would fish at 300 pounds. Unfortunately they did. The hook and line, those of us who have fished hook and line were not able to fish at the times of the year when we had in the past, and it made it tough on us to keep any landings in that fishery when the longline fishery caught that.

I will go farther. In the last two years in the golden tilefish fishery there hasn't been a step down, because NMFS wasn't able to or the Southeast Fisheries Science Center wasn't able to monitor the quota close enough. Now previous to that, they did, we did have the 300 pound step down. This year we are 36 percent over even with the 25 percent.

When they closed it we were actually 50 something percent, almost 60 percent over, and that is tough for me to deal with. In my opinion, if you don't separate the two out and have your own allocation, I don't think you will ever get the 20 percent or whatever percentage that comes out of Bobby – and I like Bobby's idea, that makes a lot of sense.

People that were in that fishery and want to continue to be in a live fish market at a lower level of harvest, if you brought their percentages in they would still be able to do that and you would cap the trap fishery at X amount of people at the percentages that they actually caught. I like Bobby's motion; that is an interesting way to come at this.

I think you guys are on a right track on separating it out. I just don't want to see you set it at 20 percent, at 80/20 and then when you reach 80 percent you revert to hook and line when you may not have the 20 percent. The only way I see it happening is to separate it out. Now NMFS is going to argue that we can't monitor 72,000 pounds probably, but we are getting to the electronic age as you well know.

You have done it, so we are going to be there and we are going to be able to report that. The way I see it, if you don't report you don't get your permit renewed, so that is pretty simple. I don't see that as a big problem, but I do see it a problem if you don't separate it out initially.

MR. CARDIN: To Ben's point, what has happened in the tile fishery has happened but what we were not pointing out at this point is the endorsement program didn't go through the tile fishery, so every year was a different universe of participants. Now if you are actually talking about coming in with this 21 boat fleet or whatever the council is talking about, it will be a lot easier to monitor.

NMFS can sit here and speculate what 21 boats are landing a lot better than they could with the tile fishery not knowing how many boats were participating. What Ben spoke of is very true, but once you identify who this pot fishery is, it is going to be a lot easier to maintain and to speculate when this 80 percent might be caught. I would just like to add that.

MR. DeMARIA: Before we go on, we actually need a second for this motion; is there anyone that wants to second it?

AP MEMBER: I'll second it.

MR. DeMARIA: If we can discuss it more and then vote on it, I think it is a good idea.

MR. ATACK: The other thing I guess is if you do this and if the pot is exceeded this year, the pot landings, it comes off their individual sector allocation the next year, right, so that they wouldn't just keep overaging each year, right?

MR. FEX: Yes, I would hope that would be correct and also when we were looking at the assessment and the rebuilding numbers, that was one of the problems that was going to happen. If we went over our ACL for the year, we were not going to get that jump of 40,000 pounds. We were going to get reduced by whatever percent and you might not get that rebuilding of it unless we go by the F rebuild.

That was another concern. I think we can be able to keep within our ACL of both of them combined, especially since you are only at a 200 pound trip limit or 300 or whatever the hook and line decides on. I think that would actually still help that, too, because I do want to see the fishery rebuild.

MR. DeMARIA: Can we go ahead and vote on this?

MR. JOHNSON: Just one more point. By 2016 you have a 50 percent chance of this fishery being completely rebuilt, and the numbers are quite staggering to give 80 percent of that fishery to 21 pot boats. I mean, it is pretty crazy if you think about it, over a million pounds. Then the hook-and-line allocation at 20 percent is 295,000 pounds, so I still have a real problem with this whole deal about rewarding 21 boats that much. That is a lot of fish to give 21 people – 21 vessels the right to harvest.

MR. DeMARIA: Do you want to go ahead and vote on this one? Do you want to read it?

MS. BROUWER: Yes, the motion that you are voting on reads allocate the black sea bass commercial ACL to hook and line and pot sectors at the historical levels. The percentage that the disqualified pot fishermen would have landed is added to the hook-and-line fishery.

MR. DeMARIA: All those in favor; all those opposed, and those that abstain. **The motion passes with 3 abstaining.** Can we move to 18B next or is there more discussion?

MR. CARDIN: Could I ask the AP that we have a little discussion on this Action 1, whether we go with a pot fishery endorsement.

MR. COLE: Alternative 3, I believe is the correct option so I am going to move adoption of Alternative 3 to use a constant fishing mortality for the rebuilding timeframe. .

MR. DeMARIA: Is there a second for that?

MR. CARDIN: I second it.

MR. DeMARIA: So it is open for discussion.

MR. COLE: Mr. Chairman, we have used a constant fishing mortality for Atlantic striped bass. That management has had ups and downs and so forth, but by using that I think we have proven that it will work. I don't have a real problem with renaming that some other things over in time, but the concept of using a constant F is it works. That is the reason I make that recommendation. You can refine the F and say that for the five years it is going to be F something and then for the next five years it is going to be F something else, and all that but that is the game for statisticians to play. As far as we understand it, it is a constant F and then we don't have to deal with it anymore here.

MS. BROUWER: Bill, do you want to specify if you prefer recommend Option 2, the F at 75 percent of Fmsy or the council's current preferred which is the F rebuild.

MR. COLE: That is beyond me, I don't have the statistical numbers and I don't think any of us want to sit through them this afternoon. I think just a constant F. IF they want to change it to those other terminology, fine.

MR. DeMARIA: Can we vote on this or is there anymore discussion? Okay, do you want to read the motion, Myra, and we will vote.

MS. BROUWER: Just before you vote on the motion, Mike was just telling me that I should let you know that the F rebuild rate is the highest fishing rate that you can fish at that will still rebuild by 2016, so it is better than Option 2, which is fishing at 75 percent of the Fmsy, just for the record.

I am going to read the motion, Mr. Chairman, if you are ready to vote. **The motion says recommend that the council choose Alternative 3 under Action 1 for Amendment 18A. Alternative 3 is to define a rebuilding strategy for black sea bass that maintains a constant fishing mortality rate throughout the remaining years of the rebuilding timeframe.**

MR. DeMARIA: All those in favor, and those opposed, those abstaining. The motion passes with two abstentions.

MS. BROUWER: That is what I was trying to get clarification for, but my understanding is that you are not ready to choose either one.

MR. DeMARIA: Any more discussion on this black sea bass amendment or can we move on to the tilefish?

MR. COLE: Mr. Chairman, for Action 1B, I think I will move adoption of Alternative 2. That is to set the ACL equal to ABC equal to OY. At the moment that seems to make more sense to me, so I am going to move Alternative 2.

MR. DeMARIA: Is there a second on that?

MR. ATTACK: I'll second it.

MR. DeMARIA: Any discussion or can we just vote?

MR. HARRIS: I just had a question for Myra. Didn't you just send us an e-mail with a federal registry change for the ACLs for the recreational? If we were to select that option, would it choose the reduced ACL that just came out today in the federal bulletin or the preexisting ACL before the federal registry?

MS. BROUWER: I think it would be whatever ACL the council selects when 18A – whatever ACL is in place when 18A is implemented, which may be the reduced ACL that was just published today or it may be a different ACL that the council chooses based on the data from the assessment.

MR. HARRIS: Essentially I could be voting to change the ACL when I don't know what ACL that they are going to use is, correct?

DR. ERRIGO: I would like to try and clarify, if I can, how it works. The new ACL that was published in the federal register is the one that was reduced by the payback from the overage from the last fishing year. So that is not what the actual set ACL is. The baseline ACL – the total ACL is 847,000 whole weight.

What this refers to is that what would be the OY or ABC is in the projections you saw at a constant F, it would change, each year it would go up. What they are saying, what this motion – what this alternative says is that you would accept that recommendation as the ACL instead of stepping down from it by 10 percent or 15 percent or 20 percent or whatever it was.

This says you don't want to have a step down from what the ABC will be. The SSC will look at the projections. Most likely they will suggest that each of those in the projection – the suggested catch is for each year would be the ABC, and then you are saying you want the council to select those ABCs to be the ACLs without stepping down from them. That is what this alternative would do. So it would be that rebuilding, that schedule, those projections, depending on whatever the overage is. Those are most likely what the SSC will set as the ABCs.

MR. DeMARIA: Ready to vote on this one? Do you want to read it again, Myra?

MS. BROUWER: On the screen, before you go ahead and vote, these are the projections that Mike was just referring to. **The motion you are getting ready to vote on reads recommend selecting Alternative 2 under Action 1B in Amendment 18A. Alternative 2, set ACL equal to ABC equal to OY. This results in sector ACLs based on the existing allocations.**

MR. DeMARIA: **All those in favor; those opposed' those abstaining. The motion approved with I think one abstaining.** I guess we can move on to the next action item here, but I get the

feeling that we are just going through and picking the least restrictive measures on each one of these things, but that is fine if you want to do it that way. Go ahead, Phil.

MR. CONKLIN: I would like to make a motion that the council consider changing the opening dates for the black sea bass fishery to coincide with the markets and either have one season opening and closing it when it is over or splitting the season for the commercial sector.

MR. COLE: Second.

MR. DeMARIA: Is there a second for that; Bill. Discussion.

MR. FEX: Yes, Phil, I understand where you are coming from. The rationale for it starting in June is the spawning closure starts – I think spawning, they spawn in March, April and maybe part of May, so June was an ideal time to open them. The rationale with January is not a good time. I know you had suggested whatever time, September or October.

But January was never chose as the time neither because that is when the trawling opens up in the Mid-Atlantic so we try to avoid that. It is kind of like they started in June to totally avoid the January. North Carolina traditionally was a winter fishery. I have had this argument thrown at me many a times, but a lot of council meetings I have heard that. They are trying to keep from getting into the trawling season and avoiding the spawning season and that is why the June opening is there.

MR. CONKLIN: From the fishing that I have done in my lifetime, the best spawn happens around the moon in February. It might be different in different locations, but in South Carolina it happens in 65 feet of water and the water is ice cold, and you can go in there and you catch those fish up in the water, and they are fat.

MR. DeMARIA: Did anyone else want to discuss this or can we vote on it?

MS. BROUWER: Did I capture the entirety of your motion? Phil, could you read it and see if I am missing something.

MR. CONKLIN: Yes, we should add to that when the market is at the maximum price. Now being that somebody on the council would have to go through and diversify the markets there; the summer market is absolutely horrible; and the market when it gets into September/October is better. It is a good market, real good market. Maybe that is why I wanted to split the season, because there is another market just before Easter, so it would pay to open it up and it wouldn't be affected by the trawl season.

MS. BROUWER: So do you want to include the splitting of the season as part of this motion?

MR. HARTIG: Yes, if you could, Phil, maybe you and someone else could develop just a paper explaining how the markets work, what time would be most opportune for you to be able to catch your fish and get the most money for them; that would help us tremendously in considering this.

MR. FEX: Yes, I agree with you, Phil. Another rationale of splitting in the season, I have heard and the council say it is hard to split. What we have now is a month and a half fishery, so you would be splitting a month and a half fishery in half, which would be a three-week fishery here and a three-week fishery here. I am not discrediting you by no means, but these are the arguments I hear at a lot of the council meetings, because these ideas have been thrown up several times.

MR. CONKLIN: But if we go along with the percentage of the quota that is going to be carried from the people that are losing their opportunity to stay in the pot fishery into the hook-and-line fishery, we are going to have a longer season. Now, whether we decide to come up with a 300 pound trip limit where you are not roasting a resource when it is open, we will have to discuss that among ourselves and come up with some kind of options.

MR. HARRIS: I just got a couple comments and more a question or a concern. Looking at this and the way that motion is written, you are looking to drive the fishing activity when the market rate is going to be the highest. There is another program that runs off that same premise that they are using in the Gulf right now.

The reason I bring that up is because of the fact that you have got fishermen that are out here fishing this fishery even though the market is low. Do they have other options that they could be fishing, and if you are now going to tell them you can't fish there because I am not going to pay you very much for your fish, you are going to have to fish it later, what are they going to be doing when they would normally be putting these pots in? Shouldn't it be something that is better left up to the fishermen to decide do I want a dollar a pound or two dollars a pound?

MR. CONKLIN: This motion is meant for the hook-and-line fishery, not the pot fishery.

MR. JOHNSON: Well, I understand the intent of his motion, and I don't know if I can – I know we are talking about this, but I still find it troubling that we are dividing up a fishery using numbers that exist today when only four years from now we are talking about a rebuilt fishery. I mean this is crazy what we are doing here.

We are eliminating people from a fishery because we have all been holding on all these years and now we can't wait four more years to get this fishery rebuilt and find out – you know, we have already got all these other things in place. It is very troubling what we are doing here.

MR. ATACK: To me it seems like it would make more sense to let the hook and line open when it does. If you push the pots back to September 1, which is where you get your big increase and landings per day, offset that from the trawl, then that might work better. They are going to be out there bottom fishing come May 1; and June 1 when black sea bass opens, all the hook and line has to be sent back to the bottom. I just don't understand that part of it.

MR. CONKLIN: But the way that other motion was, wouldn't the pot fishery, those 21 boats, have X amount of pounds, and what was carried over from the fishermen that lost their privilege to the pot fish would be added to the hook-and-line fishery. When the pot fishery caught their allocation, they would be done, but they would be pot fishermen. They wouldn't be hook-and-

line fishermen. Either you are a pot fisherman or hook-and-line fisherman. It's just like being a crabber or a hook-and-line fisherman, there is no difference.

MR. DeMARIA: Any other discussion on this or can we vote on it? Do you want to read the motion, Myra?

MS. BROUWER: The motion reads council should consider changing the opening date for the black sea bass commercial fishery (hook and line) to coincide with markets when they are at their maximum price. Consider a splitting of the season as appropriate.

MR. DeMARIA: All those in favor, those opposed, and those abstaining. **The motion passes with two opposed and two abstentions.** Now do we want to move into the next item? Go ahead, Bill.

MR. COLE: We are on the top of Page 6, Action 1C dealing with the ACTs for commercial black sea bass fishery. I am going to move Alternative 1. It does not set an ACT for the commercial black sea bass fishery.

MR. DeMARIA: Is there a second for that?

MR. CARDIN: Second.

MR. DeMARIA: Discussion. Can we go ahead and vote on this or is there anymore discussion? All those in favor – you have to read it first.

MS. BROUWER: Right, the motion reads support the council's preferred for Action 1C in Amendment 18A and the council's preferred is Alternative 1, no action, do not set an ACT for the commercial black sea bass fishery.

MR. DeMARIA: All those in favor, those opposed, and those abstaining. **The motion passes with three abstentions.**

MS. BROUWER: The next action is 1D, and this is to set the ACT for the recreational black sea bass fishery. Here the council is being consistent with what they have chosen for other species where the ACT is equal to the ACL times 1 minus the proportional standard error or the ACL times 0.5, whichever is greater. The intent here is to include the PSE because that is a measure of how certain the estimates are. The bigger the PSE the less certainty we have about the data.

MR. DeMARIA: Does anyone understand that well enough to make a motion?

MR. COLE: I understand it. Mr. Chairman, this is one of these things where this group – well, the whole group of us, regardless where we are in this process, are kind of stuck at the moment with basically having to accept Alternative 4 for lack of a data base upon which to manage it. Alternative 2 and Alternative 3 assume that a data base would come up with an 85 percent or a 75 percent number, and that may not be exactly true. Just to move us on this afternoon, I am going to move under Section 1D, Alternative 4. I don't like it, but I don't have much choice.

MR. DeMARIA: Is there a second on that?

MR. FEX: Second the motion.

MR. DeMARIA: Do we need to discuss this; does anyone even understand it? Go ahead, Steve.

MR. AMICK: I am not sure I understand the difference between not implementing an ACT for the commercial sea bass fishery and then not doing the same thing for the recreational.

MR. CURRIN: I will try to help you out. I know the concept is very foreign to a lot of you. It is a statistical thing, but the PSE, proportional standard error, is a measure of the confidence that you have, in very simplistic terms, about that estimate of whatever those landings are or whatever that value is. As you become less and less confident about it, that PSE gets larger and larger and larger; which means that the true value may be here or it may be here.

As that PSE gets tighter and tighter, smaller and smaller around that estimate, that means that the true value could be here or it could be here. It is a very appealing to me, unlike Bill Cole, because in recreational fisheries coming from MRFSS or now MRIP, if you have a value that has a small PSE, usually that indicates that there are lots of samples from which that value is derived.

It is a commonly caught species like black sea bass. What you are going to end up with for the most part is a very small estimate or range of error, around your estimate. You are fairly confident in that. The end result is if you have got a small PSE, then your ACT, which is really a step down to account for management uncertainty, then we don't need to step it down very much from the ACL.

Now on a species like snowy grouper where the MRFSS folks may intercept 3 during the year, maybe 10 realistically, but 3 is probably more common; the PSEs are going to be very broad; so when you extrapolate a sample of 3 encounters with snowy grouper in the recreational fishery, if you look at the estimates of landings for snowy grouper from MRFSS, they go like this, up, down, up, down. Where is the true estimate?

How many snowy grouper did the recreational fishery catch? Well, it is somewhere between those estimates but we are not real comfortable with telling you that it is this number. With black sea bass, on the other hand, because there are lots of encounters or lots of samples, then that PSE is very, very small and then the scientists feel more comfortable telling you that the true estimate is closer.

The end result is, again most important to you guys, I think, is that we are not trying to put another buffer on a buffer on a buffer for the recreational fishery. If we have got good confidence in that estimate, then we can set that buffer a lot tighter to the ACL which is what we do with the commercial fishery, Steve, because we have got a census of the commercial fishery with the trip tickets. We know they are hard landings, hard numbers, which we don't have with the recreational folks.

That is why I think the council at least is comfortable with having no ACT for the commercial industry. Even though we go – we don't get it right all the time because it is a quota monitoring system – they do go over some, and that is what the ACT is designed to prevent is going over your ACL.

I don't know whether that helps or not, Bobby. If it doesn't then grab me sometime and I will try to help you with it, but it is a very appealing process to me because it allows us to set the ACT closer to the ACL when we have good confidence in the data and will give us a little more buffer when we don't have confidence.

MR. AMICK: I understand it, but I have a question for you then as far as what confidence level do you have as far as the MRFSS numbers that we are using on black sea bass now. From the waves that I have seen presented for 2011, on a state of like Georgia where the effort is low and you can get a fairly good reasonable idea of what is going on recreationally as far as harvest of black sea bass and what I see on the charts, there is a big discrepancy, I think. What is your confidence level using MRFSS data to limit us to the ACLs?

MR. CURRIN: Well, it is the only data we have got, Steve, so we have got to use it. Am I happy with that? No, I wish we had a census just like we did with the commercial industry, but we can't do that because of the cost associated with it. It would take – you know, how many millions of recreational anglers do we have on the east coast from North Carolina to Florida; several million probably, two to three, maybe four?

And most of us, I would certainly be willing to go in and punch my catches in every time I went, most people would, I think. Some would balk. But just to have enough people to sit there and receive those computer files and to analyze the data and to check them and go whoa, Currin, no way he caught 150 black sea bass yesterday, there must be an error there, an entry error. Yes, they would write and send me a ticket through the mail like a red light camera.

You can't do it. It would cost too much for us to implement a system like that at this point. Somewhere down the road electronically we may be able to do it or we may be able to at least increase our sample size by having people selected. If they called you and said, okay, Steve, this is your month to enter all your trips and all your fish that you caught, that would maybe allow us a little cheaper system to increase the accuracy of the estimates.

The bottom line of your question is I could look at the PSEs on black sea bass – and I forget what they are, Myra, but I think they are less than 0.15. That is pretty darned good as far as a statistical estimate. Again, what that is based on is the number of encounters, the number of people that the portside samplers have run into that said, yes, I went fishing today, I went black sea bass fishing and I caught X number of black sea bass and I threw these back. Then they call, did you go black sea bass fishing this year and whatever else, and they extrapolate them. The smaller that value, then the more confidence I would have in the statistical estimate.

MR. DeMARIA: Mac, since you seem to understand this one pretty well, which alternative would you support?

MR. CURRIN: The council's preferred is Alternative 4, and I support that one.

MR. HARRIS: Mac, while I have got you here, I just had a question dealing with the PSEs. Respectfully, I disagree that we can't do the numbers better than the MRFSS stuff. If we can put men on the moon we can count fish better from anglers. But we are talking about the commercial numbers and these areas for the PSE with the MRFSS data and the recreational guys.

We say that we have got the hard data and real numbers that we use for the commercial fishery. In the black sea bass fishery, what happened with the pot fishermen this year? Didn't they go over their 80 percent? They went over that? That is dealing with hard numbers, so you can't say that there is not error in the commercial fishery doing it the way we are doing it right not either.

MR. CURRIN: Rob, I think we have got to be careful that we are not confusing two things. The fact that they go over is not an error. Ultimately those fish are counted. The numbers are late, there are reporting problems, some dealers don't send their stuff in on time, they are required to send it within a two-week period or whatever it is – Phil you know – a month, whatever.

Some of them don't do it so things come in late. They ultimately get sent in, we think. There is a potential compliance problem. Are there dealers or fishermen who maybe caught more than a trip limit or something they were not suppose to have and they sold it under some other name or it was recorded over a couple of days; does that happen?

I don't know, it probably does on occasion. You have got a compliance issue as well. Even though the numbers that we get we like to think of as being 100 percent accurate. they probably are not. We don't have a good estimate of how to correct for those to make them more accurate. But anyway there is a difference in error, whether something is wrong or whether it is just late, and I think the closure of the black sea bass fishery or the estimates of those numbers and the like from the commercial guys is probably not an error as much as it is just some late reporting on the part of fishermen or dealers.

MR. DeMARIA: Let's go ahead and vote on this one, if Myra wants to read the motion.

MS. BROUWER: The motion reads support the council's preferred alternative for Action 1D in Amendment 18A, Alternative 4, and the ACT equals ACL time 1 minus the PSE or ACL times 0.5, whichever is greater.

MR. DeMARIA: All those in favor, and those opposed, those abstaining. I think there was one abstaining. **The motion passes with two opposing and one abstention.**

MR. COLE: Okay, the next one we are dealing I think with Action 2, limit participation in the fishery. It seems that an argument can be made for Alternative 2, qualified with Subalternative 2F. Myra, we are going to have to add the language about a quarter of the way down on Page – to make this make sense, yes, right in there, that has got to be added at the front end of what we have up there. Okay, now that makes sense.

What the council did is that they wanted to begin to limit some participation based on some analysis said that they had a whole lot of permits out and no returns from those permits. They wanted to further try to spread the season out for those of you who were fishing is to limit endorsement, which is my motion, limit endorsement and tag distribution to black sea bass pot fishermen with valid or renewable commercial snapper grouper permits as of the final date of the effective date of the final rule whose average annual black sea bass landings using black sea bass pot gear between December 8, 1998, and December 31, 2010, were at least 3,500 pounds whole weight.

Fishermen would be excluded who had no commercial landings. This would exclude fishermen who had no reported commercial landings of black sea bass during the black sea bass pot gear between January 1, 2008, and December 31, 2010.

MR. DeMARIA: Is there a second for that?

MR. FEX: I'll second it for discussion.

MR. CARDIN: I've got to ask the maker of the motion is that what we are wanting to do, eliminate fishermen out of the fishery? I mean, we are talking about this as limited participation. To me limited participation means you have got a number and you limit to that. Once again, if you go with these numbers you use, you are eliminating 50 or 40 or something boats. That is eliminating participation.

The quota has been dropped, we are in a rebuild. If you want to limit the participation and say you guys we are going to give you an endorsement; we don't want anyone new, the fishery is rebuilding, the fishermen are not going to grow, we are going to give your boats an endorsement. I see doing that with – historically for over 20 years, there has been 50 boats in the fishery. Well, to me limiting the entry would stop it at the 50. What you are doing here is you are eliminating 75 percent of the fleet with this motion. I don't support it just for that reason.

MR. FEX: Yes, I would like to make a comment to Bobby about that. During a lot of the meetings, I noticed that a lot of the people that historically participated don't do it anymore. There are several – there is two boats I can think of that come down from Virginia that used to sling traps in North Carolina, and they won't even qualify, but they are one of these sets of numbers that you see here.

Sometimes, even though say you are eliminating that many vessels, if somebody still fishes right at the present time and catches 500 pounds of black sea bass with his pot traps, he is not really doing that for a living. That was the rationale to use the newer dates, because you will have a lot of people that used to do it that would qualify, and all of a sudden get this endorsement in the mail that they don't even use.

That is why they switched those dates and they changed the poundage to where it is at. As for limiting participation, the golden tile fishery, we are looking for an endorsement for them, too. The rationale is to keep those people that have that high-dollar gear that do that to be able to do that, because you know right around the corner there are several longliners there in the Gulf of

Mexico that are dying to come around the corner and start slinging the gear. It is just to limit the participation for the people that are actually and historically doing it at the present time. 3,500 pounds, like I said before, that is two trips of black sea bass pot fishing.

MS. BROUWER: I think we are getting confused between reducing effort and limiting participation. The purpose of Amendment 18A is actually to reduce effort in the black sea bass fishery to extend the season. The purpose of Amendment 18B, which deals with golden tile is to limit participation at current levels. It is two different things that the council is trying to accomplish with these endorsement programs for these two different fisheries.

MR. CARDIN: Where does it say that?

MR. JOHNSON: I just think that if you have got 51 boats that are in that fishery right now, and I just don't see the need when it is going to be rebuilt in four years to go and again eliminate 30 boats approximately out of that fishery. I just don't see the logic behind it at all. It doesn't make sense to me.

MR. CARDIN: I have been to several of these meetings over the years and I keep running into people that for different reasons we are told to diversify and we have got people that do this fish and that fish. I remember being in Morehead City at Jack Cox pulling in there. There is an old couple, they are out in a shrimp boat, you know, shrimping, they actually pot fish, they B-liner fish, they do it all.

All these little pieces are part of a whole. Now maybe they only catch 2,000 pounds or 1,000, and I have talked to people that say this will put them out of the business. Maybe they only catch 1 or 2,000 pounds a year, but that might be the 2 or \$3,000 that keeps them in business in general.

When you say those pots you have got sitting there, throw them away, don't fish them no more; you have lost that income this time of year, go pick up some bandit gear or dive gear or something and go jump in someone else's fishery. That is what you are telling them to do. I just don't understand why the council – we are in this rebuilding, 13C, we are several years into this rebuild.

We have all been – we have felt the hurt, and things are starting to get better. We just want to limit us. Don't kick us out of the fishery. If we are sitting here waiting for it to rebuild, let it be us, don't let new people in the fishery. I really don't see how we can as a group tell people go throw your traps away, you didn't catch enough.

You might be vested, you might only even catch \$5,000 worth a year but you are not important enough, you are not vested enough, you don't catch enough, you are not in the fishery anymore. To be quite honest, I don't think what this council's job is, I don't really think that is what the council's intent is. Maybe I might be wrong, Myra. but I would not support this motion.

MR. DeMARIA: Bill, we have really got to move through this or we are not going to finish everything that is on here, but go ahead, Bill.

MR. COLE: Well, this one is very difficult for me. I made the motion to try to move it along because it is a significant action in this amendment. I have, as I said, strong mixed emotions about it. We have two choices, either vote this up saying that we somewhat agree with it or vote it down and suggest to the council that our real belief is to let market forces be the controlling factor. I think that is what would happen, and I think that is the two choices we are stuck with.

MR. DeMARIA: Do you want to vote this and then make another motion after that? Let Myra read it and then we can move on from there.

MR. CARDIN: Can I offer a friendly amendment? Excuse me, withdraw.

MR. DeMARIA: Do you want to amend that or just vote on this and then come up with another motion after that? It is up to you, whatever you want to do.

MR. CARDIN: I will make another motion after we vote on this one. Can we vote this one down?

MS. BROUWER: Okay, the motion reads support the council's preferred alternative for Action 2 in Amendment 18A, and that is Alternative 2, Subalternative 2F.

MR. DeMARIA: All those in favor, those opposed, and those abstaining. **The motion was disapproved by the AP.**

MR. CARDIN: I would like to make a motion that the council limits participation in the black sea bass fishery through an endorsement program. With the program there would be some kind of minimal requirements showing they had landings before the recent control date of I think December 2008, whatever the 2008 control date is. I will take some more discussion on this.

MR. JOHNSON: Do I need to second it before we discuss it?

MR. DeMARIA: You are finished with your motion?

MR. CARDIN: At this time I am finished with it, yes.

MR. DeMARIA: We need a second so we can discuss it?

AP MEMBER: Second.

MR. ATACK: Are you saying that if there was like no landings between '08 and 2010, that they will be eliminated? Is that what you are doing, you are just going with part of the –

MR. CARDIN: No, if you had trap landings before the control date, you are a qualifying pot fisherman.

MR. ATACK: Okay, I guess the way I was looking at it was if you have no landings for those three years, '08, '09 and '10, you are really not in the fishery. That was half of what that previous motion was, so I would be open for that.

MR. DeMARIA: Bobby, after participation in black sea bass, should you add pot fishery?

MR. CARDIN: Okay, you had to have landings in the pot fishery, both. You would have had to have at least one pound of landings since the control date and any landings prior to the control date. That counts for present, current and past participation in the fishery.

MR. JOHNSON: Bobby, you are going to eliminate some of the 51 boats by doing that probably, because some of these guys got in it when they were faced with the 17A closure. My intent was you have got 51 boats that are participating. If you want to tell someone that has never participated that they can't in the future with a pot, I could maybe see that argument. My argument has always been you have already got guys that invested money and got into the fishery and now you are going to take them back out of it even though you told them they could. That was my position.

MR. CARDIN: My contention is with a control date people were issued warnings that if you get in the fishery after this date you might not be allowed in it. If this council chooses to eliminate people from the fishery, it should be something that they were noticed on like a control date. I would like to see the council use control dates.

MR. DeMARIA: Bobby, just one thing; should that be since or prior to the control date of 2008? If you say since, then it just opens it up to any time in the future, doesn't it?

MR. CARDIN: No, they had to have pot landings before the control date, prior, and they have to have pot landings since the control date. That is past and present landings. Okay, well, excuse me, between December 30 of 2010, but you have to have landings on both sides of it.

MR. GOULD: Looking at the way that they have done the snapper grouper permits over the years, I think we started out with what, 25, 2,600 back in the mid '80s, and it is down in the 600 range now, both through a two-for-one process of buying them out. If somebody goes out of it and somebody wants to get in, they have to buy two permits and one gets retired.

How many permits per the bass pots is out now, 225? Does anybody know, 225? The permits that are not being used right now to me the people are holding them as collateral hoping to be able to sell it down the line, which was – it is being done in my state right now with a commercial sale license there for the state license. I own a couple of them. I don't need to, but I got one for when the price goes up.

Why not just come up with a way that these permits that are not being used, either use them or lose them. Then at the 50 that we have left, as they get out of it, do away with their permit. Don't force them out, but let them age out of it. There has got to be some kind of grace in this as people get old.

A lot of these people are older people that are doing this, and here you are practically trying to rape them of their living, what little vestiges they have of being proud citizens. You got 50 boats, you have got a limited amount, let the market forces take care of it. They are either going to make it or lose it one way or the other.

That is the way I look at this situation here, but as they go out of it do not renew their permits, set a maximum permit level, 25 if you think that is good, 20 if you think that is good. That is not many boats for between Cape Hatteras and the end of Florida, just 20 boats in all that expanse of water, but it would be good for the conservation. That is my thoughts on that one.

MR. DeMARIA: Anymore discussion on that? Are you ready to vote on the motion?

MR. CARDIN: Let's give you editorial license to write the 500 pounds between the 2004 control date and 2008 control dates and 100 pounds since. You will have to come up with the dates. I think it was October 2004, so now we are using three control dates in the fishery and there has been those three control dates.

MR. JOHNSON: So you are saying that they have to adhere to all these qualifications. You are still eliminating the guys in Florida that got into this fishery because of 17A, because they were told that was all they were going to be able to do. That is my real beef here. I have a council telling me to do one thing and then two years later telling me, well, sorry, you spent the money for nothing.

MR. CARDIN: Like I understand, we are talking about a guy that had been doing it 18 years and didn't meet the qualifications for the 3,500 pounds. This is pretty minimal landings. Are you saying that you think there a lot people that won't make this 500 pounds between the two control dates?

MR. JOHNSON: Most of the boats in Florida. Prior to I think about 2007 – I am sure they have got it here somewhere – I think Jimmy Hull was the only boat in Florida that pot fished. The rest of the boats down there got into the fishery simply because of 17A, and they've spent the money to buy the stuff and what are they going to do with it?

MR. CARDIN: We can make another motion using that September – the newer control date, but let's let this be one of the options. This is pretty minimal in my opinion and I would like to stick with it the way it is. Can I have a second?

MR. DeMARIA: Do we need a second on this one to go forward? Does anyone want to second it?

AP MEMBER: I'll second it.

MR. DeMARIA: We've got a second. Want to discuss it anymore or vote on it? I guess we will vote. Do you want to read it, Myra?

MR. CARDIN: Guys, I mean, maybe this isn't getting everybody, but this is pretty minimal requirements. I think it stops new fishermen from coming into the fishery. As the quota rebuilds a little bit, I think this is going to help some, and I hope you vote for this.

MS. BROUWER: Okay, so the motion reads the council should limit participation in the black sea bass pot fishery with an endorsement program and a minimum landings requirement of 500 pounds caught with pot gear landed between the control dates of October 2004 and December 2008. The permit must have at least 100 pounds of landings since the control date between 2008 and 2010.

MR. DeMARIA: Okay, all those in favor; those opposed; those abstaining. **The motion is approved.** Mac wants to say something.

MR. CURRIN: I just wanted to just make you aware this 18A is on kind of a fast track. The council is trying to approve this in December so that it will go into effect for this season. Please, your advice is very welcome but the likelihood of adding alternatives at the December meeting, if we did such as that, I am not saying that we wouldn't or couldn't, but that would delay 18A from moving forward and realistically that is not likely to happen.

I'm not saying it couldn't or it won't, but it is not likely to happen, because we are trying to get something in place before the next season to prevent another six week or perhaps less season for black sea bass fishery commercially next year. Please discuss it, your motions, your thoughts and your advice is very welcome. I just want you to know that it may not be implemented at this time, but somewhere in the future it could go through.

MR. HARRIS: Based on what Mac just told us, I would like to make an alternate motion or make a motion with regard to this particular action. I personally would have to choose Alternative 1, take no action, and I say that only because of the fact that I am opposed to eliminating people from a fishery. We have a set number of fish, if you feel like you could make a living fishing it, go fish it.

MR. DeMARIA: Is there a second to that? Robert. Any discussion, or shall we vote on it? Do you want to read that Myra and we can vote on it?

MS. BROUWER: The motion is to select Alternative 1, no action for Action 2 in Amendment 18A, and Action 2 is to establish the endorsement program.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion is approved with two opposed and three abstentions.** We are ready to move to the next item in the black sea bass.

MR. COLE: This is Action 3 dealing with the establishment of an appeals process for fishermen excluded from the previous conflicting motions. I am going to move the establishment of an appeals process for fishermen excluded – let's put it if excluded from the black sea bass pot endorsement program, Preferred Alternative 2.

MR. DeMARIA: Is there a second to that, Jim. Any discussion? Want to read it?

MS. BROUWER: Your motion is to recommend Preferred Alternative 2 under Action 3, and that is to establish an appeals process.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion is approved with one opposed and one abstention.** Let's move on to the next one.

MR. COLE: This next one is a jewel; Action 4, allow for transferability of black sea bass pot endorsements. There are three alternatives here all with varying variabilitues of application. I don't know that we have to have a motion on this one, Mr. Chairman. The council has deferred discussion on this until they have heard from the public, and we are the public, so I would suggest that anybody wants to hop in on this one, they would love to hear from us. I am not going to make a motion.

MR. DeMARIA: If you all want to do that, we can do that. Yes Robert, go ahead.

MR. JOHNSON: I just want to make one comment. Okay, this is transferability, in other words, the ability for the fisherman to sell his beloved endorsement that he has to have to stay in business, so to me this is the root of the problem. We are making this endorsement worth money by giving it to these people and then now we are going to be able to transfer it; is that what we are talking about, or is that just the same guy moving it to another boat or what are we talking about transferability? Selling, are we talking about selling?

MR. DeMARIA: Let's get an answer to that first from somebody. Can we get an answer for that for Robert?

MS. BROUWER: I did not hear the question; could you please repeat it?

MR. JOHNSON: The question, Myra is; transferability; does that mean selling, they will be able to sell said endorsement for money?

MS. BROUWER: That is correct.

MR. JOHNSON: Okay, well, I have a real problem with that if you are going to take it from me and give it to somebody else and he is going to turn around and sell it back to me.

MR. GOULD: You are just getting around to what I was discussing a while ago. What is the easy way? You have got a bunch of permits; people are holding on to them for money. They are not using them; they are just taking up space. Do away with them, let the ones that are using their permits work until they die or get out of the business and take them out as that happens, and that won't be too many years the rate this is going.

Each and every one of us has one life to live, and I have a real problem with taking somebody's right to fish or make a living away, and that is what I am seeing this process is doing in such an

incremental manner. In a lot of ways, this panel is endorsing it, not wanting to, but that is the alternatives that we are getting.

Two years ago we went for Alternative 1, no action on a few of the proposals; I am sure some of you remember this. We were told by a council member; well, that is not an alternative that we have to put in there, that is the law. Now we are going with two or three alternative ones today and not a word has been said, so keep that in mind, folks.

MR. SMITH: I was going to make the proposal that we would – Alternative 1, propose for Alternative 1.

MR. DeMARIA: We have got a second, so we can discuss it or vote on it. Do you want to discuss it or just vote on it and move on? I guess we will vote on it. Do you want to read it, Myra, and then we will vote.

MS. BROUWER: The motion is to recommend Alternative 1, no action under Action 4, and that is black sea bass pot endorsements and tags would not be allowed to be transferred if such a system were implemented.

MR. CARDIN: I guess Robert could talk to me about this. You don't want to make it where you can sell it to people; can you at least transfer it on different boats, some of your own boats?

MR. JOHNSON: I don't have a problem with somebody transferring a permit to another boat that they own. This motion has already been made but I don't know if I like this one either. I mean you are eliminating a fishery, and I guess it would be all hook and line at some point in the future if that is the intent of the maker of the motion.

MR. SMITH: Well, I agree with Bobby, and I take Terrell's suggestion here, but was that, Jim, you were talking about eliminating the pot fishery in the future and that is the reason you made that proposal? Someone was just speaking on that. It was Robert. Well, yes, I agree, you are about right on that. There are gears that will be eliminated in the future and there are some crossroads here, but I agree with Bobby and I think that – go ahead and make that amendment.

MR. GOULD: At the end of this where it says if such a system were implemented, endorsement holders can transfer to a vessel owned by the endorsement holder. In other words, if you buy a new boat, you are getting rid of your old one or your old one got destroyed, or whatnot; you needed to still make a living, you bought a new boat; you can transfer your endorsement.

MR. CARDIN: Excuse me, the maker of the motion, so, in other words, we are not talking about transferring the permit; we are talking about transfer of ownership. We could just say the permit is transferrable but ownership is not transferrable. Could you put that in?

MR. GOULD: That would be the simpler way to put it, yes.

MR. DeMARIA: Do you want to vote on this or modify it?

MR. JOHNSON: Just one more comment, Rodney. This would not actually – if the boat were a corporation, we have already gone into this loophole with the permitting process. If you have a corporation that owns that boat, they could sell the corporation and along goes the endorsements, so you are not really doing what you think.

MR. SMITH: Bobby, did you know that? Well, I don't accept that amendment.

MR. DeMARIA: Do you want to go ahead and vote on this one? Do you want to read it, Myra?

MS. BROUWER: The motion is recommend Alternative 1, no action under Action 4, and that is black sea bass endorsements and tags would not be allowed to be transferred if such a system were implemented.

MR. DeMARIA: All those in favor; those opposed; those abstaining. **The motion passes with six abstentions.** Go ahead.

MR. FEX: To all you advisory panel members, back here in the back Joey is here from MARMAP, and I know us fishermen always complain that MARMAP, they don't have a good idea what is going on out there where the bottom is, I asked him to bring some charts in here, I don't know if you guys get a chance or whatever to go doodle on them and say here you are wasting your time in this area or, hey, here is a good area you could look in.

You ain't got to give numbers or whatever; he's got the charts, so if you guys get a chance to go ahead and scribble on them, he is right back there, he is the guy in the burgundy shirt. I am just trying to help MARMAP out a little bit. I gave them some numbers myself yesterday, but just to give him a general idea because I know in my area there are some deserts out there; and if they are out there sampling in there, then it is kind of messing up our survey. If you want to help them or whatever, you have got the time, I would appreciate that.

MR. DeMARIA: Okay, what is the next item we have to move on to?

MR. COLE: Mr. Chairman, it is Action 5, and, Myra, you are going to have to help us here. Action 5 calls to limit effort in the black sea bass pot fishery each permit year; and then Preferred Alternative 5 suggests that no one is going to issue new, a symbol for the boat, and they are going to do it annually. I don't know how that limits effort. Can you help explain that one, because I don't know what motion to make except make this one and it does not make sense?

MS. BROUWER: I think the intent is to limit the amount of gear in the water, so Alternative 5 is the preferred and that would require each vessel would only be allowed 35 pots per permit year.

MR. WAUGH: Just to clarify, right now you have to have a tag for each pot. What this does – the wording does need to be cleaned up, but what this would do under Alternative 5 is each fisherman would only be able to have 35 pots and fish 35 pots. And you get into another measure, the next one, Action 6 that requires them to bring them back to shore at the end of the trip.

It would improve enforcement; there are lots of benefits. But that is the difference in these alternatives, varying numbers of pots per year and then those tags would be reissued. Obviously there would have to be some procedure in there for if traps were lost and tags were lost. There is one now, but the intent of this measure is to limit the number of pots fished by each fisherman each year.

MR. FEX: I just want to also make a point that further down in here there is a motion to actually make a trip limit of 1,500 pounds, and it is preferred by the council. When you are looking at 1,500 pounds and how many traps it would be efficient to use, 35 seems reasonable. I think if you were over that, you would probably actually -- if you threw every one, you would probably get over 1,500 pounds.

MR. DeMARIA: Before we go on anymore, I am going to just remind you there are 14 actions in this thing we have to comment on. We are on 5 now. We could either cut it off and come back to this later or try to get through this; so if you could kind of hold your comments now think about them real good before you make a comment, let's try to get through this because there is really a lot of stuff at the end that we are going to miss that I would like to get to.

MR. SMITH: Yes, I would like to make the proposal Preferred Alternative 5.

MR. DeMARIA: Is there a second on that? There is a second.

AP MEMBER: Second.

MR. DeMARIA: If there is no discussion. can we vote on it? If you want to read that, Myra, then we can vote on it.

MS. BROUWER: The motion is to support the council's preferred for Action 5, and I will just summarize what that is; to require that each pot in the water have an ID tag issued by NOAA and limit the number of pots or tags to 35 per vessel each permit year.

MR. DeMARIA: All those in favor; those opposed; and abstaining. **The motion passes.** Let's go on to 6.

MR. COLE: Action 6, implement measures to reduce bycatch in the black sea bass pot fishery; Preferred Alternative 2, black sea bass pots must be brought back to shore at the conclusion of each trip. I am going to make that motion.

MR. SMITH: I have a question for Gregg, so right now they are allowed to soak these traps and not bring them in each time?

MR. WAUGH: That is correct.

MR. DeMARIA: Can we get a second on this one then move on. Can we vote on this one?

MS. BROUWER: The motion is to support the council's preferred alternative under Action 6, and that is Preferred Alternative 2, black sea bass pots must be brought back to shore at the conclusion of each trip.

MR. DeMARIA: Okay, all those in favor; those opposed', and those abstaining. **The motion carries.** Next.

MR. COLE: Action 7, move accountability measures for black sea bass. Myra, I am going to move the highlighted language in the alternate Alternative 2 language suggested by the IPT at the bottom of Page 11 and the top of Page 12.

MR. SMITH: I second that.

MR. DeMARIA: Any discussion?

MR. WAUGH: Just to clarify what is not reflected in the wording here, and I think you might want to address it separate from the motion, but this issue that the increase in the ACL that you get during rebuilding, you only get that if the quota monitoring system works well enough to stop you from going over your allocation.

We have to add that to this. It hasn't been added to the wording that you see here yet, but my suggestion is just to keep that in mind and deal with that separately and see whether you agree with that or not. I just wanted to make you aware of that as you are developing your positions for this action.

MS. BROUWER: Just to clarify, your motion is to support the inclusion of these alternatives, but you are not currently recommending that either one be chosen as a preferred.

MR. DeMARIA: Is that what you are saying, Bill?

MR. COLE: Yes, and I do that, Mr. Chairman, this one can occupy the rest of the afternoon if we let it. I understand your need to move on, and I am trying to get the language up here to give the council the best advice we can even though we don't separate out each one of these subalternatives. We just don't have time to deal through this. Yes, that is my motion, Myra.

MR. DeMARIA: Ready to vote on this one? All those in favor;, those opposed; and those abstaining. **The motion carries.**

MR. COLE: Action 8; establish a spawning season.

MR. WAUGH: Bill, excuse me, sorry to interrupt, but I think it would be very important for you all to weigh in on this idea of whether or not you get double penalized by not getting the increase in the ACL from rebuilding in addition to having the overage deducted. If you remember that chart that I put up this morning, that table, it shows that if you go over, that poundage comes off of the next year.

Well, if for this current fishing year the stock assessment said that poundage could go up, then not only would your ACL be reduced by the amount of overage, but you would not get that increase. I think a simple indication of, yes, you think that is a good idea, or, no, you don't will be enough that we can then work that into the amendment.

MR. DeMARIA: Does anyone want to make a motion on that?

MR. JOHNSON: I will make a motion. I don't know how to word it though, Gregg, and maybe you can help me with it, but that we would not be penalized with the ACL reduction because of overages; is that correct? Not quite, well, help me out,

MR. COLE: Isn't it double jeopardy? We would not be subject to a double jeopardy penalization for the first ACL overage?

MR. WAUGH: Right, that would cover it. Again, we have the discussion here, so however you want to –

MR. JOHNSON: ACL increase would not be subjected to overages in the prior year.

MR. DeMARIA: Maybe you could help them out with this motion, Bill; you understand this much better than a lot of us.

MR. COLE: Suggest that the total ACL increase not be subject to a double jeopardy penalty, double jeopardy as suggested in Subalternative 3B

MR. WAUGH: Bill, it is not including 3B. That is dealing with something else. I think if you just leave it where it says subject to double jeopardy penalty, then we can pull from the discussion what your intention is.

MR. COLE: Okay, cut it off right there. That will be my motion, Mr. Chairman.

MR. DeMARIA: Robert seconded. Go ahead and vote on this? All those in favor; and those opposed; those abstaining. **It passes.** Let's do one more and then take a break.

MR. COLE: Action 8, this gets one we have been through a lot of times; establish a spawning closure for black sea bass.

MR. GOULD: Do we already have one?

MR. JOHNSON: Terrell, we don't have a closure, per se; we have fisheries being shut down, and it just happens it is covering the spawning season. There is a commercial – the commercial opening may be to keep it from opening during the spawning time. The problem I have with this is the spawning timeframe is different from region to region, pointing right back to the need for regional management.

MR. COLE: Mr. Chairman, I am going to move that the council consider establishing a spawning season area closures by regions; spawning season closure by regions.

MR. DeMARIA: Does anyone want to second this? Robert. Discussion or can we go ahead and vote on it and take a break? You want to say something, Steve?

MR. AMICK: Yes, I just want to say that under the next few years of the ACLs, the way they are increasing for the recreational sector, this is moot for them. I don't believe there will be a year where the ACL is not met before these closure dates. Recreationally I don't think it has an effect.

MR. JOHNSON: Bill, can I offer a friendly amendment to say that until the stock is rebuilt? I have a problem with spawning closures if it is a stock of fish that are in good shape; does that make sense?

MR. COLE: That is acceptable, Mr. Chairman.

MR. DeMARIA: Let's go ahead and vote on this if Myra will read it.

MS. BROUWER: The motion reads the council should consider establishing spawning season closures for black sea bass by regions until the stock is rebuilt.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion passes.** We can take like about a 10-minute break.

MR. DeMARIA: We need to get back to the table again and start in. What is the next item that we have got to go over? Do you have it, Bill or Myra?

MR. COLE: Mr. Chairman, it is Action 9, establish a commercial trip limit for black sea bass for all gear types. The council selected Preferred Alternative 5 which deals with 1,250 pounds. There has been some discussion at the break, so let me try a new Alternative 6, which would be to establish a 1,500 pound gross weight and whatever that is equivalent to trip limit. If I can get a second, I will explain it.

MR. DeMARIA: Does anyone want to second it? Kenny, do you want to second that?

MR. CONKLIN: When we are coming up with a number here for trip limits, we are going to have to probably do two weights, one for the hook-and-line fishery and one for the pot fishery. It is very feasible to catch 15 boxes of bass in a day pot fishing. But hook-and line-fishing, you are going to be fishing a different allocation and amount of pounds, so you would have to have – in a trip limit on a hook-and-line trip you may be talking about a six-day trip versus a day and a half trip on a pot boat, so I think we have got to come up with two different weights.

MR. DeMARIA: Is there a second for this motion and then we can discuss it and modify it.

MR. FEX: I just wanted to reiterate that Alternative 5 is actually right at 1,500 pounds whole weight. See, it says, 1,475 whole weight, so that is right at the 1,500 pound trip limit that you were looking at; that is what I was just trying to reiterate on.

MR. COLE: That is where I am trying to get, Mr. Chairman. Myra, can you fix this? What we are trying to do is to get to 1,500 pounds. I'm trying to use round numbers.

MR. DeMARIA: You are saying 1,500 pounds for both the pot fishery and the hook-and-line fishery? That is what Bill is saying, though, right?

MR. COLE: Yes, it is all gear types; that is the way the council sent it to us.

MR. DeMARIA: Is there a second on this? Okay, Kenny seconded it.

MR. FEX: Can I make a point? Phil, we haven't separated the allocations yet so this is just what is on the agenda, so I do support separating hook and line versus pot traps. I know you want to see different trip limits, but until they are separated it is hard to put a trip limit up there.

MR. COLE: Kenny, I have a note to myself that I think that is covered under Action 12 over on Page 15. I think we took up that issue; it is the first item right after lunch.

MR. DeMARIA: Do we want to vote on this one or, Robert, do you have something to say?

MR. JOHNSON: Yes, was it your intent to reduce it when 75 percent of the commercial quota is met? No, it was not your intent, okay.

MR. DeMARIA: Are we ready to vote on this. Myra, do you want to read it?

MS. BROUWER: The motion is to support Alternative 5 under Action 9, and that is the council's preferred to establish a 1,250 pound gutted weight, 1,475 pounds whole weight trip limit.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion carries.** You look like you want to say something, Bill.

MR. COLE: Mr. Chairman, it seems that the council has rejected Action 10 and 11 and we have taken up Action 12.

MR. ATACK: Gregg mentioned after lunch that he was wrong about Action 11; that it was not rejected. All they did on 11 was removed Alternative 2, Subalternative 2B, but 11 is still there to be addressed.

MS. BROUWER: I believe Action 10 is on the table as well.

MR. DeMARIA: Well, let's go ahead and get on with Action 10.

MR. COLE: All right, I will try this. For Action 10 and 11 I am going to move Alternative 1.

AP MEMBER: I'll second that.

MR. DeMARIA: Does anyone want to discuss that? That is no action, right, Bill?

MR. COLE: Yes.

MR. DeMARIA: Okay, for 10 and 11 no action.

MR. ATACK: Actually, 10 was moved to considered but rejected, so we don't need to talk about 10. Number 11, I guess I would like to look at doing the increase in the commercial size to 12 inches, which is Alternative 3, and we could either look at Alternative 3B or 3C. I think it is worthwhile making the recreational and the commercial size both 12 inches. With the 12-inch minimum size commercial there will be a bigger biomass for breeding and rejuvenation, and the fish we sell will have a higher market value than the smaller fish.

MR. DeMARIA: Let's see if we have a second for that first. Is there a second?

MR. SMITH: I'll second that.

MR. COLE: Mr. Chairman, in light of that discussion, I am going to withdraw that motion, and maybe we need to talk about this because I think there is some confusion. There certainly is in my mind, as to what part of 10 that we are still considering.

MR. DeMARIA: I think there is a lot of confusion with everybody on this.

MR. COLE: Gregg, help us out; is there something we need to do on Action 10?

MR. WAUGH: The council moved that whole action into the considered but rejected, so that is not a part of the amendment going out. Now it is in the considered but rejected. Whatever analysis is there, the council has in the past pulled actions from the considered and rejected back in.

We just did that with the Comprehensive ACL Amendment with ecosystem component species. If you have some views, you might want to go ahead and air them. My understanding, and from the discussion – and we have got several council members here – but they were pretty emphatic at the meeting that they did not want to consider changes to that bag limit in this amendment.

MR. DeMARIA: We have a motion that was made by Jim; we ought to resolve that first.

MR. COLE: Then, Mr. Chairman, let's deal with Action 11.

MR. ATACK: I would like to make a motion to Action 11, go with Alternative 3, with Subalternative 3C.

MR. GOULD: Okay, I just want to point out there by changing the length on it – and I am not a big fan of pot fishermen. The people have got to make a living – you go from 10 inches total

length to 12 inches total length, they are going to have to redo their pots because of the mesh sizes in the pots and that is going to be a very, very expensive proposition.

I know you have got a bunch of pots, Robert, that the mesh size – well, that is beside the point, you are restricting it just that much further. These people are scrapping to make a living and everything. Right now their traps are set to release anything under 10 inches, so why cost them the money to have to go spend several thousand dollars for 35 pots and have to rerig them. I would suggest giving it a little bit of time.

The trap fisheries or the bass seem to be coming back beautifully. I am seeing more every year. Why put an added expense on top of these people especially when the marine fisheries managers are doing their best to drive them out of business. This is just another nail in the coffin for them. I can't support that. I would prefer to see Alternative 1, no action. Give it some time.

Like I said before, each one of us only has one life to live in this life and they are scrapping hard enough to make a living. Most of them are living near poverty as it is anyway now. Why cost them more when you can wait a few years if you have to, revisit it. This is a knee-jerk reaction and I am not comfortable with it.

MR. ATTACK: The Mid-Atlantic Council, they have 12-inch minimum sizes, they have traps that do that so the fish go out, and there is no bycatch. I understand from some other pot fishermen that every three years the pots have to be replaced anyway, so with a phase in it would minimize their capital cost that they would have to do; and by going with the 12-inch minimum size you are going to have better rebuilding, you are going to have better spawning.

MR. GOULD: Well, in the case of that, if the trap was only fishable for three years, put a clause in the motion, and I would support it, that as they lose their traps they go to a trap that is suitable to release a 12 inch or less fish, and just keep the others instead of putting this on them all at one time.

Do it in such an incremental way that as they lose a trap, they can take and replace it with a larger mesh trap. Take some of the heat off of them. It would take a few years to do it; it would be a lot better solution in my estimation than to doing this all at one time when it can be done incrementally as they lose their traps.

MR. COLE: Jim, to move this along, is it possible to extend the timeframes two years a piece or something like that? I mean, one year does seem a little short to me, but in your mind is it possible to extend it?

MR. ATTACK: So you would change it to in year 2 and then the 12 inch in year 3 onwards?

MR. COLE: I would just go 2 and 2.

MR. HARRIS: Rob Harris, I just have a quick comment. Tom Burgess, when we were talking about this at our council meeting, he sat here and we talked about how difficult it would be to do

the retooling and for the big jump, and I think that is where some of these actual motions came from or some of the action suggestions came from.

The 10 to 11 he said would not be a problem; that basically they don't get a whole lot of 10 inchers right now because most of those already go through the trap. We even talked about increasing it, and I remember this one specifically, because this came up to where it could actually work into the life cycle of the trap after two years when he has to rebuild the traps anyway, just rebuilding them for the 12-inch total length.

MR. COLE: Give us the numbers. Is it one year in the first step and then three years in the second step; is that what you are saying? Jim, I think that might work.

MR. HARRIS: That is just as I recall hearing Tom explain it to us.

MR. DeMARIA: Is everyone comfortable with that or can we vote on it? Do you want to read that, Myra, and we'll vote?

MS. BROUWER: The motion reads support Alternative 3, Subalternative 3C as preferred (with the substitutions below). Subalternative 3C reads increase the commercial size limit from 10 inches to 11 inches total length in Year 1, and then to 12 inches total length in Year 3 onwards.

MR. DeMARIA: All those in favor; those opposed and those abstaining. **The motion carries.**

MR. COLE: Correct me if I am wrong, but I believe Action 12 we did take up right after lunch. We dealt with that one by the development of a separate motion, and I don't have it in front of me but we dealt with it. It was Jim's motion.

MR. ATTACK: No.

MR. COLE: Okay, I'm sorry. If we have dealt with it, we can move to 13 and 14, and Myra, I am going to lump them. For Actions 13 and 14, I am going to move Alternative 4 for both of them.

MR. DeMARIA: Why don't we put up there exactly what these actions are and then at least have a chance to read over them. Is that what you wanted, Bill, so is there a second to that? Robert.

MR. COLE: Right quick, Mr. Chairman, if we can accomplish this we will have resolved 90 some percent of the heartburn that we had with the discussions earlier this morning with this simple language.

MR. DeMARIA: Okay, do we need any discussions on this or can we go ahead and vote? Go ahead and read it and then vote.

MS. BROUWER: The motion is to select Alternative 4 for both Actions 13 and 14, Alternative 4 under Action 13 reads require that commercial landings and catch effort data be submitted in accordance with ACCSP standards using the SAFIS system. For Action 14, Alternative 4 reads require that for-hire landings and catch effort data be submitted in accordance with the ACCSP standards using the SAFE system.

MR. DeMARIA: Okay, all those in favor; those opposed; and those abstaining. The **motion passes**. Now we move on to 18B.

MS. BROUWER: 18B is the amendment pertaining to golden tilefish. If you recall back in June, actions for golden tile and black sea bass were together in Amendment 18A and then the council decided to split them out, so 18B is now pertaining only to golden tile. The decision document contains what is in place that was established through Amendment 17B for golden tile, including the ACLs and the AMs for both the commercial and the recreational sectors.

There are ten management actions that the council has approved to be included in this amendment. The decision document contains an added four actions, Actions 11 through 15, which are being recommended by staff that the council consider adding to the amendment. Now at the September meeting the council began discussion on Amendment 18B, but they only got through Action 3. They only gave us guidance on those three actions.

The amendment is scheduled to be approved for public hearings at the December meeting, and public hearings would take place in January/February of 2012. The council would review comments at their meeting in March. If everything is okay, then we would send it to the secretary sometime March or April with the intent that the regulations would be implemented by January 2013.

It is in a little bit of a different track than Amendment 18A. The council took action, like I said, for the first three actions in this amendment. Ben Hartig, who has been instrumental in putting this amendment together, was not present at that meeting and so the council decided to not continue discussions on this amendment until December when Ben could be there and after you had a chance to see it as well. With that explanation, I will be happy to go through the actions.

MR. CARDIN: Myra, at one point we discussed the possibility of seeing the tilefish workgroup's report or minutes from that. Did you ever get those available?

MS. BROUWER: The transcription from the minutes of the Golden Tilefish LAPP Workgroup has been requested and is being put together. I do not yet have them. One of the first things that was done with this amendment, Action 1 used to include three separate things that would include not only the establishment of the endorsement program but also the eligibility requirements for both the longline and the hook and line.

What we figured we would do is just split it out just to make it easier. Action 1 simply deals with limiting participation through the endorsement program. There were some discussions on this at the September meeting and the council did choose to put Subalternatives 2C and 2D in the considered but rejected.

The rationale there was why would the council or an agency decide which endorsement an individual would get if they qualify for both. It made no sense to have those two alternatives included so they decided to not consider them anymore. Up on your screen you have the three that are still in the document, and Subalternative 2C is currently the preferred where individuals that meet the qualifying criteria only receive a longline endorsement. The council discussed the possibility of only dealing with longline endorsements and not considering a hook-and-line endorsement anymore.

MR. DeMARIA: Is there some discussion on that or a motion that wants to be made?

MR. CONKLIN: Wasn't there some discussion about having a catch shares program for the golden tile fishery where the participants would have their own allocation, and that way you wouldn't eliminate – I know there are two longliners in South Carolina and no one is here to represent them, but it seems to me that would be the smart way to do it where they wouldn't lose their allocation. Last year they didn't get to fish because of the overage. They didn't even get to wet their gear.

MS. BROUWER: Yes, you are correct, Phil, that there was a workgroup that met a couple of years back in 2007, I believe, and they made a lot of recommendations. Kate Quigley was on staff at that time and she led them through the possibilities for designing a catch share for this fishery, and my understanding is that they decided not to go through with designation of a catch share for golden tile.

MR. CARDIN: Yes, I attended that meeting, Phil, and there were two South Carolina participants in the meeting, and they voted unanimously against the catch share in the tile fishery, against an IFQ. Steve voted against it; he wanted an endorsement, yes.

MS. QUIGLEY: Yes, I think Steve did vote against it. Right, Steve was there and Matt was there. Yes, we had two South Carolina fishermen, and Matt Ruby was representing Little River Fish House and Steve Shelley was there as well. Matt spoke in favor of a catch share. Steve Shelley had some favorable things to say about a catch share, but in the end they all decided to go with an endorsement first. That was going to be the priority if the group was going to have a consensus.

MR. CARDIN: They both voted – everyone in the room voted it down, no to catch share.

MS. QUIGLEY: Yes, they were very dissatisfied with the stock assessment information and the fact that it was going to stay at the level that it was at and they decided that a catch share would not be profitable at that level.

MR. JOHNSON: You know, Phil, another way that could be addressed is regionalize your state management. That is another reason for it right there, another fish.

MR. DeMARIA: Does anyone want to make a motion on this particular item?

MR. FEX: Yes, I make a motion we take the council's preferred and make the longline endorsement but no other endorsement.

MR. DeMARIA: Is there a second on that? Does anyone want to second that? Jim.

MR. HARRIS: I just have a question here, because I noticed that it says individuals that meet the qualifying criteria only receive a longline endorsement. What about your hook-and-line guys? Do they get shut out of the fishery as hook-and-line guys or do they all of a sudden become longliners?

MR. CARDIN: Well, when you eliminate the hook-and-line endorsement, then that even being part of that wording there is negated. No, there will be no hook – we voted for no hook-and-line endorsements, only longline endorsements from people who participated in the longline fishery.

MR. DeMARIA: I think what he is asking; you could still hook and line fish for them.

MR. HARRIS: Will you still be able to hook-and-line fish them.

MR. CARDIN: Yes, with no endorsements for the hook and liners, all permit holders will be allowed to hook-and-line fish them.

MR. ATTACK: Does that mean just to the bag limit then?

MR. CARDIN: No, there is a trip limit of 4,000 pounds and a trip limit of 300 pounds, so whatever you are fishing under at that time. There is a trip limit of 4,000 pounds until 75 percent is caught and then it is dropped down to 300, so the bandit fishermen would be governed by that trip limit.

MR. DeMARIA: You are under the same limits the longliners are; you just don't need an endorsement, if I understand it properly. Is there anymore discussion or can we vote on this one? Will you read it, Myra?

MS. BROUWER: The motion reads support the council's preferred to establish an endorsement program for the longline sector, and the council's preferred is Subalternative 2C, individuals that meet the qualifying criteria only receive a longline endorsement.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion is approved.**

MS. BROUWER: Action 2 would be to establish the eligibility requirements for a hook-and-line endorsement; but if there isn't going to be one, then this action would be moot.

MR. DeMARIA: Does someone want to make a motion of no action? Kenny.

MR. FEX: Yes, I make a motion the advisory panel take no action on Action 2, the preferred to council.

AP MEMBER: Second.

MR. DeMARIA: Can we vote on this? Myra has to read it first.

MS. BROUWER: The motion is to select Alternative 1, no action for Action 2 in Amendment 18B.

MR. DeMARIA: All those in favor;, those opposed;, and those abstained. **The motion passes.**

MS. BROUWER: Action 3 would establish the eligibility requirements for a longline endorsement, and here the council's preferred which was devised by the golden tilefish workgroup is to receive a golden tilefish longline endorsement the individual must have a total of 2,000 pounds gutted weight golden tilefish caught with longline gear between 2006-2008. I should mention here, one of the things that council did in December was substitute the word "individual" with the word "permit" because the landings history, of course, is tied to the permit and so that just made it clearer.

MR. CARDIN: I would like to make a motion that AP support the council's and the tilefish workgroup's Preferred Alternative 2A. I would just like to remind them that this was – the workgroup consisted of active participants in the fishery, big dogs, little dogs, South Carolina boys.

This included some boats that had been wrecked. It was all inclusive of who was in the fishery, and that is what this workgroup appeared to want to do is be inclusive. They just wanted the endorsement to stop new entrants and new people from flooding into the fishery because people are starting to fish for history. With the talk of IFQ and what have you, we have people fishing for history. I just suggest we would support this.

MR. DeMARIA: Is there a second; Kenny.

MR. FEX: Kenny Fex, I support it, second it.

MR. DeMARIA: Do we need to discuss this one? Read it and we will vote.

MS. BROUWER: The motion is to support the council's preferred for Action 3 in Amendment 18B; Subalternative 2A, to receive a longline endorsement the permit must have a total of 2,000 pounds of gutted weight golden tilefish caught with longline gear between 2006-2008.

MR. DeMARIA: All those in favor; and those opposed; those abstaining; **one abstained.** Rusty wanted to say something here. .

MR. HUDSON: Also on February 16, the last day of the council meeting, Roy had a suggestion with regards to Golden Tile Amendment 18B. We were not able to get past I guess Action 2; so before we could even get to Action 3 it was tabled and we went and did other stuff. That is

going to be picked up in December, but in the meantime he had a suggestion wanting to look at the numbers of 10,000 pounds of landings, 20,000 pounds of landings and 30,000 pounds of landings by the end of 2010.

Then that would potentially give the ability in the December meeting as well to debate the allocation scenario about eliminating boats that have really been doing some serious landings in the Florida region. I am not certain how that is going to work out, but I know they are still working up the numbers and we are eventually going to have them to look at. That was something he wanted to develop as an alternative.

MS. BROUWER: Right, thank you, Rusty. He is correct, under Item Number 6 up on the screen is this new alternative that is going to be added for the council to consider in December, and there will be some analyses for those three levels of landings for the council to look at in December.

MR. DeMARIA: Ready to move on to 4?

MS. BROUWER: There were also several recommendations or clarifications that the staff and the team that puts the amendment together needed for this action; so if the AP has any recommendations or any ways that they would like to clarify some of the items up on the screen, that would be helpful.

MR. CARDIN: On the years like 2007 through 2009, they are referring to like January 1 or the beginning of the fishing year, and, of course, '09 would be the end of the fishing year is what these dates are. The 5,000 pounds; that was clearly stated in the amendment it was aggregated. On Number 3 we don't need that anymore if we have done away with hook and line.

Number 4, clarify with the landings must have been already reported into existing data system logbook; it has to be in the logbook system for landings. When we referred to the landings we were using logbook landings. This new alternative, there has been quite a bit of support from one of the fish houses.

They have got a boat fishing since '07 and there is a lot of support on including the fish houses boat in with these landings. Like I said the workgroup got together; at the time that was the fishery. People started fishing for history and if you go with these newer dates on up to 2010, you are going to be including a lot of new boats.

If you want to look at landings level, once again someone's dependency upon the fishery might not be poundage; it is more of a dollar figure. There could be someone with lower landings that earns higher dollar of the fish would be just as professional, and I really don't see why we would want to go with these different poundage amounts. You are either vested or you are not vested, thank you.

On the new alternative at AP I have heard several people – you know, a lot of people came in the fishery and a lot of people want to be included in the fishery. The fish started hitting the dock, we were having IFQ talks and landings talk and people wanted to start catching fish and get

some landings. I had at least – I have had eight or ten different people tell me they are going to IFQs, we are going to go get some landings, we are going to start tile fishing, what have you, and that is what has created part of the problem today, the derby we have today.

I don't know how council wants to handle this, because some of them went and fished heavy and hard and wanted to catch some history. Now they have and now does council start including these people or not; I would recommend not, but that is just me. I think when we started talking – we are talking about limited entry, and in all limited entry programs it usually goes from the time they started talking about it back. It never goes into the future because once you start talking about it, people start deliberately catching history. I hope that council sticks with once again a control date. This is when the guys started talking about it in '08, and I wish the council would stick with control dates.

MR. DeMARIA: Can you put this in the form of some kind of motion?

MR. CARDIN: Well, I originally made a longline endorsement motion three years ago in 2008, actually 2007, and I would like to make the motion again that council uses the established control date in the tile fishery when they are considering managing the tile fishery – in this management of the tile fishery.

MR. DeMARIA: You should probably specify exactly what the control date is.

MR. CARDIN: First off, I would like to give Myra editorial right to correct this, but I believe it is a December 2008 control date. It is a 2008 control date. Can I get a second?

MR. DeMARIA: Why don't we get Ben up here and figure it out so it is written down properly.

MR. HARTIG: The reason we are discussing this so late in this process, we had the workgroup – when did they meet, Bobby, in 2008? They met in 2008 and they came up with a bunch of recommendations. In 2008 the fishery was down to its core number of participants. It was the least number of longliners that had been in the fishery since the longline fishery started in 1981, to a big degree.

Over time that fishery had declined to the point where all the other longline boats had got out. Most of them were sold and had gone other places. So you had a core number of participants, and my thinking was at that time let's limit it to that core number of people that are in the fishery right now. That way we don't have to prohibit anybody from getting into the fishery.

In fact, the workgroup made a conscious decision to allow two more entrants, I think it was two, it might have been three, but at least two more entrants in based on their low numbers of qualifiers that they had that they reached in that. Roy would ask me why do you have such a low number of poundage for a longline fishery?

Well, that was because we had two fishermen that had gotten into the fishery in 2008 or 2009 – I think it was 2008, it might have been 2009, but those two guys, they made a conscious decision we want to include those and we think the fishery can support that. They went ahead and did

that. They allowed more entrants in, they capped it at the numbers that they had and then let two more people in.

Now, if you look at this fishery long term, you can let more people in as the quota increases. I mean the council can do that. Just because you have endorsements does not prohibit the council from coming back and revisiting this and say, listen, we know that there are people who – and this is in black sea bass, also – we know that there are people who didn't qualify for this fishery. Okay, so you make a list of those people who had landings but didn't meet the qualifications.

As time goes on and as the stocks rebuild, as you see in tilefish and stocks rebuild – as Robert talks about in 2016 black sea bass will be rebuilt to a number where you can possibly allow more entrants into the fishery, you can do that based on the people that you have on a list. If we make those kinds of determinations using the tilefish workgroup's original motion, you limit it to a relatively small number of people that were the survivors in the fishery.

Also, you look at these survivors – and I have been a survivor of more fisheries than I care to talk about. I survived mackerel and fish traps and all the different species that were impacted. I was able to survive those different gear types that caused declines in fisheries, and then I was on the receiving end as some of those fisheries got better and was able to increase landings as they increased.

I saw that vision in tilefish – and this endorsement vision, I know some of you think it is catch shares. Well, it is not really; and if you look at endorsements, they have been used in red snapper before you went to catch shares. My vision in this is to cap it at a certain level and then in time, as the fisheries improve, allow more people in.

If you have to go to a lottery at sometime, maybe that is the way to do it, I am not sure exactly, but you have to look at this in a much broader picture of just golden tilefish. This is a vision that I have seen for a bunch of different fisheries. You look at snowy grouper; pretty much it is closed right now to commercial fishing.

At the 100 pound trip limit we are not catching the quota; and because people can't off of South Carolina, they can't afford to go the distance to catch those fish. You are going to have to look at when you reopen that snowy grouper fishery, which you may very well do after the next assessment, because we see, at least in South Florida some significant increases in size and abundance, you are going to be able to let people fish again, but you are not going to be able to let everybody fish.

What you are going to have to do is go back – and the way I see it in snowy grouper and red snapper in particular, you are going to have to look at the landings up to when we closed red snapper and pretty much closed snowy grouper. You are going to have to look at who participated, allow those people to get endorsements, if they want them, if they are still fishing, and then allow more people in based on your quota that you have for the fishery.

The regionalization goes into this in some aspects. For snowy grouper and regionalization, a hundred pound trip for me is fine for snowys. I am looking at a bycatch fishery where I can

catch a hundred pounds of snowys, I can catch my gray tiles, red porgy, vermilion, in a mixed fishery. You can have the hundred pounds; and if I want to direct them – if we get the abundance level right, I am going to make two drops and catch a hundred pounds of snowies, and I am out of there.

Okay, so I reduce my bycatch on everything else, Warsaw's and speckled hind if they happen to be in that area, which I haven't had that much problem with those, anyway -- Warsaws we do, but if you reduce your bycatch on these species, if you have a rational trip limit where you can go and catch your fish in a short amount of time, that is going to work. This is a vision I have had in this endorsement scenario. Whether you agree with it or not, that is fine.

It is just something I have looked at over the years of how to rationally reopen these fisheries as we get to reopening red snapper and essentially reopening snowy grouper. That is how I see it working. I see capping it at what the tilefish workgroup recommended and then go from there. The only reason we are at this late date is because the council had to deal with ACLs and the timelines that we had to deal with.

All that information, you see that 700-page document, that is a lot of work, a lot of time, a lot of water under the bridge to deal with all of that. There are even problems within that that I will talk to you later about. In tilefish I see capping it and hopefully allowing other people to get into it as we go on and prioritizing that list for the people who had landings that didn't receive endorsements initially. That is my vision of what I see.

MR. CARDIN: Ben, that is very inclusive. And back to the low landings level, there were also boats that sank and a cruise ship smashed South Carolina boats. That kept them included even though they were in rebuilding stages. I was an observer there and it was really something to see these guys not trying to it's mine and not yours.

They included everybody and strangely enough with the numbers they went with, it leaves an average number of boats in the fishery that has been fishing the fishery for 20 years. That snapshot that was taken at that time is a picture of the fishery over 20 years. Now during this 20 year period, you have had a hundred different boats in and out, but there has been an average of around 16 and a half boats a year. That is exactly what the landings level they used included.

To me it was tailor fit. And to say that we want to use, you know, this Number 6, these newer years – I sell fish at Josh's fish house there at the Cape, and I understand he put the boat in the water, wanted to catch tilefish and he is at every meeting, he is in my face saying, do something to include me.

Well, I understand him, but at the same time when he rigged his boat and started fishing and the other guys started fishing, they started catching the quota up that now the South Carolina boys didn't get the fish. Now when you go using these 2008/2009, these newer years that might include a few new Florida boats, they are the ones that stopped the South Carolina boats from getting a shot at the fishery.

In all fairness and being part of this process, I really don't see shifting this ahead, this time factor ahead. Because like you say, even though it was on the council's back burner, it wasn't on the guys out there hammering the tilefish as hard as they could back burner. It was on their fore burner, they were catching history and I think it would be a disservice to the core fishermen to go along with this.

MR. HARTIG: Let me just say one more thing. And, Kenny, I know you had said before that you weren't in favor of having commercial regionalization. In tilefish I see that an asset. If you don't regionalize the fishery and you don't take some of those fish out of the Florida production, South Carolina is not going to have a fishery, and they have had a pretty significant fishery in the history of that fishery. I would like to see that return to their average level of the harvest that they used to catch.

The other thing is if there are fishermen in South Carolina that want to start hook-and-line fishing for golden tilefish, that I would like to see also. I would like to see some fish set aside so other fishermen can participate in other areas at a trip limit that would be profitable for you. Now you would have to take – say you are on the Bump, I don't know how much farther you have to go to catch golden tilefish, but it would be significantly farther than I have to go.

Setting those levels so everybody can participate in this fishery to some degree – not everybody, a fixed number of people can fish for golden tilefish. That is just the way I saw it, but you have to regionalize it to enable the historic levels of harvest to still occur in the areas where they did because otherwise Florida is going to catch the entire core.

MR. FEX: I'm just making a point. Yes, the reason the Florida boats are pretty much the dominant ones in longline gear is because snowy groupers got knocked out so many years ago and then guys were just forced to go into golden tile. Well, when you are just in golden tile, it wasn't very profitable. Florida boats, they did a lot of shark longlining.

You had guys in Florida that longlined for shark and then they could probably just switch off, go offshore and get their golden tile. They were easy to keep in that fishery, but then when you shut the snowys up in North Carolina, that was a major thing. I knew longline boats back in the day when I first started fishing, but they just went ahead and got out of it because they did not have an alternative.

I understand where you are coming from trying to save some from them, but that is why we did lose a lot of longliners in the northern region was because of the snowy groupers. You made a good point. I am worried about that. If all of a sudden you have 17 boats that are longlining, they have got their endorsement, and all of a sudden they see the snowy grouper has rebounded.

Well, then you have the longline endorsements for these people that got the golden tile endorsement and now they can participate, and we should all be able to participate, but we know the effectiveness of the longline gear on the snowy groupers. I am worried that later on they will be getting the majority of the snowy grouper, which historically they did catch, the majority of them.

But that was a concern that I was worried about by giving an endorsement for the longline that I thought in the back of my head that, hey, the snowies might be coming up and we might be getting bigger quotas on them. That is one concern I did notice about, but, yes you pretty much hit it on the nail.

MR. DeMARIA: Is there anymore discussion or can we go ahead and vote on this one? Myra, go ahead and do you want to read it?

MS. BROUWER: The motion is the council should use the published control date (2008) for managing the golden tilefish fishery.

MR. DeMARIA: All those in favor; those opposed; those abstaining. **The motion is approved.** How many abstentions were there? Four.

MS. BROUWER: The next action, Action 4, again the council did not have time to deliberate on any of the other actions in this amendment at the December meeting. It would be useful if the AP could provide their recommendation for the remainder of the actions, bearing in mind that the council hasn't had a chance to discuss it.

Action 4 is to establish an appeals process. Here the preferred is to establish an appeals process, and then in parentheses it says that the process would be developed by NMFS and would be consistent with similar processes in the region. What we are recommending is to include the language that is currently included in Amendment 18A and that we are also using similar language for Amendment 20A dealing with wreckfish, which spells out the process of the appeals a little bit better. That is what Alternatives 2 and 3 are.

The council, of course, hasn't had the chance to select a preferred. But basically the difference between these two is that Alternative 2; the RA would determine the outcome of the appeals based on the NMFS logbooks. For Alternative 3 there would be a special board composed of state directors or other designees that will review, evaluate, and make individual recommendations to the RA on appeals, and then the RA would determine the outcome of those appeals.

MR. JOHNSON: Are we looking for a motion here?

MR. DeMARIA: Yes.

MR. JOHNSON: I move Alternative 3.

MR. DeMARIA: Is there a second for that? Kenny. Any discussion? Go ahead.

MS. BROUWER: The other thing I should tell you that dealing with the whole appeals process and the establishment of the endorsement program is going to be a little bit of a learning experience. At the September meeting we had a representative of the NMFS permits office at the meeting.

That was very useful because she could sort of walk the council through how the whole thing would work, the timing of it all, which apparently it is rather complicated and it takes a long time. We are going to be fleshing all that out in Amendment 18A, so by the time 18B comes along I think we will have a better understanding of how the whole endorsement thing works, including appeals.

MR. FEX: I don't know if I am confused, but I am reading and it says appeals to the black sea bass endorsement program.

MS. BROUWER: That is a typo; I am sorry.

MR. JOHNSON: Question; did we establish an appeals process for the black sea bass?

MS. BROUWER: There is a similar action in 18A to establish an appeals process.

MR. DeMARIA: Are you already to vote on this one if Myra reads it?

MS. BROUWER: The motion is to support Alternative 3 under Action 4 as the preferred.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. That is **two opposed**, And how many abstained; I guess nobody did.

MS. BROUWER: Action 5 is to allocate the commercial tilefish quota among the gear groups. Currently the council's preferred is to allocate 90 percent of the quota to the longline sector and 10 percent to the hook and line. The recommendations that we had for this action basically only clarify what the poundage would be under those percentages. You can see Alternatives 1 through 4 a little bit reworded, and again the council hasn't yet approved this recommended change to the language of the alternatives.

MR. DeMARIA: Someone must have something to say on this one.

MS. BROUWER: Again, I also have the AP recommendations. You did look at this back in November of 2010, so where I had a record of what you had recommended for these various actions, that is noted. You had recommended Alternative 4.

MR. DeMARIA: Do we actually need to vote on this again since we did?

MS. BROUWER: Not unless you want to.

MR. DeMARIA: Can we just move on and leave it as what we preferred? Okay.

MR. CARDIN: Can Ben help us with this one? Well, can I ask for some discussion on nothing at this point, I guess. At our last AP people got into some kind of a bycatch quota for the bandit fishery. Is there still people that support that at this point? I withdraw my question; I will wait until we get there.

MR. JOHNSON: I don't fish for golden tilefish, but I would think somebody on the commercial sector would want to weigh in on this.

MR. FEX: I don't golden tilefish. I just thought it would be a good idea to go ahead and separate allocations kind of like we did the black sea bass. That way we are not fighting for the same quota, or you don't have the same problem that we were talking about earlier where the longliners are out there laying gear for 300 pounds of golden tile. I have heard of that in South Carolina happening and it is kind of useless.

MR. CARDIN: Historically, and some would argue that, but since the mid-eighties longline has been the predominant gear, so in a lot of people's eyes that is historically; has been 90 percent. We could argue for this all different kind of ways. If the longliners did quit fishing at 75 percent and let the landings catch up, theoretically the bandit fishermen could catch more than 10 percent.

People argue that the longliners catch the fish before the bandit fishermen get a chance to fish, but in all reality the bandit fisherman's biggest year has been since 13C, since the early closures. We could take this however we want to, but at the time it is 90 percent longline and 10 percent bandit.

MR. DeMARIA: I just remind everybody we have gone through this one time already and that is our preferred alternative, so do we need to spend anymore time on this one or can we move on?

MS. BROUWER: Action 6 allows for transferability of the endorsements. Currently Alternative 2 is the preferred; endorsements can be transferred between any two individuals or entities that hold valid unlimited federal commercial snapper grouper permits and fish with longline gear; and transferability would be allowed upon the implementation of the endorsement program.

MR. DeMARIA: Myra, this is another one that we have already discussed and had a recommendation on, correct?

MS. BROUWER: Correct.

MR. DeMARIA: Can we just go with our original recommendation and move on with this one, too? .

MS. BROUWER: Action 7 is to adjust the fishing year. The preferred currently is no action, to retain the calendar year as a fishing year for golden tile.

MR. DeMARIA: If you look at the bottom of the discussion there, this is another one that we have already dealt with. That was no action, right? Can we move on to the next one?

MS. BROUWER: Action 8 would establish trip limits for golden tile. The preferred is to remove that 300 pound gutted weight trip limit when 75 percent of the ACL or quota is taken. You can see that the recommendations here are to get rid of this action, because the existing trip

limit would no longer be applicable if you have quotas for each of the sectors, and that is being considered under Action 10.

MR. CARDIN: But you still need some mechanism to slow it down, don't you?

MR. DeMARIA: Is there any recommendations on this one?

MS. BROUWER: We can move along and get to Action 10 if you prefer and then come back to this one, if that helps you think through it a little bit better. Action 9 deals with the hook-and-line endorsement.

MR. CARDIN: This was the AP's right here. We came up with this last meeting, but without the hook-and-line endorsement what would be the need for this?

MS. BROUWER: Right, so currently the recommendation from staff would be to get rid of this action, and you can see the rationale that we put together for that.

MR. CARDIN: I suggest you remove this, Number 9.

MR. DeMARIA: So if Myra wants to read that, then we can vote on it. All right, we need a second. Someone want to second this? Kenny.

MS. BROUWER: Kenny Fex was the seconder of that. If we are ready to vote, the motion reads suggest that Action 9 be moved to the considered but rejected appendix.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. Three abstained. **The motion carries.**

MS. BROUWER: Action 10 is to establish trip limits for fishermen who do receive a golden tilefish hook-and-line endorsement.

MR. SMITH: Are we talking – now Number 8, I was looking and I didn't – did we go over that? Did we pass over 8? Okay, I thought so.

MS. BROUWER: Okay, I think there is some confusion and let me try to clarify here. Action 9 actually would set trip limits for those that do not receive a golden tilefish hook-and-line endorsement, so it would set trip limits for the longliners. If we are keeping the longline endorsement and you want to set trip limits, then we do need to stay with Action 9. Action 10 is perhaps the one that may not be needed; does that make sense?

MR. CARDIN: We already have a 4,000 pound trip limit on the longline, so would this be a no action then?

MR. JOHNSON: Question; Myra, are we back on 9 now?

MS. BROUWER: Well, right, we had chosen to just go back to Action 8. You actually didn't have a recommendation yet for Action 8. We are kind of just looking ahead at all the actions coming up before you make any motions.

MR. JOHNSON: Okay, because I am looking at 9 and I am looking at the recommendations by the council and this seems to me that this action is pertaining to vessels that just have a valid snapper grouper permit that aren't really – they don't have any kind of endorsement, hook and line – we didn't establish a hook-and-line endorsement that I am aware of.

There is an allocation but there is not a gear endorsement for hook and line. There is for longline but there is 10 percent allocation – am I correct? Either we are going to – we have not established a gear endorsement hook and line, so I think what this is getting at is pretty much anybody that wants to go hook-and-line golden tilefish can, if they have a valid snapper grouper permit.

MR. CARDIN: Should we put some kind of action? Would you really want to let just anyone have 4,000 pounds? Theoretically I guess you could illegally fish and say you caught 4,000 pounds with your bandit gear. Is that something we should worry about?

MS. BROUWER: The council's current preferred is to establish a trip limit of 100 pounds gutted weight for the hook-and-line fishery for fishermen that don't receive an endorsement in the hook-and-line fishery.

MR. CARDIN: Once again, the idea there was when we were talking about a longline endorsement, we had a hook-and-line endorsement would be 300 or a 1,000; and this 100 pounds was for – and yet the other permit that was a grouper permit without either of the one endorsements. To me once again, the hundred pounds is now useless.

MR. JOHNSON: But, Bobby, we haven't established a separate hook-and-line endorsement criteria. It doesn't exist.

MR. CARDIN: That is why this one should be no action, Number 10.

MR. JOHNSON: Well, I understand, but I think Scott Osborne here beside me brought to my attention the reason we even talked about Action 8 was to slow the fishery down to allow some of the hook-and-line fishermen to participate; because if not, come January 1 the bigger longline vessels are going to go out there and they are going to gobble up all the golden tilefish and it is going to be over. That was the intent of the 300 pound gutted weight trip limit when 75 percent of the ACL is met.

MR. CARDIN: I made that motion on 13C. That was my intent, to slow the harvest down. There has been talk at council of removing the 75 percent. There has been talk of removing the 300 pounds. I myself haven't formed opinion of that yet. If anyone would like to make a motion to address that, this would be the time.

MR. JOHNSON: I will make a motion that on Action 8 we take Alternative 1, the no action, retain 300 pound gutted weight trip limit when 75 percent of the ACL is taken.

MR. DeMARIA: Is there a second on that? Jim.

MR. CARDIN: That is the same old motion, and a lot of people get upset about it. People say we lose weight over it, but once again the same thinking I had eight or ten years ago, the time delay and counting the quota and what have you. Maybe if you say you are stopping it a 75, it is a 80 or 90 before the fishery is actually stopped. This will get better. This has been really ridiculed but I guess I would still support it.

MR. DeMARIA: More discussion or can we vote on it? Rodney, go ahead.

MR. SMITH: I just want to ask a question real quick. The anglers or the fishermen that would be doing this longlining, they would re-gear their boat with longline; but to fish with pelagics, let's say for tuna – no, not at all? Well, I understand but these are the same guys that when they are not fishing for these tilefish, they are going to reuse their same boat and their same gear but rerig it a big and fish on the surface.

MR. CARDIN: I personally don't know of not one of these boats that fishes both pelagics and the tilefish. They use different gear. The cable uses a different style reel, uses totally different gear. I am sure there are some boats that occasionally might go to that extreme, but in general, no, these are not the pelagic boats.

MR. DeMARIA: If there is more discussion can we vote on this? Read the motion.

MS. BROUWER: The motion is under Action 8 select Alternative 1 as the preferred. Alternative 1 is no action, retain the 300 pound gutted weight trip limit when 75 percent of the ACL is taken.

MR. DeMARIA: All those in favor, those opposed, and those abstaining. **The motion carries.**

MS. BROUWER: All right, so I guess we need to revisit Action 9, which you made a motion to do away with. We would need a motion to reconsider that motion and then you can make a different one.

MR. ATACK: I make a motion to reconsider that motion.

MR. DeMARIA: Is there a second?

MR. SMITH: I will second it, Rodney Smith.

MR. DeMARIA: It is seconded. Now if somebody wants to come up with another suggestion or a motion.

MR. ATACK: I guess currently there is no trip limit so they can do 4,000 pounds; is that the way it works, Bobby? If you don't pick one of these alternatives, that is what they are allowed to do. If you pick one of these alternatives, then the hook-and-line guys without an endorsement are limited to this trip limit year round.

Unless it is a higher limit than the 300, because then they would be reduced to 300; no matter. You know, if you had a thousand pound trip limit, it would cut to 300 when you hit 75. Are there many guys that get more than 300 pound trip limits on hook and line?

MR. CARDIN: Well, I would say that with the longline endorsement, suddenly there will be a lot of bandit boats with big landings just because they don't have the – you know, there might be a little cheating going on and saying I don't have a longline, saying I caught a thousand pounds on a bandit, but, no, I don't think in general there are a lot of landings that big with bandits.

MR. JOHNSON: It has been brought to my attention that we already have established a 10 percent hook-and-line quota. Maybe I got ahead of the curve here. There may be a better way to address this, I am not sure. Maybe Ben can speak to that. But the problem they have had in the past is when 75 percent of the quota is filled, these guys are still going out and longlining these golden tiles. They may or may not be only catching 300 pounds. In theory it sounds great, but I am not sure it worked well.

MR. HARTIG: Well, to address Jim Atack's question about what we can catch on bandit reels. I fish one bandit reel by myself and I can catch up to 540 pounds. I did that last year. My average for last year was 300 pounds. That is my average catch from the hook-and-line standpoint. That has gone from the nineties from 90 pounds to 2,000 to 200 pounds to 300 pounds this past couple years actually are the averages.

Then Robert's point about the 10 percent, the problem is if you don't go to some kind of restricted trip limit, you are not going to extend that season at 10 percent. What I wish you would have done when you made your last motion was to prohibit longlining after 75 percent of the quota was taken, which was the council's intent when they originally did that step down.

They had envisioned when they did the 75/25 that longline was never going to fish at 300 pounds. Unfortunately, they had and then the hook and line has never been able to catch up because the season has been closed so long, and that is why our percentages are so low. We are catching more fish.

Even at the short two-month season we had, we are still catching as many fish as we had in two months. We are producing the fish. We are ten times less efficient than they are so we can't ever catch up with their volume, so we need more time to be able to prove that we could put more fish on the market.

We are catching 30,000 pounds in two months, which is more than the allocation at 10 percent. We can catch a lot more tilefish given the time, if we were given more time to catch them. The fish are there, the size is there. The problem with the allocation, it is a real problem. If you go back and look at this history – and I will send you all, I just did the whole data stream on golden

tilefish, and it breaks out beautifully how you saw the longline come in and they took all the excess biomass out relatively quickly, and within three years we were out of it.

It was 100 percent bandit where I fished. Now that doesn't pan out in the data because there were other longline fishing in the Carolinas. But where I fished it was 100 percent hook and line; and within three years after the longline fished where we were – now it took longer than three years, but wherever they fished where we were, we were gone.

There is not enough standing stock left after you fish with longline to have a functional hook-and-line fishery. You can't catch enough fish anymore after the longlines come in there. They remove too much fish out of the stock and too fast. But what we did do, and the vision I had we closed the area south of St. Lucie Inlet all the way around to the Keys, there is no more golden tilefish longlining.

Now the vision I had that over the years that fishery would come back. Most of the hook-and-line tilefish from our history was produced in that area and that area has come back tremendously. I don't think it is a coincidence that the longline or, the vast majority of the longline catches today occur within a hundred miles of that closed area.

The biology says that they don't move much, but the fishermen have their own opinions on how tilefish move, and the longliners certainly were more mobile in years past and they would chase fish up and down the coast when they had to. This whole thing about what the hook-and-line fishery can catch, we caught 500 and something thousands pounds back in the early days, 534,000. The quota is only 289,000 now and we caught twice that just hook-and-line fishing.

If you are going to relegate us to 10 percent of the catch, in my opinion is extremely unfair, and I wasn't at the last meeting to make those arguments because I couldn't be there. Now I have the data to substantiate what happened in the fishery. Hopefully, the council will reconsider this when we get to our next meeting, and we are going to look at all this again. Mac was instrumental in saying, hey, well maybe we might want to wait until the person who started this ball rolling possibly could have some more input into it at the next meeting.

I will and I believe we can catch the 25 percent with no problem, the hook-and-line fishery. You can allow more hook-and-line fishermen to participate in that fishery. Since you don't want to have the endorsement, we can do that. We will just let more people participate at a higher percentage of the quota. That is the problem I see with where we are going now at 10 percent, but you make your considerations and I will argue based on the data that I have at hand now.

MR. CARDIN: I would really understand if Ben asked for 15 percent, it would make some sense. I remember 13C, I asked the council – I told them about our little West Palm Beach Fleet and they catch about 300 pounds a day and about 10 trips a year, so many boats, and if you would set aside about -- I even did the figures.

I said if you slowed it down to 25 percent, there would be 80,000 pounds left, and that is about what it was. The council did 75/25. Realistically in my mind I was thinking the bandit boats caught about 12 or 14 percent. If you stopped it at 75 percent, by the time the time delay

reporting came in the quota would be reduced at about 85 or 87 percent, something like that, and I thought the bandit guys would have the shot at the fishery.

Now I have seen different. I have seen the bandit guys fishing in January; they are helping catch that quota before September that the longliners are supposed to be catching. I have seen the longliners sitting there catching it on 300 pounds. I got off a longline boat, got on my little boat; bandit fished and watched my longline buddy with his wife longlining right next to me.

It is probable for a guy to take his wife out and catch 300 pounds longlining. But the point being is, it has went where it was. Now, to Ben's point about historic, the one thing we don't hear about is a lot of the longliners today that has been longlining for 30 years ago were those historic bandit fishermen.

It wasn't that these longliners came in and took fish away from bandit fishermen. It is these bandit fishermen became longliners. What is really the history here is the way the guy fished or who was fishing? If you wanted to go for 15 percent, that makes sense to me, Ben, but I don't think the 25 percent is really a fair, realistic thing for the longliners.

MR. HARTIG: To that point, the year in which all of our hook and liners switched over to longline fishing was the year that the hook-and-line fishery had the highest landings, Bobby. When Bob and Joey both switched over to longlines in 1981 was the highest number that the hook-and-line fishery produced.

Your argument kind of falls short there because those guys had already switched from hook and line to longline fishing. That is the reality, the reality of the catch figures that show that. That is when we caught 500 and something thousand pounds. That argument falls out there.

MR. CARDIN: Well, historically speaking, you are talking about a 5-year bandit fishery or a 30- year longline fishery. Excuse me, thank you Ben, love you, brother.

MR. DeMARIA: Yes, we need to come up with some kind of motion on this. Does anyone have a motion they want to make?

MR. ATTACK: I guess I'll make the motion to go with Alternative 2 on Action 9.

MR. DeMARIA: Is there a second? Kenny. Do you want to go ahead and vote on this? Do you want to read it, Myra, and we will vote.

MS. BROUWER: The substitute motion is to select Alternative 2 under Action 9 as the preferred.

MR. DeMARIA: All those in favor; those opposed; and those abstaining, two abstain. **The motion carries.**

MS. BROUWER: Okay, so then Action 10 is to establish trip limits for fishermen who receive a golden tilefish hook-and-line endorsement. The council doesn't have a preferred for this action.

MR. ATACK: What does this mean? What does this action mean; can you explain it?

MS. BROUWER: The way I understand it is if there is a hook-and-line endorsement, then you would proceed with establishing trip limits for that sector.

MR. DeMARIA: Do you have a motion you want to make?

MR. JOHNSON: We just gave the guys that don't have an endorsement 300 pounds. I am really confused here, guys. We would have probably been better off just to have skipped all this.

MR. SMITH: I make a motion that we take Alternative 1.

MR. DeMARIA: We have had a second. Does anyone want to discuss this or vote on it? I guess we want to vote on it. Do you want to read that, Myra, then we can vote on it.

MS. BROUWER: The motion is to select Alternative 1, no action under Action 10.

MR. DeMARIA: All those in favor; those opposed, I have one opposed; and those abstaining, there are two opposed, Blain? Two opposed, and how many abstained, none. Okay, **the motion carries.**

MS. BROUWER: Okay, Action 11 is one that has been added for the council's consideration, and this is because the stock assessment, SEDAR 25, is going to provide new estimates for this fishery. Things like the MSY will have to be updated. The table that you see up on the screen has what the current values are for the various criteria, MSST, MFMT, MSY, and so SEDAR 25 would provide updated parameters.

We need to have not necessarily an action in the amendment but discussion for how those values are going to change based on the updated stock assessment information. Really, the council doesn't need to do anything for this; just it will have to be included in the amendment. It is not really an action, per se. .

But then we do have to take action to establish other things like the ACL and the OY so Action 12 would revise the ACL and the OY for golden tilefish. Here, as you know, the council has elected to set the ACL at the same level as OY and ABC. They would probably go with Alternative 2 as their preferred. It is up to you guys if you want to provide input on these actions to the council or not. They are not actions that are officially currently in the amendment yet.

MR. DeMARIA: Are you talking about 12, 13 and 14; we don't need to really do anything.

MS. BROUWER: Well, that is entirely up to you. Like I said, these are actions that staff is recommending be added but they have not yet been approved to be added in the amendment. They are things that are sort of more "housekeeping" based on the new information in the stock assessment. It is up to you whether we get into that or we could defer it until tomorrow.

MR. DeMARIA: If it okay, if we can just defer this until later? Do you want to say something?

MR. GOULD: I was just going to ask Myra golden tilefish has not been declared overfishing or being overfished?

MS. BROUWER: Right now it is slightly overfishing; it is not overfished, but as Mike explained this morning it is looking like the new assessment will indicate that it is not overfished and it is not undergoing overfishing.

MR. DeMARIA: So we can defer this until tomorrow? Do you all want to continue on or cut it off here? You want to keep going? Why don't we take a vote? How many want to continue on for a bit longer. I guess we continue on a little bit more. The next one is wreckfish. Are you sure you all want to go on? Red grouper will be next. Okay, let's take another vote. Do you want to continue on or just cut it off here and start again tomorrow? Red grouper will be next. That could be long. Who wants to stop now? Well, we could go in the wreckfish, but there are wreckfish people that want to be here tomorrow and it wouldn't be good to go in there now. Does anybody really want to continue on? Okay, we will stop it right now. The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Charleston Marriott Hotel, Charleston, South Carolina, Thursday morning, October 6, 2011, and was called to order at 8:30 o'clock a.m. by Chairman Don DeMaria.

MR. DeMARIA: Probably the first thing we ought to do is go back to 18B and finish up those three items. In golden tile that would be Action 12, 13 and 14. We have these three that we have got to finish.

MS. BROUWER: Okay, if you recall we were able to get through most of 18B yesterday. We have three more actions left. These are actions that we are suggesting that the council include in the amendment. They are in order to revise the current parameters for golden tile, so establishing an ACL and then specifying ACTs for the commercial and recreational sectors; and lastly, revising the accountability measures that are currently in place for this species.

Action 12 would revise the annual catch limit and OY for golden tile, and on the screen are the alternatives. As I said yesterday, the council doesn't currently have a preferred but they have been consistent in selecting the ACL at the same level as the ABC and the OY, so that would be Alternative 2.

MR. JOHNSON: I will make a motion that we adopt Alternative 2.

MR. DeMARIA: Is there a second?

MR. COLE: Second.

MR. DeMARIA: Do we need any discussion on this or can we vote? Let Myra read the motion first before we vote.

MS. BROUWER: The motion is to select Alternative 2 under Action 12 as the preferred, and Alternative 2 is ACL equal OY equal ABC.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion is approved.**

MS. BROUWER: Action 13 is specification of an ACT. There are three alternatives. The no action does not specify a commercial sector ACT for golden tile. Again, this is the alternative that the council has consistently chosen for other species.

MR. DeMARIA: Do you want to make another motion, Robert?

MR. JOHNSON: Yes, I make a motion we adopt Alternative 1.

MR. DeMARIA: Is there a second? Bill. Any discussion?

MS. BROUWER: The motion is to select Alternative 1 under Action 13 as the preferred, and that is to not specify a commercial sector ACT for golden tilefish.

MR. DeMARIA: All those in favor; and those opposed; and those abstaining. **The motion is approved.**

MS. BROUWER: Action 14 would specify an ACT for the recreational sector, and again the council's preferred has consistently been Alternative 4 where the ACT includes the proportional standard error of the recreational landings.

MR. COLE: Myra, a technical question; if we don't specify a commercial sector, why would we specify a recreational?

MS. BROUWER: The council's reasoning for not specifying an ACT for the commercial sector is because the landings are monitored better so we feel more confident about tracking the landings in the commercial sector; whereas, on the recreational sector the council feels more comfortable having sort of a target level, like a red flag so to speak. If the landings go above that ACT too often, then they need to start thinking about management measures because that means the ACL could potentially be exceeded. That has sort of been the rationale and it has to do with the data quality.

MR. JOHNSON: I have a question, Myra. If the ACT is met or projected to be met, that doesn't necessarily mean they close the fishery down; is that correct?

MS. BROUWER: Correct, the ACT does not trigger any action.

MR. COLE: Mr. Chairman, I will move Alternative 4.

AP MEMBER: I'll second the motion.

MR. DeMARIA: There is a second; do we need any discussion?

MR. HARRIS: Now that we are looking at here with the ACL being the PSE, and we are talking about 1,500 fish, at what point – you know, we are going to hit that ACT/PSE. Do we see six fish on the dock and say, oh, we have met the PSE and so now we have to do something? I can't support that. I would have to go with also not having a specified because the amount of fish that we are talking about with the way the MRFSS data or the MRIP data brings everything up, it doesn't really do anything for you because they count two fish and, bang, you have hit your ACT.

MR. ATACK: That is not quite true because the ACL has to be 0.5. It's the greater of the two, so it can't be six fish or two fish, you would have to get the 750 fish is what the minimum that would be to trigger the ACT.

MR. WAUGH: The way to think about this is the ACT is your target. What the council should do is set management measures in place to achieve that target; and then as your recreational catch varies up and down; when it goes up then it should not exceed the recreational sector's ACL, because that is when the accountability measures are triggered.

You don't want to go over that, so how do you do that? You have to have management measures in place that limit the recreational catch and we know that it is going to oscillate due to sampling, due to abundance of fish, trips, all of that. You are kind of mixing the two. You actually want to have a target that is lower than the ACL so that you don't hit that ACL. When you hit that ACL, then there are consequences.

There is none around the ACT other than the council should be setting management measures, and we haven't here. There is no way to account – I think we are already with the first wave of this year. The May/June estimates are 7,000 fish, so we are way over. We need to come up with some way, whether it is going to be a tag system – I mean you can't even do one wave. You could try a one-month season for the recreational sector. That is what should be done with this ACT.

MR. HARRIS: Considering that we are looking at 1,500 fish that are based on an average weight of six pounds, the entire recreational ACL is less than one commercial trip. If we set an ACT or we lower it, consider that we are 488 percent overfished right now based on our current ACL and it is only October; if we set a lower ACT we would have had those intercepts and shut that fishery down much earlier.

MR. WAUGH: No, you are mixing two things. The ACT has absolutely nothing to do with tracking the recreational catch, nothing. All it is saying is that is your target level of harvest, so we want to set our management measures to achieve that. Totally separate from that you have got MRFSS, which will become MRIP or is MRIP, tracking the recreational catch. The two don't matter. You could set your ACT at zero and it would do absolutely nothing as far as tracking the recreational catch. The two are totally separate.

MR. DeMARIA: Can we go ahead and vote on this? Do you want to read it?

MS. BROUWER: The motion is to select Alternative 4 under Action 14 as the preferred, and that is to set a recreational sector ACT equal to the ACL times 1 minus the PSE or the ACL time 0.5, whichever is greater.

MR. DeMARIA: All those in favor; those opposed' and those abstaining; so **the motion is approved.**

MR. DICKENSON: It sounds to me like the estimates of recreational effort on the golden tilefish are off, obviously way off. I would suggest they be reallocated; I mean at least give us 5 or 6 percent. As Rob said, I don't think that is going to make much difference to the commercial guys. Obviously it is way off. I know for myself, since I have got a lot of friends getting into it, I don't do it myself, but it is becoming very popular, but it is also something that a lot of people aren't that interested in, but it has become a lot more popular for recreational to go deep-dropping.

MR. DeMARIA: The next item we have on here is wreckfish, but again there is nobody here from the wreckfish community, so maybe we should skip over that at least for now and go on to red grouper.

MS. BROUWER: There is still one more action in 18B.

MR. JOHNSON: I have one quick question, Myra. The recent stock assessment on golden tile, is there going to be an increase in the ACL; and if that is the case, is it going to equate to an increase in the recreational ACL?

MS. BROWER: As Mike explained yesterday, it is likely that there will not be an increase because of the uncertainty associated with the model; and even though the stock is currently not overfished or undergoing overfishing according to the latest assessment, which has not yet been reviewed, by the way, it is not likely that will change. But if it were to change then, yes, the numbers for the commercial and the recreational ACLs could change.

MR. JOHNSON: I guess a better question is we are not at MSY for the golden tile fishery. It is still in the rebuilding stage, is that correct, or is this as good as it is ever going to be, 1,600 fish?

MS. BROUWER: It is not in a rebuilding stage; it is in good shape. The problem is with the parameters that the model has estimated. The scientists are not confident enough to use the numbers that are a result of the stock assessment. Okay, the last action in this amendment is to revise the accountability measures.

Alternative 1 shows what is currently in place for the commercial sector. The AM is to prohibit harvest, possession and retention when the quota is projected to be met; and after that all purchase and sale is prohibited. The recreational AM, if the ACL is exceeded then the length of the following fishing season is reduced by the amount necessary to make sure the landings are not going to exceed that ACL.

The way we compare these numbers is using average landings and using the most recent three-year running average. This is where the council would like to revise what is currently in place and the alternatives that follow are exactly the same that are currently in the Comprehensive ACL Amendment.

The council has chosen Subalternative 2B as their preferred; so instead of using this three-year running average to compare the landings to the ACL, they would simply look at the annual landings; and if those landings exceed the ACL, then that would trigger an accountability measure.

Alternative 3 would specify if anything gets done in-season. The council has chosen to not specify an in-season accountability measure for other species at least for the recreational sector. However, under Alternative 4, which specifies what happens after the ACL is met, the council has looked at different methodology or different alternatives for evaluating post-season accountability measures.

They could monitor the following year; and if the ACL is exceeded, then the RA would take action as necessary; monitor the landings the following year and shorten the season; monitor the following year and reduce the bag limit; shorten the following season, or implement some sort of a payback.

What they have chosen for other species is Subalternative 4D, so 4D would monitor the following year and shorten the season as necessary; so if the ACL is exceeded, then the landings would be monitored in season; and if it shows that those landings continue to increase, then the RA would publish a notice to reduce the length of the fishing season as necessary.

This is a very precautionary way to do this, but because of the lag, the time lag in particular the recreational data are available, it is better to just monitor the landings and then see if there is indeed an increasing trend and then take action. This would obviously avoid the council taking action when it isn't really necessary if the landings just fluctuate as a result of other factors such as good recruitment or what have you.

MR. SMITH: What I am hearing, if we do D – and, excuse me, I might be on the wrong track here, but there is a good chance that the recreational fishery will be closed because of the overfishing, and here are these guys gearing up for it, and it is becoming an emerging fishery, and it is going to be closed. Am I on the right track with that? It looks that way, I feel that way.

MR. CARDIN: I don't know, to me the Regional Administrator – I think this is more of a thing we should leave for council. How they figure this one out is going to be pretty detailed, and I for one think we ought to leave Number 15 alone.

MR. HARRIS: It is very difficult to pick one of these because of the fact that if we choose to reduce the bag limit, especially on the recreational sector, we are reducing the bag limit of 1 to 0. We haven't really accomplished anything, and the one thing that I would like everybody to keep in mind is that I keep hearing recreational sector overfishing. It is not overfishing; they are exceeding their ACL in a fishery that is not overfished.

MR. COLE: Mr. Chairman, I am inclined to maybe just say leave 15 alone. We have discussed it similarly and given the – it is easier to deal with some of this when there is some certainty in the model, but this one has a fair enough of amount of uncertainty in it to cause all of us doubt. However, on the last page of the Subalternatives B through 4G, I still have my concern about the double jeopardy option that the Regional Administrator could use.

Myra, I apologize, I don't have the exact language that we used for that previous motion, but I would like to make that motion right now so that we do not get into that double jeopardy issue that we discussed yesterday with black sea bass.

MR. JOHNSON: I think whatever the council chooses needs to be the least restrictive for this fishery. I understand that south of Stuart, Florida, I think it is, that whole area south of there is a no longline zone, and that is where most of this recreational fishing is taking place in Florida. Those fish aren't even being utilized, really. It seems a shame not to let these guys catch some fish. To punish them with such extremely low numbers and this high lack of uncertainty that we hear about doesn't seem proper.

MR. DeMARIA: Did you want to make your motion?

MR. COLE: Yes, I suggest that the total ACL increase in golden tilefish not be subject to the double jeopardy penalty.

MR. SMITH: I'll second that.

MR. DeMARIA: Any discussion or can we vote on it? Read it.

MS. BROUWER: Okay, I will read the motion again into the record. The motion is to suggest that the total ACL increase for golden tilefish not be subject to a double jeopardy penalty.

MR. DeMARIA: All those in favor; those opposed; and those abstaining, so **the motion is approved.** We agree that we are just going to leave the rest of this action alone.

MR. SMITH: As an AP member, aren't we suppose to look towards the future of the fishery and then try to think of what is best for that fishery and then make proposals to reach those goals, true? Okay.

MR. HARRIS: Since we are just wrapping up tilefish, I have got a motion I would like to put on the table regarding tilefish. I would like to make a motion to raise the ACL for the golden tiles and to adjust the allocation between the commercial and recreational to reflect a raise in the percentage of the ACL based on some of the studies.

I know Mike briefed us that we were not going to have any raise in the ACL, but obviously something needs to be done with the ACLs specifically towards the recreational sector, because

as evidenced by Ben yesterday in discussion with Scotty as far as the longline, their own commercial industry has ACL issues between themselves.

It is obvious that golden tilefish are not in an overfished status. There is no reason that the ACL should not be adjusted, so one of the proposals I had is to raise the ACL based on the latest assessment, adjust the commercial/recreational allocations by that amount. We are essentially not taking anything from the commercial side.

We are just taking that raise in ACL and adjusting it directly to the recreational side, which then the allocation percentages would have to be adjusted to reflect that change, but there is no loss to the commercial guys because they have already got 97 percent and the recreational guys have 3 percent. It will prevent the recreational guys from going 488 percent overfished in a 1,500 fish fishery.

MR. SMITH: Well, I will second the proposal to discuss it.

MR. DeMARIA: Is there a discussion on this?

MR. JOHNSON: Basically, if you raise the ACL, you are doing exactly what you are saying, because there is already a commercial/recreational allocation in the ACL, correct, so just raising the ACL achieves what you are talking about.

MR. HARRIS: Yes and no, because of the fact that if we raise it, if we raise it by say 10 percent, unless we adjust the recreational/commercial percentage, the bulk of that will go to the commercial side and we may only see the recreational side come up by 4 or 500 fish.

MR. SMITH: I guess the reason – well, not that much known about these fish and how many are out there, correct? Do we have a solid stock assessment on these? No, right? It just got finished, okay – not quite, okay. Here we are talking about increasing the ACL in sake of having more recreational fish, right, Rob? But for me I would like to go on the safe side so that we don't begin with the end in mind and looking down that we don't want to overfish a fishery that might be in overfished now and not knowing one way or another, and I would just suggest that we just increase the percentage of this fishery for the recreational and make it a little bit more balanced here would be the correct thing to do. Because of the money that is coming into this fishery for the people that are spending money to go out and fish some recreationally, that should be considered.

MR. CARDIN: It looks like there are two different issues in this motion. I mean, Rob, do you want to put a poundage there; do you want to increase the ACL by a certain poundage? Then you are talking about allocation scenario, you know, is two different issues here.

MR. ATTACK: Yes, I would either look at saying, okay, we need the recreational to be 7,000 fish or you need to go ahead and say we want 10 percent of the ACL. I mean this is too complicated. I think you can either say that we need to split it 90/10 or the recreational fishery should have 7,000 fish; and then however the ACL changes total, they still get their 7,000 and the commercial goes up and down.

MR. HARRIS: It is one of the conversations I had with Mike yesterday because I was trying to figure out how that 1,500 fish number came to be since every other fishery that we talk about we deal in poundage. He has told me that Bonnie Ponwith is the one that I need to get hold of because apparently the science side has some way of converting poundage and averages of poundage that they use in their assessments. Mike, jump in if I am getting this wrong.

But they have a way to convert that into actual numbers of fish and can do the reverse. I don't know what the actual numbers are. I just know that if we get an increase in the percentage into the recreational sector, then they will give us the math that tells us if at that point we can start doing it by poundage like we do every other fisheries minus the snowies, and we can get back into a point of doing it by pounds.

That is up to the computations they come out with. I know that within six months of the fishery being an actual fishable fishery, we overfished it by, what, 2,000 fish? If there is some way using that 7,000 fish as a number is a much better number and probably is reflective of a 2 to 8 percent increase over what we have right now.

If it is easier for our AP to make the suggestion and say adjust the allocations to a 90/10 as opposed to a 97/3. That would probably be more reflective of what it is that we are actually looking to accomplish with the poundage as well as the number of fish. I have got no problem adjusting the motion to say reallocate the commercial recreational sector to a 90/10 split.

MR. SMITH: Does that 10 percent – are we still over, because I can't do the math right in my head here, but are we still over if we go with that 90/10?

MR. HARRIS: Well, considering that at 3 percent of the allocation right now we are sitting just over 2,000 fish over the allocation, so if we upped it by 7 percent I am assuming that we would probably still be just below being over.

MR. JOHNSON: Well, we need to keep in mind that yesterday we discussed ways to limit or eliminate, however we want to look at it, participation in the golden tile commercial sector. As you increase the recreational ACL, you are going to take from the commercial ACL which you have already decided you need to reduce; just food for thought.

I think if you are going to raise the ACL, then I can see this; but if the ACL is not going to go up, all you are doing is taking fish from one sector that they are already trying to dismantle because they have such a short season; do you understand what I am saying, Rob? They had, what, a two-month season this year, roughly? I'm not picking sides here, just making a point.

MR. WAUGH: If you remember yesterday the numbers that we showed for this year, 2011, January/February shows zero, March/April shows zero, and then May/June is the only data we have and that was 7,701 fish. Your ACL right now is 1,578. If the ACL doesn't increase and you get up to 10 percent, you are still over in just May/June. We don't have the July, August and September numbers yet.

MR. DeMARIA: Are you all ready to vote on this one?

MR. SMITH: Robert, what you said, though, to me it made sense that you were advocating that 10 percent, because it decreases – unless I got that wrong, it decreases that percentage that the commercial sector is taking by 7 percent.

MR. JOHNSON: What I am saying is in order for you to give the recreational an increase, you would have to increase the total ACL so the commercial sector also had an increase, because what you are doing is you are just taking a short season that you are trying to limit participation in and making it even worse.

It's probably not that much on the basis on 7 percent, but still I don't know what 7 percent of their quota is, if somebody could tell me. I think we just maybe need to leave this one alone until they set a new ACL, and then if we want to come back and look at the numbers. I don't want to see the recreational sector punished though because of unreliability in a model. In a fishery that is not being even overfished, your limiting the whole Southeast Atlantic to 1,600 fish seems a little bit iffy.

MR. DeMARIA: Well, we can't really leave it alone. We have got a motion up there, unless it is withdrawn.

MR. CARDIN: Rob, I see Myra wrote down 90/10, is that the numbers you used?

MR. HARRIS: Yes.

MR. DeMARIA: Can we vote on this? Do you want to read it, Myra, and we'll vote.

MS. BROUWER: The motion reads raise the ACL for golden tilefish based on the latest assessment and reallocate the ACL to a 90/10 commercial/recreational split.

MR. DeMARIA: All those in favor; and those opposed; and those abstaining. **The motion is approved.**

MR. MARHEFKA: I don't know if this is the right time to go and be making a motion on this, but I think we should go and revisit the sale of recreational caught fish again and see if it is okay to go on and open that back up again. I think the council needs to look at it. If we are going to continue to go and sort of lopsided this whole situation with the fish that we have out there in the ocean, recreational fishermen are going to be able to go out there and basically go and harvest a public resource, and then backdoor it all day long as they have been and continue to do. We might want to go and sort of revisit this and take a look at it. I am seeing a constant push on lopsiding, so I would like to just go and make a motion that the council readdresses the sale of recreational caught fish.

MR. DeMARIA: We have got to get it seconded first before we start discussing it.

MR. SMITH: I'll second that.

MR. CARDIN: What are we readdressing? Do you mean to make it legal for them to sell it now? What do you mean by readdress?

MR. MARHEFKA: Bobby, I would like them to go and look into it, possibly, but we would have to go into it with some heavy criteria. Monitoring is going to be huge; we can't even go and monitor what we have got going on right now. I am seeing in all these figures that we are starting to get lopsided here.

We are going to go and once again take this public resource and not be able to go – and the public is not going to be able to have access to it. We are going to go and be shut down early and they are going to go and still be able to go and harvest fish and be able to go and backdoor it into a restaurant.

MR. DeMARIA: Mark, this one could take up like the rest of the afternoon. Can I make a suggestion that you just withdraw it and then we go through everything; and at the very end if we have got time, let's jump into that.

MR. SMITH: I withdraw my second.

MR. MARHEFKA: Yes, we can go and do the other business. I am just wanting to go and get it out there. As we continue on with these other fish that we are going to go and be discussing, I am seeing a trend here. So, anyway, I just want to throw it out there and get it in your head.

MR. DeMARIA: Can you withdraw it and then we will do it under other business.

MR. MARHEFKA: Withdraw and other business.

MR. DeMARIA: We are going to move on.

MR. GOULD: If my memory serves me correct, there is already a blanket prohibition on the sale of recreational caught snapper grouper, which covers the entire snapper grouper complex. This would be a moot thing; I just wanted to point that out.

MR. DeMARIA: Okay, let's move on to red grouper now.

MR. CARDIN: I would like to make a motion that the council increase the ACL on the golden tilefish by 100,000 pounds based on the recent stock assessment.

MR. DeMARIA: Okay, it is seconded. Do we even need to discuss this or can we vote on it?

MR. MARHEFKA: I've got a quick question for Mike, maybe he can go and answer. I am sort of trying to balance here – what kind of baseline buffer in percentage is put on the fish as you are working the models. Because, I feel like what is happening here is we are constantly buffering along down the line and now we are to a point where we are wanting to go and get a little bit

back here. Is there some way that we can sort of bump back into this percentage and be able to go and achieve some of these other things.

Instead of just going and dropping the commercial down to 90 percent, let them stay at their 97 if the recreational wants to go and get an extra percentage, 7 percent on that end to get these numbers right. I am just really frustrated here because we keep on bumping into this where we are in it – to be honest with you, we have gone a long road and we have seen some rebuild in some of these fish, and now we are here trying to go and sort of split hairs. I think that the council and NMFS needs to go and give us a little bit back here.

DR. ERRIGO: There is no buffer between the SSC's ABC, which they set and then the council has to follow that and then the council chooses the ACL. The council consistently chooses an ACL that is equal to the ABC, so there is actually no buffer there. When it comes to setting the ABC, the SSC just uses – if there is an assessment, they use the assessment to figure out OY, optimal yield. They usually set that as the overfishing level.

The step down from the overfishing level to ABC is really at the discretion of the SSC. It is different for different species. I don't know how they did it for golden tilefish. I wasn't around when this original ABC was set. It has to do with the amount of variability in the numbers, so the modeling variability.

Depending upon how much variation there is, that is how they determine their step down from OFL to ABC. I wasn't involved in the last SEDAR for golden tilefish or anything like that, so I don't know how they did that specifically, but that is what they do. They look at the variability in the estimate for optimal yield, and then they usually step down somehow based on that variability, step down to ABC, and I don't know how much wiggle room there is there.

MR. DeMARIA: Can we go ahead and vote on this one? Want to read the motion, Myra?

MS. BROUWER: The motion is that the council should increase the ACL for golden tilefish by 100,000 pounds based on the latest assessment.

MR. DeMARIA: All those in favor: those opposed,: and those abstaining. **The motion is approved.** Do you want to do red grouper next, Myra? Okay, go ahead.

MS. BROUWER: Okay, we are going to get into discussion of Amendment 24. This is a rebuilding plan for red grouper. Red grouper is overfished and undergoing overfishing so the council needs to put in a rebuilding plan, and this needs to be in place by June of 2012. You have already seen this amendment before.

We had public hearings that were trumped by Hurricane Irene in August, so we only managed to do two public hearings. The plan now is to go back out for public hearings for Amendment 24 in November. We are going to lump the hearings for this amendment together with 18A and 20A the week of November 14.

As far as the actions, it is pretty straightforward. The council needs to readdress MSY, MSST, set a rebuilding schedule, settle on a rebuilding strategy and an ACL, revisit the allocations and accountability measures. It is more of what you have been discussing so far for other species. Action 1 is to redefine MSY. This will make it easier for the council to adopt the latest figures that come out of a stock assessment, so basically it doesn't tie them to a specific value.

Their preferred alternative is to go with a yield produced by Fmsy or whatever the proxy for Fmsy is and then have those values be recommended by the most recent stock assessment. The figures you see up on your screen are what that would change to. The stock assessment for red grouper was done in 2008.

MR. COLE: Mr. Chairman, the next couple of actions are fairly straight; a whole bunch of them we saw yesterday. I am going to try to get with Myra; we will move through these, and I am going to move Alternative 2 for Action 1.

MR. DeMARIA: Is there a second for that? Robert seconds it. Do we need to discuss it?

MR. GOULD: On Page 9 of your booklet here, folks, just looking at the recreational statistics from 1986-2008, you have gone from a low in 1991 of 50,803 pounds in the recreational sector, and to a high of 1,125,328 pounds. That was up just about double from 2007. The data I am looking at right here – and this has been a fairly consistent fishery ever since the mid-nineties, anyway, but looking at the low and looking at the high over the years, I have got a lot of – I just don't trust the data that I am looking at is what I am trying to say in the recreational.

Commercial has got to be pretty accurate; that has been pretty consistent over the years. If you take and factor in your environmental factors for this such as weather, current and whatnot, this has been pretty consistent, but there is such a swing in the recreational. I personally would say, hey, let's put this on the back burner.

I would like to see Action 1, give it some time, and see what is going on here. There are too many variables. This has been a real consistent fishery over the year. The red flag in this is the near doubling in 2008, which I did not see. I am in this fishery pretty good with a headboat. I think going with anything outside of Alternative 1, just leave it alone and see what happens over the next couple of years or until the next stock assessment comes out. This is a red flag here and you are messing around with a lot of recreational people's pleasure and the commercial fishermen's pleasure. I think we had better leave this one alone and just go with Alternative 1 until another stock assessment comes out.

MR. ATACK: From what I recollect, that was the year when they were worried about exceeding the limit on gags. If the gag limit got exceeded, all the grouper fishery would get shut down. Up our way effort was shifted to target more red grouper so they wouldn't exceed the gag limit and shut down all grouper fisheries. That could be why the numbers jumped up those last two years.

MR. DeMARIA: Okay, we have a motion; can we vote on that if there is no more discussion? Myra, do you want to read it.

MS. BROUWER: The motion reads select Alternative 2 for Action 1 and that is that MSY equals the yield produced by Fmsy or the Fmsy proxy MSY equals the yield produced by FMSY – oops that is on there twice. Anyway, MSY and Fmsy are recommended by the most recent SEDAR or SSC. F at 30 percent of SPR would be set at, according to the latest assessment, 0.2 and MSY would be at 1.1 million pounds whole weight.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion is approved.**

MR. COLE: Mr. Chairman, on Action 2, redefinition of minimum stock size threshold; I am going to move Alternative 1, no action.

MR. DeMARIA: Is there a second for that? Any discussion? I guess we can go ahead and vote on it.

MS. BROUWER: The motion is to select Alternative 1, no action under Action 2.

MR. DeMARIA: All those in favor; those opposed; those abstaining. **The motion is approved.**

MR. COLE: Mr. Chairman, the next one is to establish a rebuilding schedule, and quite obviously we would all like to have that to be the longest amount of time possible, and that would be Alternative 5, so I will move Alternative 5.

MR. CARDIN: Second.

MR. DeMARIA: Any discussion?

MS. BROUWER: The motion is to support the council's preferred under Action 5, and that is to define a rebuilding schedule as a maximum period allowed to rebuild, which would equal ten years with a rebuilding time period ending in 2020 and 2011 being Year One.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion is approved.**

MR. COLE: Now we need to do Action 4, establish a rebuilding strategy and acceptable biological catch. There are several alternatives here, but the alternative that looks like it would provide the best mix of available yield plus continued rebuilding would be Alternative 3, so I am going to move Alternative 3.

MR. DeMARIA: Is there a second?

MR. CARDIN: Second.

MR. DeMARIA: Discussion?

MR. GOULD: It looks to me like we are rushing a lot there. What was it, the year before last we went from five to three groupers down? I know that a lot of days it was hard pressed for a lot of people to catch their five grouper under the old one. It is not quite so hard under the three. What I am seeing here is a rush towards more restrictive regulations before the reduction in the bag limit on groupers has really been given a chance to take effect.

Once again, I am very, very uncomfortable with this headlong rush because it is going to cascade right on and on and on, and in five or six years you are not even going to be able to keep a grouper. Why not take and give it a chance, let it settle out and see where the stock is going. It wasn't brought down in a day and ain't going to be rebuilt in a day. But when you take and do something the year before and then go back and revisit it and say, whoa, we have got to get more restrictive on this before even giving it a chance.

A good example is the vermilion snapper. When they were beat down so bad it went from – the size limit went from 10 inches – from 15 to 10. In a couple of years we have seen a great rebuilding in the stock, and we continue to see it. This headlong rush to get more and more restrictive has really, really got me uneasy, not just for my own concerns but for the concerns for the people that participate in this stock and the people that support them, the tackle suppliers, and et cetera. I just wanted to say that.

MR. DeMARIA: Do you want to respond to that, Myra?

MS. BROUWER: Yes, I just wanted to reiterate some background on this amendment. As I said, the red grouper stock is overfished and undergoing overfishing, which means NMFS sends a letter to the council and basically says you have got two years to put in a rebuilding plan. That letter was received a year and a half ago, so by June of 2012 the council has to have in place a rebuilding plan for the species by law. They have no choice but to put in this rebuilding plan. Now, none of these things are actually – the council is not proposing any changes to current management measures for red grouper. What we are going over right here is changes for the rebuilding plan.

MR. FEX: To his point, like he was saying the vermilion, the vermilion is not on a rebuilding plan. We are not gaining poundage in the following years; we are pretty much stuck at a quota right now. This is allowing for a rebuilding, so each year we are going to start going up. If you look farther through the things, the numbers are going to go up. It is actually a progression of increasing numbers, so there will be less regulation. We will just be under an ACL. It is a positive thing; it is starting the rebuilding, so I would look at it a little bit more positive thing.

MR. ATACK: The point about the three grouper bag limit; when that was changed the gag went from three to one; all grouper went from five to three. I know trips where we don't get the three grouper because the gag-one limit affects people getting their bag limits. People are not targeting more red grouper, because you use to be able to get three gags.

Now to try to get your three grouper, they go to areas where you know you are going to get gags, but you can only get one gag, so then you have got to move and go target red grouper or scamps, so that is the other reason the increase is up I think on the landings on the red grouper. If we

were to go back and go back to a two bag limit on gag and an aggregate of three, it would help the red grouper stock and it would be more flexible for the fishermen that are out there recreational fishing.

MR. DeMARIA: Can we go ahead and vote on this one?

MS. BROUWER: Actually I just wanted to point out I am walking through the decision document, which has a lot of background information, and towards the end of the decision document, Pages 21 and 22, it sort of gives you a little summary of where we are and comparing the proposed ACL for 2012 with current catches. At least for recreational the landings are well below the proposed ACL, so it looks like we are in good shape.

MR. FEX: Yes, I apologize and make this comment, but I was just noticing that the recreational in 2010 was 100,000 pounds; in 2008 it was 1 million pounds. How in the world in two years you have decreased your effort all the way down to 10 percent is astronomical. I just noticed that; that is amazing.

MS. BROUWER: Recall that one of the things that went into place was that four-month closure.

MR. CURRIN: Yes, Myra just brought it up, and the reason that there are no management actions required in this amendment to address the rebuilding is that the four-month closure was put in for all grouper species, shallow water grouper from January through April. That was all that is necessary to affect the rebuilding of red grouper. There are no additional management measures that need to be put in other than the previous reduction in bag limit and then the spawning season closures.

MR. DeMARIA: Are we ready to vote on it now? Go ahead and read it, Myra.

MS. BROUWER: Okay, the motion reads support the council's preferred under Action 4, and that is to define a rebuilding strategy for red grouper that sets ABC equal to the yield at 75 percent Fmsy.

MR. DeMARIA: All those in favor; and those opposed; and those abstaining. **The motion carries.** Ready for the next one, sector allocations, this shouldn't be controversial at all.

MR. COLE: Now we head into, Mr. Chairman, everybody's favorite subject; how do we divide up what is left of the pie. Action 5 specifies sector allocations. I am going to move Alternative 2, Subalternative 2E. Then if I have a second, Mr. Chairman, I think from yesterday many of you will recall how the council is setting approximation numbers for some of these, I believe using Boyles' Law and so forth and so on, which runs for the next several pages. I think the motion Subalternative 2E would be the better approach at this time.

MR. DeMARIA: That has been seconded; Robert you seconded it. Is there any discussion?

MR. HARTIG: I have spent a lot of time in this allocation formula looking at what it actually does. In the ACL Amendment we set allocations for a whole bunch of different species, and

unfortunately I have not been able to see the numbers we used to set those allocations. In a spreadsheet like this that we have for red grouper, you can actually look and look at it and see what you do.

In MRFSS – and Terrell came up with an interesting point he made, and it bolsters what I am going to say. There are in some years incredibly high values and incredibly low. It is just a function of how many fish were intercepted in any one year that causes these fluctuations. Unfortunately in the formula – and I will just get right to the point – in the last three years, 2006-2008; in 2008 you have got 1,125,328 pounds of red grouper for the recreational fishery. Now that number is incredibly high to me, and these numbers are almost twice as high as anything else and it is higher than any number in the time series.

How do you address it; how do you address that high number? If you use that in an average for the recreational, you are going to impact the commercial allocation by about 4 to 6 percent – and I can't remember exactly what it is – just by using that one number. What I did is I went back and averaged 2006 and 2007 to get at a credible value for 2008.

Now this isn't unusual to be done. The scientists in the tilefish assessment, there was an incredibly high MRFSS number in 2005 in tilefish. They went back and used 2003, 2004, 2006 and 2007. They took four values and averaged them to come out with a more credible number in that situation.

The same thing occurs earlier in the time series. If you look at this chart and you look at 1990 and '91, you have 78,000 pounds recreational and 50,000 pounds recreational. I don't believe those numbers are credible, so I averaged the numbers surrounding them to come up with more credible numbers there.

Then in 1986 the 775,000 pounds is an incredible number; it is way too high. That number I just eliminated because it is the first number in the time series. Some of these things you do will impact the commercial and recreational allocation, and what impacts it most is when an incredibly high number falls within the three-year timeframe.

I would be here today asking you if there was 100,000 pounds like there is in 2009 or 2010, I would say that that is an incredibly low number and I would be here arguing that you need to average the values around it to try and get a more reasonable recreational allocation – excuse me, 100,000 pounds, that was '10. What was '09?

MR. WAUGH: Recreational, 667. Myra has got it projected right up on the screen.

MR. HARTIG: The question was what were the 2009 values for red grouper and 2010? Myra, are you looking at those not? But, anyway, in red grouper before we didn't use the entire time series and then at the last meeting they went ahead and did use the entire time series, which was one of the pet peeves I have had.

If we are going to use this formula, use it the way we developed it unless there is an overarching species identification problem in the early years when we can't use it. In this case, in red

grouper there isn't, so we are going to use the whole time series. If you don't address that high one year landings – and Terrell actually came out and said that it didn't match what he saw on the water in that year. Those types of observations are valuable to make the point that this number is probably not correct; it is too high.

MR. DeMARIA: So we have a motion, it has been seconded; do we want to vote on it? If there is no more discussion, can you read the motion?

MS. BROUWER: The motion reads support the council's preferred under Action 5, and that is to allocate 44 percent to the commercial sector and 56 percent to the recreational sector using Boyles' Law.

MR. DeMARIA: All those in favor; and those opposed; and those abstaining. **The motion carries.**

MS. BROUWER: The next action is to specify ACL and OY, and the preferred is to set the ACL the OY and ABC at the same level. That is Alternative 2 under this action. Alternatives 5 and 6 are also preferred, and these would eliminate the commercial sector aggregate and the recreational sector aggregate and the accountability measures that go along with those.

MR. COLE: Mr. Chairman I am going to move Action 6, Alternative 2, Alternative 5, and Alternative 6.

MR. JOHNSON: I'll second.

MR. DeMARIA: Second by Robert. Is there a discussion on this? Myra will read it and we can vote on it.

MS. BROUWER: The motion is to support the council's preferred alternatives, which are Alternative 2, Alternative 5 and Alternative 6 under Action 6.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion is approved.**

MR. COLE: Mr. Chairman I would like to – because I guess I am a little confused and can't pull it up right here, will we see this again?

MS. BROUWER: No, this will be your last chance to see this amendment.

MR. COLE: Okay, Mr. Chairman, the next action is to specify commercial –

MS. BROUWER: If I may interrupt you, one of the other issues with this action – and you may want to put a motion out there – is the issue of the double jeopardy. This came up after the September meeting and we have the same issue here.

MR. COLE: Thank you, Myra, would you please doctor that with the appropriate species and then I will read it. Mr. Chairman, I am going to move that the total ACL increase for red grouper not be subject to a double jeopardy penalty.

MR. DeMARIA: Is there a second to that? Seconded by Rob Harris. Before we go on, does anybody have any problem with Bill making all these motions? I appreciate it because I think you understand it a lot better than we do; but if anybody has a problem, say so. Thanks, it has been a big help. Do you want to discuss this some or can we go ahead and vote on it? Go ahead and read it.

MS. BROUWER: The motion reads; suggest that the total ACL increase for red grouper not be subject to a double jeopardy.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion carries.**

MS. BROUWER: The next action would specify an ACT for the commercial sector, and again the current preferred is no action, to not establish an ACT for the commercial sector for the red grouper fishery.

MR. COLE: Gregg, are we complicating management of these species by not setting an ACT, which it logically should be a number lower than the ACL; but by not setting it are we setting up, creating a jeopardy for our own selves?

MR. WAUGH: Only if the quota monitoring system doesn't continue to improve and get to the point where we can actually track the commercial. We have all our commercial fishermen on logbooks. We have all our dealers under permits. It is a simple matter to have that done electronically, and that is the council's expectation is that will be done electronically and in real time.

This is the exact system that has been operational from North Carolina north for years through ACCSP. We don't have that system in the southeast yet. It is the council's opinion that NMFS is going to have that implemented to the same standard as has been in existence for years North Carolina, north. Given that, then there is no need to set a commercial ACT, because again if you think about your target, then you want to manage to that.

If we set an ACT you would be saying, okay your management is you are going to shut down the commercial fishery when they reach their ACT, and that is penalizing the commercial sector because the quota monitoring system hasn't been improved to the extent that it can track it in real time.

MR. COLE: Mr. Chairman, then I am going to move Alternative 1, no action.

MR. CARDIN: Second.

MR. DeMARIA: Any discussion?

MS. BROUWER: The motion is to support the council's preferred and that is Alternative 1 under Action 7.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion passes.**

MS. BROUWER: Action 8, again you have seen this before, is to specify an ACT for the recreational sector, and the council's preferred is to have the ACT be equal to the ACL times 1 minus the PSE or half of the ACL, whichever is greater.

MR. CARDIN: I move we support the council's preferred, Alternative 4.

MR. DeMARIA: Is there a second? Kenny. Any discussion?

MS. BROUWER: The motion is to support the council's preferred for Action 8 and that is Alternative 4.

MR. DeMARIA: All those in favor: those opposed.

MR. JOHNSON: Just one quick question.

MR. DeMARIA: Wait, let me finish this. Those abstaining. **The motion passes.**

MR. JOHNSON: The ACT is used just for management so it doesn't affect the ACL; that is correct, right, because it is significantly lower than the ACL.

MS. BROUWER: That is correct.

MR. CARDIN: On Action 9 let's go with Alternative 2, please.

MR. DeMARIA: Is there a second for that? Okay, the motion has been seconded.

MS. BROUWER: Just be aware that Alternative 2 only specifies what happens when the ACL is projected to be met. Alternative 3 specifies what happens after the ACL has been met. That is why they are both selected as preferred by the council.

MR. CARDIN: To that, all we need is Alternative 2, shut it down this season; if it runs over a little bit, it runs over a little bit.

MR. DeMARIA: So are we ready to vote on this or do we need to discuss it?

MR. ATACK: One comment; if the season is projected to be met and the sale of groupers is prohibited, harvest is restricted to the possession of the bag limit; that is provided the recreational season is still open, right?

MR. DeMARIA: Do you want to read the motion, Myra?

MS. BROUWER: The motion is to select Alternative 2 as preferred under Action 9, and Alternative 2 is if the commercial ACL is met or projected to be met, all subsequent purchase and sale of red grouper is prohibited and harvest and/or possession is limited to the bag limit.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. Do you have something to say, Robert?

MR. JOHNSON: I know we're trying to be quick, and I understand someone in commercial fishing, if he catches a red grouper he wants to keep it to eat, but is that what this is all about? No, did I miss – Yes, but it says – but you can still have your recreational bag limit.

MR. CARDIN: You can't sell it or nothing.

MR. JOHNSON: I know you can't sell it, but you can still have it.

MR. CARDIN: Yes, if I catch one, I will keep him on the boat, yes.

MR. JOHNSON: That leaves a door open I know right there; always has, always will, and I do both. Everybody on here knows I have a commercial permit, but as a for-hire captain I can't keep my catch, period, period, anymore. That was taken from me. Me or my mate can't keep our catch, so why are we going to let a commercial guy who has closed down his commercial fishery be able to retain a recreational bag limit?

MR. FEX: To your point, I know commercially a lot of guys commercially wouldn't mind not keeping the recreational fish. The only reason I keep it is because the recreational sector that go out there commercially catching king mackerel, commercially catching wahoo and dolphin, and they sell their fish; if they sell their fish, they wouldn't be able to keep their recreational bag limit.

Most commercial people would be fine without that, but the recreational sector is the ones that are really up in roar about that problem. In North Carolina I heard them say, well, if I am trolling for king mackerel commercially and I want to drop down and catch some recreational fish, I can, I should be able to. It isn't the commercial sector that would have a problem with eliminating no recreational fish on a commercial vessel. It is the recreational guy that becomes commercial would not be able to keep it. A lot of times it ain't just the commercial guys that see it your way.

MR. CARDIN: Robert, to that, if I go anchor up on a spot and I am grouper fishing, chances are I am going to catch one red grouper. It is going to be one of the first fish I catch. If I am anchored up in 130, 140 foot, I am either going to throw back this dead red grouper or I am going to put him in the box, take it home and eat it. It is not about – that's all it is about is about discard. It helps me keep from discarding fish.

MR. JOHNSON: We can all use that argument. I can use that argument as a for-hire captain. If I have got a charter and I have limited out on B-liners or limited out on grouper, I am not going

to tell my people, okay, we have caught the limit of one species of fish and we are all going home. If we catch another gag grouper and he dies, he is just a dead fish because I can't retain him myself, personally. Time is a problem here so we are going to drop it right there, but I just think we need to think about this because it seems like it is leaving the door open.

MR. DeMARIA: Now, Rob, I agree with you and I see your point. If you want to discuss it some more, let's do it; and if you want to make an alternative motion or maybe amend this one, however we can do that, but let's go ahead and think about it a little more and address your concerns.

MR. JOHNSON: I was told this year during the recreational lobster season in Florida that a vessel engaged in commercial fishing could not retain its recreational lobster limit. Now I don't know if that was true, maybe it is not, but I got to thinking about that and I thought, you know, maybe that is how we need – if we want to have these sector separations and these quotas for sectors – I'm not going to make a motion, just food for thought – maybe in the future we do need to look at limiting commercial boats to their commercial take.

If a season is closed commercially, then they can't have that fish on board. Because, what if you catch two red grouper, Bobby, or catch three, or if you catch one over your limit while you are still engaged in fishing, you are going to throw that one back. I understand your argument, and it's just –

MR. CARDIN: My boat is also – I got charter licenses. If my boat is out charter fishing, if my commercial boat can't have a recreational limit on it, then my charter can't possess any fish, because my boat is charter licensed and grouper snapper licensed.

MR. JOHNSON: You can't engage in both activities on the same day, though.

MR. CARDIN: Right, but if I am out charter fishing and the law says my boat can't have a recreational bag limit on it, then my charter can't catch no fish.

MR. JOHNSON: If you have a dual permit, you are a charter vessel, but when you go commercial fishing you are a commercial vessel, you can't – just because you have dual permits, you are not doing the same thing both days.

MR. CARDIN: I know, but that is my point, if you say a commercial vessel can't have a recreational limit on it, then days that I am recreationally fishing or charter fishing, I won't be allowed to have that fish on board because a commercial vessel cannot possess this bag limit, if that is what you are saying.

MR. HARRIS: In response to that, if you applied that theory to it, if you were out on a charter and you had six people, you would be limited to one bag limit. Because even with bag limit sales from a charter vessel, like say dolphin-wahoo, you can have four clients, catch 40 dolphin, but when you go to market to sell that under a legal permit, which is going away, you can only sell one bag limit, so that is 10 fish.

By using the example that you did, you can't charter fish because of the fact that you only can have one client. That is what Robert is saying that if you are out there and you are on a charter, your commercial – this ruling here doesn't apply to you because you are not commercial fishing; you are charter fishing.

MR. CARDIN: Okay, once again, on Sundays my children use my boat. They go water skiing on it and they go fishing on it, too. If you say that you can't have a recreational bag limit on a commercial vessel, my children won't be able to keep a grouper. I mean, that is the argument we are opening up here. That is not what this motion is about. This motion is about whenever the commercial quota is caught, commercial fishing ends and the commercial sales end. That is what this motion is about.

MR. DeMARIA: Robert, why don't you make a motion that addresses those concerns.

MR. JOHNSON: I'm going to make a motion and it is going to go the other way. I want to make a motion here that charterboat captains and mates be allowed to retain their recreational bag limit like we did for years; because to be honest I didn't sell mine, I ate them. It is hard for me ask my charter for a fish. I go catch all these fish and I can't even eat a fish. Back when I could retain my limit, I could get a fish for dinner.

MR. DeMARIA: Is there a second on that? Jim seconds it.

MR. GOULD: Well, three years ago, Rob, you made the comment about not having a bag limit. That idea came right here from this AP panel three years ago when we were discussing it. You all remember, when I brought it up? I will apologize right now, because I wasn't for it, but I was trying to jolt people into seeing how restrictive more and more these regulations were getting ridiculous, and it went over everybody's head. Hey, this is a good idea, let's do it. Boy, was I sort of seething after it passed.

But this is just a good example of you losing your rights bit by bit by bit. I saw this three years ago. This is something that I suggested and it had already been done in some of the other fisheries, so let's try this, see if we can get some reaction. But as far as a commercial man keeping a bag limit; dead is dead, are you going to throw the fish back overboard?

It gives them an opportunity to retain a fish for their own consumption, take it home and they can pick up and go on and go somewhere else, so why waste a fish if he is dead. A lot of the commercial boats that catches the red groupers up off of the Morehead City area usually is in 180 feet or better. In proportion there is very few caught in 120, 130 feet; and if you look at the retrieval rate of their gear, which is 10 feet a second, something like that, the fish ain't going to survive, so why waste it. I just wanted to say that.

MR. FEX: I just want to warn the motion maker that, okay, if you allow for the captain and the mate to keep their fish, then you are going to even limit your season even shorter on pretty much all your fish because you know how the data is done. I would warn yourself; I mean you might be able to keep the fish, but then in turn you might not have a longer season.

If your rationale is to keep the commercial fishermen from keeping their bag limit, I totally understand it. If I've got 1,500 pounds of fish back there, I can keep a couple trigger fish; I ain't got to keep a red grouper. You might want to make that motion more towards that, but then again I forewarn you when them recreational people that are out there for king mackerel and they want to drop down and catch a fish and they can't do it, they are the ones that are going to come to this public scoping meeting and really ridicule everybody about it, so you might want to think about that.

MR. HARRIS: I am not a fan of charterboat captains and mates keeping fish. I am not a fan of commercial fishermen keeping recreational bag limits on the boat. I am not a fan of dual-permitted boats. I think all of them open up opportunity for all kinds of bad things to happen. You can say that it is your mate and your personal catch, nothing to stop those fish from going to market. The same thing can happen on either side of it.

If you are going to be a charter boat captain, be a charter boat captain. Those clients are paying to go fish with you. Yu want to go fishing, load your family on the boat and go fishing. I say that because I take people fishing all the time and I don't even have any fish; but when I want fish, I go get it. By allowing people to keep things that would normally be kept on a boat in the normal business of that boat complicates things greatly. That is why it is very difficult for me to support it just because of the fact that there is a lot of room for abuse.

MR. AMICK: That has always been a touchy subject as far as bag limits for the captain and crew. I never regretted not being able to keep my bag limit for fishing if it benefited more fish for the customer. That is our basis is try to keep as much fish as we can for the anglers on the boat. I do keep my black sea bass on purpose because I like to eat them and it makes a point.

But as far as a recreationally caught grouper, red grouper on the commercial fellows, what is good for the goose should be good for the gander, and it should be a clear dividing line of what should be kept on a commercial boat. I agree with no sales of the recreational catch fish, and the same thing it should be – it should be one way or the other. I sure would like to keep them. I haven't eaten a grouper in how long because I can't keep one as a headboat.

I have to go buy one and it leaves a bad taste in your mouth, but at the same time I don't support this motion because, like I say, what is important for the for-hire sector is being able to keep as much of a bag limit for the customers.

MR. SMITH: I am right with Rob on with this, but with great respect to Robert, as a fishing guide for almost 20 years I never kept my bag limit once with a paid charter.

MR. JOHNSON: Just one thing to Kenny's point about captains and mates retaining their fish during their season, well, when a commercial vessel retains the recreational bag limit, they are shortening my season. But, anyway, I will withdraw the motion and make another one. I make a motion to prohibit retention of recreational fish on commercial vessels when said commercial season is closed.

MR. DeMARIA: Okay, is there a discussion on that? Go ahead.

MR. FEX: Can we make some clarification what makes a commercial vessel. Is that a vessel with a federal permit, whether it be king mackerel, dolphin and wahoo, snapper grouper, because again, like I said we have got a lot of center consoles that have them king mackerel permits and them dolphin and wahoo that sell their fish. If they can't keep a recreational bag limit that is where I see it going, so I am all for that, I will vote for that all day long, but that is the people that you really are going to hear from, so that is what I just figured I would let you know again.

MR. AMICK: Looking at Action 9, if you would change the preferred alternative to Alternative 3, that would take care of that issue there, wouldn't it?

MR. CARDIN: So if I've got a commercial king mackerel boat, I can't have a recreational red grouper?

MR. JOHNSON: Right.

MR. CARDIN: Because commercial boats can't have a recreational limit; or if I have a wreckfish permit, I can't keep a red grouper because I have a commercial vessel, because my boat is commercially permitted, that is correct?

MR. DeMARIA: Bobby, I think unless you – in Florida you can't combine commercial and recreational limits. If you have a king fish permit and your federal snapper grouper, then that is fine, but if you don't have the snapper grouper then you wouldn't be able to have a recreational limit of snapper and grouper when you are king fishing. I think that is Florida law, I believe.

MR. CARDIN: Well, I am not talking about Florida law; I am talking about what we want this council to do. Now a commercial vessel, what is a commercial vessel, one with a commercial permit? If I have got a dolphin and wahoo permit, I am a commercial vessel and now I can't have a recreational red grouper? That is what this motion is doing.

MR. DeMARIA: I see your point there. Scott, go ahead.

MR. OSBORNE: I think where you need to go with that, if you are worried about going recreational fishing in your commercial boat and keeping a recreational limit, what the state of Florida does – my boat is registered commercial, I have federal permits. It doesn't mean you can't go recreational fishing. I can go recreational fishing all day long; take my kids out, go catch fish; but once you exceed the recreational bag limit on any species, now you are commercial fishing, so we will go with it like that.

MR. CARDIN: With Robert's motion here you are saying the commercial vessel can't have a recreational limit; that is his motion.

MR. JOHNSON: Maybe I should reword that to say while engaged in commercial fishing.

MR. CARDIN: Okay ,so once again, if I catch two dolphin and I might sell them on my dolphin and wahoo permit, I can't have a recreational red grouper on board because I –

MR. JOHNSON: If you are commercial fishing, yes; if you are recreational fishing, no. You are going to be one or the other is all I am trying to point out; because like Steve said, what is good for the goose should be good for the gander.

MR. DeMARIA: Maybe to clarify something just as an example, the tropical fish collectors in Florida, most of them don't have snapper grouper permits; so if they are out catching tropical fish and they want to spear a snapper or grouper at the end of the day to eat, they can't do it because that is combining commercial and recreational limits, which is kind of crazy. You would think somebody would be able to take a fish just to eat, but they can't. That is how it is in Florida.

MR. COLE: Well, let me add some confusion to it, but maybe that confusion may help us get it straight. Technically the way ACCSP defines recreational and defines commercial – now this same definition holds in the Gulf, it holds on the west coast, Alaska, and in Hawaii. Okay, you have to separate two things, the product, the fish and the person or the vessel.

Regardless of what the person or the vessel does, it doesn't become commercial until he offers it for sale, sells it, barter it, exchanges it or does something else with it except take it home and eat it. It becomes commercial upon that transaction, and that is what we measure as commercial catch. We've still got the person up here and the vessel doing things.

Now, if he doesn't sell that fish, in other words, if he catches a whole boat load of them, they are not accounted for in the commercial column until he sells them, barter them, and exchanges them, et cetera. Then they become commercial. It doesn't make any difference what you think he is doing.

What we have to do here is we have to separate and be consistent with the data collection system, but we also have to maybe rethink, which I think we are trying to do here, is how do we define that person and that vessel. Now under current regulations to be commercial you have to be certified and hold all the certificates and all that kind of stuff and have the correct license. In most states now you have to have a recreational license.

What we are into is in those people who now have both licenses, but they do not have recreational or commercial fish until either they do one of two things. They either sell it or they take it home and eat it. That is what we are trying to separate here. I don't know the answer, but don't confuse the issue of commercial fish and recreational fish deals with the disposition of the fish and not what the person or the vessel did.

MR. FEX: Yes, but you have got to be pretty clear to enforcement because enforcement comes up and approaches a vessel and they have got all these fish on the boat and he says, well, I was recreational fishing or whatever. If you are going to wait until they sell them, then it is going to be lost.

It is never going to be enforced, so compliance will be hard and everything like that. I was just making a point, because I know people want to do both and I understand that, but I will give up

the right for all my recreational fish. I will get rid of my recreational license if I know that the recreational sector will be doing the same thing when they commercial fish.

MR. JOHNSON: Myra, I think that should be commercial where recreational is, okay. For that species, okay I will give you a prime example. Black sea bass are closed commercially, but up until the 15th of October a commercial vessel that went out fishing, could retain his recreational black sea bass bag limit. That is what I am trying to keep from happening specific for snapper grouper species.

MR. COLE: Do a friendly motion, Robert. How about doing it this way; prohibit retention of recreational snapper grouper species on commercial vessels when the commercial season is closed. Leave out the other words.

MR. JOHNSON: Well, the reason I put that while engaged in commercial fishing is because you have people like Bobby and Scott say if they take their family out fishing, they should be able to catch their recreational bag limit. If they are out there on a recreational trip; I have no problem with that.

I am not going to ever dispute they have a right to go recreational fishing. My whole point is if they are engaged in commercial fishing, they should not be able to retain fish that were set aside for the recreational sector and they have already shut down the commercial sector for that species. They are double dipping.

AP MEMBER: I don't have a problem with the individual; he is a recreational guy at some point. If on the way home from a grouper trip he wants to stop and get five sea bass, he should be allowed his five sea bass. He bought a saltwater license or a stamp, whatever it is, just like everybody else.

I mean the same thing on the charterboat. It is an enforcement issue on that, back when we could keep our B-liners. We had one of our local law enforcement officers ask us if we were going to keep them, just to keep them separate so we counted them different, and that was no problem for years.

We didn't do it every day but some days we wanted them, we would go ahead and keep them. I think we are getting too many restrictions and we are just adding a restriction for no reason. There are already laws in place. He says he is recreational; he can be recreational. He is commercial, but if he has one over his recreational limit, then he is really going to get barbecued. I don't agree with adding restrictions for just the sake of adding restrictions, because your fish got taken away.

MR. SMITH: I concur. It comes down to so many variables here, so many variables, and there are gray areas. There is going to continue to be gray areas between us. I see where Robert is coming from completely, but I have to agree with the other Robert, too.

MR. CARDIN: My \$300 recreational license, Robert, I am afraid with this, enforcement gets this, it is going to be a problem. If a commercial boat every now and then goes recreational

fishing it really shouldn't be a problem. This is going to create a problem with enforcement. Enforcement is going to tell me this is a commercial vessel and so you are commercial fishing.

MR. DeMARIA: We need to get moving on this thing; either vote on the motion or let's move on. I think we have kind of debated it quite a bit, so if Myra can read it.

MS. BROUWER: The motion reads prohibit retention of recreational snapper grouper species on commercial vessels while engaged in commercial fishing when the commercial season is closed.

MR. DeMARIA: All those in favor; all those opposed; and those abstaining.

MS. BROUWER: Okay, moving on, I believe this is the last action in Amendment 24 is to specify the recreational AMs for red grouper. The current preferred is to specify the trigger if the current year recreational landings exceed the recreational ACL in a given year. Then the in-season accountability measure would be that the RA would publish a notice to close the recreational sector when the ACL is projected to be met. Then for the post-season AM there would be a payback. This is because this is a species that is overfished. If the recreational ACL is exceeded, then the RA would reduce the ACL for the next year by the amount of the overage.

MR. COLE: Mr. Chairman, regarding Action 10, I am going to move Alternative 2, Subalternative B; Alternative 3 and Subalternative 3B. Then for the post season; for Alternative 4B, Subalternative 4G. This again is a complicated motion but it deals with several actions, both in season and post season.

MR. SMITH: I will second that.

MR. DeMARIA: Any discussion? Go ahead, Rob.

MR. HARRIS: The only thing that I have a discussion with is Subalternative 4G, the payback. The only reason I say that is because we have heard it throughout the course of the last two days, all the errors and everything that come into the recreational catch. If we go based on that error and all of a sudden now there is a payback, we could be paying back something that was not actually overfished, just based on the PSEs. I would prefer to see something more along the lines of either a 4D or a 4E so that we can actually have time to assess the errors that are in the MRIP/MRFSS data as applied by the council.

MR. SMITH: I would support the 4E.

MR. DeMARIA: Well, we have got a motion and it has been seconded, right. Can we go ahead and vote?

MR. COLE: Mr. Chairman, one option would be to suggest an amendment that would substitute Subalternative 4D – Subalternative 4E for Subalternative 4G. I would be willing to consider that in the interest of time, a friendly motion.

MR. DeMARIA: Do you want to change it, Rodney?

MR. SMITH: Yes, I accept that.

MS. BROUWER: Would you please clarify the subalternatives that would be selected under Alternative 4.

MR. COLE: Okay, what we did is Subalternative 4B – I am sorry Myra, I am confusing you – it is the last one. Alternative 4, Subalternative 4G, I have agreed to accept 4D or 4E, which do you prefer? They are both similar; one deals with the season and the other one deals with the bag limit.

MR. SMITH: I prefer the 4E.

MR. DeMARIA: 4E, is that okay with you, Bill?

MR. AMICK: I have a question there. You are managing when you have three grouper bag limit per angler recreationally, and so you are allowed two red grouper, is that correct, and then a gag. If the ACL is met, then you would shut it down and you would still be capable of keeping your scamps and your gags, one gag and two scamps, possibly.

MR. SMITH: I see it as though it would just – I think that you would go from two to one, and then it wouldn't be a closed fishery and you would be telling your clients, yes, we can still fish for them, if I am not mistaken.

MR. DeMARIA: Are we ready to vote on this one? Do you want to read it, Myra?

MS. BROUWER: The motion is to select under Alternative 2, Subalternative 2B; under Alternative 3, Subalternative 3B; and Alternative 4, Subalternative 4E as preferreds.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion carries** and we should take a break.

MR. AMICK: I guess on Action 9 we didn't do a post season thing like we did on Action 10 for the commercial side, and I guess we were supposed to, right?

MS. BROUWER: I brought that up to your attention to make sure you understood that is what you intended to do.

MR. DeMARIA: Let's take about a fifteen-minute break.

MR. DeMARIA: We need to get started again as we are going to finish this. The next item we have are items to Include in the Comprehensive Ecosystem-Based Amendment 3. Anna is going to do a presentation on that.

MS. MARTIN: Just switching gears here, I wanted to review with you the next Ecosystem Amendment the council will be considering, and that is CE-BA 3. We have a number of measures to consider here. Some of these have been discussed in previous amendments and others have been brought forward recently by the latest in deepwater coral research in the South Atlantic.

What I would like to do right now is review the list to provide a little bit of background on the issues we have here in front of us and seek your guidance on any additions you would like to see included or recommendations you may have with what we have thus far. The council will need to approve a comprehensive list of these measures during the upcoming December council meeting for public scoping.

Public scoping is currently slated for the latter part of January and the beginning of February in 2012. The bulk of work on this amendment will take place in 2012; and after we receive public input during the scoping process, the document will begin to take shape. During the March meeting you will see the council will be presented with some actions and specific alternatives and measures for the list of items we have here.

Because this is structured to incorporate many different measures, it is important to note that our Ecosystem Committee will be reviewing measures respective to deepwater coral management. This would include any boundary revisions for the coral habitat areas of particular concern and also any impacts that the commercial wreckfish fishery may have on the gear impacts on bottom habitat.

The Snapper Grouper Committee will be addressing measures specific to snapper grouper species, and that will include the bangsticking prohibition off of North Carolina and measures to protect speckled hind and Warsaw grouper. Okay, getting started on the list, NOAA's Deep Sea Coral Research and Technology Program has focused the last three years of effort conducting research in the South Atlantic.

Preliminary results indicate some compelling evidence for expanding some of the coral habitat areas of particular concern that were designated in the first Comprehensive Ecosystem Amendment and even earlier. A research excursion in June of this summer discovered new oculina mounds north of the current Oculina HAPC Boundary.

Scientists mapped several areas of the outer continental shelf edge between St. Augustine and Cape Canaveral for the first time. The observation was a discovery of approximately 75 new mounds of oculina coral in coral rubble that lies outside of the current boundary. There is some preliminary interest and a recommendation that our Coral Advisory Panel may bring forward during the meeting later this month for refining the boundary for this HAPC. A shallow water Lophelia site off of Jacksonville was first examined during a deep sea coral expedition in November of 2010.

This represents the shallowest known Lophelia community in the South East region, and it also lies outside of the current Stetson-Miami Terrace Habitat Area of Particular Concern. Scientists revisited this area again this summer and confirmed what had been seen with the Lophelia community last year.

Again there is some interest in revisiting this boundary and the Coral Advisory Panel will be bringing forward the research and specific recommendations to the council during their advisory panel meeting later this month. Based on new multi-beam data from a 2010 NOAA Deep Sea Coral Research expedition, a recommendation has surfaced from Dr. Steve Ross to consider refining the boundary of the Cape Lookout Coral Habitat Area of Particular Concern.

They have observed *Lophelia* mounds here in areas north of the current HAPC, and also suggest refining this boundary. Just to remind you, *Lophelia* is a deepwater coral. It is found within many of the Habitat Areas of Particular Concern. It is particularly observed in depths greater than 980 feet.

During a recent multi-beam cruise, scientists mapped the Snowy Wreck Marine Protected Area and discovered that the wreck in the deeper northwest corner regions is larger than what the current designation affords. *Lophelia* coral also occurs at this site. However, this particular measure is a preliminary observation and as such the scientists involved in this are interested in a larger assessment of the area and then contracting a Deepwater ROV to the site to collect more information.

But it is important to note that this is something of consideration in the Coral Advisory Panel, and the scientists involved are interested in this measure. The North Carolina Commission has requested that the council consider taking action to prohibit the use of bangsticks in the EEZ off of North Carolina, and this in response to concerns of localized depletion of snapper grouper species.

Their concern also stems from a 2010 spike in the numbers of use of bangsticks by commercial fishermen off of North Carolina. They have received a lot of questions and concerns over instances where fishermen are landing many pounds of grouper and targeting larger snapper grouper species using bangsticks.

Brian Chevront, who is now our staff economist but was with North Carolina DMF, he developed an issues paper about this situation, and I have distributed that to you for review. Also, our council members have received this issues paper as well. There has also been some discussion by council, preliminary discussion at this point, but to address this situation regionally.

Currently bangsticks are only excluded in the EEZ off of South Carolina, and this was done through Snapper Grouper Amendment 7. At the time that South Carolina had requested the council consider this prohibition, no other South Atlantic state had requested that be considered at that time, so only South Carolina was the only state where the bangstick prohibition was put into place through that amendment.

Okay, we will also be revisiting an issue that surfaced in the first Comprehensive Ecosystem Amendment and assessing if possible whether gear impacts from the commercial wreckfish fishery jeopardize the integrity of deepwater coral habitat. As you know, the wreckfish fishery,

it is a bottom-tending hook-and-line fishery, and the technique is using a 30 to 50 pound sinker, cable and terminal rig while motoring against the Gulf Stream.

As was mentioned in the first Ecosystem Amendment, it is unknown if this harvest technique has any impact on bottom habitat, and so the council specifically made it known that they wanted to revisit that in a future amendment, so that is what we want to be doing here. We will also be considering whether recreational deep-drop fisheries incur bottom habitat damage through gear type.

Lastly, through the analysis of Regulatory Amendment 11 and finding that the 240 foot closure established under Snapper Grouper Amendment 17B was no longer needed, in CE-BA 3 we want to consider measures for protecting two mid-shelf species undergoing overfishing, and that is speckled hind and Warsaw grouper.

Council has also had preliminary discussions about what they would like to do as far as additional protection for these two species, including more targeted marine protected areas, expanding some of the existing marine protected areas and a possible spawning season closure for speckled hind. The Science Center has been conducting a study on the effectiveness of these marine protected areas.

They have collected data before the areas were implemented and they also have a good number of years of post-closure data that has already been assessing the effectiveness of the marine protected areas. Some of their results will obviously be taken into consideration with any management measures that are put in to place here. The council has also endorsed a project that has been proposed by Sustainable Seafood Solutions.

That is a project that is targeting to bring together fishermen and other constituents for the purpose of collecting critical data regarding distribution and abundance of speckled hind and Warsaw grouper. Results from that study can also be taken into consideration with any decisions that are made here.

That is the list of items. I recognize this is very preliminary and we don't have specific actions or alternatives yet, but just to let you know that the AP will have an opportunity to further provide input on this as the amendment is further developed in 2012.

MR. DeMARIA: I would like to have a bit of a discussion on the powerhead issue. This is one I know quite a bit about. I have used powerheads for years; we made them, experimented with all types of different calibers and powders. It is a very efficient way of taking fish, bigger fish out of deepwater, but there are also some problems involved, too.

I think we ought to discuss both the pros and the cons of powerheads from Mr. Cupka. If he wants to come up to the table with us and ask some questions, we could certainly answer anything if he asks, and just have an open discussion about this one. This keeps coming up year after year and there has been a lot of BS on both sides of this pro and con. I think we should just cut through it and give him all the facts of this thing. Go ahead. Robert, and then I am going to talk some more after you.

MR. JOHNSON: Just one question; is that for state waters when you look at North Carolina and South Carolina? I know Florida has a no powerhead law in state waters, but it does little good when that is the case.

MR. DeMARIA: South Carolina, it extends out to the whole EEZ. Florida, it is just Florida waters.

MS. MARTIN: Just to add on to that, there is a prohibition in the SMZs off of Georgia and Florida.

MR. DeMARIA: And, of course, the Gulf Distressed Area you can't use powerheads; and that's past nine miles in the Gulf. Anyhow, a little more on the powerhead thing, it is a very – years ago I argued for powerheads and I still see their benefits, but my concern years ago was we would start seeing a lot of big fish with shafts in them swimming around, that they couldn't kill, like Jewfish and Warsaw's. Those fish are protected now.

A lot of the sharks that we use to take, particularly the Caribbean reef shark, we take a few each trip around Marquises; those are protected. A lot of the species that we used powerheads on are off limits now. That doesn't keep people from spearing them, as you saw with the photo I sent you of the Jewfish with the shaft broke off in his head, but there is not a need for powerheads for those fish anymore.

Still, for species like amberjack and cobia, it might be worth keeping them, I think. I have talked to people, Vic Lloyd, who kind of surprised me, he is a big spear fisherman with his boat, I asked him how he felt about it and he said it doesn't really matter. They do a lot of spear fishing off of South Carolina where they can't use them and they are starting to use these three-prong heads.

He said if they banned the powerheads, it wouldn't be that big of a deal, but he would like to have them for the amberjack and the cobia. I think that is pretty reasonable. My problem that I have with powerheads now is the abuses. It is not so much an overharvest issue, but it is the abuses that I am seeing. I understand the need that people want to protect themselves from sharks, which it is probably not a very good argument, and I will get into that later, but I understand the concern.

But I don't condone people going down on an area and powerheading the sand tigers just to get them out of the way so they can spearfish, and that is occurring and that is wrong. It gives spear fishermen a bad name and it is certainly bad on the resource. As far as using them for protection against sharks, I know of three people that have been bitten by sharks while spear fishing. None of them saw the shark coming and wouldn't have had time to just put a powerhead on.

I know of four people that have been injured with powerheads, dropping them off in the boat and having them go off. My way of thinking, you stand a greater chance of injuring yourself with a powerhead than you do getting bit by a shark. I do understand if people want to bring them in for protection, but that protection doesn't extend to eliminating the sharks in an area before you spear fish.

That is just completely wrong, and I am not sure how we can get around that. You can't really prohibit the possession of a powerhead,, then you get into some type of gun control issues. Those are my thoughts, and I know Mr. Cupka has some concerns and we can certainly answer those, but I would like to have some discussion from other people as well.

MR. CUPKA: I have talked to Don about this in the past, and obviously we had concerns off of South Carolina years ago and asked for this prohibition on bangsticks. As Anna has already pointed out, this is one issue, I guess, that is being considered possibly for inclusion in Amendment 3 or for the CE-BA 3.

We will be taking this issue out to scoping meetings and hope to get some feedback from the public on how they feel about the issue. Obviously a part of that then it will come back to this particular AP, if it remains a part of that amendment, for your comment so we are very interested in any input that you may have. If you want to think about it some, that is fine.

We are at the beginning of the process and so there will be other opportunities for you to comment on this particular issue. If anybody wants to comment now in addition to Don, that is fine, but you will get another chance to comment on this, and we will see how the public feels about it.

MR. ATTACK: I would have liked to have seen this paper prior to today; but reading it, there are some errors in it, I believe. You make the comment about prior to 2010 it was rare for bangsticks in North Carolina. I know of some commercial fishermen that used to dive off of South Carolina until the law was changed and then they changed their port to North Carolina back in 1994 or whenever the bangsticks were put in.

They commercially harvested spear fish for 10 or 15 years that I know of until, I think 2009. They are not in the business anymore. The group landing 900 pounds of hogfish last year on trip limits, whether they are using bangsticks or spears, they are still going to land their 900 pounds on hogfish.

The 200 pounds hook and line is probably right, but commercial divers, if they are going out there targeting, the only way you are going to drop that trip limit – I mean that amount of poundage in the trips is to drop the trip limit on them. Bangsticks versus your spears, they are still going to get the hogfish. I commercially spearfish or use to, but in my spearfishing I have done both. I have done powerheads, I have done tips. No matter how it goes, it is not going to really affect my take.

It is nice to have a powerhead for your own protection. I hear what Don says. I have had tiger sharks come up and circle, and it is nice to know you have got a powerhead in your hand while that tiger head is sitting there for five minutes looking at you before you get back into the boat, just in case he decides to move in more. It is wrong to go ahead and go down and clear off a wreck of sand tigers so you can get to the fish; and if people are doing that, then that is not right.

MR. DeMARIA: Yes Jim, back to what you said about the time, we're in 2010, but when we were fishing out of South Port in 1977 we were using powerheads, so, yes, that is a little bit off. It has been going on for quite a while we have been using them. There are some positive aspects to it, and for deepwater and bigger fish it is a good tool, but those bigger fish are all pretty much prohibited now other than up here for your gags and whatnot.

There are some good points. It is selective. You are not going to have much of a problem with undersized fish, because you have trouble getting the powerhead to go off on one; and if you did, certainly his head and fins wouldn't be intact and you have to have them intact to land them. It is selective, but my concerns are the abuses.

MR. FEX: I live in North Carolina and I have seen the new divers come up our area and have heard a lot of complaints from fishermen up and down the coast. I support the elimination of them. Like you said, Brian Chevront, they are taking bigger and larger fish that we might normally catch on a hook and line, if we do whatever.

But I don't support them doing that, and like you said clearing of the sharks and stuff like that. They claim it is not a bycatch fishery, but how could you even prove it unless you dove down after they got off the ledge and went down there? I support the elimination of them in the fishery in North Carolina at least.

MR. DeMARIA: Bobby, you must have something to say on this.

MR. CARDIN: Yes, on the powerheads, for many years I thought it was illegal, because the state of Florida had powerheads illegal, so I was shafting. I know other divers were powerheading, and probably in like '88 or '89, I finally figured out I could powerhead, too, and I noticed my catch dynamics changed.

Instead of having 4 or 5 bent shafts and 10 or 15 fish that tore off and swam off and maybe died or what have you, I started dropping fish dead. Now, I got to thinking I am killing less fish every day but I am getting more to the dock, so really it really made it more effective. Now when that thing goes bang, the other fish jumped, but I killed a fish instead of tearing them off.

Now I remember back in the days, some days I could dive behind other spear fishermen and pick up dead fish off the bottom that they had tore off. Now that people are powerheading, I don't see that anymore. You are either killing the fish; you either kill him or miss him, one of the two. The powerhead, it just made my fishery – it made me personally go down to basically less than 1 percent bycatch.

I remember days of tearing off 15 groupers that might have swam off and bled to death or what have you. Now I am getting older, I don't feel like fighting fish. I want to drop them dead, and I would really hate if this council told me I couldn't use a powerhead, I would go right back to shafting.

But the problem with that shaft, and especially when the fish are rocked up, I have shish kabobbed six or eight groupers at one time. It is wasteful in my opinion, it is a wasteful way to

spearfish, and I think you should keep allowing powerheads. As far as the protection issues, when you shaft that fish, he is making all kind of noises, sharks come in.

People who shaft have a lot more shark problems. When you powerhead him, boom, you kill him, there is a lot of the vibrations from the wounded fish is gone, and with all the protection that there're are on sharks these days, I think if you don't let divers use powerhead, you are bringing up safety at sea issues with the Magnuson, because it surely – when you are wounding fish shafting, you are going to have a lot more shark problem than you are with the powerhead. I really think it is also a safety at sea issue.

MR. DeMARIA: Let me just say one thing in response to that. I agree with you. That is something that a lot of people kind of don't understand that with a powerhead you are going to kill less fish but you are going to boat more. At least you are not going to have those wounded fish. I don't really see how you can just pick out North Carolina and prohibit them off there but South Carolina did it. What is the difference between North Carolina and Georgia and Florida?

Again, my concern is some of the abuses that I am hearing about. I remember during the fish trap battles it was the divers that came to the council first and complained the gear is just too difficult to manage, it is too destructive if somebody misuses it,.

I think I am hearing the same complaints about people with powerheads now; the abuses outweigh some of the positive aspects. To me either way it is not going to matter to me. It is not a financial thing to me; I don't use them anymore. I understand Vic's concerns about allowing them for amberjacks and cobia and it is a good concern.

MR. MARHEFKA: Bobby, can you tell me when – because I don't know this much about spearing – when you shoot a fish with a spear as opposed to a bangstick, does the speared fish still sit there and flop, and as when you shoot with a bangstick and you pop them in the head, that fish immediately he is dead, he is done.

I know because of picking some of your product up and moving it, seeing the quality of your product is where I am trying to go here. That fish not having to burn its lactic acid up as he is sitting there having to flop around. We are sitting around the table here and I am attacking things a little bit differently, as making more with less.

If he is coming up with a premium product, that that fish is able just to die instantly at the PSI that he is. If you have ever cut into one of these fish, it is the most premium fish you have ever seen as to where if it comes up on a line or spear shot, and he is sitting there burning his lactic acid up. Am I going nowhere?

MR. CARDIN: Yes, Mark, I picked up on this many years ago. My fish markets use it; they charge more for power-headed fish. When I hook-and-line fish, the fish market wants to pay me less because the fish aren't good quality. The power-headed fish are by far a better quality. Yes, when you kill them instantly – now when you shaft him and he is sitting flopping around and fighting you, he goes into shock, he releases lactic acids, endorphins, enzymes, it is a different quality product.

Now that product is on the market; and when you take powerheads away from me, yes, my fish values will be less. Like you say, you have bought plenty of my fish, and I have had dozens of chefs look at some of my power-headed fish and they are just amazed how white the meat is. It is a superior product. I don't mean to insult other people, because I hook-and-line fish, too, but the power-headed fish is a superior product.

MR. MARHEFKA: Yes, that is the only point that I wanted to make.

MR. AMICK: I have just got a little bit of experience as far as spearfishing, but what we are seeing off of Georgia, there is definitely a difference between – I don't know if there is a different regulation as far as powerheads recreationally and commercially. Under the existing bag limits, I don't have a problem with a feller recreationally using a bangstick to catch their limit.

But I have got buddies that I dove with in the past before we had the limits on the gag grouper, and three of us dive and just very efficient way of killing a lot of gags in the areas. I regret taking some fellers to some of the areas where we have a certain bite hook and line where you can make two, three dives on the reef and pretty much decimate the large gag grouper that are on the reefs.

I have seen it. I said, man, I should have never taken these fellers diving on these places. Just off the top of my head, if you have a feller going recreationally diving, I have no problem with him shooting what he is allowed for his recreational bag limit. But I have seen what some of the top end divers can do with a powerhead, efficient for what they can kill off of reefs.

MR. SMITH: I have got to come up to speed on this issue. I haven't done that or seen it done, but I think I have already got a better education. What kind of really surprises me is that I have been listening about spearfishing and I have heard this overall, you know we don't have a bycatch, but now I hear there is a bycatch, or there is a discard mortality of spearfishing.

MR. CARDIN: Yes, that is my point, spearfishing there is a bycatch. When I went to powerheading, I lost my bycatch. It became a lot cleaner fishery.

MR. FEX: So would you claim a shark not being part of a bycatch if you kill them and get them out of the way?

MR. CARDIN: Yes, a shark, if I kill a shark out of defense, it is not a bycatch, but it is not out of the grouper snapper fishery.

MR. JOHNSON: Just a couple points; is the purpose of North Carolina and South Carolina to eliminate this because it is too efficient and local fishermen are complaining about large quantities of large fish being taken. I guess that was the same point that people made about fish traps, they were too efficient, they worked too good.

I do see the paper's point about they do take the larger, adult, spawning fish, which is a valid point, but also it troubles me if we are going to have a couple states do it. I think it needs to be all inclusive. I think it needs to be something that goes across all sectors and not just say, okay. a recreational guy can still powerhead, no, I don't agree with that at all.

If you are going to eliminate it for the commercial guy, then I think you have to eliminate it for everybody, and just make everybody be spear fishermen again. Yes, you are going to have bycatch issues. We are always going to have bycatch issues. The only way you cannot have bycatch issues was like 17A, eliminate fishing. We don't want to go there.

MR. DeMARIA: It is not quite like the fish trap issue. There is no real lost gear problem, but my comparison to the fish trap thing was just the abuses, the potential for abuses there, and I am hearing about it, and it has bothered me. Possibly if the spearfishing industry was a little more self-regulating, we could get around these things, but it is not to that point yet.

MR. GOULD: Last year, I don't know if any of you know about this, we had a couple of the spearfishing commercial boats come off of Frying Pan Tower and rumor had it they were really decimating 30, 40, 50 pound gag grouper, they were decimating the hog snapper population. I see you laughing there, you know about it, okay.

There was a big, big row between both the recreational sector and the commercial sector; and the way that North Carolina handled it, they put a trip limit on the hog snapper. They couldn't do much on the grouper, but they put a trip limit on the hog snapper, I think it was 700 pounds, something like that.

I was just sitting here listening about it and it sort of struck me as a little funny that these two boats had come up from Florida and were doing very, very good catching fish that you don't normally catch with a hook and line, you know 40, 50 pound gag grouper. He has been around a while, he is smart, the way he has survived all the hooks and everything that has been down around him. I thought I just might mention that; and if anybody can expand on it, I would appreciate it.

MR. DeMARIA: We could probably spend the whole afternoon on this one but we need to move on. We'll take a few more points, and if Mr. Cupka has anything else or if we answered a lot of your questions, I hope we have.

MR. CUPKA: Well, I didn't have so many questions, per se, I just wanted to recognize the fact that it is one of the issues we will be looking at when we go out scoping, and there have been a lot of good comments here today. I know the council members will appreciate it. Like I say, it hasn't even been decided to include that. But if it has, it is good background information, and certainly the AP will get another chance to comment on it if it stays in the amendment. I appreciate that and I agree with you; you could probably spend the rest of the day on this one issue if you wanted to.

MR. DeMARIA: Let's take two more, Jim and Bobby, and then we are going to have to move on.

MR. ATACK: I was just laughing because I saw the blogs that Terrell was talking about, and a lot of it was exaggerated. When they actually looked at the trip limits, they were not landing the size fish and the quantity that was going on the internet, and the whole thing kind of blew up last summer. North Carolina put the trip limits, they ratcheted it down.

I think they had 150 pound trip limit on the hogs, and then they complained that, well, the recreational guys can get more than that on a single day, so then they went to 150 pounds per day and like a five-day period where they could only have a maximum 750 pounds, I think on a multiple day trip is what they wound up doing. Maybe that is a little high for sustainability of the species, so that is something that maybe we could look at is maybe those limits.

MR. CARDIN: I haven't spearfished off North Carolina in 20 years, so to say it is a new issue isn't very true. It has been going on for many years. It is just public perception, people don't like it, people don't like divers; this is what the problem is. It is not how effective; it is not really a problem, this council has dealt with overfishing on snowy groupers, Kitty Mitchells, golden tilefish, vermilion snappers, sea bass. All these overfished fish; powerheads were not used.

Powerheads were used on the gags, on the groupers and amberjacks, and why is it such a big deal? We take so little catch, the spear fishermen take so little catch, and we are not even contributing to these overfishing problems. We have got all these species that were overfished and the powerhead was not even involved. I don't understand what is the big deal about the powerhead? I myself, I am getting old; I don't feel like fighting live fish. I don't feel like fighting the sharks over a live fish. I want to keep powerheading and I hope this council allows us to keep powerheading.

MR. DeMARIA: Let's move on to the next item.

MS. BROUWER: It looks like since the wreckfish representatives of the AP are not present, we are going to not engage in discussion over Amendment 20A. Instead we will go over to Agenda Item Number 10, which is a presentation by Mike on the Marine Recreational Information Program.

MR. CARDIN: Myra, why aren't we going to talk about the wreckfish? It is a part of the grouper snapper.

MR. DeMARIA: Let's do this one first and we will do wreckfish after that. We were waiting for these guys to show up but they apparently aren't going to. Let's get through this one and then do wreckfish next.

DR. ERRIGO: All right, I am going to try and explain very concisely the differences between MRIP and MRFSS and what improvements MRIP is trying to make over the MRFSS system of collecting recreational data. There are two types of error when you are collecting data. There are variations, which is a measure of precision, and bias or the measure of accuracy.

Variation is reduced by increasing sample size and bias can be corrected for by appropriately matching how you get your estimates with your sampling method. Here is just a graph showing the difference between precision and accuracy. On the left, this is a precise estimate, but it is inaccurate or it is biased, so there is a little variation between each of the dots, but it is way off from the center.

The graph on the right is imprecise but accurate. You have a lot of variation, but if you average them all together you hit the center, so you are right on your estimate but there is a lot of variation there. According to the NRC, MRFSS has issues in both those areas. There is a possibility for the estimates to be biased and also for the variation to be quite high.

The MRIP program was developed to try and address these two issues. First I will talk about imprecision, which is variation. Originally samplers were instructed to maximize the number of intercepts that they could get, so they would move from a site where they were not getting any intercepts to a site where they knew they could get more intercepts to try to increase what they saw was their sample size. The problem is statistically more intercepts does not equal higher sample size.

If you are getting intercepts at the same place at the same time of day, so you are in a place for six hours at a specific dock and you are getting a whole bunch of intercepts, those samples are not independent. Those people are leaving from the same place, coming back to the same place at the same time of day, and most likely fishing similar areas, so there is a chance that they are not independent.

They cannot be treated as independent samples, each intercept that you make. What you get is a high amount of variation because your actual sample size is small. The sample is just the one site that you visited at that time and all the counts. If you go to a port, you sample for six hours that is one sample. That is not 50 samples because you did 50 intercepts; that is only one sample.

The original MRFSS or the way the MRFSS worked was it didn't look at – it saw intercepts as separate samples and so it figured that the more intercepts it could get it would be able to reduce the variation, which we are seeing now is not the case. Then there is the bias issue or inaccuracy. Certain sites and times were sampled more frequently because they got more intercepts from them.

If you are sitting in a place for six hours and you are not getting anything, the samplers had the discretion to leave and go someplace else where they knew they could get some intercepts. However, the estimation process didn't consider the fact that people were preferentially choosing one site over another. You can compensate for that.

You can go to a site more often because you know you will get more intercepts as long as you weight it correctly, which the original estimation method did not do. That led to a potential for bias, and this was the NRC's biggest concern was that you could get bias estimates because they were not weighting the samples correctly. What is MRIP doing to try to fix the problem? There are several things it is doing to increase both accuracy and precision.

The new sampling method is maximizing site times – that is a specific site at a specific time of day – at the cost of less intercepts, but this increases the sample size, which will decrease variation, because each site visited is one sample. As long as they get more sites sampled, the precision will go up so the variation will go down and the estimates will be more precise.

In the new sampling method samplers have much less discretion of changing sites. They have a primary site and an alternate site, which have specific weights attached to them so they know that they are only allowed to go between this site or that site, and they know as long as they say where they are they can compensate for that in the estimate.

It doesn't cause any of the bias issues that are happening now. The first bullet is basically what I just said. Certain sites will be chosen more frequently than others and they will be weighted appropriately. This along with the samplers not having any of their real own discretion, the stricter protocol they have to follow will result in lower bias.

The estimates of effort are also being improved through MRIP because now we have an angler registry for the telephone survey. When they call people, they can call people who are actually fishing instead of just calling people that live near the coast. They are also complementing the phone survey with a mail survey, which some people are more likely to answer questions on the phone and some people are more likely to answer questions in the mail, so they are doing both side by side to try to get the best information that they can. That is how MRFSS will change in the future.

The way they collect the data is going to change fairly substantially from the way it is collected now. The other issue is they have to re-estimate the MRFSS data back in time. Right now they are re-estimating the MRFSS numbers back to 2004. They can correct for the bias there but they cannot fix the variation.

In fact they are finding that because the original MRFSS estimates didn't take into consideration the fact that more intercepts did not necessarily equal more samples, they are finding that all the PSEs or the percent standard error will go up. The old estimates will all have more variation, but that estimate of variation is actually a more accurate estimate than what we have now.

They also are saying they may be able to go back into the nineties, but there was a change in the way data was collected so they have to compensate for that and those estimates are not available or they haven't done that yet. That is about as far back as they can go, because before that there is data missing and they can't fill in the gaps so they can't do the re-estimates.

I forget which year it is, but is sometime in the mid or late nineties, they can't go any further back than that. The timeline for the MRIP, so the re-estimation back to 2004, it is done and they are double checking it. We should have it early next year, like January, but they have already moved that deadline back several times, so there is no guarantee, but the latest is that we should be getting it in January some time.

The new data collection method is actually already being done in North Carolina in a smaller pilot study, and that should roll out to the entire South Atlantic during next year, and by 2013 the

new MRIP data collection method will be in effect throughout the South Atlantic, and MRFSS will cease to exist. There will be no way to get old MRFSS estimates anymore.

Right now we can get MRFSS estimates. They can put them out side by side, MRFSS and MRIP, in order to help track quotas and things like that, but by 2013, according to their timeline, MRFSS will disappear. There are a few issues that the council faces now because of the change that is going on.

The biggest one here is that you cannot compare MRFSS numbers with MRIP numbers, it is apples and oranges, and they are estimated completely differently. The problem with that is that all the ACLs and allocations were done using MRFSS numbers. If you have ACLs calculated using MRFSS numbers, you can't really track them with MRIP numbers.

The council is trying to figure out how to recalculate the ACLs or how to compensate for the differences in order to be able to track the quotas. The council and NMFS are working together to try to figure this out. By 2013, again, MRFSS will be gone so they need to do as much as they can before MRFSS disappears.

Until MRFSS is gone they can still get MRFSS estimates and track the ACLs that way. They are also looking at if the numbers change with MRIP, then quite possibly if you recalculate the allocations, those will also change. They are considering whether they need to address that situation or not. Also, the PSEs will change; the historical PSEs are all going to go up, which means that the targets will have to be recalculated, which is not a huge deal.

Unfortunately, MRIP will have less variation, but you are calculating targets based on MRFSS, which has a much higher variation, so they are going to have to recalculate the targets again when they have several years of MRIP data. They have all these issues that they are trying to work out.

The bottom line is that MRIP is better than MRFSS by quite a bit. I sat through a three-day conference where they went over exactly how things were estimated, and it is quite a bit better than MRFSS is. There is always going to be variation and there is always the potential for bias, but they are eliminating all the potential bias happening because of the difference between how the data is collected and how they estimate, so that will go away.

All the variance will get smaller, but, of course, that still depends on how many fish you see. For black sea bass you will probably have low variation because you see them a lot. Recreationally for things like golden tilefish, we will have a large variation because you see very little of them relative to other species. That is it. If you have any questions, I will try to answer them. I know nothing about actual timelines and what not.

MR. FEX: Yes, I am glad to see you guys are trying to use a better system. One thing I did see might be a problem, though; I mean you talk about reallocation, but what also about the stock assessments. When you are changing numbers, then you are changing a whole wave of numbers that we were using for assessments. I almost would leave it as the MRFSS data as sufficient for the time that it was used and then go on forward with the MRIP; because then like you said if

you are going to reallocate, that is one thing; but when you start thinking about assessments, that is a totally another thing.

DR. ERRIGO: That is another huge problem. I probably should have put that there, but SEDAR is going to have a hard time because, yes, the MRIP numbers, especially since they are only going to potentially go back into the nineties, future assessments will become difficult. Either they have to find a way to adjust the old MRFSS numbers or cut the data set off in the nineties, which will shorten it significantly.

Also, a lot of species have their ACLs calculated based on outputs from assessments. In reality the only way to recalculate those ACLs is to redo the assessment, and that as everyone knows takes quite a long time.

Within one year, even if they just decided to turn the crank, just substitute MRIP for MRFSS and turn the crank, they still could only get five or six done in a year, probably less, but five or six in a year. There is going to be a lot of issues when it comes to tracking quotas and recalculating ACLs.

MR. AMICK: Mike, I am having a lot of trouble trying to understand what you are presenting here and why MRIP is better than MRFSS. Is there a possibility that you can break it down to when a survey is done, like at a ramp or something, why the new protocol to stay at one and not have the option? How is it better as far as just so, break it down to a day's work, somebody is doing the survey and why under the new system MRIP is better than MRFSS, it is more accurate,

DR. ERRIGO: I will try to do it as quickly and easily understandable as I can. What is happening now with MRFSS is that guys will go to – they are assigned to go to a specific place and they go there and they sit and they wait for people to come in and they interview them. If people were not coming in, they would switch to another site where they know they could get more people, more intercepts, and therefore they could count more fish and this, that and the other thing and have what they considered to be more data to go into the estimates.

Originally they thought that that would increase – they would have more data so they should get better estimates. The problem is that they didn't take into consideration that this person left this place and went to another place. When they extrapolate across all the samples that they got here, it looks like – when they extrapolate across, okay, so if you are getting this many fish here, then in this place you will get so many fish and this place you will get so many fish.

Those extrapolations were wrong because these people were switching places to get more intercepts. They need to know where the fish are coming in and how many fish are being landed, but they also need to know areas where there are not a lot of fish coming in; so that when they extrapolate across the whole coast they know, okay, this area here we are not going to give – say they are not catching nearly as many fish as this area over here.

They were not able to do that now with MRFSS because with all the switching of areas they just kind of – it was more evenly spread out. They couldn't say, okay, over here we are only going to give them – they say oh, they landed like ten fish whereas over here they landed 700. Instead

what they were doing is, okay, if they landed 700 fish here, then they probably landed like 500 fish over here. Well, there is a big difference there.

MRIP will fix that because people won't really be allowed to leave; and if they do switch from one site to a predetermined alternate site, they tell them when they switched over and how long they spent at each one, so they know, okay, this place is not getting a lot of intercepts, this place is getting this many more intercepts and this place is getting a whole lot of intercepts, so we know 700 fish go here, 10 fish go here, and like 60 fish go here, and that is a better estimate of what is going on. That is how MRIP is fixing the problems.

Also, to decrease variation, if you sample a bunch of people at a single port, and they are coming in and you are seeing lots and lots of fish; those are not considered independent because they may be catching – you may be seeing lots and lots of fish simply because these people are fishing in a similar area and that area happened to have a huge bunch of red grouper that day, and they brought in a whole bunch of red grouper.

They are not what we call independent. You can't say so now we can extrapolate all the fishermen across the coast are catching lots of red grouper. That is not true; only the fishermen from this place are catching lots of red grouper. If you sample more areas you get a better idea of, if this person is fishing out of this area – in these certain areas, this is what they are catching.

They are not catching a lot of red grouper but these guys are. MRFSS could not do that because they were sampling lots and lots of people in the same place at the same time. Now, with MRIP they know, okay, you guys in this place at this time are catching a lot of black sea bass. You guys in this place at this time are not. When we extrapolate all the fishermen across all the effort, we know how to divvy this up so that we get a better estimate of how many black sea bass are being caught. Does that help? Okay, that is good.

MR. HARRIS: I had the opportunity to work with Forbes Darby on this. I don't know if you remember this, Kim. I am assuming that this is the final product that came out of that conference. At the end of the conference that I had with several other folks from Florida and just around that were helping develop, I am assuming this is what we were working on?

I sent a lessons learned, or my personal opinions, and I don't know whether or not Kim shared them with the rest of the council or anything, but I started off with if you take a turd and you paint it, what you have at the end. You've got a freshly painted turd. To me that is what MRIP is, because when I was going through it with Forbes and trying to develop this, it did not answer any of the questions that I had.

And I am looking around the room here, and we all have a pretty good idea of what we are talking about, but still, MRIP is not answering any of the questions; it doesn't even address the questions, because here it says who decides how many fish I can catch? Well, that is fine, how do they do it?

From my perspective I would like to know how do they count the universe of anglers. I have looked into the MRFSS data, and had I thought about it I would have sent the council – when I

get home, I will forward you the files from some of the MRFSS data, but I have looked at both the Gulf side MRFSS data and the Atlantic side and I see where there are 75,000 intercepts, there are 980,000 phone calls made of which only 9 percent actually come to fruition.

If you could make a million phone calls and have 1,000 responses, well, what are we using for a universe of anglers and are we assuming that because Bill fishes saltwater, does Bill fish grouper, does Bill fish dolphin, does he fish sailfish? In Florida alone we have literally tens of thousands if not hundreds of thousands of state-licensed anglers that never leave an inlet.

Do they get counted against my grouper catch? They are never going to see a grouper unless it is served to them on a plate in a restaurant or unless one of these guys at this table gives it to them. No one has been able to answer that question for me. It wasn't Forbes, nobody from the SSC, no one can tell me where that universe of anglers comes from.

And this still doesn't do it because you keep telling me that it is better than MRFSS, but I don't see it. Even this, this is supposed to be a developmental brochure that is supposed to educate people, and people are still saying how is it better? Unless you can explain to me how it is better, I don't understand how I can see it as being better and we are going to still have these high PSEs, we are going to have anglers that are unaccounted for. It is really not doing anything to better the fishery or the reporting system that I can see. What am I missing?

MR. DeMARIA: Well, let's go ahead and answer that, Mike, if you can, but we need to be moving along. A couple more questions, then I want to get into wreckfish before lunch, and the rest of the afternoon we are going to have for other business to complain as much as we want.

DR. ERRIGO: I cannot answer all your questions. I am actually not involved in the MRIP process; I just work for the council. I am just relaying information. However, I will say that we now do have a better grasp over what the universe of saltwater anglers is because of the saltwater angler registry, which did not exist for most of the time that MRFSS existed. They finally have an idea of who is actually fishing instead of just cold-calling people and saying are you fishing, no, okay; are you fishing, no, okay.

That is why 99 percent of the calls didn't come to fruition, because they are just calling people, they don't know if they are fishing or not. At least now they know who bought a license; and if you bought a license you went fishing probably at least once. You are contributing to the catch. Nothing will ever be perfect.

There are hundreds of thousands of recreational anglers and there is no system in place for them to report or everyone to report catch in one area and for them to take like a census, so it has got to be done by sampling. With the limited money that they have got, they have only got so many samplers who can go to so many ports within a specific period of time.

It is not going to be perfect, there will still be high variation especially for fish that are rarely encountered or not encountered nearly as often as some other species. There is no great way. You cannot eliminate all the variation and you cannot eliminate all the possibility for bias, but MRIP improves on MRFSS in several of the ways that I presented. I don't want to take up too

much time and go back over the presentation again; but if you have more questions later, I will be happy to try and answer them as best that I can from what I understand of the new MRIP system.

MR. DeMARIA: Why don't we have Kenny and Robert, and then that is it, we are going to move on. If you got other questions you can catch him over lunch.

MR. FEX: Yes, I have a suggestion. I understand Rob's concern because I know you go pretty much off a saltwater license. What you might suggest though is each state picks a dollar tag that you put on your license, so when you go to get your saltwater license say, I will pay an extra dollar to offshore fish, and do you know what I mean?

There are a lot of people that just fish inshore. Maybe it might be one or two dollars that you add to your license, and then you would get a more concentrated amount of people that are actually going offshore, because a lot of people don't even fish offshore that have a license. That might just help in a system with the problem we are having here.

MR. JOHNSON: That was sort of along the same point, but I would take it even further. I would have a reef fish endorsement on a saltwater license. Then you are narrowing down the pool, because you do have people that have saltwater licenses that do nothing but troll. Have the states enact something like that and you are going to – the more variables you take out the better your collection is going to be.

MR. COLE: Mr. Chairman, a couple quick points for everybody around the table. Please remember that the old MRFSS thing was done by design to try to just get a rough estimate of how many people were saltwater fishing in the nation, not to try to break it down to counties, states or anything like it. They were just looking for a gross number at the direction of Congress. Okay, please also remember that these samplers out there are done by contract. These are not federal people, they are contractors.

What the National Marine Fisheries Service does every year, they get X dollars. They figure out how much sampling they can count – these are long-term contracts. The contractor does get into it. If all of a sudden the contractor, in order to add sites, he has got to add more people, it becomes a state/federal labor issue.

Now the biggest improvement is the fact that we have changed from picking up a great big phone book, closing your eyes and picking five phone numbers out of it. We are now going to the state and we are asking give us your list of saltwater license holders. That is the biggest difference we have.

That is major, major accomplishment for the federal government, just that small thing. What you are asking for is, well, that still doesn't help us in snapper grouper because we are all the way offshore. You are right; it still has that problem, and maybe an endorsement or maybe something like that that you need to think about in the next couple of months is the correct future, but it isn't there yet.

Just please understand this is evolutionary, but it needs your input in the coming months to help do that next step, and that is where it sits. Now I am more concerned about the re-estimation. That is what is driving me crazy in my head because I am dealing not with just these species but species from Key West to Portland, Maine.

If you are going to tell me that we have got to redo every assessment almost, redo every calculation, I would just say, you know I am old, I don't want to do this, but that is what is bothering me. But please understand, it is major improvement, but it still isn't there. Does that help? I'll shut up, Mr. Chairman.

MR. DeMARIA: Let's move on to wreckfish, and, Kenny, you wanted to say something about the MARMAP boat, maybe you can do that real quick.

MR. FEX: Yes, to the advisory panel guys or whoever, the MARMAP boat is in port right now and he is just right over the river right there by Port Johnson, I believe it is. I know I have always been curious about what they do, so at lunch if you guys are willing to go over there and check it out the captain is there, and if you want to question him and stuff like that, it is available today at lunch. So take your time or whatever you want; I've got a map right here if you are going to need a map to it, or whatever, if you want to ride with me, whatever.

MR. DeMARIA: We keep putting the wreckfish thing off hoping that some of the wreckfish people will show up, but I guess they are not, so we may as well go ahead and jump into it. What do you all want to do; do you want to take a vote on it?

MR. COLE: Mr. Chairman, I think we need to discuss wreckfish whether we vote anything or not. I was sort of waiting to see how the discussion goes, but I think the council would appreciate at least hearing what we thing about it.

MR. DeMARIA: Yes, we don't have to vote on it; we can just discuss it some. I think we should start it now unless somebody really is strongly against it and try to get it out of the way. I would really like to have the rest of the afternoon as much as we can to hear from each of you what you think needs to be done to improve this process. That is really valuable input; probably more than a lot of this other stuff we went through. If we can start on the wreckfish, at least start.

MR. COLE: Mr. Chairman, if we are going to do that, can I ask a question of staff and maybe David? David, this is a limited participant issue? Are we going to have confidentiality problems if we discuss it?

MR. CUPKA: I don't think you will because I don't think you are going to get to see any confidential data. We can't even see it as council members, so that is a little bit of the problem we are having with this amendment. You won't be discussing any confidential data because there is none presented.

DR. MacLAUCHLIN: My name is Kari MacLauchlin, and I am the staff social scientist and I am the lead on the wreckfish amendment. I am just going to go through this. There are only

four actions in here. This is the decision document that we used in September to go through it with the council, and it just gives you the basics about the amendment.

What is going on with 20A is we had Amendment 20 and that one was meant to address the Wreckfish ITQ Program issues and there were a lot of actions in there that we are kind of going to go through the program and make some changes in the program. When the ITQ program was set up, the TAC was 2 million pounds.

Now there are just a few participants, four or five. Mostly it was just two for a long time and now there are two down in Florida who recently started fishing, bought some shares, started fishing a little bit. But now the ACL is set at 237,500 pounds. So what is going on is when you have ITQs, your shares, you know, holding 20 percent of a 2 million pound TAC is really different from holding 20 percent of a 237,000 pound ACL.

What the council decided to do because this has to go through pretty quickly is to take out the four actions that would address this issue of redistributing the shares, because there are a lot of shares that haven't been used, like percentage wise, in a while. Then they are going to put everything else into 20B.

All of that is going to be program provisions to have a cost recovery program and bring it into compliance with the requirements of the new MSA that was put into place many years after the ITQ program got started, but then also some use-it or lose-it policy and new entrants' program, and other kind of program maintenance, but those are not as pressing so for now they have been moved to 20B.

There are four actions in here. The first one defines what inactive shares are and the second one redistributes them just like an initial allocation in an ITQ program. The third one defines a cap for the number of shares one person can hold. Then the last one is an appeals process because they will be reallocated.

The council selected preferred alternatives at the September meeting and approved for public hearing and we will do the public hearings in November along with Amendment 24 and Amendment 18A. The plan is to review the comments and do final review in December and send to the Secretary of Commerce.

This one is moving quickly, so if there are any comments now is the time to do that. Action 1 defines and reverts inactive wreckfish shares and there are two alternatives. One is that if you have not reported any wreckfish landings in the past two years, then your shares will be taken away; and Alternative 3, which is the preferred, is if you haven't reported any wreckfish landings in the past five years, then your shares will be taken away for redistribution.

We have a couple of tables in your document from the analysis but this one is probably the one that gives you the most information. That is so under the Alternative 2 where you have to have reported landings in the past two years, it is going to – this applies to 18 shareholders, this column over here, and will take away 54.5 percent of the shares for redistribution. Then

Alternative 3 will take away shares from 17 individuals. There have been a few transfers, and so I think that number has actually gone down by 2 or 3.

MR. MARHEFKA: Just this first action here, was this brought up by the wreckfish fishermen more so than the council as far as trying to go and come to some sort of agreement. What I am trying to do is express to the AP members is that if this was brought in – the particular person on this thing is Paul Reiss, I believe is who it was; who has spoken about wanting to redistribute this.

I am just wanting to go and make sure that they understand it might be him who is trying to go and make this. He is one of the largest shareholders, and I'm just trying to go and find a balance here. If he did this, and how many shareholders – has the council gone and spoke with these other shareholders and let them know that either you come to the table or you figure out what is going on.

Have you tried contacting these folks, since you are the social – and let them know that by the way you are going to go and lose your ability, because it is a use it or lose it. We are getting ready to redistribute your shares that are not being used. If that is the case, it is only 18 phone calls or 18 e-mails or mails. Let them know, and if they don't respond then basically move forward with this. I mean, it is not that big a universe you are dealing with.

DR. MacLAUCHLIN: I just started in February, but from my understanding, Kate Quigley and then also the St. Pete office, they have been in touch with these people and they have let them know, and this actually has been on the table for a couple of years. There is a control date that got published, and that is why in the past couple of months there have been some people selling out and everything.

Some people, they haven't sold because they are waiting for a price. There are some questions of if they are not selling because there are no buyers or if they are not selling because they are waiting. What is going on with this fishery is that because the ABC – the SSC, just to let you know, picked that ABC because there is not a lot of information about wreckfish.

There is not a stock assessment because they are Trans-Atlantic, and so they are a data-poor species and they had nothing to base the ABC on except for the landings. These are landings from very few participants, not everybody fishing. But they don't have anything else to base it on, and there may be some more information at the next SSC meeting, and they may be able to change that ABC.

With the proposed actions here, it is basically the active participants in this fishery are not going to be able to maintain their operations by this with the very small annual pounds that they are actually going to be allocated for the year after the ACL comes in. It really becomes a question for the council of do you want to protect your shareholders or do you want to protect your active participants in the fishery. That is what they have been discussing, and I am sure David can give you some more background.

MR. CUPKA: Well, as Kari indicated, what the council wants to do is we want to try and maintain a viable fishery; and because the ABC was lowered so much by 87.5 percent, the only way we can do that is to redistribute the shares among the fishermen that are actively fishing. If we don't do something, we are not going to have a fishery and those guys are going to be out of business.

We are trying to work with them to maintain, like I say, a viable fishery and keep them in business. They did contact shareholders, they tried to contact – some of them, a large number of them, they can't even get in touch with. The notices came back, they aren't there anymore or whatever. That was the main thrust behind what we are doing here is to try and keep those fishermen in business. If we don't do something like this, none of them are going to be able to survive, and you won't have a fishery.

MR. COLE: David is right. David, please help me, when we set this thing up in the dark ages, we discussed the possibility of this happening to where everybody kind of got out of it and it was down to a certain number. It seems to me like the council sort of agreed or thought at that time that if it got below some threshold number of participants, that the system would be withdrawn.

I guess right now reading all this stuff and trying to remember the history of setting it up – and please remember for those of you who weren't here, these fishermen came to the council and asked the council to set this up for them. We did and now they are not here anymore. That is kind of the way this is working. Maybe the council would be best advised to just cancel the system and let them fish. I think that would be my recommendation from my memory of what we decided and discussed when we did it.

MR. SMITH: You said a 50 pound weight, right? These guys are typically using about 50 pounds of weight. Is that weight all the way to the bottom, on the bottom? Yes, let's just let them keep doing what they are doing; that makes a lot of sense.

MR. CARDIN: I second Bill's motion.

MR. DeMARIA: Was that a motion, Bill?

MR. COLE: I'll make that motion just for discussion that the council invalidate the Wreckfish ITQ program and treat this fishery as an open access fishery within the snapper grouper complex.

MR. CARDIN: I second that motion.

MR. DeMARIA: Is there any discussion on this?

MR. JOHNSON: I think what you need to do is they have to have participated at some point in this fishery. They have to have a wreckfish endorsement, but just set the ACL and let them have at it. In other words, the coupons are still there, just sort of moth ball them, but let the people that are in this fishery, let them go fishing so the guy that says he can't make it when you – what is going on, they have taken the quota and cut it so much that these guys, when they get their percentage of the quota it is not going to be enough, so just let them fish. Let it fall there.

MR. DeMARIA: This seems to me it is a fishery that if you are not really geared up for it, you are not going to do it. It is not like you are going to have a rush of yellowtail boats from the Keys going out and trying to wreckfish. I am going to support Bill's motion. Go ahead, Phil.

MR. CONKLIN: What is to protect someone if they just bought into this fishery, bought shares, and they haven't had a chance to fish yet within the last year?

MR. CARDIN: Well, those are the people that are redistributing the shares that are going to be kicked out of the fishery. They are going to lose their investment. There are several people that NMFS couldn't contact several shareholders, whether they thought their shares were like a bank account, one day it would be worth a lot of money or what.

To me it is a little disturbing that NMFS and council will take ownership. They told these people they had ownership of the fishery and now they are going to take it away and gift it to a few people remaining in the fishery seems a little bit alarming, and that is why I would support Bill's motion of just doing away with the ITQ altogether.

DR. MacLAUCHLIN: Just so the AP knows and because we don't have the wreckfish guys here, at the council meeting they did give public comment, Paul, and then also some of the people from the Keys who are the ones who recently bought into the fishery that they did not want the ITQ program to go away, either because they just invested in the shares and then they don't want it to be open access. Just so the AP knows.

AP MEMBER: What would be the problem of taking all of the stakeholders that are currently holding and just let them be open access to the current stakeholders?

MR. HARRIS: We talked about this at great length the last meeting, because right now we are talking about a fishery that has got two people actively fishing in it. We are talking about numbers that are confidential, so we don't know what is being caught. We don't know how much is being sold. We know absolutely nothing about the fishery.

There has been no assessment; we don't know what the stocks are. Because the guy stopped fishing it, the numbers dropped so they dropped the ACLs on it. There could be a gazillion pounds of this stuff out there, but right now we have it locked up to two people have it, and they only fish it when they want to fish it because nobody is stopping them from doing it. Obviously, for me it is really easy to say I support Bill.

MR. DeMARIA: Is there anymore discussion or can we vote on this one? Do you want to read the motion?

DR. MacLAUCHLIN: The motion is that the council invalidate the Wreckfish ITQ Program and treat the fishery as an open access fishery within the snapper grouper complex.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion is approved.**

DR. MacLAUCHLIN: Okay, Action 2 is the redistribution. This is like initial allocation when you first start an ITQ program. Alternative 2 would use a 50 percent equal allocation and 50 percent based on landings history. This is the same allocation formula that was used when the ITQ program began.

There are two different options for what landings history to use, which is either use your history from the past two years or your history from the past five years. Alternative 3 is the one that the council selected as preferred in September and that redistributes the reverted shares to the any remaining shareholders based on their landings history of either the last two years or the last five years.

MR. DeMARIA: Bobby, I am not sure we even need to go through this if we just voted to do away with the program.

MR. CARDIN: Yes, if we voted this down, we don't even need to go through this.

DR. MacLAUCHLIN: Well, then, there is nothing else that you need to talk about.

MR. ATACK: Yes, Action 2 and 3 are moot because of Action 1, but Action 4 we need to discuss and come up with the appeals process.

MR. CARDIN: With no program, there is going to be no appealing.

DR. MacLAUCHLIN: What would you appeal?

MR. ATACK: They are going to be appealing that there is no program probably.

DR. MacLAUCHLIN: The appeals process is set up for anybody who, for example, gets their shares taken away and they have a logbook or something and show that they have landings during that period, and then anybody who thinks that their redistribution allocation was incorrect. Yes, you wouldn't use an appeals process to appeal like a management action or eliminating the program.

MR. DeMARIA: So we are finished with wreckfish? Do you want to take a lunch break now, about an hour, come back at 1:30 or so?

The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Charleston Marriott Hotel, Charleston, South Carolina, Thursday afternoon,, October 6, 2011, and was called to order at 1:30 o'clock p.m. by Chairman Don DeMaria.

MR. DeMARIA: Let's start it again, so we are at other business now.

DR. REICHERT: Mr. Chairman, it is a pleasure to provide an update on the fishery-independent monitoring efforts in the southeast especially relative to the snapper grouper

monitoring. My name is Marcel Reichert. I am with the South Carolina Department of Natural Resources, and I am the manager of the Marine Resources Monitoring Assessment and Prediction Program, or MARMAP, probably familiar to you all. I am also managing the Southeast Area Monitoring Assessment Program or SEAMAP at South Carolina DNR.

This is an adjusted updated presentation of the presentation that Todd Kellison gave to the council a couple of weeks ago, and Todd and Nate are the coordinators of the Southeast Fishery Independent Survey, which I will talk a little bit more about in just a little bit, the SEFIS program. Bear with me if you have questions specific to that program; I may not be able to fully answer that.

The Southeast Fishery Independent Monitoring, the new efforts were basically a result of a workshop that was held in 2009, which was a result of the need for more fishery-independent data as a result of a decreasing availability of fishery-dependent data. During that workshop there were many – there was a diverse group of participants in North Carolina, state fishery agencies. Several of the people in the room actually were at that workshop.

NMFS representatives were there and MARMAP staff was also there. The results of that workshop was a report, and that report provided recommendations for the fishery-independent approach and a levels of effort needed for sufficient data. The conclusion was that we would probably need more than \$10 million in funding to recommend a full survey.

Of course, we are not there and I doubt whether we will ever be there. But what is important is that it led to the creation of the Southeast Fishery Independent Survey, or SEFIS, in 2010. The specific objectives of that program were to provide additional data to support stock assessments for reef fish associated species in the area, especially snapper grouper species.

It was very important that it was a cooperative effort with MARMAP and SEAMAP. If I say MARMAP, I mean MARMAP/SEFIS reef fish programs, and I will explain a little bit more about that later. In particular to increase the number and spatial distribution of samples or in other words more sampling and more data.

Also to implement a video camera survey as an additional survey, that was one of the main recommendations coming out of the workshop to add that gear. There was a lot of experience in the Gulf of Mexico. Also, to improve the bottom habitat, so there is a mapping component in the SEFIS program; and in addition to that to perform applied research to improve survey methods and analyses in particular to address management issues.

It is very important that it was a cooperative effort because we wanted to build on the long history of the MARMAP survey. We are using identical methods, in particular chevron traps, but we added the video cameras. MARMAP trained staff at SEFIS and we continue to assist with sampling.

The video processing and analysis will still be done by Todd Kellison's group in Beaufort, and we have been taking care of the processing and interpretation of the life history samples. In

other words, the age and reproduction samples and data are done by us. We have one combined data set and the research efforts are collaboration.

SEFIS as well as MARMAP staff has been integrated in their efforts to assist SEDAR stock assessments, so the data analysis for data to the SEDAR stock assessment is also a collaborative effort. Both MARMAP and SEFIS staff have participated in the data workshops. Our sampling universe is probably familiar to you. It is from Cape Hatteras, North Carolina, to the Port St. Lucie Inlet, or that area in Florida, and it is predominantly the continental shelf and shelf break to about 90 meters.

This is the chevron trap survey. MARMAP also samples short bottom longline and long bottom longline. Actually those sampling efforts are deeper. They are down to about 250 meters. Just to give you some perspective of what the new effort has done, the MARMAP sampling from 2000 to 2005, we sampled approximately 495 collections, and the collection is a gear deployment, whether it is a trap or a longline.

The green dots on the chart are an example of 2002 MARMAP stations. Remember, in the following charts, in this one, each dot may actually represent multiple gear deployments. In 2008 we were lucky enough to get some additional funding through SEAMAP, and so SEAMAP became part of the MARMAP/SEAMAP reef fish survey, and it allowed us to sample more in the region.

As you can see by the increased number of green dots, and these are the 2009 sampling efforts, we were able to increase our collections to about 690 annually, and about 400 of those were chevron trap collections. Then with the new effort, and that has been going on since 2010, you can see that our collections jumped to 1,400 or almost 1,500; and in 2010, 939 of those were trap deployments. The red dots are the new SEFIS sampling area and sampling efforts.

The green dots are the 2009. I overlaid that with the 2010 sampling and you see those are the blue dots and I hope they are visible. You can see that we have considerably increased the coverage spatially of the area. We had an expansion of the sampling areas. The SEFIS focus was Georgia and Florida. We thought that was the most efficient way to approach this, and MARMAP is now sampling more concentrated on South Carolina and Florida, so we each sample part of this sampling area.

The addition of the video surveys was very important, the bottom mapping and, of course, as I mentioned earlier the additional analysis and research, so it is not just our increase in sampling area, but we are actually having several other efforts going on. The SEFIS sampling approach was chevron trap sampling, as I mentioned earlier identical to the MARMAP procedures, the additional video cameras.

MARMAP had added still cameras to take a picture every five minutes, and we had done that since 2008, so this was in addition to the still cameras that MARMAP had affixed to the traps for a couple of years and then the built multi-beam habitat mapping and some research with the remotely operated vehicles, longline and fisheries acoustics.

Some of the results from the first year of the SEFIS program, they were able to make 63 days at sea. At the same time MARMAP realized 75 days. 480 traps were deployed. MARMAP had approximately the same number of traps that year, and almost all SEFIS traps were with cameras. MARMAP started adding video cameras the following year.

In addition to that, about 377 square kilometers was mapped using multi-beam sonar, and that was done in addition to about 32 ROV dives. In addition to that, there was a red snapper longline survey initiated. All in all, there were over 200 hours of split multi-beam sonar surveys available to map some additional bottom.

In 2011, 12 days on the NOAA ship mostly for bottom mapping, but also for some trapping; 40 days to date, this doesn't include the most recent surveys, because we just finished our regular sampling season and the Palmetto is actually still sampling. We came back yesterday or a colleague of mine came back yesterday, but we accomplished with SEFIS 40 and with MARMAP 56 days and the collections were roughly similar, 658 and actually a little more on MARMAP, 786.

This is a huge increase from previous sampling efforts. We expect to sample about 800 to 1,000 traps with videos. As I mentioned earlier, it is well over a 100 percent expansion of the recent South Atlantic, in particular trap sampling levels. I mentioned on several occasions that the video cameras were added to all traps, including MARMAP and SEAMAP.

A little bit more about the video survey gear. As I said, it was recommended by the workshop and predominantly to create additional index of abundance in particular for species who we knew, because of size or behavior, were not abundantly caught in the traps. That addresses some of the trap issues.

They have been used by NMFS and others especially in Florida and the Gulf of Mexico, and in the South Atlantic though it hasn't been used except for the addition of some still cameras on the MARMAP traps. We built on the experience in the Gulf of Mexico, especially the Pascagoula and the Panama City labs. Their setup is a little different.

They have an array with different cameras, so they are not doing that in combination of a trap, which means that you are not collecting biological samples. They did successfully develop indices of abundance for many species, red grouper, gag, scamp, also red snapper, mutton snapper and vermilion snapper and gray triggerfish.

Because they are using stereo camera, they actually can deduct length information from their videos and their still cameras. Currently we are not able to do that. We definitely are thinking about or the SEFIS group is thinking about adding stereo to the setup so we can get some length information from the fish samples. Currently we are using video on all the traps starting this year. As I mentioned, on traps they are not erased.

We expect to collect 800 to 1,000 video samples a year in roughly the same area and the same depth, and we have no length information just yet. Currently the SEFIS group is only reading the videos for the priority species. I think they currently analyzed about 107 of the videos. You

have seen some of the video clips. You saw early in the break the tiger shark and red grouper clip, so let me play the other clip I have. Yes, Mark.

MR. MARHEFKA: Yes, Marcel, I am just sort of curious, you guys and many other – and NOAA and National Marine Fisheries Service taking these fish for your samples and stuff like that; I am just wondering, whose ACL does that come off of?

DR. REICHERT: I don't think it is coming off of any ACLs. As a matter of fact we actually discussed that in terms of accounting for those samples in stock assessments.

MR. MARHEFKA: Yes, I am seeing that you are increasing 100 percent here and it seems like that is a lot. I just sort of wanted to make sure that my stock is well managed.

DR. REICHERT: You are absolutely right. Generally, relative to the total landings, our samplings are a minute fraction of what is landed, so point well taken.

MR. MARHEFKA: Eating pretty good, right?

DR. REICHERT: Actually, what we do with the fish that we sample – and we keep a record of that – we donate the samples to Charleston charities. The food bank and crisis ministries are actually frequent recipients of the fish that we have worked up. Counting of fish on video clips is a bit of a complicated endeavor.

What you like to see is a linear relationship between the fish counted on the videos and the true abundance. Of course, both traps and video and any other sampling gear, you are talking about relative abundance here, so you are never measuring the absolute number of fish. Several methods that are used, counting all fish you see on the video or counting the first time of arrival, the maximum number seen in a single frame, and the mean number from a series of frames.

There are a couple of other methods. For the SEFIS methods, we are using the mean number of fish seen from a series of frames. What they are currently doing, they take snapshots about every 30 seconds over a 20-minute interval, and that results in 41 snapshots, and then they count the fish in those 41 shots. They are still developing methods to potentially improve the estimates.

These are some of the results of the trap and video surveys. Remember since we only recently started this, these are only data from 2010 collected off of Florida and Georgia, and they were comprised of 247 valid trap video samples. Now the fish names and numbers may be a little small, but the bottom line here is that, as I mentioned, indices are relative abundance measures and as long as the patterns over time reflect the population abundance, the absolute number of observation is of less importance.

Of course, we had some knowledge of selectivity for species such as jacks, hogfish, lionfish and nurse sharks. The data from the video cameras are particularly important in those species. You may get additional information, and you may be able to develop indices of abundance, additional indices of abundance for those species; good examples where data and where video photo data can provide information that was previously not available.

Additional indices for species that is very promising are scamp and red snapper. There is also species where we have enough samples or collect sufficient samples in the traps that the additional information based on video, may be of limited importance; for instance, for black sea bass, vermilion snapper, red porgy and gray triggerfish.

Of course, there are definitely some challenges for the underwater video. Of course, turbidity or visibility is a major issue. Some of the things that we are currently doing or Todd's group is currently doing is exclude highly turbid or dark videos. We are working on including an index of visibility in the GLM, general linearized model for the index.

We measure the turbidity in the water using our CTD, so we may be able to use some of that data to correct for the visibility. That is something we are planning on doing in the future. Of course, as with every gear, videos are selective. You miss some of the small fish and the cryptic fish, which are difficult to observe.

Video cameras are expensive although our setup is a lot cheaper than the setup in the Gulf of Mexico. Especially since we are attaching them to the traps, on occasion we lose a trap with the video camera attached to it. What is also very important to realize is that the reading of the videos take a lot of manpower, a lot of time.

Just as an example, one video takes about one to eight hours, depending on how many fish are seen on the video. Another big disadvantage of using video by itself is that you cannot collect biological samples. In the stock assessment age compositions and length compositions and reproductive information are extremely important.

That is what we try to accomplish by putting video cameras on top of traps, so you have both the biological and the video sample in one sampling effort, and that is a very efficient method. Ultimately we'd like to develop additional indices of abundance, and it is most likely that we can do that in the nearby future for red snapper, vermilion snapper, red porgy, gray triggerfish, black sea bass, and several groupers.

Although what is important is that you need a couple of years of data before you can develop an index. I would say that you would need at least three years of solid data to know what your index is doing. Just a single data point, since it is a relative measure of abundance, isn't providing you with a lot of information.

If the average abundance is going up in your new method, you'd like to know something about the variability around your abundance in order to tell you whether that is a significant increase, and that is what Todd tried to explain in the example where from Year 1 to Year 2, if you look at the average you may think there is an increase in abundance, but if you look at the variability that may not be the case.

Over the years you create a good idea of the – with only average values, and where that sits in a sampling regime, but also about the variability around your mean. The conclusion is that we

made a considerable increase in sampling efforts, especially in sample size, including the SEFIS sample and including the biological samples.

It has allowed us to expand our spatial distribution especially off of North Carolina and Florida, which used to be the extreme ends of the MARMAP sampling regime. We feel very comfortable that the underwater video will result in additional and approved abundance estimates for a multiple species.

Of course, it is important to realize that we have realistic expectations. The current effort, as I mentioned, were below those recommended by the workshop, although I think we should be very pleased with what we have accomplished so far. Also, because of the analyses, there are some species that are definitely going to have a benefit, but there will also be species where the benefit of the additional sampling will be limited.

As I mentioned earlier, videos are very labor-intensive to analyze. In the last slide I indicated that we need multiple years before we can use that in a stock assessment as a robust index. That is what I had; and predominately as an adjusted presentation from Todd, Myra indicated that you may be interested in some data relative to red snapper; so if that is the case, I can briefly mention some of those, but otherwise I can open the floor to questions at your pleasure.

MR. AMICK: Marcel, that was pretty neat, but I do have a bunch of questions about red snapper, because I think with a closed season we are depending on you to fill in the gap.

DR. REICHERT: Would you like me to go through that; it is a couple of slides? These are some of our trap pictures. In terms of the snapper collections in the new effort, there was always a question of whether the traps would actually catch larger snappers, and we are convinced that they do.

Of course, there is a selectivity going on there, but the largest red snapper we collected in a trap was 89 centimeters with a maximum size of about 100. That is a pretty big fish. The average catches of red snapper in the MARMAP program from 1990-2009 were 17 red snapper per year, roughly. That varied between – I think the highest number was about 30 or 35.

Because of especially the increase in the distribution in the southern part of our range, in 2010 and 2011 we significantly increased the number of snappers that were caught by the combined MARMAP/SEAMAP program, 172 and 114, and that was to date. That did not include the last couple of cruises for both MARMAP and SEFIS.

There was an update on the CRP program that was initiated last year to address a question about a cryptic biomass that some people thought was available in the Southeastern U.S. on the Continental Breakwater, and this was work that was done by Nate Bacheler and Todd Kellison and Warren Mitchell in the Beaufort group. Todd provided me with some slides, but I have very little knowledge of this program, so please bear with me.

The dots on this map were where the samples were taken. This was a longline survey. A little under a hundred sets were made at the dots on the right. 218 snapper were collected, the most in

a shallow area; about 76 on the middle and 49 in a deeper area. The age range was 3 to 15, and a little over half the sets did not yield any red snapper. The catch per unit was highly variable, although there was a little trend of decreasing CPU with depth, as I indicated earlier.

There was a significant effect of latitude on the CPUE, which decreased with increasing latitude. There was no real evidence of this project of greater abundances on the shelf break areas. What is also important to indicate, as you can see on the lower graph, that the vast majority of the snappers that were caught in the project were three and four years old.

The project did not catch the older, larger snappers that some people felt were present in the deeper areas. The overall conclusions were that the long-term data do not support the cryptic biomass hypothesis that relatively old and large group of red snapper in the shelf break waters. There is also no evidence of a greater abundance, older ages, or larger sizes in that same area, and the age distribution is consistent with what was identified in the recent stock assessments of a large number of relatively young fish, 3, 4, 5 year olds, or under 3, 4, and 5 year olds. That is an update.

Two other quick updates; last year the state of Florida started a tagging program on red snapper off the Florida coast that was also a cooperative effort. I don't think there is much data available just yet, and Todd informed me that there was a CRP program project that was recently funded that will start later this year. I believe that is to catch some samples for red snapper off Florida using longline gear. That is all the information I have, but there are some additional efforts going on. That is what I have for you today, and I am perfectly happy to entertain any questions you may have.

MR. AMICK: Yes, bear with me because I am really curious. I have got a lot of questions, but to start off with, one of the things that sticks in my mind in the past is that John Carmichael stated one time that the SSC had no indications of the strong year classes that we had in '08 and '09. There was no data to show this upcoming strong year class.

DR. REICHERT: In red snapper?

MR. AMICK: For red snapper. My question is with this monitoring program, with what you are doing, do you see any indication of these strong year classes coming up in the next few years?

DR. REICHERT: If I remember, the stock assessment report did indicate indications of those strong year classes that I think entered the fishery in 2008 or 2009. I think there is some indication that there is a couple of strong year classes that entered – the population entered the fishery, so I think they are out there. This additional sampling effort will definitely pick up that because hopefully we will have the ages available very soon. What I have seen – I am one of the readers and from what I have seen is that the vast majority of the fish that we get are 3, 4, and 5 years old.

MR. AMICK: So you are not seeing any, let's say, 16, 17, 18 inches, any numbers of those size red snapper in what you were catching there?

DR. REICHERT: I don't have the data with me. I can look that up and see what the length distribution is of the snappers that were caught. I would need to look that up. I have the ages kind of readily in mind, but I am not sure about the sizes, but we get some decent size snappers in the traps.

MR. AMICK: Okay, I don't want to cut in with other question, so I will just keep going until somebody stops me. In reference to the ages then, the management plans says there is a lack of older fish, a lack of 10-year-old fish, and the majority of the fish that were landed in the last fishing year were 57 percent of four-year-old fish.

The idea is to let them grow and get older. In the sampling that you have done, have you seen an increase of – let's say we are two years into the program, so are you seeing more six-year-old fish percentage-wise than we did, let's say, the last directed fishery, like in '09 is the last year we fished for them.

DR. REICHERT: The easiest answer to that question is that we haven't looked – we haven't completed the aging yet, especially not for the 2011. The samples haven't been analyzed yet. I think we started aging the samples that were collected early in the season. The other thing is as with the abundances, you always have to deal with your variability.

Again, we probably need some years to see that those strong year classes move through the population, but in the past we have seen that based on the data that were presented at the last SEDAR stock assessment, where you can actually follow some of those strong year classes through the population. I hope that in a couple of years that we can definitely see that happening in a population.

MR. DeMARIA: Robert, do you have a question?

MR. JOHNSON: No, I was just going to tell Steve that the state of Florida, the tagging program there, we are not even a year into that yet, and we have tagged fish from 12 inches to 36 inches. There are some smaller fish in the fishery right now, some 14 and 15-year-old fish starting to show up. We have not done the age sampling as of yet, but I do know there is funding for that coming up.

MR. FEX: Yes, I have been doing a fin research the last two years where I just catch the fish, mark how long he is and everything and then cut a tip of his tail off and take it to UNCW. I had a recapture this year of one of the fish I had caught and he seemed like he had moved offshore. I mean I don't have it exactly, but I had caught him inshore and then all of a sudden he moved offshore three or four miles, and he had gained like 2 or 3 inches.

But I could see a year class coming through. The class I am seeing, they are at 26 to 27 inches. Last year they were in the 23 to 24 inches, but it was a steady – every fish I pretty much caught, I fished in a little bit deeper water, 90 to 160 foot of water, and most of them were all legal. I think one was right at 21 inches.

For the last two years I have seen a strong year class of that 20 some inch fish, I don't know what age they are or whatever, but I never do keep them for sampling, but I have seen that. Last year I had 87 samples within a 5-month period. This year I think I am probably up to about 70 in a 5-month period.

MR. JOHNSON: One more thing; I have had two recaptures of approximately 150 fish that I have tagged personally. Two of those have already been recaptured in the same vicinity that they were tagged in. To the longline survey, you sit here and say we need two or three years worth of data, that was only done one year and one specific time.

That really needs to be ongoing to get an accurate picture. I mean you know that, I know that, but it wasn't funded again this year and we really – to get an accurate picture of what is going on, that needs to continue for at least three years, I would think.

DR. REICHERT: Yes, I kind of addressed that that was part of the SEFIS program.

MS. BROUWER: Marcel, just a quick question. You said that there was an increase in the number of encounters with red snapper in the new survey. Do you have an idea of how much is due to the expansion of the sampling, how much of that increase is actually due to the expansion of the sampling to the south?

DR. REICHERT: Yes, we have caught more snappers, and we see them on the video, so the encounters may be somewhat of a misnomer. We are going to analyze that. As I said, we just got the 2011 samples in. Last year was the first year of SEFIS and that was very much an exploratory effort.

We will be able to use those samples and use them in the analyses, but this year is actually the first year of a true monitoring. We now have two years of data and we can compare the snapper catches with the traditional MARMAP stations that were sampled also in 2010 and 2011. Hopefully soon we will have some of those data available.

That is one of the things that we have been very careful about that we add stations but we continue to sample the stations that MARMAP has traditionally sampled, so you can pick up those patterns. We haven't lost any information relative to the earlier indices. We have added data, but we haven't done that analysis yet.

MR. AMICK: I understand that it is going to take some years to establish trends of index of abundance. The problem is that what I see is as you expand all in your reefs and stuff, then you have no history of what those reef produce. I don't know if the research vessel Savannah is doing some work for you.

We have observed the research vessel Savannah in that area you call the First Ledge Area. I mean it is what we call and what you call, high-relief bottom, lots of bottom, big bottom. We know from fishing it for many, many years that this is an area that will never produce red snapper.

There is always a few snapper around, but we know that, but your program has no history on those areas. And my question is or just a comment really from you of – I understand it is going to take years, but you have one, and I am sure there are many places like that that you found that you have no fishing history of what is going on that reef, and how will you judge a change of index on abundance on those reefs as far as red snapper is concerned?

DR. REICHERT: A couple of things; the new effort is not a red snapper monitoring effort. It is a reef fish, snapper grouper, so, yes, we will probably be sampling in areas where some of you may say, well, there are not red snapper, but we are not just monitoring red snapper, so that is one remark.

The other remark, you are absolutely right, we do not know the history of many of these new areas; However, MARMAP does have sample areas, be it limited, in the area that SEFIS is now covering. Be it somewhat limited, we have an opportunity to do some of the comparison with the old MARMAP stations, but that is one of the reasons why it may take awhile before we can use the index in the stock assessments.

MR. DeMARIA: Before we go on any further, I know some of you have to catch planes and drive out pretty soon, I would really like to get to the discussion on how the process can be improved before these guys have to take off, so if you can keep your questions short, let's try to get through this pretty quick.

DR. REICHERT: I will be around a little longer if people want to catch me after the meeting.

MR. ATACK: I've got a question. Looking at the number of videos that had certain species present, 40 percent of the videos had gray triggerfish, 34 percent had red snapper, and in the grouper you only had 1 percent of the videos had gag, and red grouper had 2 percent of the videos. I guess scamp had the most, like 12 percent. I am surprised the grouper sightings are so low based on the habitat that you are looking at.

DR. REICHERT: The only thing I can say about that is this is one year of data off of Georgia and Florida. Red grouper may be one of those species where if we start looking at the MARMAP/SEAMAP video, that we probably will increase that percentage if you look at all the videos combined.

As I said earlier, every survey method or every gear has its selectivity, and there may be something in the behavior of certain species that they may not go to a trap; and if they may not move to a trap, we will probably also not see them in the index. SEFIS has done, so far, exclusively chevron traps sampling.

MARMAP is doing, in addition to the chevron traps we are also using the short bottom longline where we collect species in somewhat deeper areas. But we are also catching species that we catch in lower numbers in the traps, so that may be – and we are hoping that we will be able to add some sampling stations off of Georgia and Florida, and perhaps SEFIS may include that gear. Unfortunately, you can't do everything at once.

MR. DeMARIA: Another question, Steve?

MR. AMICK: I have a bunch more, but I have one more question and then I will stop.

MR. DeMARIA: Yes, let's just do one more from you.

MR. AMICK: We have the 2013; I think there is going to be a new red snapper assessment. And then, like I said, it is going to take so much time for you to establish trends. How much data can you provide the SSC that can provide the council to make decisions about what we can do with the red snapper fishery? I mean we are two years into it. You have 2012 to do your sampling and continue the program.

And then in 2013 I believe they will use data from 2012 to 2009, and then you will have to give them a picture of what is going on with the status of the red snapper. How confident are you that you will be able to do something positive or negative or status quo the status – I mean, whatever the status of the red snapper will be at that point, how comfortable – you know, just comments on that.

DR. REICHERT: I really cannot comment on the status of the red snapper populations. What I can comment on is by 2013, if that schedule holds, if there is a benchmark for 2013, we will have data available on CPUE, length, and all other information through 2012, depending on the analysis that would be two or three years of new effort red snapper data. I feel that with the increase in the sampling efforts, we will definitely have much more and much better information than we had in the past. How that plays into the ultimate result of a stock assessment, I obviously cannot say.

MR. DeMARIA: Are we ready to move into 11C? The council also wanted some input on red porgy and vermilion snappers, so I think when we go around and give our views on how the process could be improved, if you can incorporate some of your ideas on the red porgy and vermilion, that might be helpful also.

I guess I could go ahead and start off with my rant on this. I now Rob has to leave, so maybe we can go around the table, but each of you just say what is on your mind about how you think the process can be improved or how communications between AP and the council and fishermen can be improved. This is your time to say whatever you want, just not make it personal.

I will go ahead and start on mine. As far as communications can be improved, I think this council listens to us quite a bit. It is a very experienced advisory panel, and I think over the years I have seen them take a lot of our recommendations, and they are here listening and they talk with us at breaks.

I guess it can be improved some, but I don't think it is that big of a problem. Now communications between council, AP, and commercial fishermen could probably be improved, but then you are talking about a group of guys that for the most part a lot of them don't even trust or talk with each other, much less the council.

I don't know how you are going to bridge that. That has always been a problem, and I don't really know how to get around that one. Maybe making things a little bit easier, trying to incorporate them more into the process like we try to do with the members of the audience that come, we let them come up and talk, give them more of a voice in it, I think might be helpful, rather than just us.

When people feel like they are engaged in the process, then they are a little more content with the outcome, I believe. As far as just the general public being satisfied with the council, if you look at it, 79 percent of the public is unhappy with congress right now, and the council takes a lot of their directives. They are mandated by Congress to do certain things.

I think they are at a disadvantage right there because of their association with Congress, and I am not sure what can be done about that. I think we tend to put a lot of blame on the council and particularly Roy Crabtree and that is really a little unfair. We are the advisory panel for the council, the snapper grouper advisory panel, and we should take a little bit of the blame.

We look at red snapper, they should not be closed, they were not managed right, and we failed. We either failed to provide the right information to the council or failed to convince the council that there is not a problem. Either way we have failed some on the red snapper issue, too. We can't completely blame the council or NMFS or anybody. We have got to take some of the responsibility on that one.

I think the process can be improved. I was going to talk about video monitoring, but they are starting that, I am encouraged. They have made a lot of progress, and I think that is another way to look at stocks rather than these complicated mathematical formulas that only a handful of people understands.

The rest of us just are sort of asked to accept them on faith. It has almost become like a religion, and assessment guys are the high priests and the rest of us are just asked to kind of accept it, and that is difficult for me. I think if we can incorporate the video monitoring and maybe some antidotal testimony from fishermen, it would help.

I am not sure how to incorporate that but they are working on it, I am encouraged. But I have to say after going through all these actions over the last two days, a lot of this I think we are just chasing our tails with increasing size limits and lowering this and doing that. We are just going to end up in the same place in a couple years. Red snapper is I think a prime example.

We could keep it closed for another how many years, as soon as we open it, I think under the current scheme the big fish are going to be the first ones to get caught. I know if I am diving and I see a big fish, that is the one that I spear. When you fish, those are the most aggressive ones and they are going to get caught up first.

It may be five years or ten years, but we are going to be right back to another closure like this until we get something permanent in place. My idea is some type of very limited marine reserve system where there are areas put aside where you just don't fish at all, really strategically located ones that can be smaller.

I think if the council and NMFS could prove that there is a stock of fish of all sizes in there, you might be able to fish outside those reserves year round with reasonable limits. I think that is what we are all trying to get at here is being able to fish year round, sustain our businesses, our recreation. It is just how we get to it is where we seem to disagree. Rather than take up anymore time, that is about all I have to say, so we should go to Rob next; he has got to catch a plane, right?

MR. HARRIS: Eventually, yes. I believe everybody should have got the e-mail that I sent out. If you didn't, Myra, I know that you did, so what I am going to do is I am just going to hit some of the high points here from that list, and then you can feel free to share it with whomever at any point in time.

The first point would be the communication between the AP and the council members. One of the big complaints that I as an AP member have is that I don't always get that feeling that you are listening, because of the fact that there are things that we do here in this room amongst ourselves, and plans of action, items that we forward up; and then when I go to the council meetings with the general public or whenever I see it come out in a bulletin or whatever, I look at them like what in the hell were they thinking; that is not at all what we said.

I think one of the ways that we could better improve our communication amongst ourselves would be as we forward up these items and you have got the motions, you have got the action items, I really don't care if you take it or if don't take it, but provide some feedback to us that addresses the individual issue.

If you don't like it, tell me why you didn't like it because maybe we could make some little change that would fit both your opinion and ours, but also make us know that you are hearing us. As far as our communication – Ben, you are guilty too, I am looking right at you – but as far as improving our communication, that is about the biggest thing that I can come up with is that we keep sending stuff up. Let some information and some feedback come back down to us.

One of the ways that I look for that is when I go to the public hearings, and this is where I get more into the addressing the general public and communication between the council and the public, I know that Myra has seen me in the room sometimes and I try not to seem like I am taking over, but I don't always agree with everything that is being said or the way that it is being presented.

I always come back, and I ask whenever she is presenting to the public, and it says, well, the AP recommended this, and I will go, well, wait a minute, the AP recommended it, what was the vote count? Because sometimes just the fact that the AP recommended something, we could have something that was split 8/7, but it ends up on a slide as saying AP preferred action.

Just because it is 8/7 does not mean to me that that was a preferred action, and I think that it would be fair for the public to know that, hey, yes, it did come up, the AP did finally recommend this, but it was a split decision and it had to go one way or the other. I think that is just a simple little bullet that you could put in there to let the people know what comes out of the AP

Because being down in Monroe County, I get asked that a lot, why did your AP do this? I'm going, wait a minute, it went up that way but not everybody in our AP said do that. That is where a lot of the mistrust of the public comes in. The other part is to actually take and explain it. Keep in mind your lowest common denominator, which is just the average Joe Fisherman that wants to go out on the weekend and catch a fish, he doesn't know what ACLs are or PME.

I mean, he doesn't know what any of that stuff is; he just wants to know what can I go catch? We have got to find some way to remove the scientific aspect and all the calculation and calculated effort and everything that you do that is all behind the scenes. Tell the guy, hey, Rob, you can go catch a red snapper but we are going to change that because we did an assessment and they are overfished.

Find some way to get that down to where they can understand it. If you remember correctly, we had the AP meeting in Key Largo? Gregg, remember, it wasn't on the agenda but you had to add in the 240 closure. People at that point still thought they could go get snowy grouper and wanted to know when it is going to stop. I am like, brother, you missed the bus, you already can't do it. So that had to be an add-on item, and that is just because the people didn't understand.

Right now I hear people telling me all the time; well, they are going to lift that 240 ban. I am like, yes they, are, but you are still not going to be able to go get snowy grouper. They don't understand because they attribute that 240 closure to not being able to fish for snowy grouper and tilefish. They don't know that it is two separate issues.

That is where, not to sound badly, but you have got to dumb down the information so that they can get it. In those occasions, which there are lots of them, we have seen some of them here just today to where you have some votes that don't necessarily go all approved. There are members that do presentations at the meetings that may be an advocate one way or the other.

Well, you know, if my good friend Don here, if he is an advocate of a vote that goes one way, and he happens to be giving a presentation, he is going to have that enthusiasm, but if he wasn't for it, well, then he is going to be a little less enthusiastic about how he explains it. For the general public, maybe on these close votes it is a good idea to have an advocate from both sides on the close votes to better be able to explain it.

I say that because at the Key Largo meeting I sat in on a catch shares brief. Everybody giving the presentation was pro catch shares and that is the message that got out. I spent most of that meeting standing there going back and saying, well, wait a minute, I am part of the anti-catch share crowd, and let me explain to you the other side that they are not telling you.

Sometimes it is good to have both trains of thought in the room to explain it. There are mediums out there. You know, we say that we are trying to reach out to the general public, and let's face it, folks, the recreational fisherman is the largest chunk of the fishing majority. They are also the silent majority. A lot of them say they don't get the information.

There are mediums out there that are not being utilized. I see the Gulf Council taking strides to use Facebook, they have apps for iPhones. There are mediums that are out there that now the

average person can just say, oh, well, I've got that right here on my phone; or, hey, let me ask that question of that person that is on Facebook from the council.

There are ways to reach out to get these people that literally cost nothing. You could always go to the newspapers and run an ad. I mean, you send us all those little bulletins in the mail, run an ad in a paper where you are going to be doing it so that then word of mouth can spread that word. You've got fishing shows that are out there up and down the coast.

I guarantee you if you sent them a bulletin and said, hey, can you put this word out, they would have no problem saying it on the radio. There are some other means to use to get information out there. The other thing that I hear a lot about is those of us that sit around these tables ourselves; both your table and ours, because people see the way these votes go.

They don't know anything about most any of us. What they want to know is, hey, since they are voting that way, is he pro catch share or is he anti-catch share? What segment of the fish he is; does he own a fish house, is he a commercial fisherman; is he a charter fisherman; is he affiliated with any lobbyists that go one way or another?

Because when people know that, they have a tendency not to have a lot of faith in your vote. If they know that you are a backer of catch shares and you sit on this council, they expect every vote is going to go for catch shares from you. To them that is a dead vote. That is why they want to know what is going on, who are these people that are here.

List it on the website. You know, you have got the little bios there. Tell who the people are, tell them what we do when we are not doing this, let them know what some of the other interests are, and make it so that we are more accessible to them so that they want to reach out and contact us, phone calls. I mean all those sort of things, it is very easy to do.

We have already talked about it once and you are going to hear it at every meeting you ever go to, regional management. The people in the Keys are tired of being regulated as if they live off of North Carolina. Until you make a change in that direction, you are never going to get away from it.

For us it is even a bigger problem. I mean we saw it in the opening brief for this meeting with the reallocation stuff from the last meeting. Because they screwed up the Monroe County numbers, allocated some of it to the Gulf when it should have been into the South Atlantic, well, that is because it both applies to me, so not only does the South Florida contingency complain about being regulated as if we are in North Carolina, we complain about being regulated as if we are off Pensacola.

You have got to do something for that particular issue regionally. And data collection; I know we talked a little about data collection. There are some more data collection efforts out there. There are better ways to collect data and I don't believe that it is impossible, and I know that there is a way we can do it; we just have got to get it nailed down.

I know that the Gulf Council right now is working on an ad hoc committee to look at better ways to improve the data collection for the recreational sector. I think that would be a very good thing for the South Atlantic to do is get a group of fishermen together and say, okay, what have you got, what can you live with, and just make it as simple as possible.

At least then the people know that you are really doing something, because no offense to the MRIP folks, but that is MRFSS 2.0, and you are not fooling anybody with it. Yes, you will be able to extrapolate data better, but crap in crap out. Until we figure out a way to get better numbers in, and you could probably do that with an ad hoc data collection committee, just to figure out a better way. I am sure you all have plenty of thoughts, and Myra has got this sheet, but those are just some of my talking points on it.

MR. JOHNSON: Okay, are we going to talk about vermilion snapper and red porgy or just about ways to communicate right now? I have found that the council, for the most part, other than a member that is not there anymore, have been more than willing to return all of my phone calls and talk with me at length. I don't know if anybody else at this table, maybe the council members here will hate me for saying this, but you know if you haven't called them and talked to them, I suggest that you do because they have been accessible to me.

As far as getting the word out, I have taken it upon myself to get the word out in my area, because I feel like the only way I am going to get the fishermen involved is to get the word out, because as Rob says, they are a silent majority, and they look at you with that deer in the headlights look when something gets passed, like where did this come from?

We have got to make them aware of what is going on, whether you be a commercial fisherman or a recreational or for-hire, whatever sector you represent. Part of our job I feel as an AP member is to do that, is to educate the people in our area to what is going on, so I think a lot of the burden does fall on us.

As far as data collection, we all know the problems there; I think it is going to be a slow, painful process. I feel like the council needs to do everything in their power to hasten the process, to improve it as quickly as possible because there are so many lives hanging in the balance of these decisions. It is hard to be optimistic in this day and age, but I am an optimist so I will continue to be optimistic that things are going to get better, that the fish stocks are going to increase, that they are going to give us some relief in the future here some time shortly.

MR. FEX: I have been going to these council meetings, I pretty much go to every one all year long. There are four a year; I attend them. I have sat through a lot of public scoping. I appreciate Roy Crabtree doing the question-and-answering session because he really does answer a lot of questions that some of the people have.

I have watched and seen that a lot of the people that come up and public scope have changed the council's mind or swayed the council's mind, because the next day when everybody is gone and all the fishermen are gone, I am sitting back there writing notes and the council is listening to what people have said.

I have got to agree that council has actually listened to us. I know they are mandated by the stock assessment and SSC, so really they are just a regulator of numbers. They look to us to see how can we regulate these numbers to work best for our industry, because we as a whole, as an AP are an industry.

We have people from all forms of it, and I would like to thank the council for that because we do have a good AP. We have a lot of people that communicate well, don't argue, and understand each point, person's perspective and everything. I think the council does do a good job. As for Roy Crabtree, I used to hate him too; I mean, just like everybody else. Gregg Waugh I didn't like because all the information he was giving me is stuff I didn't want to hear, but he is just like Roy Crabtree.

He is an educated man, knows what is going on, knows the pros and cons. Roy Crabtree knows what is going on, and he dealt with it in the Gulf. He is just a mediator of the information. I think the fishermen are part of the problem. They do not want change. I hear them say, oh, we don't need to be stopped; we don't need to be stopped. I have been fishing in the South Atlantic since '84, so I have seen the stocks really high, catching tons of fish, I mean 50 boxes of fish in no time, and I have seen them slowly decline.

I am glad we do have regulations, because if not within another 15 years there wouldn't be any fish out there. I understand why we need regulations and I hope to work with you guys to help see how we can make it best fit to go throughout the year. I know it is not going to happen. Just because the fact that you are getting cut 40 percent across the board, how can you stretch it out through a whole year? It just doesn't work.

I kind of understand we are going to be closed here and closed there. We are just going to have to become more efficient until the stocks rebound. One thing I do have a problem with; I respect all the scientists in the stock assessments and everything, but I do have a problem when you actually have to take data and manipulate it to make the model work, and when you have got a model that doesn't take data and make the levels work, or whatever, maybe the model is broke.

They make software nowadays – I mean, the hurricane season just came through, they throw information at it and all these models go wherever they do, but they don't have to manipulate the data going into it to make the model work. That is the only problem I really see is the stock assessment's model.

Everything else I think is going all right, and we do have to communicate as AP members with the fishermen in the area. Before I come to these meetings and I bring those ideas to you, I have talked to 20 or 30 people about this in my area. None of my people in my area even come to these meetings. They know I come to represent them.

I understand the fishery in my area as a whole, up north of me, a little bit down south of me, so I have kind of already communicated before I even bring a thought to you guys or to the council. They have outreached a lot more and everything, so I think they are doing a fairly good job.

MR. AMICK: Well, I think there is good communication. I have no problem talking to people on the council over the years. I think the general outcomes of these AP meetings are so much even inner battles between commercial and recreational that it needs to be improved amongst ourselves.

One thing that speaks in my mind, I think the general agenda of the council was to stop overfishing, I think they have done that with a lot of pain on the fishermen across the board. At some point in the near future, I think council really – to me it seems that it is one-sided management.

It has been stop the overfishing and rebuild the stocks, and I think they have definitely slowed me down to a snail's pace and across the board in the for-hire sector and the commercial fellers. At some point I think the council has to take in consideration what they can do, even if it is small steps, towards trying to keep for the fishermen.

I really feel it has been one-sided up to this point; and now we are at this stage, I think all the stocks are going to gradually get better and better. I think the overfishing has been stopped. There has to be a place where input from the fishermen and the advisory panel and the public will benefit in the next few years for their suffering and the pain has been coming across the board.

Kenny mentioned that these little question-and-answer periods at the end of council meetings where you can ask informally and talk to Roy and get more understanding of some of the issues, that has been helpful over the years. It might also be helpful to, instead of having a question-and-answer period at the end of the council meeting to have certain workshops where you can talk face to face with council members on certain issues; not on a formal basis, but just to get the actual feel of what fishermen are thinking, recreational, for-hire and commercial, this is what we would need down in the future, and then formalize it in these kind of meetings right here.

MR. THOMPSON: Not being here and this being my first meeting, I don't have a whole lot to add. Just one thing; I have noticed over time with all the shutdowns, all the closures and everything that they have got the numbers together, it seems like they make it real easy to close it down from the general public point of view and mine, but there is no way to open stuff back up as we are proving with the snapper.

You keep talking about assessments, benchmarks; when pretty much everybody realizes we made a mistake on it, but there is no way to open it up, even limited, partial years, whatever. The same thing with all the other fish that are being shut down, there just doesn't seem any way to shut it – we need to start opening it. I think with the way they are counting the fish and what I saw of the sea bass that each year you will be able to increase until it is rebuilt, that is a good way to go, but on the other stuff I think that is really where we need to go.

MR. SMITH: Typically trying to stay right on the edge of the fence here, I agree with Rob on a lot of the suggestions that he made. The laymen's language would be very helpful. Then I also agree with Kenny; he is right on the mark there, too. Some of the points that Rob brought out

about better marketing, absolutely, everything is about marketing, but, of course, I am a publisher.

The newsletter is very well done, but who does it reach, and is it reaching the silent majority that Rob is talking about? Because, we are the choir right here, so that is who we need to reach, because it is the vast amount of people that are out there, actually commercial and recreational. Education, the recreational side is vastly understocked. That is where we really need to start going.

I mean it is from fish identification to how to release a fish and how to handle a fish. It is going to be massive. This isn't about communication but where is the money going to come from in the future for the stock assessments that we are going to need? That is a very viable question right there.

I was talking to Mark earlier and we both agreed what is the council's vision, and I think Kenny was touching on that and Steve was touching on that, what is the vision for our next – okay, we ran up this mountain about sustaining the fishery and overfishing; what is our next mission? Where are we going and what should we be looking at for the future?

I think I see the council listening to the recreational side more often now. They are definitely listening to the environmental side more now than probably how many years have these meetings been going on? I have been a member for three years. I have been very fortunate to have some good mentors that were on this AP before me that I kind of fall back on and talk to occasionally. I am still not as educated as I should be.

I think that really everyone on this AP needs to sit in on a SEDAR at some time or another, because that is when you are going to find out who has the most power, who is it? What is the name of the statistics? Yes, that is where the power lies right there, and that stuff is PhD stuff, man, it is so difficult. The SEDAR is a real bear, but it was an eye opener. I tell you what; I respect all your opinions. The vast amount of time I hear things and I just go, you know, that makes sense, and I understand where your positions are and it is all about – it is quite often about the bottom line, economical.

MR. COLE: I can't resist. Mr. Chairman, this AP, you and I have been around long enough to know now that this AP has a long storied and sometimes has a reputation as a controversial group. Those days are in the past. Over the last two, three years I honestly believe that this AP has managed to come together, and that right now we are probably growing into an outstanding, congenial advisory group, which is exactly what I think the council needs.

We can attribute that I think to leadership, but I think we can also attribute it to each of us who have worked together. We've put our differences aside and have worked to try to give the council the best advice that we know how. Now I have sat as a council member for many, many years and listened to advice come up and be presented to us at every council meeting from advisory panels.

Sometimes it is useful and quite often it is exactly what, as many of you have mentioned, exactly what were they trying to tell us? I think we are getting better at it. In fact, I think we are getting quite good compared to what I have seen up and down the whole Atlantic coast. My role here I hope is to try to put what we are trying to tell them in a format that they can use it and they can deal with it, because they do have a lot to deal with.

Kenny is right; it takes a long time to become a really good fishery management council member. One of the things that you learn real quickly is that you better learn to listen to the advice from your advisory people, and that is difficult to do; not because the advice is not there, but you have to listen to all of the variations of it.

Now some of the things that I think that I have learned from this week or I wrote down earlier in the week is that as an AP we want to keep the fishery open for the longest amount of time we can. You guys don't fish for the fun of it. You might say you do, but you really don't, you fish because it is a livelihood.

It is very important that we help the council every way we can develop those small and large, but right now small, incremental, proactive measures that will help keep these seasons open. If it takes adjustments in area closures, okay. One of the things that I think is worth pursuing is to develop a matrix, if you will, of when what is opened and when what is closed.

The concept of having everything closed at the same time doesn't really make sense to me. I think that this panel can help the council develop things where open seasons for you folks are not all at the same time; closed seasons are not all at the same time. That is something I think, Mr. Chairman, is worth pursuing.

I do and always have liked – was it Kenny that came up with it earlier in the week – this concept of first instance mortality, otherwise known as keep what you catch. Let's get the size limits off. Size limits have been written up in the literature of fishery science as just a bycatch gimmick. When you think about it, they in large measure are.

I would like to see available quota from the Comprehensive Annual Catch Limit Amendment be assigned frankly to the regions, regions where you have common fisheries, i.e. let's have state quotas. I can promise you they work. They are working in every state north of us.

They will work; we just have to help the council and the state directors figure out a way to do it. That seems to be the breakdown in it right now. But it is the best way to do it, because things are different. I think one of the things that we have all got to look at is the ocean is getting warmer. Things are changing; we've got a lionfish now. These kinds of things are going to, in the next ten years, begin to impact these numbers that the statisticians throw around.

Finally, Mr. Chairman, one of my pet things is that I do believe that this committee would benefit, particularly some of the new members and I know some of the new council members might welcome it, is to where we have some joint meetings with the council earlier in the week just as we used to.

Now I and I know you have sat through those events and some worked and some didn't. But I do think that right now this AP has matured enough to really make that an outstanding session with the council if it was done earlier in the week. Thank you, Mr. Chairman.

MR. MARHEFKA: One of the things I really think that we should go and do and help with the SSC is have an annual AP report put together in a formal way of some sort. How that is going to go and be structured, maybe the council would go and sort of help us out here, but I think it would be good for the council also to have this.

If you are anything like me it is going to take me a little while to process everything that we got jammed in here in two days, but if we could go home and the next couple of weeks, or whatever, be able to go and put something together on paper and be able to send it in to Myra or somebody, that we could go and have her put it together and offer it to the SSC some of our ideas and concerns.

Like I say, a lot has gone on and I am going to go and sit here and start shaking my head thinking about some of these other options that we have done, and like Rob has said, not knowing – you went and you voted for something, but then you sit back and you start thinking about it and change in your thoughts and your ideas.

I mean, I might need to go and sort of rethink the way I went and I voted on some of these things, but, anyway, that is just one of the things. I brought it up earlier seeing the lopsidedness in the ACLs for the recreational and commercial sector, I would like to see the council go and consider the sale of recreational-caught bag limited fish again, just sort of look at it a little bit, because I am seeing this is a public resource.

I hear everybody around the table talking it up as talking to other fishermen, but I approach things a little bit differently here. I am talking to the public. This is a public resource, okay, and for the most part they are all concerned about where their fish are going to go and come from and they want to eat a good, solid, domestic product.

I think we are losing a little bit of fish here and just for one particular group to go and catch fish of a bag limit, and you have a bunch of these groups piled up, if you think about the Florida areas and stuff, well, how many of those people are going to go and be able to eat fish as to what a commercial fisherman does. He feeds the world.

As to where a recreational person who brings his bag limit home should only be feeding his family, maybe his neighbors or whatever, but if every one of the neighbors are going and catching fish, then we are feeding huge communities. I want to go and sort of revisit that a little bit. The National Marine Fisheries Service, they need to go and fix this data system that we have.

The problems that we have, you need to go and fix it, whatever it is, whether you have 100 percent dealer logbook reporting so we can go and track these ACLs a little tighter, it needs to be done, stop diddling around and fix it. We are all willing to go, and if we are dealers we are willing to go and make it happen.

If they are not a dealer and can't get on board with going and keeping track on what they are catching or what they are allowed to go and buy, then I just don't know what to go and do. We need to do something. This needs to be fixed. The other thing that I am seeing around here, I think that we – I am a little torn right now because I am walking away from this AP right now sort of feeling better than I did yesterday, because I am seeing that there are some stocks that are rebuilding here.

Before I stepped in, I sort of felt like we needed to go and sort of limit the amount of people we had in the industry because of the ACLs that we have, but then I am also sort of figuring how long is it going to take us to get the data for the new stock assessments before we can go and up the ante of what we are allowed to go and catch? I am torn by many different ways here.

I am like I feel good and then I don't feel good. In the beginning here I am saying let's go ahead and reduce the amount of people we have in the industry because we only have so much to go and offer for the handful of people we have in it. The same way goes with the recreational sector, I mean they are constantly growing and growing and growing; the demographics are changing.

You guys need to go and start thinking about a lottery system for this. The council needs to go and address a lottery system for the recreational sector so we can also sort of try to track the data that they are catching. I mean, we don't have a clue what is going and being caught out there. How do we go and we figure this out? It is something that I am having a hard time grasping here. They do it with turkey, they do it with deer, they do it with elk, and they do it with caribou. It is all a public resource, okay, it is not just yours, it is not just mine.

MR. CARDIN: Mark, you give the council a message to readdress the recreational sale. Now, if I understand you right, you are saying like some of these stocks, it is 90 percent recreational, they are taking the fish home, you would like to see those fish on the market. Is that really what you are wanting to do, wanting to see the fish be able to be sold through fish markets or the recreational sale to restaurants or what are you talking about?

MR. MARHEFKA: I think the bottom line is the data end of it. If they are catching these fish – number one, if they are under a lottery system and they are catching the fish, and they decide that they don't want to go and take that fish home and put in their freezer or they don't want to give it to their friend, but they want to sell it, then I want to go and be able to track that in some way. It needs to be tracked.

Now, that also comes with a double-edged sword, because then it becomes a commercial catch or is it recreational catch? There is a lot of different variances here we have got to and sort of bounce on, because once it is sold it is considered commercial. All I am trying to say, Bobby, is that I am seeing that there is a public resource out there that is being harvested for them or whoever their friends are, okay.

Well it needs to go and be – I just see that it just keeps on sort of going lopsided and I don't like that idea. As the demographics change, as the recreational sector is going down, down, down

with the amount of people we have in the industry and the recreational continues to go up, how are we going to go and sort of balance that out where we don't lose our commercial heritage that was here long before the recreational heritage was? If we want to go way, way back, we can go way back.

MR. DeMARIA: Bobby, let's hear your ideas on what you think needs to be done.

MR. CARDIN: I was just trying to clarify communication with the council right then, Don, but I will pass.

MR. GOULD: I am going to shift tact here a little bit. We are going to look at the politics of the fisheries management, and just a little bit on the way it is being directed and how it is being directed. I have done a lot of research on this; I know a good part of the last changes in the Magnuson-Stevens Act has not been real good for the fishermen.

Timelines have been shortened, and this has been done while a lot of the fisheries were rebuilding and starting to rebuild nicely, but the council has been hogtied so bad by having to come up with plans sooner, within a year, I think, is that right, a year now, two years of something being declared overfished even if the fishing was being – the stock was increasing, they have been hogtied where we can't sit back and look.

The law mandates that we have to go ahead and do something drastic here. That comes at a price. You fellow fishermen of mine know what that price is. It means less money for you. In the long term, doing it quicker, it is good for the resource. For the short term, for you, it cost you money, hard-earned money.

There has got to be a way somewhere down the line where the timelines have got to be put more realistic than what they are. I know what it has done to my business. I know what it has done to a lot of the commercial fishermen. Look at the amount of commercial snapper grouper permits that were put out in '85; we are down to 600 now.

We are down to something like 20 headboats on the southeast coast here. I remember when there were 40 or better. Through attrition they have been going out. I made a suggestion in an informal talk-and-answer session to one of our higher up in the National Marine Fisheries Service, what can we do to train these fishermen you are putting out of business? Well, it was a pretty crass answer, it is not my job. I sort of got that out of my system when he said that. In my experience with the fisheries management, a lot of times, for the most part, they have been real; real honest about stuff, but there have been cover-ups. Red porgy is a good example, if anybody is familiar with that.

Back in the '90s when the data was mixed up at the NOAA Lab in Beaufort, this was scup and red porgy, it resulted in a shutdown for six years. Am I right on that, Gregg, about six years total shutdown? Then they just let us have one fish for five or six years and now it is back up to three. This is while we were throwing them back two at a time just as hard as we could. Why is this?

The government says there isn't any, one of them kind of deals. People wonder why the general public does not trust the fisheries. It is little things like that. They see one thing on the boat and are told something else. I am a hunter. Everybody in here that fishes for a living is a hunter; you know your territory. Every region that we fish is different.

I brought this up three years ago, sectoring off each state. It has worked for North Carolina for years; it has worked for the states north of us for years. This should be a high priority for the National Marine Fisheries Service and the council just from the viewpoint that it can alleviate some economic problems of each individual state.

Give them their own quota; divvy it up by historical landings. You might keep Robert in business a little bit longer, Jim, me, all of you. I think it is an excellent idea to divvy this up and go. Look at the problems that they have down there in Monroe County. They had a data problem; divvy it up, condense it a little bit.

This was shot down three years ago and I am glad that it is being readdressed. But to get back to what I was saying, you have got to watch every ten years the Magnuson Act gets changed. If you have noticed, every ten years it gets more restrictive. There are people that are behind this, under the radar, a lot of the people don't catch it, but they make money off of more and more restrictions at our cost. Well, I don't need to touch on that too much.

But there are things that we have to look at, and we have to get organized to sort of fight it and get some breathing room. I have had no breathing room since the mid-eighties – from the time the king mackerel prohibition came in, and this was after we were told that all the king mackerel swam to Florida in the winter. I was sort of took back about that. Of course, the last couple of winters they have swam to Florida. It has been so cool up this way, we haven't had much of a deal.

I am just saying that we need to step back, take a breather, see where this is being ultimately directed from and how can we counter that to make it easier on everybody, make it better for the stocks, make it better for the participants, and make it better for the poor little fellow up there in Fuego varena that wants to buy that spotted seatrout or that vermilion snapper that can't do it because it has been shut down or been declared overfished. There is a lot of things that this council can do. The AP panel, I enjoy working with you, a great bunch of people to work with. The council is great to work with; and if anybody has any questions about any of my views, feel free. That is all.

MR. CONKLIN: I am a firm believer in this process. I have been at it since 1993 in one way, shape or form. We've bent over backwards and gave a lot back, giving up fisheries, giving up fish over the years. We have given up over 2 million pounds of vermilion snapper in the last few years by quotas. I think that it is time that the council should start thinking about giving us some of this back in the form of pounds, allocation, giving us vermilion, giving us some red porgy.

I mean, we have been restricted long enough, and these guys, you are slowly squeezing us away. We need to keep people fishing, not giving back, giving back, giving back and getting nothing in return. We have put in a lot in this time. We have given up sea bass. We will just make some

time constraints, change the season like I suggested earlier. People are fishing; we are not wasting a resource. If we are able to get more fish back because we have given up some, we ought to be able to adjust what quotas we have got and time we have to fish to a seasonal opening and closing. Thank you.

MR. ATACK: Just a couple of comments I have got is I think it would be good on the actions that we send up to council, if they don't go with our preferred action, to give us reasons why they went with a different action, so that we can then readdress those issues if we think we need to or if we are fine with the choice they made, that is great, too.

But if we sit around here and we come up with a motion and send it forward, I think it would help to have a two-way communication back and forth on those specific items. I think it will just help in the long run. The other thing is on MRIP; I think it would help if we had like endorsements for different fisheries in the states. Like in North Carolina you get a saltwater fishing license and that is all you get, recreational side.

If you are going to spearfish, there should be a check to mark on that card when you get it or an endorsement to buy, or same the thing for like if you were going to participate in snapper grouper or the red drum or if you are going after lobster, so that when they go to do these phone surveys on MRIP, they have a list of names that are going to participate in that fishery.

There is no reason to call the guy about snapper grouper if all he plans on fishing for is flounder inshore and red drum. I think we in North Carolina annually have to buy recreational license, and it could either be, like Florida I think has endorsements, little stickers they buy for different things, but something like that to give them a data base to better mine when they do their surveys. That is the recommendations I've got.

MR. DeMARIA: Is there anyone else that didn't comment that wants to comment now?

MR. MARHEFKA: Okay, that was just a comment or are we going to talk about B-liner and red porgy?

MR. DeMARIA: Well, that is what we are going into, and I will let Myra go from here, the red porgies. You want to take a break? Go ahead, Gregg.

MR. WAUGH: If you all could just think about it, you can talk about it when you come back, but we have gone to this process where for our scoping meetings and for our hearings we set up a room with staff in there and give presentations, informal discussions, and then you go and give your testimony with a council member.

Some of our council members now; we are having multiple council members attend so one can be in the room to hear your comments; others can be in the room with staff to answer questions. Maybe before you break or just e-mail us and let us know what you think, if that is still a viable approach to get input, because we are looking at scoping meetings coming up the last week in January, the first week in February, and then another set of public hearings in like August/September time period.

It would be helpful to know what your thoughts are. If you think about that during the break, and either when you come back or just e-mail us, Kim or Myra and let us know what you think about that approach or any changes that we can make in this next year to get your input at those types of meetings in a more efficient manner.

MR. DeMARIA: We need to get started again. You had one clarification you wanted to make before Myra started?

DR. REICHERT: I do want to make one clarification. Although I mentioned that the longline data, the longline project in Florida does not support the cryptic biomass, Joey noticed that I had forgotten the word “not” in this slide. That is a pretty important word in this slide, so I added it here. I just wanted to make sure that you guys understood that the data indicates that the data does not support that there was that cryptic biomass in Florida. I just want to make sure that you all understood that.

MR. JOHNSON: I understood that but talking to the guys that were involved in that longline survey, they felt that at certain times of the year that there are larger groups of older fish, and they felt like that it was sort of a really biased survey, and that is why they wanted to continue it for a period of three years.

DR. REICHERT: I understand but I was not at all involved in this effort.

MR. DeMARIA: Before Myra gets started, I have just got one thing. At the December meeting, it is Raleigh and I am not going to make it up there. Does anyone have any problem with Bobby Cardin representing us at the meeting with the help of Kenny? If there is no problem, Bobby is going to do it. Bill has a problem with it?

MR. COLE: Don, I am going to try to make that meeting, too, if it helps Bobby out. I will try not to give him bad advice.

MR. DeMARIA: Okay, but he will be the main one representing us at the meeting. If you all could give him some help too, that would be great.

MR. CARDIN: If anybody wants to e-mail me or phone me and let me express your opinions, please do.

MS. BROUWER: What I wanted to do is there is this sort of a questionnaire-type thing that was included as part of the overview, and this was put together by John Carmichael. He wanted to request that the AP provide some extra information that will help feed into the assessments for vermilion snapper and red porgy that are coming up. He just sent me this list of questions to sort of guide our discussion and see if we can get a little bit extra information for the stock assessment. I thought we would start with vermilion snapper, and the first question is where do you fish for vermilion and what seasons and depth do you fish for vermilion?

MR. DeMARIA: Do you just want everyone to answer that or how do you want this structured?

MS. BROUWER: Well, it would be appropriate that those folks who are fishing – perhaps we can do commercial first and then recreational or something like that.

MR. CARDIN: Would you be better off sending AP members out a questionnaire?

MS. BROUWER: That would be fine if –

MR. DeMARIA: That's fine, looks like it starts with me. I don't fish for them, but from talking with people I just can't believe that they are in the state that council and NMFS says they are. It seems like they should be in better shape than what I am hearing. From what I hear from fishermen that I talk with and seeing the videos and whatnot, I cannot believe they are in such bad shape. Go ahead, Jim.

MR. ATTACK: I don't fish for them but I do see a lot of them in 80 to 110 feet of water, and the sizes are much larger than what they were three or four years ago.

MR. JOHNSON: I do fish for them, for-hire sector and commercially, 90 to 130 feet of water, but also do sometimes catch them in 180 feet. I agree with Jim, sizes have come up in the last two or three years and so has abundance.

MR. OSBORNE: We have two areas that we fish depth-wise, one from 65 to 80 feet and the other one is about a 300 foot average depth, but we haven't been able to vermilion fish since the quota was ever implemented.

MR. DeMARIA: It might help to say that the region that you are fishing in, too. You are out of Daytona?

MR. OSBORNE: Out of Stuart, Florida.

MR. JOHNSON: St. Augustine.

MR. ATTACK: Frying Pan Shoals.

MR. FEX: I fish from 80 to 160 foot of water; that is where I usually catch them. They go out to 350, almost 400 feet, and that is off of southern North Carolina; and, yes, I have seen a dramatic increase in size, and typically where I wouldn't see that big of a fish in the shallower water.

MR. AMICK: Well, I fish between Charleston, South Carolina, and Brunswick, Georgia, in 80 to 130 foot of water, and the general size has increased since the early days, like in the mid-eighties and even all through the nineties. I would say that they are the peak of size and abundance was peaking in around 2000 up to about three years ago.

I am not sure what is going off in the area where I am at, but there is no problem catching what used to be the 10 vermilion snapper bag limit, and there is definitely no problem catching the

five vermilion snapper bag limit. But as far as abundance, in my area I can't say they are as thick as they were back in, let's say, 2000 to 2008. The size, even in 80 foot of water, 85 foot of water, they are large vermilion snapper.

MR. THOMPSON: 75 to 180 feet of water fishing from Little River to Charleston, essentially. They are abundant and the sizes are good. We rarely catch an under 12-inch fish.

MR. GOULD: 85 to 140 feet of water within a 60-mile radius of Morehead City. The last five years I have seen a marked increase to the point that you can't get away from them from 85 feet to 140 feet. It depends on the time of year – marked increase in both the size and abundance. There are days, depending on the time of year, that we cannot get away from them. Some days you run seven or eight miles after you have caught your limit of five and still can't get rid of them.

MR. CONKLIN: Well, I don't myself fish for vermilions anymore; I am a wholesale dealer. The fishermen that do fish are – for instance, if I pack a 1,500 pound trip now, I will pack anywhere between 500 pounds of two to four, 990 pounds of one to two's and 10 pounds of three quarter to one's. That is the breakdown, roughly, on a 500 pound trip.

Now, granted, two weeks ago 70 percent of the B-liners we packed were two to four pound B-liners. The remainder of them was one to two's. It is incredible the size that has come up here and fishermen are catching B-liners. They fish anywhere between Frying Pan Tower and Brunswick, Georgia,, and there are B-liners up and down the entire gauntlet. I can't say that they are catching them over 240 feet because that is the maximum they can fish, but they catch them up to 240 feet.

MR. DeMARIA: Can you check out what Myra just typed and make sure that is correct.

MS. BROUWER: Phil, I didn't get the rest of the breakdown; I only got the first part of it.

MR. CONKLIN: And the 50 pounds of three-quarter to one's.

MR. MARHEFKA: Phil, I see your statement there, but I also don't want the council or SSC to be confused to that we are seeing nothing but big fish, too. In the very beginning you are seeing different variations of levels of that amount or is that more just the fishermen structuring themselves to catch that particular fish because it fetches more money.

I remember we had a little conversation where you said at the beginning it wasn't all two to four's; and as we know sort of as the year goes on it sort of gets a little bigger when those bigger fish catch; is that correct?

MR. CONKLIN: You mean when the season opens, when they open it up for us?

MR. MARHEFKA: Yes, is that always the case what you are getting now is all big ones and none of the smaller ones?

MR. CONKLIN: The majority of the one to two's are large one to two's. They are not just one-pound fish; they are a pound and a half, a pound and a quarter, a pound and three quarters. Very rarely do you see an undersized vermilion anywhere anymore.

MR. MARHEFKA: We fish, like I say, anywhere from 65 to 240, and when we can get out there to the 300, we get out there also. But in the winter months because the water is warmer, the snapshot is that on my own boat is that we are seeing different lengths in different areas that we go and we fish at. And different strata's of the bottom also, it all just depends on where you are fishing. If you are a fisherman you understand this.

The unique thing that I am starting to go and see is that we are doing a lot of sabiki fishing for live baits, for groupers. We are seeing clouds and clouds and clouds of little tiny B-liners, which is awesome because that is what we are going to live off of for the next ten years, and they are just everywhere, everywhere you go, out in the 20 fathoms, out on the break in 27 fathoms.

If you drop your sabiki down you are getting small B-liners from this to this, mixed in with a lot larger fish that are there also. These are just too small to take a hook; but that to me, that is exciting me to see these smaller, so we are seeing – you know, what I hear around the table, we are seeing the big guys and if you really go and you try to catch the smaller ones, they are there also.

MARMAP's trap, however big their mesh size is, I can guarantee they are not bringing up those little guys. They are washed out by the time they get to the top, but there are clouds and clouds and clouds, forever and ever. I mean it is like I-95, just ride on down and just pull off an exit and they are there.

MR. THOMPSON: Myra, one thing, I said 75 to 180 feet of water, not 100.

MS. BROUWER: Sorry, I didn't catch that.

MR. THOMPSON: 180 feet instead of 100.

MR. CARDIN: I haven't been fishing for the B-liners. They are usually closed now whenever I see a lot of them. I will say diving that I see – I would have to say I have seen more in the past two or three years than I have in the past seven or eight years. In the shore this year we had some cool water come in and there were just clouds and clouds and clouds of B-liners, and like Mark said, they were little tiny 3-inch fish right on up to about 12-inch fish. I am seeing the young fish also in 75 to 125 feet.

MR. DeMARIA: Myra, I have got one thing I could say about catching B-liners in our area. We used to catch them years ago. I never targeted them but there was a place west of Key West, southwest of Cosgrove from 320 to 260, some humps we would fish for blackfin snapper and true American reds and we would catch B-liners, but they were always small. I don't think we ever caught a big one even that long ago, and I don't think that was from overfishing.

I wouldn't want the council or any fish surveys going down there and just catching small ones and saying, oh, my God, all the big ones are gone because I don't know if we ever had them down there. It is kind of a funny fish, but there was certainly a lot of them and they were much deeper than up here, but we never caught a – I don't think we ever caught a big one there.

MR. OSBORNE: Just about what you were saying, Don, in the early nineties, for seven years I lived in the Yucatan and fished down there, and I got to fish bottom that had never been fished before, and every B-liner you caught there was a three-quarter and down, and there were millions of them and in deepwater. There are places that will just hold small B-liners. I don't even know if they are same B-liners or not, but on some of that deep tropical bottom it seems like that is all there is, is small B-liners.

MR. DeMARIA: That is how it was when we fished Cay Sal, too, and I know that wasn't overfished in the late seventies. In St. Thomas they are small. It may be that in certain areas they are just small, like in the tropical areas; I don't know.

MS. BROUWER: Okay, some of you have already touched on the next question, which is how do the size and number compare between what you catch now and what you caught in the last five to ten years or longer, considering the use of the same gear and in the same areas.

MR. MARHEFKA: I guess maybe since we don't need to go around the table in each one of these, unless you have something to go and say, one of the things that I have noticed out there a lot this last year or two is that we are seeing a huge amount of jellies out there, from comb jellies to cannonballs to big old honking jellies. I don't even know the name of those guys. I mean, it is unbelievable the amount of jellies that we are starting to go and see in the water. I don't know why they are there but it just – I don't know what they feed on or what, but it is amazing on our area off the Charleston Coast.

MR. SMITH: Mark, about a month ago we saw more jellyfish on Florida's east coast in one week than we had seen in all of 30 years.

MR. DeMARIA: The big plate jellies or the Aurelia's were so thick in the Keys last month that it was difficult to even dive. People were getting stung and it was almost like diving in a soup. I went out the day before I came up here and the water has cooled off a little bit and there weren't as many, but when the water gets hot like that and you get the algae blooms, that is when they really – they feed on that and that is when you really see them.

MR. SMITH: We have had a heck of an algae bloom in the Indian River Lagoon System, some places more than others, for the past six months because of the high salinity. We are about 12 inches below normal in that part of Florida and a lot the east coast there.

MR. FEX: I have seen an increase since the last five to ten years. I know I would stop on spots and maybe have a hundred pounds of B-liners, and that was five years ago. I mean that was a good stop, and now this year, just this season I had several stops where I had 300 pounds of B-liners on one spot. I never moved the boat. It is just me and one other person, so I have definitely seen an increase in abundance out there, and catchability.

I mean even though we did get mandated to the circle hooks and they are a little bit slower to catch the fish, I have, and my trips are doubled what I used to catch in that short a time, so the CPUE on the vermilion has increased. I don't think it is back to historical levels, but I am impressed by it.

MR. AMICK: Yes, the question of the size of the vermilion snapper, I can remember starting fishing off of Georgia in 90, 100 foot of water, there would be a lot of 10 inch or even less than 10 inch. As we increase the size of the recreational vermilion snapper, I can't possibly catch 11-inch vermilions and 12 inch. We used to keep a lot of small ones, and now across the board we don't see a lot of 8, 9, 10 inches. Some, but not like they used to be; that was all you would catch. On the average, the areas we are fishing off of Georgia are holding larger vermilion snapper.

MR. DeMARIA: Does anyone else want to comment on this or the jellyfish?

MR. GOULD: No, not on jellyfish, on the size of the fish. Over the last five years I have seen a marked increase of the fish that use to average one, one and a half pounds where we are catching a lot of two to four's, with occasional four and above. I have caught a few this year that were up in the six-pound range, big fish; off the boat and definitely more of the bigger fish that is becoming available to be caught, so lots of fish out there.

MR. DeMARIA: One more thing about the jellyfish. We have been seeing different species now. We collected one about a year and a half ago that turned out to be a whole new family of jellyfish off American Shoals. It was also collected in St. Thomas, but I collected it for this invertebrate project I am working on. We sent it to a taxonomist who has several articles written on it. I think it is on the National Geo Website. The ocean is changing definitely around us and apparently up your way, too.

MS. BROUWER: Okay, the next set of questions is just to see if there are any factors that you think effect your ability to catch vermilion snapper, for example, environmental factors – you have already mentioned the presence of the jellyfish – also economic factors such as the price of fuel, technology, and management as well.

MR. GOULD: All of the above.

MR. AMICK: Yes, I will give it a shot. As far as environmental for the area we are fishing, we are so far from the Gulf Stream that – and I am not sure why it is cold water, but it does fluctuate what is on the reefs off the coast of Georgia. I mean, they will be there consistently and then for months they will be gone.

As far as economic factors, the price, sure, because of the economics of fuel and with the reduced bag limits, there is no reason to range far to catch your bag limit. Instead of making these 45, 55, 60 mile runs, our range of fishing effort and where we fish anymore is as tight as where we can keep it to where we leave from, and that has been 30, 35 miles.

It has had an effect of fishing areas. Especially on sea bass and vermilion snapper, this area has been sitting there, like areas just south of Charleston, there is no reason to come up this way from where I am fishing at, and I haven't been up here in 4 or 5 years because of regulations and price of fuel.

MR. DeMARIA: Can you comment on this, Mark? Add something to it?

MR. MARHEFKA: Yes, our water temperatures that we have been getting the past three years; it has just been unbelievable. Years ago we use to be able to go and fish year round off our coast and have no problem with vermilion snapper, but now that the waters are starting to get so cold, and they get pretty extreme.

Talking to some of the divers, they are talking about some crazy bottom temperatures, and I am like no wonder we are not catching anything. You will drop down, you will get two or three fish and then that is it, and you are sitting on a pile, you know what is down there, you have been there before. We can read our color machines like a book, but, yes, water temperature is huge, it affects us.

MR. JOHNSON: I would just say two and four for St. Augustine/Jacksonville area. We did not have a hard thermocline this year for some reason, but we usually do experience a cold water phenomenon in northeast Florida just about every summer, but for some reason didn't get one this year.

MR. FEX: The vermilion quota in the summertime has limited us to July, August, and September. Vermilion spawning I believe starts about the middle of May and goes all the way through December, so we have only caught the vermilion during half of their spawning time, so I think the extra months have actually help rebuild the stock by leaving them alone during half their spawning, so I think that has actually helped. Even though it sucks and we couldn't catch them, but it did help our stock, I believe.

MR. MARHEFKA: Yes, with that being said, too, we have been off a million, two what we use to go and do on the vermilion snapper down to a 600,000 pound rough amount for the last three years so we saved to almost 2 million pounds of vermilion snapper from being harvested in the last three years. With that being said, on our second split from like September or last October and this October, of course, gets shut down.

Our bigger fish usually go and bite between now and the end of the year, and those are the big brood stock that we have that are actually going and replenishing what we are seeing out there, so they are getting a little bit of a break there on that which the last three years, that is pretty solid numbers. I think the SSC could go and sort of think about that a little bit.

MR. ATACK: Yes, it would be good if the model would reflect that, but it is probably not in the model so therefore you get no credit for it. I think that is great, that is a big factor.

MR. MARHEFKA: Yes, this is some of the stuff that we think about every day while we are sitting behind the wheel or we are standing there with a reel trying to figure out what is going on here and why we can't go and do anymore than what we are doing because we are in it 24/7.

But when you go and you have to do this part of it every once in a while and it is not something that you do as your normal job all the time, it doesn't really click to you a whole lot. The SSC people, I know you guys are doing a great job, but it is just sometimes the people who are in it all the time 24/7 have a little bit better idea what is going on.

MS. BROUWER: Okay, the next question just wants to know if you have seen any trends in the discarding of fish. Are you discarding more or less fish now, and are those discards due more to size limits or catch limits?

MR. JOHNSON: I will address that, and it may be different than other people here would. But when I run a charter and I am out there fishing and I get my limit of vermillion snapper – I have been fishing out of St. Augustine for 31 years, and I know what lives where – I am going to go some place to try to catch black sea bass next if they are open.

If I catch my sea bass, then I am going to go soak big base and try to catch a jack or a gag. I think if you are a responsible fisherman, you can do a lot of things to mitigate the discard issue. I don't sit there and just keep catching B-liners if I have got my limit. I move my boat, I go do something different. My answer would probably be totally different. I don't see a huge increase in my discards just due to the way I fish personally.

MR. SMITH: That is the knowledge that we need to supply to the silent majority; not where you fish but how you do that kind of thing so that we can decrease the discard catch mortality.

MR. GOULD: Fishing in a different area, my discard rates on a good day of vermillion snapper is three to ten times what the limit is. It is not because I don't try to get away from them, but I have got a 95-foot boat. To run 10 miles that is basically 20 gallons, 20 gallons of fuel oil, plus where I fish the fish are dispersed together.

You have got your jacks, you have got your vermillion snapper, you have got your bass, and you have got a good amount of triggerfish mixed in with it. It is a very, very hard thing to do. I picked up out of frustration a few weeks ago, ran 12 miles, looked around a rock, okay, well there are the B-liners, went over there where I thought was some bass and red mouth grunts, dropped down, they double-headed the B-liners. It is a hard thing to do sometimes, but the discard rate is way, way up.

MR. MARHEFKA: Yes, I think the Gulf and South Atlantic Foundation has done some great research with their on-board observers, and they can go and sort of echo this situation with our discards. As a professional commercial fisherman, I am not going to go and sit there and catch something I have to throw back.

I am not making any money; I am limiting my time that I want to be out in the ocean. I want to catch my product and I want to go home and spend time with my family; get the product to the chefs, get it going, and get back out and do it again as quickly as I can. Sitting there culling through fish is not even an option. It may be for some folks to go and do that, but for the majority of us it is not.

I would say at certain times of the year maybe, if you are sitting out there and it is really rough weather and you have got to go and sort of slow pick something because you can't drag your boat around because it is 12 to 14 foot seas, you don't really feel like going and putting your life and crew in jeopardy and whatnot, you might go and sit there and pick around a little bit, but it is not going to be to any big amount.

MR. AMICK: Yes, just what Robert said is basically what is going on the way we fish off of Georgia. We catch a limit of vermilion snapper and we will move on and then we will try to target the sea bass. It involves long runs since it is difficult, but we don't stay there and hammer the vermilions when we can move and go try to find a sea bass.

As far as fishing for the sea bass, I can say we still – I would say overall the discards have diminished the way we are fishing as far as the for-hire sector. Except with the five-fish bag limit on the black sea bass, the discards have increased, because you can't go into some areas without having to discard a lot of black sea bass.

I would like to mention the discard rate on the red snapper. As a for-hire headboat, we are required to report how many red snapper we released, so I do that. The effort towards the red snapper is nothing like if the season was open. I think looking at headboat reporting you will see lower amounts of discarded red snapper. If the season was open for red snapper I think you would see more discard rate.

MR. GOULD: You can add on to that since the vermilions have got so abundant, we have been having a problem with people wanting to high grading; in other words, take out from their fish the smaller fish, throw them overboard and replace them with larger fish. This has been a major problem for the last six months or so on my boat.

MR. FEX: The catch limits have affected our ability to fish year round. When the vermilion are open, we can target them. We can fish all night long and pretty much catch vermilion, and not catch anything else. When the vermilions are closed, we don't fish at night. Our time spent fishing is actually limited by that because we are trying to avoid the vermilion.

Just like Mark said, we are not out there to just try to cull through fish; we want to spend the best time to be most efficient. Also, our areas, there are areas up inshore that I only fish when vermilion are open because I know that is pretty much all I am going to catch. My grouper to vermilion ratio isn't that good, so it is not worth to even fish in there. We have become more of avoidance fishermen than targeted fishermen, I think.

MS. BROUWER: Okay, moving along, what issues do you feel are important for this assessment of vermilion snapper to consider?

MR. FEX: The time that we are not fishing the spawning closures are going on. They are spawning while we are not able to harvest them.

MR. AMICK: For us the most important issue is that if the -- I am not exactly sure where we are at as far as where we are percentage-wise of the ACL, but if there is room on the ACL the recreational sector for an increase in the bag limit, so we are meeting the ACL -- I think we are like 64 percent of it or something -- then that is an important -- with everything else closed, you know an increase in the bag limit of vermilion snapper if it is possible is important.

MR. MARHEFKA: Like I said just a little a while ago, the huge amount that we have gone and reduced what we were catching at one point until cut in half and over three years of a period of what we have not interacted with; also the lag time that we have when we are shut down is when the biggest breeders are actually doing their business here.

It has really helped rebuild the stock during that timeframe. The amount of small fish that we are seeing, I don't think you are getting a really good snapshot. I am not trying to go and put MARMAP down or anything like that, but I don't know if they are actually getting the picture of those smaller fish that are the rebuild stock that we have been trying to go and achieve through all these management measures that we have had in place.

MR. DeMARIA: Myra, I think the regional size differences that seem to be independent of any fishing pressure is important, too.

MR. JOHNSON: I also think that the wide distribution of this fish, the fact that they catch them throughout the Southeast Atlantic, except for maybe extreme southern Florida. I still find it mind-boggling that there is a recreational ACL of over a million pounds for yellowtail snapper but a recreational ACL of less than 400,000 pounds for vermilion. That still really puzzles me.

MS. BROUWER: Okay, do you all have any concerns about this species?

MR. JOHNSON: The for-hire and recreational sector would love to have a year-round fishery. Myra, again, some people would disagree with me, but I know a lot of people in Florida would be even in favor of maybe even another reduction of four per person bag limit for a year-round fishery.

I am just looking -- again, we can be a regional thing. I see Terrell over there making signs at me, but come January 1 in my state the recreational angler and the for-hire angler are not going to have many options when it comes to bottom fishing. I mean no black sea bass, no vermilion snapper. We need to do something to give these people some relief.

MS. BROUWER: Okay, and the last question; I think they would like some year-to-year comparisons of how you think the abundance of vermilion snapper has changed. I think you have already sort of covered this, so unless you want to add to what has already been said.

MR. GOULD: Let's put it like this; a few years ago we were scrapping at them. Ten years ago we were scrapping at them. Right now they have gotten to be so abundant they are starting to be a pest is about what it amounts to, because you can't get away from them. No matter what you do, unless you come in there where there are a lot of silver snappers, which, they don't intermingle a whole lot, you are in a scrape.

MS. BROUWER: Great, so if you will bear with me I am going to ask you to do the same thing with red porgy. If we can go around the table for those of you have something to add for the red porgy questionnaire.

MR. DeMARIA: Is there anyone that wants to start off?

MR. GOULD: Okay, fish for red porgies anywhere from 80 to 130 feet. Basically my seasons are April through the end of November, and they are very prolific, but that is what the question was, seasons and depths.

MR. DeMARIA: You should probably give her the area that you fish so she can write it down.

MR. GOULD: South and southwest of Beaufort Inlet. They are very prolific in certain high-ridge areas. That would be about the best I could describe it.

MR. DeMARIA: We very seldom ever see them in the Keys; and when they do it is in deeper water. It is hardly ever caught, 200 feet, 250 or so, but it is pretty rare.

MR. FEX: Yes, southern North Carolina, from 80 to 300 foot of water. They are easy to be caught. They get bigger as you go offshore; I would like to note that.

MR. AMICK: It seems like Georgia is always a little bit different there. I can remember when there were a lot of new areas that we would get into. It seems like the red porgies would be covered on the reefs and they would be the first ones that you would clip. Then we had the closures and the bag limits. And to this day a lot of areas, what we catch as far as red porgy from 85 to 130 feet of water, it hasn't changed. It always amazed me that we had an increase. I am glad we did, no moratorium and all that, but we are not seeing the red porgies like we did back in the early eighties, late seventies.

MR. THOMPSON: I'm looking at 80 to 300 feet of water from the Little River Inlet to Charleston, once again at 80 to 300 feet of water, and I have to agree with Kenny, they are generally bigger the farther offshore you go to the deeper water.

MR. MARHEFKA: I will agree, 80 to 300 foot of water, although I have found some really new stuff way up inshore just recently in the 80 foot where I am catching some massive red porgy that I will keep secret for right now. It is starting to see these fish go and sort of spread out a little bit, a little bit more, just not just offshore but inshore, too.

I'm not just saying that, but I mean I remember catching red porgy and B-liners all the way out to 100 fathoms. I mean, we have got some places down there off the Charleston Bump -- not Charleston Bump but Devils Hole out farther where we have caught them. The B-liners have a golden tint to the top part of their fin break on their dorsal, and I mean like they are way offshore.

Yes, they are real orange, too. Their colors are different, and it is amazing when we are sitting up inshore and we are fishing on the break and all of a sudden we catch a few of these guys. I'm like, oh, my gosh, these guys came in from way off deep and came back up in. I think there is a whole 'nother stock of fish that are way off out in the shelf out there, because they are so much more bait and other things for them to go and feed of out there too.

But, anyway, red porgy, we are seeing those also. Same way, they got a really – the red porgy that are way deep, their colors are different. They are more of a golden color than they are a pinkish color. They have got black heads. I mean they are a porgy but they look a little different than the inshore stuff. It might just be the diet, it might be that there is no sunlight, who knows what it is, but it is interesting.

MR. JOHNSON: Off of St. Augustine, probably 130 to 240 feet, and they are bigger as you get deeper typically, but I haven't seen a huge change in the abundance, to be honest with you. We have always had a lot of porgy if you fish for them. They inhabit a totally different kind of bottom than the B-liners. Usually when you are on porgy bottom, that is what you catch, porgies and triggers.

MR. MARHEFKA: I also want to add that we fish year round for red porgy. This is one of my biggest – I was at one point 9.5 percent of all the red porgy being caught here. There was a bunch then and there is a bunch now. They are coming back even in droves. I mean, we can go to places where we normally try to catch grouper; and you throw a grouper bait down you can't go – and he will just eat that off. They will just blister the bait.

We will go on in certain places that we are trying to catch vermilion snapper, and, of course, I will try to go and pick off the top of the pile for my bigger vermilion snapper, and these red porgies will come up off the bottom and they will just bulldog the vermilion snapper right off the pile, and they will just go and take over. And it is like, okay, well, I have got my limit and it is time for me to go. I might as well leave because I am not going to throw these nice fish back, but they are really taking over a lot of the areas out there.

MR. CONKLIN: This is directed to the council. After hearing what these fishermen have been saying and what I have been seeing as far as the amount of fish and the size of the fish, that you all really, really need to address an increase in our TACs to the fishermen. It is inevitable. Like I said we have given up so much, it is time to start getting a little bit back and increase the bag limits.

MR. CARDIN: I second that motion.

MS. BROUWER: Okay, I think I got some information for the next question, so if you want to talk about perhaps other factors that may have affected your ability to catch red porgy.

MR. MARHEFKA: Yes, you know, of course, the four month closure that we have on the red porgy; seriously, that is huge that has happened. It is a big effect on these fish on the rebound. I am not saying to go and remove it. That is fine, leave it where it is, just go and increase the amount that we are allowed to go and harvest. It is out there, it is available. If we are going to

go and be doing another SEDAR stock assessment or a stock assessment this next year, hopefully we can go and see a little bit of dividends come out of our stock.

MR. FEX: I just want to remark that four months that they are closed is their spawning time so you are helping rebuild. I just was making a point here.

MS. BROUWER: Do you have anything to say regarding discards?

MR. GOULD: If you get in the wrong area, you are going to discard a whole lot more than what you want.

MR. MARHEFKA: Once again, professional fishermen aren't going to sit over a top of a pile of fish that is not going to go and be able to keep them, so discarding fish is not an option.

MR. THOMPSON: I will say on the for-hire side, you have a – I won't say it is any more of it, it has been the same for quite some time. You have had to catch what you catch and then throw them back, throw them back and move on. You are discarding a lot on a regular basis.

MR. MARHEFKA: I have just got a quick question on throwing a lot of fish back on a regular basis. How many drops do you go and make before you go and you say to yourself, you know what, I am done, I am out of here, and this isn't happening, I am going to the next spot?

MR. THOMPSON: Well, that is what I am saying, you go to the next spot and they are pinkies again, you go to the next spot there are some pinkies again. You just have got to run away from them, but once you have got your limit you are going to continue to pick them throughout the day. And it don't matter, like I say, when they get aggressive, it doesn't matter what you put down there, it can be a big bait, a little bait, whatever, you are still going to hook him.

MR. JOHNSON: I think that just shows a big difference between the for-hire party boat sector and people like myself because I am able to deal with that. I ran a party boat for eight years and I know exactly what these gentlemen are saying. You've got a boat load of people; you can't just be moving every few minutes. I feel for them. But the discard, my discards are totally different than theirs for the reason, because I can move more readily.

MR. WAUGH: Just to come back to the comment that Phil made, and just to clarify, the council would like nothing more than to be able to raise these limits, and it is going to be a key as to what comes out of the stock assessment. I think everybody here knows that but I just want to make sure that is clear.

Red porgy have been in a rebuilding program. Hopefully the stock will show that it is no longer overfished and we might be able to get a big bump. I think the council has a good record of increasing these limits as much as they can within the rebuilding programs. It is going to be key – the stock assessment will be using very recent data and the SSC will get this information along with the updated stock assessment. You can be assured the council is going to be as liberal as they can as long as it stays within the rebuilding program.

MR. ATACK: Did you want to change the wording about the lots of discards are in the headboat sector?

MS. BROUWER: Do you have any information for the last three? Are there any important things that the scientists should consider for the assessment? Do you have any concerns?

MR. AMICK: Well, I have run a headboat, but I run a headboat like you would a six-pack boat that I'm real mobile, and the way the reefs are scattered through Georgia is that you have to pick and move a lot. It kind of hurts me to see lots of discards in the headboat sector. I cover a lot of ground with 20 people and it is just kind of like –

MR. GOULD: Let me clarify one thing; it is not because I can't move around. I do a lot of moving around. We get our limit, I am up and going, but it is the same problem that you were just describing. You can't get away from them sometimes. We go, if we sit on a place and we don't catch anything else, we are up and going.

I make as many as 12 to 15 moves in a five and a half period sometimes just to get away from fish or because they are not biting. Some days we don't get a catch until after twelve o'clock, which is pretty well nerve-wracking, but when the fish probably do start we do pretty good. I just thought I would clarify that.

MR. FEX: Yes, the issues that the assessment people should consider is – and they will know t, but the numbers, the 120 headcount that we have kept was almost breached last year. Two years prior to it wasn't reached, so the council put in a good limit that kept us under our ACL. That shows that we are rebuilding the stock by getting more fish. I am getting closer to my headcount and I only fished for two days – and also the four-month spawning closure.

MR. MARHEFKA: But a lot of fishermen have changed the way they fish. They are starting to adapt to the ways of what we are allowed to be harvesting, so that might also be the trend that we are seeing as we are catching more of them, because a lot of times for years past fishermen wouldn't even deal with a red porgy.

It was the biggest piece of junk that they didn't even want to have. But now a dollar is a dollar is a dollar, and they are all realizing you have to pay for that thousand dollars worth of fuel, so they are willing to go and tag that red porgy. It is there; they are going to catch it. I think that is where we are going with this increase. And we are going to go and actually – probably, if we don't get a bump up on this sometime soon, we are going to go and be shut down on red porgy too by the end of the year if we don't go and increase it. Once again we need to go and ask for an increase.

MR. DeMARIA: We are pretty much finished with everything? Anybody else want to add any more comments for the record?

MR. MARHEFKA: One of the things is I wanted to go and bring up about powerheading. I have been thinking about it here a little bit, and if the powerhead spear sector would be interested in entertaining a thought of having a different size limit on their fish as opposed to the hook-and-

line sector, basically because they can go and sort of kind of wipe out a lot of the smaller fish that we normally don't.

I am saying they have a selective way of catching their fish. If they want to catch all the big fish, that is fine, but I am just tossing it out there for discussion here. If there is any size limit on these bigger fish, maybe we can go and sort of slow down some of the arguments that we have on spear fishermen getting whatever.

MR. DeMARIA: Are you talking about an upper or lower size limit?

MR. MARHEFKA: You can put a slot in there if you want. It is something to think about. Maybe the council should go and sort of think about it a little bit here as a size limit, because you do have the ability to go down there and shoot what size you want. As a hook-and-line fisherman, we don't have the ability to go and do that. We have to discard the fish. Being so efficient as you are with a spear or powerhead, you should man up.

MR. CARDIN: I'll man up, but I don't understand if you are saying increase my minimum size to 28 inches or something to keep away from the smaller fish, or are you saying have like only one fish over 50 pounds on board or something like that?.

MR. MARHEFKA: I think basically if the council let that go and we can discuss this within the council. All I am trying to say is that we have some concern on – you know, we go and have a 24 inch on the gag limit and we are getting a bunch of small gag – I mean, a 24-inch gag is small compared to a nice 25-pound fish that was able to spawn several more times than normal. We don't interact with that many 24-inch fish, as much as a diver does when he has the ability to go down on every little bump, rock, ledge or whatever, and pick off whatever he wants. All I am trying to do is try to save the fish, Bobby. I am not trying to pick on you.

MR. DeMARIA: Bobby, let me respond to this real quick. I have always said that there ought to be some different size limits for spear fishermen, a minimum size a little bit larger, because it is not exactly a catch-and-release fishery. We don't have the option to release fish. But I think if you go with the slot size, yes, it is selective and you can pick out sizes underwater, and it is easy to avoid the small one.

Even when you are diving at 130 or 150 feet, you are not going to shoot 24-inch gags, anyway. You are going to shoot the bigger ones. The difference between a 36-inch fish and a 35 and a half inch one underwater is going to be difficult to tell. I think a slot size would probably be the beginning of the end to spear fishermen.

I think as spear fishing gets more popular – and it is through all these websites – I'm seeing a lot more people getting involved in it; a lot of young people in the Keys, and a lot of them really don't have much of a conservation ethic. I think there could be some different rules in place with the council or the state of Florida, maybe a spear fishing endorsement.

I would even go as far as having these guys take some kind of a test so they know what fish is what, because it is not a catch-and-release fishery. You ought to know the difference between a

Nassau grouper and a red grouper, and a lot of people don't. Right now you just walk in a dive shop and buy a spear gun and you are ready to go.

They busted a guy in Looe Key years ago, a closed area, with a queen angel fish that he speared. The spear gun still had the price tag on it. That is the kind of people we are getting in South Florida, and somehow I would like to see it made a more professional type industry and eliminate some of the problem people. But there are all kinds – whenever you talk about licenses or endorsements, people get into – I remember one guy writing in on this website saying that it was gun control, which it is not, but whatever.

MR. CARDIN: Mark, I keep hearing you say smaller fish. In general you get some divers coming up inshore shooting small fish. You want me to man up on the small end of it or the large end of it?

MR. MARHEFKA: On the smaller fish, basically, giving them a little bit more time to go and do what they need to go and do. It is more so market reasons than anything, because the market doesn't go – and everybody wants grouper, but I mean I would like it to go and be a little bit larger on those grouper and give them a little bit more time to go and do some spawning.

I just hate to go and see that these inshore reefs go and just get picked clean, because it is very simple and very easy for them to go and do that. We have some spawning aggregations that are going to go and happen here within the next few days as the water turns cold, and they are going to go and start bunching up, and these guys are going to have a blast way up inshore around here.

MR. CARDIN: Yes, I just heard of a 700 pound hook-and-line catch yesterday in North Carolina inshore. Yes, if council wanted to entertain the idea of increasing the gag limit to 26 or 28 inches or something like that, I would support that.

MR. ATTACK: I had another topic. I would like to make a motion or something for the council to consider African pompano, adding them to the fishery management plan. There are no regulations in the South Atlantic. Florida has I think bag limits and minimum sizes, but the other states don't.

I think there are spawning aggregations, people hear about them, they go out there and they target them, and it is a wide open, no minimum size, no bag limit on African pompanos and they could be added to the jacks as a minimum size and a bag limit or in the pelagic species, because I guess they might move in the pelagic.

MR. JOHNSON: I will second that motion. They have no protection right now as far as I am aware.

MR. DeMARIA: Florida has.

MR. JOHNSON: Florida has a state law, but a commercial vessel in Florida can unload as many African pompano as he wants to.

MR. DeMARIA: I'm not sure now. That just recently got passed in the last couple months; check in on it.

MR. JOHNSON: I was at that meeting and for some unknown reason they chose just to let it go as it was, was my understanding.

MR. MARHEFKA: I've got one more piece of business here. Granted, I haven't been in the past couple of meetings, but not knowing do we have a vice-chair for the AP; and if we do, shouldn't we go and address that?

MR. DeMARIA: Mark, why don't we do this motion first, okay? Do we need to discuss this any or vote on it? Do you need to read it first, Myra?

MS. BROUWER: The motion is to consider adding African pompano to the appropriate management unit.

MR. DeMARIA: All those in favor, those opposed, and those abstaining. **The motion carries.** Go ahead, Mark, with what you were going to say.

MR. MARHEFKA: No, I just didn't know if we still had a vice-chair; that is all.

MR. DeMARIA: I think we do.

MR. FEX: I have a motion especially considering we are going to go through these endorsements of black sea bass and golden tile. I have a motion to consider using one gear type when you go commercial fishing. I would like it to be open for discussion.

MR. DeMARIA: Was there a second on that? Robert seconds it.

MR. FEX: The rationale for that is if a longliner is going out there and he has his endorsement for his whatever thousand pounds, I don't want to see him with the bandit gear over there getting his trip limit on that. Also with the black sea bass pot fisherman, if he is throwing his traps and I can't do it, I don't want to see him over there with his bandit gear catching B-liners and stuff.

I would just like to do that to. Plus for the logbooks, when the stock assessment comes out and they are wondering, well, how did all these fish get caught on this vessel? Well, if you've got two different gear types checked on the thing, which one validates, which one is not with the discards? Everybody questions, well, the trappers, their discard is not bad, whereas the hook and line is different so the mortality rate is different. That is my rationale.

MR. DeMARIA: Kenny isn't that saying that like the dive boats that are working out of Mayport would not be able to bandit fish, just spear fishing and that is it?

MR. FEX: Yes, I guess that would be true, too.

MR. MARHEFKA: Gregg, maybe you can help me out here. Don't we have something in place already with throwing black sea bass pots and bandit fishing at the same time is prohibited? It is my understanding we do, because I have never been able to do it or else I would have done it a long time ago. You can't multi-gear fish, so there is somewhere in there that we dealt with this many, many moons ago.

MR. WAUGH: I will take a look. I know we made some special allowance for multi-gear trips in North Carolina, but I can't remember if that involved a net gear and that is why we addressed it, but I will take a look.

MR. ATACK: Does that mean if I am going for lobster and I use my hands, I can't use a gear to shoot fish or a fishing pole to catch fish? If I go out and do a trip, if I throw a spear gun on my boat, I can't have a fishing pole on my boat? I won't endorse that at all.

MR. FEX: Well, bandit gear is an electric gear, is an electric reel, and a rod and reel is not. That is a separate gear. I have no problem letting somebody use their rod and reel, but when you are using a bandit reel and you are going out there and slinging your traps and you are going over there and catching B-liners, and I can't throw my traps; or vice versa.

The golden tile guy, when he is out there laying his gear and he wants to come up inshore and catch something – if you are going to endorse people to do one thing and keep me out of it, then I would hope that we could keep your gear, so if you come in, throw your traps on the dock and then put your bandit reel and run offshore and do that. Yes, that is what I support. That is my opinion on it.

MR. DeMARIA: I think, Kenny; the problem is it drags everybody else into it, too, like the divers and the bandit fishermen. A lot of those guys will fish until the fish quit biting and then they dive on them. It pretty much puts them out of business, so that is a concern.

MS. BROUWER: Just a clarification; had you intended for this to be applicable to fisheries that have endorsements or across the board?

MR. FEX: It is just across the board. For what's fair for one person, where I cannot do one because they got endorsed for one gear, I understand, they can go ahead and do that gear, but I just don't think it is fair for them to participate in another gear while they are endorsed on another gear, or vice versa. You take your one gear, go out there and use it. Rod and reel could be universal, I don't care, but electric reel as a bandit reel, I don't think would be fair.

MR. ATACK: So you want to reword it to like not count fishing rods or something? I mean. the way it is worded right now it sounds like we might need to reword it a little bit then.

MR. CARDIN: Kenny, question; I understand you are talking about the endorsement, and I understand that is one issue. But now whether you are spear fishing or hook-and-line fishing or rod-and-reel fishing and bandit fishing, are you wanting to encompass that, also?

MR. FEX: Yes, that is correct, because if you look at it, during stock assessments you have a problem of saying, okay, what is the mortality rate of these fish being caught. Well, one was caught on bandit gear so you have got a different mortality rate. Well, one was shot with a spear. Well, then you need to have a different mortality rate. One was caught in a trap; you have a different mortality rate. To help the assessments and make sure that our logbooks are true, that would be a way to do it. Rod and reel would be universal. I don't care if somebody trolls and does whatever, but that is not an electric reel.

MR. CARDIN: Well, right now my logbook, when it says B-liner, I have a gear type; when it says grouper I have another gear type. If the stock assessment people look at their logbook close enough, they can determine that already. The problem is they don't look at it that close. But so now are we – when I heard you say it is not fair for me, it is not fair, and now we are talking about stock assessment; are we trying to catch both of these issues here or are we trying to go with the fairness issue or a scientific issue?

MR. FEX: Well, those are just two rational reasons why to do it. I mean, I am just giving you the reasons why it would be effective. It is being fair to both the gear sectors and it is also helping out the stock assessments. You say, well, okay, they can tell if it is caught on whatever. If it is not written down properly, whether the guy shot it, whether he caught it on his bandit reel or whatever, it is hard to keep track of that unless you are going to sit there and weigh your fish separately or whatever.

MR. DeMARIA: I think we've discussed this quite a bit. Can we go ahead and vote on this? Do you want to read the motion, Myra?

MS. BROUWER: The motion is to consider using a single gear type when commercial fishing.

MR. DeMARIA: All those in favor; those opposed; and those abstaining. **The motion fails.** We have got one other order of business before we take off. I think that the chairman position and the vice-chairman ought to be something that is passed around. I have had fun doing it and I thank everybody for their tolerance with me, but I would like to see it passed around and someone not hold onto it for years and years and years. I think at the next meeting when we get here we ought to elect a new chair and a new vice-chair.

It has been fun, it has been enjoyable but I don't want to hang on. I want to pass it around and let everybody else do it. When we meet next time, let's go ahead and elect a new chair and vice-chair. Thanks everybody for their patience with me and tolerating me.

MR. MARHEFKA: I just have one other thing. I don't think that the motion of the council to consider relooking at the sale of recreational-caught bag limited fish – I just want to put it out there.

MR. DeMARIA: Mark, I think you are opening up a can of worms. I am not going to support it. I understand your concern, but it is really opening up a can of worms.

AP MEMBER: I'll second it.

MR. DeMARIA: You're going to second it, okay.

MR. CURRIN: Yes, Mark, I have tried to listen real carefully to the discussion you guys have had so far on this, and it is just not clear to me exactly what you are concerned about or interested in us doing. The council in Mackerel Amendment 19 is going to consider prohibiting the bag limit sales for king mackerel. It is currently in place for snapper groupers as you are well aware. Is your concern that the practice is still going on and it needs some additional enforcement or emphasis or is it something else?

MR. MARHEFKA: I think my biggest concern, Mac, is that we are having such a lopsided amount of weight weighing over towards the recreational side of fish; and an individual person, why do they need to go and have so much fish that is available to them when it is a public resource, and I go out and I feed the world. They are feeding themselves and their families.

How often does that particular person need to go out to go and catch fish every day to go and feed their family? It doesn't work. They will go out, they will catch what they want, they come back in, and they sell it. We have a tough economy right now. People are doing anything they possibly can.

I am watching people up and down the road selling shrimp on the side of the road, buying fish and selling it in every little town. It is something that we need to go and address. We are losing this component to just a particular sector, that I feel that needs to be addressed. It needs to be looked at. That is all I am saying.

MR. CURRIN: Yes, and I understand now, I think, but what you are citing is a problem, which I agree is a problem, is an enforcement issue and the backdoor sales and under-the-counter sales by folks who are prohibited from actually selling, but they are still doing it; it is still going on. Law enforcement is very aware of it; it tends to be a focus on their part. They hate it.

You talk to the law enforcement folks at the Law Enforcement AP, I mean in every state, and they hate that practice. Some of them take it on as a personal mission to try to prohibit it or pop some people for it and make an example out of them, but it is very difficult to do.

MR. MARHEFKA: My question then is in looking forward like that, look at the other way, what would be the downside if you were to go and take it off and the law enforcement people would be like relieved and take a deep breath, but what is going to be the downside if you were to take that off?

I am looking at like red grouper; almost 50 percent of the red grouper quota is going to go towards the recreational sector. That is a lot of grouper going into one little sector there. It is not going to the general public like it should be going into. It is just going to that one particular person. I am not trying to go and – I am wanting to watch this lopsidedness; that is all.

MR. CURRIN: One more thing, just for clarity if I might, and then I will be quiet. What I am hearing you say now then – I think I misunderstood you the first time – you would be interested in the council considering taking off the prohibition for recreational sale, so that I guess, for example, at least in North Carolina someone with a scuffle and somebody in Florida with a restricted species permit, or whatever it is called, could then sell recreationally caught fish up to the bag limit.

MR. ATTACK: Yes, I think it was Amendment 7 was when they made it legal to sell the bag limit caught fish, and the reason they did that back in Amendment 7, I believe it was, back in the nineties was because the bag limits were being sold to backdoor restaurants and this and that, so that is when they made it legal, back in I think Amendment 7, because of what you are saying right now.

Then Amendment 15B kind of took that away and I thought that was unfair. I mean there were state commercial fishing licenses people had and they were selling fish. People were eliminated from their business. There was no consideration like in the black sea bass pots where we are eliminating people from black sea bass pots.

There was no consideration there, people were just – some of those people were put out of business. I think if they go back and make it legal, then they need to have a permit and open up that 225 permit or something so that they can then sell it under a federal permit and it can be tracked.

MR. JOHNSON: I just want to make a point that, Mark you are saying that there is a lopsided ACL here and you want the commercial sector to get some of that recreational ACL. Well, that is sort of what you said, but it is going to come from the commercial sector. All you are going to do is take a part-time guy, what this council has made clear they don't want to happen – while they want to eliminate me from the sea bass pot fishery, all you want to do is give that guy some of a full-time commercial fisherman's quota. I don't understand that, but maybe you can clarify that for me.

MR. MARHEFKA: Okay, if you are a recreational fisherman and you are going to go and sell your bag limited catch and you are planning on doing that each time that you go fishing, then, in other words, you are going to have to go and have to fill out a logbook. I am going to be filling out a logbook, but it is going to be a recreational fish, not commercial. It has to be off the recreational.

MR. JOHNSON: If it is sold, it is commercial, period.

MR. MARHEFKA: I get that, I understand that, but the point is – all right. .

MR. CONKLIN: I think if this is going to happen, you have to make a – then, again, you are going to have to sell your recreational bag limit to a wholesale dealer and not to a backdoor in a restaurant. If you get caught selling to a backdoor restaurant, the restaurant loses his retail license, his license to be in business.

I mean if that happens, then they have to open up – have a different set of documents for a dealer to purchase a recreational-caught fish. In other words, I wouldn't have to go and fill out triplicates of trip tickets and mail them to the National Marine Fisheries or give them to the Department of Natural Resources. Instead of having that great bit thing that we have got, get something half this size. It makes it so much simpler as far as the paperwork goes, because are buried in paperwork tracking fish around the country.

MR. OSBORNE: Let me tell you what happens to me in my area and Bobby, too, with the sale of recreational-caught snapper grouper. I get up at four in the morning, five in the morning, go catch bait, fish until the sun goes down, and come back in to sell my fish. Now we don't have very many fish houses in our area to where you want to sell a fish, but there are many restaurants that hold wholesale dealer permits.

I know how much fish these people are going to buy, and I know what they will buy and what they are going to pay me for them. I show up there with 400 pounds, 300 pounds of nice fish, I am out of business because six recreational fishermen went in there with a grouper, a snapper. They won't even buy my fish, because they have just enough to get them through.

Normally I could take them – I have two or three places, Ben knows. You could dump of 400 pounds twice a week at each one of these places. You won't sell a hundred pounds there if they have got two groupers in the cooler, because it is going to get them through the evening and they are going to pay those guys less for them. They are going to take less for their fish; you are done. It has hurt us bad, bad, bad. We just finally got that under control. That was before 15B.

MR. JOHNSON: I am just afraid that – okay, he is saying he is not going to take it from the commercial ACL, so he is going to take it from the recreational ACL even though it is a commercially sold fish. Then what is to keep somebody that fishes in a commercial fishery, when that ACL is shut, go to the recreational fishing and selling it. I mean, we are opening up a whole can of worms with this, I feel.

MR. DeMARIA: I think Florida has just got the sale of fish under control pretty much. This would really – it would open up a can of worms.

MR. MARHEFKA: I would be more than happy to retract my statement. I think you guys get the gist of what I am trying to go and do here.

MR. DeMARIA: Yes, we do, so you are going to withdraw?

MR. MARHEFKA: Motion withdrawn. Have a good day.

MR. CARDIN: Yes, where we were talking about the harvesting of larger fish and being concerned about the species and that the powerhead was an issue, I wonder if we need to consider like the use of live bait or use of these new tackles and stuff. The catchability of large fish has increased with the hook-and-line sector also, and I wonder if the council should consider disallowing live bait or different fishing gears to help protect the bigger species, the bigger groupers.

MR. DeMARIA: I guess we are finished unless anybody else wants to say anything. So, that's it.

(Whereupon, the meeting was adjourned on October 6, 2011)

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INDEX OF MOTIONS

PAGE 9: Motion to increase the minimum size on the hogfish to 18 inches. Motion carried on Page 10.

PAGE 11: Motion to raise the minimum size limit for commercial and recreational to 14 inches and establish a 5 fish per person recreational bag limit for gray triggerfish. Motion carried on Page 14.

PAGE 27: Motion to change the recreational fishing year for black sea bass to begin April 1. Motion carried on Page 30.

PAGE 33: Motion to request that the council once again consider regional approaches to recreational management as appropriate. Motion carried on Page 33.

PAGE 36: Motion that the council reconsider the recreational bag limit for black sea bass (5 to 10 with the understanding that the season would not last year round). Motion defeated on Page 36.

PAGE 52: Motion to allocate the black sea bass commercial ACL to hook and line and pot sectors at the historical levels. The percentage that the disqualified pot fishermen would have landed is added to the hook-and-line fishery. Motion carried on Page 52.

PAGE 53: Motion to recommend that the council choose Alternative 3 under Action 1 for Amendment 18A. Alternative 3 is to define a rebuilding strategy for black sea bass that maintains a constant fishing mortality rate throughout the remaining years of the rebuilding timeframe. Motion carried on Page 53.

PAGE 54: Motion to recommend selecting Alternative 2 under Action 1B in Amendment 18A. Alternative 2, set ACL equal to ABC equal to OY. This results in sector ACLs based on the existing allocations. Motion carried on Page 54.

PAGE 56: Motion that the council should consider changing the opening date for the black sea bass commercial fishery (hook and line) to coincide with markets when they are at their maximum price. Consider a splitting of the season as appropriate. Motion carried on Page 57.

PAGE 57: Motion to support the council's preferred for Action 1C in Amendment 18A, and the council's preferred is Alternative 1, no action, do not set an ACT for the commercial black sea bass fishery. Motion carried on Page 57.

PAGE 60: Motion to support the council's preferred alternative for Action 1D in Amendment 18A, Alternative 4, and the ACT equals ACL time 1 minus the PSE or ACL times 0.5, whichever is greater. Motion carried on Page 60.

PAGE 63: Motion support the council's preferred alternative for Action 2 in Amendment 18A; is Alternative 2, Subalternative 2F. Motion defeated on Page 63.

PAGE 65: Motion that the council should limit participation in the black sea bass pot fishery with an endorsement program and a minimum landings requirement of 500 pounds caught with pot gear landed between the control dates of October 2004 and December 2008. The permit must have at least 100 pounds of landings since the control date between 2008 and 2010. Motion carried on Page 66.

PAGE 66: Motion to select Alternative 1, no action for Action 2 in Amendment 18A. Motion carried on Page 66.

PAGE 66: Motion to recommend Preferred Alternative 2 under Action 3. Motion carried on Page 66.

PAGE 67: Motion to recommend Alternative 1, no action under Action 4. Motion carried on Page 69.

PAGE 70: Motion to support the council's preferred for Action 5. Motion carried on Page 70.

PAGE 70: Motion to support the council's preferred alternative under Action 6, Preferred Alternative 2. Motion carried on Page 70.

PAGE 70: Action 7, move the highlighted language in the alternate Alternative 2 language suggested by the IPT at the bottom of Page 11 and the top of Page 12. Motion carried on Page 71.

PAGE 72: Motion to suggest that the total ACL increase not be subject to a double jeopardy penalty. Motion carried on Page 72.

PAGE 73: Motion that the council should consider establishing spawning season closures for black sea bass by regions until the stock is rebuilt. Motion carried on Page 73.

PAGE 74: Motion to support Alternative 5 under Action 9. Motion carried on page 74.

PAGE 77: Motion to support Alternative 3, Subalternative 3C as preferred (with the substitutions below); Subalternative 3C, to increase the commercial size limit from 10 inches to 11 inches total length in Year 1, and then to 12 inches total length in Year 3 onwards. Motion carried on Page 77.

PAGE 77: Motion to select Alternative 4 for both Actions 13 and 14. Motion carried on Page 77.

PAGE 80: Motion to support the council's preferred to establish an endorsement program for the longline sector, and the council's preferred is Subalternative 2C, individuals that meet the qualifying criteria only receive a longline endorsement. Motion carried on Page 80.

PAGE 80: Motion that the advisory panel select Alternative 1, no action, for Action 2 in Amendment 18B. Motion carried on Page 80.

PAGE 81: Motion to support the council's preferred for Action 3 in Amendment 18B; Subalternative 2A, to receive a longline endorsement the permit must have a total of 2,000 pounds of gutted weight golden tilefish caught with longline gear between 2006-2008. Motion carried on Page 81.

PAGE 87: Motion that the council should use the published control date (2008) for managing the golden tilefish fishery. Motion carried on Page 87.

PAGE 88: Motion to support Alternative 3 under Action 4 as the preferred. Motion carried on Page 88.

PAGE 90: Motion to suggest that Action 9 be moved to the considered but rejected appendix. Motion carried on Page 90.

PAGE 92: Motion under Action 8 to select Alternative 1 as the preferred. Alternative 1 is no action, retain the 300 pound gutted weight trip limit when 75 percent of the ACL is taken. Motion carried on Page 92.

PAGE 92: Motion to reconsider Action 9.

PAGE 95: Substitute motion to select Alternative 2 under Action 9 as the preferred. Motion carried on Page 95.

PAGE 96: Motion to select Alternative 1, no action, under Action 10. Motion carried on Page 96.

PAGE 97: Motion to select Alternative 2 under Action 12 as the preferred. Motion carried on Page 97.

PAGE 98: Motion to select Alternative 1 under Action 13 as the preferred. Motion carried on Page 98.

PAGE 99: Motion to select Alternative 4 under Action 14 as the preferred. Motion carried on Page 99.

PAGE 102: Motion to suggest that the total ACL increase for golden tilefish not be subject to a double jeopardy penalty. Motion carried on Page 102.

PAGE 105: Motion to raise the ACL for golden tilefish based on the latest assessment and reallocate the ACL to a 90/10 commercial/recreational split. Motion carried on Page 105.

PAGE 107: Motion that the council should increase the ACL for golden tilefish by 100,000 pounds based on the latest assessment. Motion carried on Page 107.

PAGE 108: Motion to select Alternative 2 for Action 1. Motion carried on Page 108.

PAGE 108: Motion to select Alternative 1, no action, under Action 2. Motion carried on Page 108.

PAGE 109: Motion to support the council's preferred under Action 5. Motion carried on Page 109.

PAGE 111: Motion to support the council's preferred under Action 4. Motion carried on Page 111.

PAGE 112: Motion to support the council's preferred under Action 5. Motion carried on Page 112.

PAGE 113: Motion to support the council's preferred alternatives, which are Alternative 2, Alternative 5 and Alternative 6 under Action 6. Motion carried on Page 113.

PAGE 113: Motion to suggest that the total ACL increase for red grouper not be subject to a double jeopardy. Motion carried on Page 113.

PAGE 114: Motion to support the council's Preferred Alternative 1 under Action 7. Motion carried on Page 114.

PAGE 114: Motion to support the council's Preferred Alternative 4 under Action 8. Motion carried on Page 115.

PAGE 115: Motion to select Alternative 2 as preferred under Action 9. Results of vote not announced on the record.

PAGE 117: Motion that charterboat captains and mates be allowed to retain their recreational bag limit. Motion withdrawn on Page 119.

PAGE 122: Motion to prohibit retention of recreational snapper grouper species on commercial vessels while engaged in commercial fishing when the commercial season is closed. Results of vote not announced on the record.

PAGE 124: Motion is to select under Alternative 2, Subalternative 2B; under Alternative 3, Subalternative 3B; and Alternative 4, Subalternative 4E as preferreds. Motion carried on Page 124.

PAGE 146: Motion that the council invalidate the Wreckfish ITQ Program and treat the fishery as an open access fishery within the snapper grouper complex. Motion carried on Page 146.

PAGE 188: Motion to consider adding African pompano to the appropriate management unit. Motion carried on Page 189.

PAGE 191: Motion to consider using a single gear type when commercial fishing. Motion defeated on Page 191.

South Atlantic Fishery Management Council Snapper Grouper Advisory Panel

✓ Don DeMaria, Chairman
P.O. Box 420975
Summerland Key, FL 33042-0975
305/745-3045 (ph); 305/745-1235 (f)
dondemaria@aol.com
(Comm.) 3/90, 8/96, 3/00, 3/03, 3/06 6/09*

Zack Bowen, Vice-Chairman
32 Bull River Bluff Drive
Savannah, GA 31410
912/898-8760 (ph)
fishzack@comcast.net
(Charter/Headboat) 6/09*

✓ Steve Amick
PO Box 30978
Savannah, GA 31410
912/897-6759 (ph)
SteveAmicks@aol.com
(Charter/Headboat) 6/11*

✓ Jim Attack
111 SW 20th Street
Oak Island, NC 28465
910/520-8279
Jim.attack@ADM.com
(Comm) 9/10*

✓ Robert Cardin
5106 Palm Drive
Ft. Pierce, FL 34982
772/370-4163 (ph); 772/465-3582 (f)
Finchaser357@aol.com
(Comm.-diver) 3/03, 3/06, 6/09*

✓ Bill W. Cole, Jr.
406 Penrose Court
Greensboro, NC 27410
336/294-3919 (ph)
Wcole1976@triad.rr.com
6/09*

✓ William "Phil" Conklin
548 Mary Lou Avenue
P.O. Box 972
Murrell's Inlet, SC 29576
843/251-1437 (ph); 843/947-0079 (f)
(Wholesale/retail) 4/95, 6/98, 12/01, 12/04, 6/08, 6/11*

✓ Blaine Dickenson
150 E. Palmetto Park Road, Suite 500
Boca Raton, FL 33432
561/391-1900 (ph); 561/391-1933 (f)
bcd@dmrslaw.com
(Recreational) 12/08, 6/11*

✓ Kenneth Fex, Jr.
907 West Yacht Drive
Oak Island, NC 28465
910/620-5847 (ph)
kensurfex@gmail.com
(Commercial) 12/08, 6/11*

✓ Terrell Gould, Jr.
P.O. Box 1663
Morehead City, NC 28557
252/342-8322 (ph)
lgould@ec.rr.com
(Charter/Headboat) 12/06, 3/10*

✓ Rob Harris
2611 Gulfview Drive
Key West, FL 33040
305/587-6718 (ph)
rw_harris@msn.com
(Recreational)
6/09*

✓ Robert Johnson
804 Shore Drive
St. Augustine, FL 32086
904/794-2628 (ph)
jlfishing@bellsouth.net
(Charter/Headboat) 3/10*

✓ Mark Marhefka
1676 Culpepper Circle
Charleston, SC 29407
843/478-5078 (p)
abundantseafood@gmail.com
(Comm.) 11/00, 6/04, 9/07, 9/10*

✓ Scott A. Osborne
1309 S.E. Laconia Lane
Port St. Lucie, FL 34983
772/263-3548 (ph)
(Comm.) 12/06, 9/10*

South Atlantic Fishery Management Council Snapper Grouper Advisory Panel

✓ Rodney Smith
265 South Robert Way
Satellite Beach, FL 32937
321/750-3374 (ph); 321/777-4928 (f)
Rodney@coastalanglrmagazine.com
(Media) 12/08, 6/11*

Richard J. Stiglitz
1068 Lemon St.
Okeechobee, FL 34974
863/467-0234 (ph); 863/467-0234 (f)
ladycrys@aol.com
(Comm.) 6/09*

✓ Robert Thompson
5241 Hwy 17 Bus.
Murrells Inlet, SC 29576
843/602-0910
Capt.Thompson@gmail.com
(Charter/Headboat) 6/11*

AT-LARGE

~~Eileen Dougherty
Environmental Defense Fund
PO Box 12057
Charleston, SC 29422
843/737-4466; 919/601-8818 (ph)
edougherty@edf.org
(Conservation/NGO)
6/08, 6/11*~~

Elizabeth Fetherston
449 Central Avenue, Suite 200
St. Petersburg, FL 33701
727/369-6615 (ph)
727/895- 8652 (f)
efetherston@oceanconservancy.org
(Conservation/NGO) 6/08, 6/11*

WRECKFISH REPRESENTATIVES

Paul Reiss, Chairman
135 Queen St.
Charleston, SC 29401
843/870-9810 (ph); 843/853-5083 (f)
Pwr050@yahoo.com
(Comm)
4/95, 6/98, 12/01, 12/04, 6/08, 6/11*

Gregory DeBrango
2036 Coco Palm Drive
Edgewater, FL 32141
386/663-2704 (ph); 407/842-1304 (f)
gdebrango@yahoo.com
(Comm.)
12/01, 12/04, 6/08, 6/11*

✓ Micah J. LaRoche III
2789 Cherry Point Road
Wadmalaw Island, SC 29487
843/559-0858 (w); 843/559-0688 (h)
cherrypoint@bellsouth.net
(Wholesale / Retail)
4/96, 3/00, 3/03, 3/06, 6/09*

Samuel B. Ray, III
2323 High Tide Drive
Charleston, SC 29414
843/763-2510 (ph)
(Comm.)
12/06, 3/10*

South Atlantic Fishery Management Council

2011 - 2012 Council Membership

COUNCIL CHAIRMAN:

✓ **David M. Cupka**
P.O. Box 12753
Charleston, SC 29422
843/795-8591 (hm)
843/870-5495 (cell)
palmettobooks@bellsouth.net

INTERIM VICE-CHAIRMAN

✓ **Benjamin M. "Mac" Currin**
801 Westwood Drive
Raleigh, NC 27607
919/881-0049 (ph)
maccurrin@gmail.com

Robert H. Boyles, Jr.
S.C. Dept. of Natural Resources
Marine Resources Division
P.O. Box 12559
(217 Ft. Johnson Road)
Charleston, SC 29422-2559
843/953-9304 (ph)
843/953-9159 (fax)
boylesr@dnr.sc.gov

Tom Burgess
P.O. Box 33
Sneads Ferry, NC 28460
910/327-3528
tbburgess@embarqmail.com

Dr. Roy Crabtree
Regional Administrator
NOAA Fisheries, Southeast Region
263 13th Avenue South
St. Petersburg, FL 33701
727/824-5301 (ph); 727/824-5320 (f)
roy.crabtree@noaa.gov

Dr. Michelle Duval
NC Division of Marine Fisheries
3441 Arendell St.
PO Box 769
Morehead City, NC 28557
252/726-7021 (ph); 252/726-0254 (f)
michelle.duval@ncdenr.gov

LT Robert Foos
U.S. Coast Guard
Brickell Plaza Federal Building
909 S.E. First Avenue
Room 876/ DRE
Miami, FL 33131-3050
305/415-6768 (ph)
305/415-6791 (f)
Robert.W.Foos@uscg.mil

Charles Duane Harris
105 Demere Retreat Lane
St. Simons Island, GA 31522
912/638-9430 (ph)
seageorg@bellsouth.net

✓ **Ben Hartig**
9277 Sharon Street
Hobe Sound, FL 33455
772/546-1541 (ph)
bhartig@bellsouth.net

Doug Haymans
Coastal Resources Division
GA Dept. of Natural Resources
One Conservation Way, Suite 300
Brunswick, GA 31520-8687
912/264-7218 (ph); 912/262-2318 (f)
Doug.Haymans@dnr.state.ga.us

John W. Jolley
4925 Pine Tree Drive
Boynton Beach, FL 33436
561/346-8426 (ph)
jolleyjw@yahoo.com

Deirdre Warner-Kramer
Office of Marine Conservation
OES/OMC
2201 C Street, N.W.
Department of State, Room 5806
Washington, DC 20520
202/647-3228 (ph); 202/736-7350 (f)
Warner-KramerDM@state.gov

Dr. Wilson Laney
U.S. Fish and Wildlife Service
South Atlantic Fisheries Coordinator
P.O. Box 33683
Raleigh, NC 27695-7617
(110 Brooks Ave
237 David Clark Laboratories,
NCSU Campus
Raleigh, NC 27695-7617)
919/515-5019 (ph)
919/515-4415 (f)
Wilson_Laney@fws.gov

Jessica R. McCawley
Biological Administrator III,
Florida Fish and Wildlife
Conservation Commission
2590 Executive Center Circle E.,
Suite 201
Tallahassee, FL 32301
850/487-0580 x 217(ph); 850/487-4847(f)
jessica.mccawley@myfwc.com

John V. O'Shea
Executive Director
Atlantic States Marine Fisheries
Commission
1050 N. Highland St., Suite 200 A-N
Arlington, VA 20001
703/842-0740 (ph); 703/842-0741 (f)
voshea@asmfc.org

Charles Phillips
Phillips Seafood / Sapelo Sea Farms
1418 Sapelo Avenue, N.E.
Townsend, GA 31331
912/832-3149 (ph); 912/832-6228 (f)
Ga_capt@yahoo.com

Tom Swatzel
P.O. Box 1311
Murrells Inlet, SC 29576
843/222-7456 (ph)
tom@swatzel.com

KATE QUIGLEY
RUSTY HUDSON

South Atlantic Fishery Management Council Staff

Executive Director

✓ Robert K. Mahood
robert.mahood@safmc.net

Deputy Executive Director

✓ Gregg T. Waugh
gregg.waugh@safmc.net

Public Information Officer

✓ Kim Iverson
kim.iverson@safmc.net

Assistant Public Information Officer

Andrea Grabman
andrea.grabman@safmc.net

Senior Fishery Biologist

Roger Pugliese
roger.pugliese@safmc.net

Fishery Scientist

✓ Myra Brouwer
myra.brouwer@safmc.net

Coral Reef Scientist

✓ Anna Martin
anna.martin@safmc.net

Fishery Biologist

✓ Dr. Mike Errigo
mike.errigo@safmc.net

Fisheries Social Scientist

✓ Kari MacLauchlin
kari.maclauchlin@safmc.net

Staff Economist

Dr. Brian Cheuvront
brian.cheuvront@safmc.net

Science and Statistics Program Manager

John Carmichael
john.carmichael@safmc.net

SEDAR Coordinators

Dr. Julie Neer - julie.neer@safmc.net
Kari Fenske – kari.fenske@safmc.net

Administrative Officer

Mike Collins
mike.collins@safmc.net

Financial Secretary

Debra Buscher
deb.buscher@safmc.net

Admin. Secretary /Travel Coordinator

Cindy Chaya
cindy.chaya@safmc.net

Purchasing/Adm. Assistant

✓ Julie O'Dell
julie.odell@safmc.net

SEDAR/ Staff Administrative Assistant

Rachael Silvas
rachael.silvas@safmc.net

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.

SNAPPER GROUPE AP MEETING

October 5, 2011

Charleston, SC 29403

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
<i>Alfred Powell</i> South Carolina Seafood Frank Blum	843-251-1437 843-437-0008	— scanaolians seafood & knology net	PO Box 973 Wheeler Island SC 29576
Tracey Smart SCDNR	843-573-2995	Smartt@dnr.sc.gov	Fort Johnson Rd, Charleston SC 29405
Joe Ballenger SCDNR	843-953-9046	ballengerj@dnr.sc.gov	Charleston, SC 29405
Kate Quigley (SAEA)	327-1114	kquigley@southemath.com	Charleston, SC 29405
Rusky Jones	386-239-0948	DSF2009@aol.com	PO Box 9351 32120-9351
Robert Lewis	772-370-9163	—	Fort Pierce FL 34982
Mark Brown	843 881 9735	capt.markbrown@comcast.net	Wt. PL SC 29466
Michelle Jones	843 834 5175	mlawrence1@aol	2709 Young Road Wadley SC 29926

South Atlantic Fishery Management Council

4055 Faber Place Drive, Suite 201

North Charleston, SC 29405

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

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SNAPPER GROUPPER AP MEETING

October 6, 2011

Charleston, SC 29403

NAME & ORGANIZATION	AREA CODE & PHONE NUMBER	EMAIL ADDRESS	P.O. BOX/STREET CITY, STATE & ZIP
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Frank Brun	843 437-0008	scanoluna@earthlink.net	
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Joe Ballenger (SCDNR)	843 953-9046	ballengerj@dnr.sc.gov	Charleston, SC
-----------------------	--------------	-----------------------	----------------

Pusky D. Brown	386-239-0948	DSF2009@aol.com	Daytona Beach, FL
----------------	--------------	-----------------	-------------------

Tracey Smart SCDNR	843 953 9226	smartt@dnr.sc.gov	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