

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER ADVISORY PANEL

**Town & Country Inn
Charleston, SC**

April 13-14, 2011

SUMMARY MINUTES

Snapper Grouper AP:

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The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council convened at the Town and Country Inn, Charleston, South Carolina, Wednesday morning, April 13, 2011, and was called to order at 9:00 o'clock a.m. by Chairman Don DeMaria.

MR. DeMARIA: I guess we should start. The first item is the approval of the agenda; and if that sounds good to everybody, we can approve it. I think, Kenny, you wanted to add something to it under other business?

MR. FEX: Yes, at the last council meeting several of the council members had kicked around the idea of where the fishermen see the fishery in ten years. Under the current regulations we've all went to two years of regulations, quotas and closures here and there. I wish maybe all of us, after today is done, sit back in your room or whatever and think about it and maybe write up something where you see the fishery, what kind of regulations you would like to see.

I have talked to several North Carolina guys, fish house owners and fishermen, where they kind of could see it working out for them, especially since we know these new ACLs are going to be coming up with these unassessed stocks. We're going to be cut out of fish that are unassessed, so how do we see it working out throughout the year to make it financially feasible.

If the commercial guys and the recreational guys would like to think about that a little bit and see – I mean, maybe state-by-state quotas for the recreational sector; I could see with the charter guys, too, because you really can't move from state to state, but the commercial sector, until we find some kind of mechanism to keep everybody in their own state and then regulate it that way; I don't see it happening. If you guys want to think about that and maybe tomorrow come up with some ideas or something, I would appreciate it.

MR. DeMARIA: That's fine; let's bring it up under other business and we'll talk about it more. Does everybody agree that we can approve the agenda as it is? Is there anyone that objects? We approve it. What about the minutes; does everybody agree that we can approve the minutes from the last meeting? Okay, those are approved.

Well, we ought to go around and just introduce ourselves, not a real lengthy introduction like the last time but just your name and basically what you do, whether you run a charterboat or bandit boat of whatever. What I wanted to the last time when I asked everybody how much time they had spent on the water, it was just to give the council an idea of how much experience this AP has, which came out to something like over 700 years of combined experience. This is a good AP.

MR. SMITH: Good morning; Captain Rodney Smith, media.

MR. JOHNSON: Captain Robert Johnson, for-hire, Florida.

MR. CARDIN: Bobby Cardin, commercial, Florida.

MR. FEX: Kenneth Fex, commercial, North Carolina.

MR. OSBORNE: Scott Osborne, commercial, Stuart, Florida.

MR. BOWEN: Zack Bowen, for-hire, Georgia.

MR. DeMARIA: Don DeMaria, diver, Florida.

MS. BROUWER: I'm Myra Brouwer, South Atlantic Council staff.

MR. STIGLITZ: Richard Stiglitz, commercial fisherman, Florida Keys.

MR. CONKLIN: Phil Conklin, South Carolina, wholesale/retail/commercial.

MS. DOUGHERTY: Eileen Dougherty, conservation, South Carolina.

MR. GOULD: Terrell Gould, Carolina Headboats, North Carolina.

MR. ATACK: Jim Atack, diver, North Carolina.

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

MR. DICKENSON: Blain Dickenson, Boca Raton, Florida, recreational.

MR. DeMARIA: The next item is just an update on the SSC meeting.

MS. BROUWER: The South Atlantic Scientific and Statistical Committee met last week here in Charleston. They had several items on their agenda that they went over. Because the meeting was just last week, I don't have an official report from the SSC to share with you as I had anticipated.

What I was proposing to do was as I go through the various amendments that they discussed and we're going to discuss here this morning, I will give you an update on the recommendations that came out of that meeting since I don't have a report to give you. If that is okay with the Chair and the rest of out, then that's how I will proceed. The first item that we have to talk about is the Comprehensive ACL Amendment.

MR. DeMARIA: Is that okay with everybody? Then go ahead.

MS. BROUWER: I've prepared a presentation for you. It's not a lengthy one like we had in November where I walked you through the whole thing and we went through it action by action. I'd like to update you first on some of the issues that have come up with this amendment, things that have changed since the March meeting, and then go from there.

The SSC, on March 3rd, met via conference call so this was the week before the March council meeting in St. Simons, Georgia. The SSC, at that point, revised their OFL and ABC recommendations. Initially they have recommended that the overfishing level be set at the median landings between 1999-2008.

Because NOAA GC had advised that OFL could be unknown for species with no stock assessments and were data poor, the SSC then revised the recommendation. They opted to make the OFL be unknown for all the unassessed snapper grouper species,, and then they recommended that the ABC be set at the median landings between 1999-2008.

Prior to that the council's preferred was the ABC would be set at 75 percent of the median landings between 1995-2008, so that changed things quite a bit right before the council meeting. That's Issue 1. As I mentioned, we did not have a very clear guidance from NOAA General Counsel as far as the OFL.

When the SSC back in August of 2010, the attorney that was at the meeting said, well, you know, the SSC can say that the OFL is unknown for some of these species where we don't have enough information as long as they can justify that decision. Then we got different guidance from somebody else in NOAA GC who said, well, no, according to Magnuson you have to have an OFL.

We were just going back and forth trying to figure out do we have to have an OFL, do we not have to have an OFL? During the council meeting in St. Simons we talked some more about it and then finally last week on April 6th we got clarification from NOAA saying that it's okay if we have an unknown OFL as long as there is justification for species that are unassessed.

Basically the justification is there is no stock assessment for these species, a lot of them are very data poor, and so the SSC does not feel comfortable recommending an overfishing level for those. When the SSC met last week, again they had to revise their ABC and their OFL recommendation, so the OFL now is unknown for all the unassessed snapper grouper species that are covered under the Comprehensive ACL, and they went and recommended ABC levels for each one of those individually.

They went through a process where they revised based on landings' trends, so we prepared some graphs and tables looking at landings for the entire time series from 1999-2008, and then the SSC recommended an ABC level for each one of those species. Then, again, as of last week we have a whole new set of ABCs that I will share with you here shortly.

As you can see a lot of things have been changing, and so the document – it's not included in your briefing book for that reason, because I didn't want you to have numbers that were going to be different, and the analyses, of course, all have to be redone, so we're in the process updating all that information.

Another issue that I wanted to share with you is we've received notification recently that the MRIP estimates, the Marine Recreational Information Program which replaced MRFSS, all those estimates for recreational landings are going to change. There was a committee that formed – part of the Reauthorized Magnuson was guidance to get MRIP/MRFSS sort of evaluated, re-evaluated and improved.

They have revised the methodology that they used to come up with the recreational landings, which means all of the landings for the recreational sector are going to be revised and will likely

change. This is an issue because we'll have a new set of numbers for the recreational sector that we will need to work with for the Comprehensive ACL.

We've been told that hopefully in June new estimates will be available; and from that point on there is going to be a new methodology that gets used to come up with landings' estimates, which is much improved from the previous way that MRIP and MRFSS did business. That's another issue that has come up which, of course, is going to affect the timing.

Keeping that in mind, I'll go through and update on changes since the March meeting, and then I'll give you a tentative idea of what the timing for this amendment looks like. Are there any questions so far? Mac just clarified for the record that the MRIP re-estimates are going back to 2003, and there is still no indication whether more historical landings are going to change or not.

MR. BOWEN: Mac, will that be from 2003-2008 so instead of ten years it will be five?

MS. BROUWER: The answer that Mac provided is the re-estimation is going to be from 2003 onward, so this is going to be a new methodology that is going to be in place from this point forward. Okay, going back to the Comprehensive ACL, you recall the first action is removing species from the fishery management unit.

The council in March picked an additional preferred alternative. I think there are four preferred alternatives now that would remove 40 species from the management unit, and those are the ones that are up on the screen; a lot of snappers, one of the tilefishes; grunts, all of them except for white grunt; rock bass, bank sea bass, all the porgies except for red porgy. There are 40 species that if this action goes through would no longer be under management under the snapper grouper plan.

MR. CARDIN: Myra, how much discussion has the council had on by removing these off the management plan that does away with needing a federal permit to fish for them that rededicate the land and sell, the state land-and-sell licenses to now sell these fish and you're going to create back to the – like 18,000 licensed fishermen that were selling before 15B; this kind of contradicts it; and now if you have a bunch of new people fishing; if you don't have to have a grouper permit to fish for graysby groupers, now you're going to have a lot of people out fishing interacting with the gags and the red snappers and what have you. You're going to like increase bycatch and increase post mortality discards. I was just wondering how much analysis or talk the council has had about this.

MS. BROUWER: It has been discussed a good deal during council meetings. I don't know if Mac wants to add to that, but it has been analyzed and the analyses do indicate that bycatch would be a problem. The reality is a lot of these species have very little data associated with them so the council doesn't feel that, first of all, the monitoring an ACL for each one of these is feasible. The representatives of the management agencies have indicated that they are prepared to continue with whatever management is in place for these species under state programs.

MR. DeMARIA: Bobby, I've got something to say about that, too. That would mean that anybody with a restricted species could catch mutton snapper and sell them. I think that would probably be a problem for South Florida, so we might want to discuss that a little bit.

MR. CARDIN: With mutttons being open all but May, you would have people out bottom fishing for them in January, February, March and April, interacting with the spawning gags and what have you. You know they live close together and you're going to interact with them.

MR. JOHNSON: Why is mutton snapper on that list; is it a data-poor species? We have got a protected area for them to spawn in the Keys. We've got all this work done in mutton snapper and we're going to throw them under the bus and just take them out of the management plan?

MS. BROUWER: This was a decision that was made at the March meeting, and I don't recall exactly what the rationale was for removing mutton.

MR. CURRIN: Don, the rationale was basically that the majority of the fishery for that species occurs in Florida; that Florida has regulations in place and would be in the position where they could augment or change those regulations, If the scenarios that you and Bobby pointed out were occurring, then the state of Florida could address those, hopefully.

MR. HARRIS: One of my concerns would be is the majority of the mutttons -- at least we do down in the Lower Keys -- is mostly in federal waters so how would the state waters apply?

MR. CURRIN: Well, I guess the state could address those through landing limits and the like. Sure, you could go out if they were different -- the regulations were different in state and federal waters and you could go -- if they were unregulated in federal waters, then you could catch more than you wanted but you couldn't bring them in and sell them and the like. Also, I think it's important to note that in the absence of federal management for a species, then the state can extend their jurisdiction out into federal waters, so I think that's the intent with all these species that occur in both places.

MR. GOULD: The way they do it in North Carolina, Rob, is they have a landing license. Our fishing license for recreational is more of a landing license than anything else. You can go fish for something, but you can't bring it in, and that's the way I believe Florida will take and regulate the mutttons and everything. You can catch all you want but you can't bring that in is the way I'm seeing what Mac was saying.

MR. ATACK: What was the rationale for like mutton and then hog snapper they've got eliminated. What was the rationale for not putting them in there, also?

MR. CARDIN: A lot of landings are in state waters or recorded as state landings.

MR. ATACK: But on Preferred Alternative 4 they had 80 percent or greater landings in state waters; and then they said except hogfish, so it sounds like more than 80 percent were landed in state waters, so I was wondering why the hogfish were separated out from the other species and not all include under the same criteria.

MR. CURRIN: Jim, I think the same rationale that applied to mutton applied to hogfish. We know it occurs and you know they occur off of North Carolina, and there is a fishery at time at least for them. The majority of the landings do occur in state waters. It's primarily a Florida fish, and so I think the same rationale for muttons, and we hope that we can deal with it as Terrell suggested through states addressing size limits, bag limits and the like for those species.

MR. ATACK: So why didn't they do hog snapper the same way?

MR. CURRIN: I thought we did. Jim, I don't recall; I'd have to look into that. Maybe Myra does but I don't recall why hog snapper was left in, and it may be because they did occur and being a law for each state. I don't recall.

MR. FEX: I think it was because of the amount of landing numbers. I think the lower the landing numbers, that's why you were wanting to take it out of the FMP was if you don't have – I would think it was 20,000 pounds of landing numbers, I think it was, was the rationale, so I think that's why some of these fish are on it.

I want to make a point, too, that coney and graysbys, when I come in, I get a mixed – it's called strawberry groupers. It has got the coneys, it has got the rock hinds, it has got the graysbys, it has all them little small tropical groupers; and that's why a lot of times you don't have graysbys written down as that because if I get my landings, they're all wrapped up in one total number and I write "rock hind". So graysbys and coneys probably have high landings; they're just written down as strawberry grouper, which turn into rock hind. Some of these fish actually have high landings; it's just how they're written down.

MR. CURRIN: One more point and keep in mind that there were several criteria that the council used for removal of these species, and one was the percentage occurring in state waters. The other was total landings of less than – and I think we changed that to 50,000 pounds at the last meeting. Previously it was 20,000 pounds average landings, so it went up to 50,000 pounds, and that's why a few of these came in. To be honest with you, I don't know why hogfish is not on that list.

MR. ATACK: Well, the landings have changed a lot since Amendment 15B went through I know in North Carolina. When you're looking at the landings' numbers, then really with the different laws now those landings would be different, so it may be that you want to put them with these other species because of that. I agree with Kenny on the trip tickets. The other thing I think you're seeing on data is like the yellowfin and the yellowmouth, I think there is a box for that in North Carolina. It's people are just counting them as scamp usually. The data is there but it's not there.

MR. STIGLITZ: I think mutton snappers ought to be kept on the snapper grouper – I don't want every recreational person going out there and catching mutton snappers and taking them in and selling them at the market. We worked very hard to keep our permits and keeping everybody out of just being able to sell fish. In South Florida we catch a lot of mutton snappers; and I think to be able to sell a mutton snapper, I think you need to have a South Atlantic permit to sell it.

MR. HARRIS: I also agree because of the fact that – I know what intent is but my question with your intent; did anybody go to the state to say, hey, this is what we're planning on doing, what is going to be your reaction; because even if they are going to react to it in the way that you think they should or think that they will and they don't, you're going to have a huge gap in between the two management measures, which is going to get people out there hammering away at the mutttons.

And it will be the recreational guys that have RSs – you know, all those types of fishermen that normally wouldn't be fishing for them. And like was brought up, I've been out hitting some of my mutton areas here in the last few months, and they're covered with grouper. So you're going to have a larger interaction between the grouper species that you're trying to protect and the mutttons because now people are going to have an RS permit and take them to market, so they're going to be interacting more with the other ones you're protecting.

With the queen snapper that was also on there, that's covered in your FMP for the deepwater closure. That just goes to show you that those queen snapper; I mean, I don't know of any queen snapper that are caught in Florida state waters. They're all out in the deepwater complex, so I don't see where you would turn that over to the state when it's know that they're not interacted with in state waters.

MR. DeMARIA: Okay, we need to move on and then if somebody wants to make a motion on this; does somebody want to make a motion on this?

MR. FEX: I make a motion that we keep the mutton snapper on the FMP, especially since the big discussion –

MR. JOHNSON: I'll second it.

MR. FEX: – especially since the last AP meeting we were looking for a closure area for the mutttons on the Keys because of that large aggregation, and we actually sent that motion to the council. I actually presented it to them in the meeting in New Bern. I hope we can go back and look at that and make sure we keep it on there because it is a fish that is of value in Florida.

MR. HARRIS: I would also – if you could extend that motion out there to include the queen snappers.

MR. FEX: That's fine with me.

MR. JOHNSON: The queen snapper, I understand your intent, Rob, but the reality of things are there is not much money available for stock assessments, and do we really want to spend money on assessing queen snapper and not on some of these other more valuable species? It's just thought. I'm not saying I disagree with it.

I'm just saying that when you make a decision like that it's going to have to be managed, and that's going to take money. We're concerned about groupers and red snappers and some of these more valuable species. I think the council's intent in removing these species is so they don't

have to waste funds trying to assess them. Now, mutton snapper I think should be on there. I don't think they need to remove that, but I'm not sure about queen snapper. I would like to get somebody's thoughts on that. I seconded the motion on the mutton snapper before we just threw a queen snapper in there. I'm withdrawing my second as far as the queen snapper is concerned. I support the mutton snapper.

MR. DeMARIA: Before Elaine speaks, I just make a recommendation that when you make a motion, try to word it so that you get as much support as you can from the other AP members, and I think that will be more helpful at the council when they discuss it if they know it has got a broad base of support.

MS. DOUGHERTY: I think Robert has a really good point, and I think one of the things that we have been looking at a little bit is some of the data-poor assessment methods that are being used in other parts of the country. I think that's something that potentially the council should also take a look at is what are some of the ways that people are assessing data-poor species. In the west coast they are piloting and using assessment methods that I think could have some application here.

MR. FEX: I make a motion to add queen snapper to the motion.

MR. DeMARIA: Is there a second to that?

MR. HARRIS: I'll second.

MR. DeMARIA: Is there any discussion on this amended motion?

MR. STIGLITZ: I would like to see queen snapper taken back off of it, Kenny unless they catch them somewhere else in any great amount. We don't catch very many down there in South Florida, and I don't think it's worth our time or the money to spend on it to manage it unless they catch them somewhere else. I've caught one in my lifetime. It's a deepwater fish and there is not that much of a fishery going on for it, so I would like to see it taken back out and I would support your motion on just the mutton snappers.

MR. DeMARIA: Again, let's try to word the motion so it has the most amount of support.

MR. CARDIN: I understand what people are wanting to do here. With all the laws that's went through this council recently, things like this really contradict them. If you want to allow harvesting queen snappers or yelloweyes or what have you, letting anyone do it and not needing a federal permit and take it out of the management plan, now you're going to have people interacting with Kitty Mitchells and snowy groupers. It doesn't make sense to me.

I'm having a hard time wrapping my hand around this and why we're opening those doors back up that council is trying so hard to shut. Now, I understand Magnuson says they have to have stock assessments or removing them is the way the council can go, but, man, can we make some little secret category that the rules don't apply or has its own set of rules. I'm not joking; I'm serious; is there some way we can do something with this?

MS. BROUWER: I don't believe that's possible but let me also throw something else out there. Mutton snapper, the assessment that was done on mutton snapper was done for the South Atlantic and the Gulf put together. In order for the council to continue to manage it, we first need to establish jurisdictional allocations between the Gulf Council and the South Atlantic Council. That would be Step 1.

The Gulf Council sent a letter to the South Atlantic requesting that the South Atlantic consider the managing of mutton snapper and yellowtail snapper throughout their range. From what I understand, the Gulf Council intends to remove mutton snapper from their management unit, so then it would be up to our council to agree to take it over.

Because of the timing of this amendment, it presents some issues to do that because then you would have to figure out how you would amend the permitting process, whether you establish a big limit just for mutton because currently it's within the aggregate snapper limit in both the South Atlantic and the Gulf.

There are a lot more administrative issues that need to be taken care of, and that was one of the things that came up for discussion at the council meeting and one of the things that was going to getting this amendment through. Certainly, now that I've explained to you some of the other issues that have come up that are likely going to delay development of this amendment a little bit, perhaps the council would be willing to go back and entertain management of mutton snapper throughout the range.

MR. DICKENSON: I would suggest why don't we just make it two different motions; one for mutton and one for queens?

MR. GOULD: I really don't see the need in any of this. This is basically a South Florida fishery here; and from what I gather, the state of Florida does a magnificent job of managing the species in state waters, which I think overlaps due to the regulations that they have in place, but what we're doing here is we're putting more pressure on the marine fisheries managers and it's going divert resources away from things that need to be managed throughout the entire range from Hatteras down to South Florida.

I think this is something here that we need to take a step back and think about it a little bit more before we vote on this. In the future the resources that's managing our fisheries is going to get tighter and tighter and tighter and we've got to make a decision as to what is more is more important and whether a state can handle or it needs to be done on the federal level.

MS. BROUWER: And just to what Terrell just said and to remind you, Mac mentioned that the Florida representative on the council, Mark Robson, did state on the record that Florida would be willing to extend management for mutton snapper into federal waters both in the South Atlantic and the Gulf.

MR. FEX: I have my landing history. I averaged a hundred pounds of muttons from 1996-2006 per year, so it still is a fishery up in my area. I fought against land and sale of federally managed

fish pretty hard and to allow it all of a sudden to go away and to allow them fish to caught and sold recreationally I'm not for.

We're going through ACLs on unassessed species; we're getting ACLs on them. I think they would fall pretty much right under that, too, so I think we should still keep them in the FMP because of that reasoning.

MR. HARRIS: I know that all the way up in Northeast Florida they catch muttons and they actually have commercial quality muttons and a fishery for them. With the queen snappers, I'd just like to reiterate what Richard said, because there is a huge queen snapper fishery just right outside your back door there in Marathon that is huge. If you open that back up, you're going to have all those guys interacting with the snowies and everything else out there that you're trying to protect because of the fact they can go out there and get those queens.

MR. DeMARIA: Okay, are we ready vote on the – do you want to read that, Myra, the second one about queen snapper.

MS. BROUWER: Right, so the motion you are now voting is the motion to amend the previous motion to add queen snapper; just to clarify, to add queen snapper to the species that would be included in the FMP.

MR. DeMARIA: All those in favor; all those opposed. The motion carries 12 to 2.

MS. BROUWER: The original motion as amended would be to recommend retention of mutton snapper and queen snapper in the Snapper Grouper FMP.

MR. DeMARIA: Okay, all those in favor of that; all those opposed. The motion carries with one opposed. Just before we move off of this one, I don't quite understand what is happening with the Gulf Council taking the mutton snapper out of the FMP. The biggest spawning aggregation that's known occurs in the Gulf waters and to hand it over to the South Atlantic; I'm not really sure what is going on here. I think the council needs to look at this one quite a bit more.

MS. BROUWER: Okay, moving on with the actions in the Comprehensive ACL, another update is the council did move Action 2 to the considered but rejected appendix. That was the action that would have established ecosystem component species. The reason for doing that is because everything that would have qualified to become an ecosystem component species was already a candidate for removal, and so the council saw no reason to retain that action. They moved it to the appendix and this was done at their March meeting.

Action 3 has to do with the groupings. Recall that the council has been considering establishing species' groupings mainly to make it more feasible to manage the ACLs. We are down now to four groupings; the deepwater grouper and tilefish, which contains blueline, silk snapper and yellowedge grouper; the jacks, which contains almaco, banded rudderfish, lesser amberjack; snappers, just three, cubera, gray and lane snapper; and then the grunts and the hinds, which just includes red hind, rock hind and white grunt; the porgies, except for red porgy.

The council would like to remove them and red porgy is one of the species that would get an individual ACL. We're just down to these four groupings. You had recommended at your last meeting no action on species groupings. I don't know if you would like to discuss this any further or move on.

MR. ATACK: If you keep the mutton snapper and queen in there, would they have been grouper in the snapper grouper group, then?

MS. BROUWER: I'm not sure, Jim, I would have to look into that. I don't recall if in the previous alternatives mutton was within one of the groups. There is a stock assessment so I believe it would be one of the ones that would get an individual ACL, but I would have to go back and look.

MR. DeMARIA: Is there anymore discussion on this? Why isn't snowy grouper in here?

MS. BROUWER: Well, snowy grouper would have it's own individual ACL. All the species that have their own individual ACL that would be tracked individually are not include in these groupings. These are just the minor species that needed to be put together to make it easier to track their landings.

MR. CARDIN: Gray snappers don't have their own ACL? There are plenty of landings; isn't there?

MR. STIGLITZ: I'm the same thing; gray snapper, we have a big fishery for gray snapper in the summertime in the Keys. I don't know why they're with lane snappers and cubera snappers.

MR. JOHNSON: These fish are not being remove from the management plan, though?

MS. BROUWER: No.

MR. JOHNSON: Okay, so you're not opening up the door you were discussing about mutton and queen being able to be sold. Correct me if I'm wrong here, but the intent is just to group these together and manage them as a group. Is there going to be a group ACL set for them; is that the –

MS. BROUWER: That's correct, so there is going to be a complex ACL. When the complex ACL is exceeded, then your accountability measures would kick in for the whole complex.

MR. JOHNSON: The only problem with that is cubera snapper are not that prevalent, so I'm not sure what kind – and gray snapper are everywhere. I would be curious as to how they were come about setting an ACL for that grouping. With all of them; what is the criteria for setting that ACL?

MR. BOWEN: I'm assuming they're going off what we talked about earlier with the historical landings from 1999-2008. That's an assumption.

MS. BROUWER: You're correct; the ACLs would be based on recent landings, the last ten years of landings.

MR. BOWEN: And they would group those together?

MS. BROUWER: Yes, they would be added together. It would be an aggregate for all the species within it, so the overall ACL would include the ACL for the snappers; for example, for cubera, gray and lane snapper all together.

MR. CARDIN: Myra, are you sure do we have an ACL on the gray snappers or not?

MS. BROUWER: Well, there isn't an individual ACL.

MR. CARDIN: I mean, but it meets all the criteria – there's hundreds of thousands of pounds landed – to have its own ACL, right.

MR. JOHNSON: I've got the SSC's recommendation just to answer Bobby's question, because 894,000 pounds was what gray snapper was.

MR. CARDIN: So why are we putting that in the categories for fish within ACLs?

MS. BROUWER: No, the categories are not for fish without ACLs; everything has to have an ACL. The groupings are to just make it more manageable to keep track of the ACLs. They're minor species; they're associated with one of those. There is a whole bunch of different criteria that went into coming up with these groupings; you know, frequency of encounters, what is encountered with what, as well as life history characteristics and such. That's why they've been put together in that manner.

MR. CARDIN: Okay, I thought some of the Jacks were being removed.

MS. BROUWER: Yes.

MR. DeMARIA: Is there anyone else who wants to discuss this or make a motion on it?

MR. JOHNSON: Is this something that we need to vote on, we need to have a motion on this to approve this or are we going to skip over it like we did the last time?

MS. BROUWER: I'm showing you what the council's preferred is, so this is the council's preferred alternative. It is up to you whether you want to revisit it and give your opinion about it, make a motion to that effect, or just comment on it. It's up to you guys.

MR. DeMARIA: I think it would be a good idea if we made some kind of motion and let them know where we stand on this if it's their preferred alternative.

MR. SMITH: I agree with Captain Johnson about the cubera snapper being grouped with the other snapper; that being a concern.

MR. DeMARIA: Okay, is there anymore discussion on this, do you want to move on, or make a motion?

MR. DICKENSON: I have a question. If the tiny little ACL is met for cubera, there is no more fishing for mangroves and lanes? That doesn't make any sense to me.

MS. BROUWER: It would be an aggregate ACL. It would be basically the same thing that we have in place currently for black grouper, red grouper and gag. That's an aggregate ACL that we have in place through 17B, so this would be a similar situation where when the overall ACL is exceeded then your accountability measures would come into play.

MR. STIGLITZ: I don't understand why they would put cubera snappers and gray snappers and lane snappers in the same group. Gray snappers and lane snappers are a shallow water fish and cubera snappers are not a real deepwater fish, but the majority of them are caught over a hundred foot of water.

If you meet your quota and you shut down gray snappers and lane snappers, that means you can't go out there and fish in the deep water. I could see grouping gray snapper and lane snapper together because they're usually not too far apart. Most of it is all shallow water fishing. I don't understand the cubera snapper being on their all at the same time.

MR. SMITH: One last comment on this – and I don't know where I'm going with this, but my observation on cubera snapper is it's a fish that has just been so overfished. It was actually a fish that we would find in estuaries quite often in Florida in the past, but they've almost disappeared and you don't ever see them the sizes that you saw before. I don't know how our suggestions are going to increase the viability and sustainability of cubera snapper. Maybe Don could comment on that.

MR. DeMARIA: I don't know, the cubera snapper is a funny one. It was never a real common fish, but there were areas where these things used to aggregate and spawn like the Whistle Buoy out of Miami until a certain sportfishing magazine wrote an article and let everybody know where to go and when to catch them, and then it seemed like they disappeared after that.

I think there are some problems with cuberas. I don't know that this is the right way to correct the problem, but I see what the council is doing. They're just trying to make it a little simpler to deal with these species. If somebody wants to make any kind of motion or just a consensus that we have a concern about this, we can move on from there.

MR. JOHNSON: I just had one other comment. You're looking a combined ACL of the snapper species from what I'm seeing the SSC recommended of just over a million pounds. That's the combined ACL. Now does that mean we're going to have sector – we're going to allocate so much to the recreational sector, so much to the commercial sector? I don't personally feel like I have enough information to make a decision on this because I don't know what those allocations are going to be.

MR. DeMARIA: Okay, can we just move on and is it fair to say that the AP has serious concerns about this? Is that okay with everybody?

MR. HARRIS: I think our concern is we don't have enough information on it. Because there are so many variables, we're just looking at the names of the species up there and we've already talked about mutton should be somewhere in there on its own, but yet the council, since they were looking at removing it, that's probably why it doesn't show up in there. We just really don't know enough of the variables of what is being looked at to make an actual decision.

MR. DeMARIA: Is there anyone that wants to add anything else or should we just move on from this on?

MR. STIGLITZ: I agree, we need more information about it before anything gets done about it. I just don't understand again the cubera snapper added on with gray snappers. I know cubera snapper down our way are a deepwater fish, over a hundred foot, and very seldom do you go fish mangrove snappers over 50 or 60 foot of water.

MR. DeMARIA: Can we also add in your minutes that Richard and Rob agree on something.

MR. STIGLITZ: Only because we don't know.

MR. HARRIS: If there was more information, I'm sure we'll find some point to disagree on.

MS. BROUWER: I'm sorry; I'm having a bit of technical difficulty here. I was attempting to open the actual document to show you what the rationale or at least what the methodology was for these species groupings, so if you'll bear with me second here I'm going to try to get to that document.

MR. DeMARIA: While she is looking for that, I want to say something about cuberas. I agree with what Richard said about them being mainly deep water with the larger ones. But you get back in the mangroves – and we do a lot of snorkeling – there were a lot of smaller ones up until the winter of last year, and it seemed like it just wiped them out.

I haven't seen a cubera in the mangroves since last winter, but prior to that there a lot of small ones. The big ones you find mainly in deeper water. In fact, there was an area west of Tortugas where they spawned. I remember seeing well over a hundred of them on it. Some of them were maybe over a hundred pounds, too. They were huge. Of course, I wouldn't want to give those numbers out and have them appear in a magazine.

MR. FEX: Well, right here in the mid-shelf snapper unit, you might advise the council to put inside there. I'm looking at one of those handouts on our briefing book; vermilion snapper, silk snapper and red snapper on the mid-shelf snapper unit, which would incorporate what you're saying that they're a deepwater fish and not caught up in the shallows. I don't know if you might want to go with a motion towards that. That way you'd take it out of the gray and the lane snapper complex.

MR. DeMARIA: Why don't go ahead and take a five-minute break while they're working the computer out.

MR. DeMARIA: Everyone come back to the table; I think we're ready to go again.

MS. BROUWER: I looked in the document to try to get a little bit more information for you on the methodology. There is an appendix that is going to be included that explains in a lot of detail the procedure that was used. It's very complicated. There is some cluster analysis that was done using all the information from MRFSS, from the Headboat Observer Program, commercial landings.

Everything was lumped together and then a Statistical Clustering Analysis was applied. There were also variables that included life history characteristics, and so it's a little complicated to explain it to you, but it is included in the document. The other thing was as far as mutton goes, as I was saying earlier, Florida has gone on record saying they could extend their jurisdiction into federal waters, but the data are now showing that a lot of the landings are coming from federal waters. There are some landings outside of Florida, which that would be a concern because evidently Florida couldn't manage outside its jurisdiction. I agree that it is something the council may want to take another look at.

The next item on the Comprehensive ACL Amendment is the ABC control rule. This one again, as I explained earlier, is in flux since we have received different recommendations from the SSC. The control rule, the way it is written right now, is basically finalized for three of the four levels. There are four levels to it.

Level 1 is for stocks that have assessments down for which there is enough information. Level 4 is for unassessed stocks that don't have very information. That Level 4 is the one that was still not completed. There was a working group of scientists that have been working over the past year to try to come up with a methodology to apply ABCs for these kinds of stocks.

Last week the SSC came up with their own methodology so in essence they added to their control rule. They added a methodology for that Tier 4 of their control rule and they applied it to the unassessed stocks. The current preferred that you see on your screen is going to have to change because the SSC is no longer recommending that ABC be set at median landings anymore.

As I explained this was a change that took place last week, so the council is going to have to go back and revisit their preferred for the control rule. Are there any questions on that? This is where I tell you a little bit more about what the SSC did. For most of the species – and if you take into consideration the 40 species that are candidates for removal, that only left about 18 unassessed species, so the SSC was able to go through each one of those.

There was time enough for them to discuss each one of those, look at their trends in landings and give a recommendation for each one. For most of them the SSC chose to set the ABC at the third highest landings in the time series, so looking at landings from 1999-2008. Okay, so for most of them that's what they did; and, like I said, they looked at the landings' trends for each

one of those and they decided whether that was a good approach for that particular species or not.

For blueline tilefish – and we'll eventually get to where I show you the landings for blueline tile – they recommended an ABC at the highest landings prior to 2006 and then multiply that times two to allow for some growth for that fishery. The ABC then would be set at 592,602 pounds for blueline tilefish. This is a good bit higher than their previous recommendation, so this should be helpful for folks who are participating in this fishery.

The SSC recommended removal of lesser amberjack. There was not a whole lot of landings' information. I think the landings are very small, and they felt that perhaps the council should consider removing that. If not, then I think their recommendation was to set the landings at the third highest in the time series as well.

MR. JOHNSON: Times two.

MS. BROUWER: Not for lesser amberjack. For scamp, silk snapper, white grunt and yellowedge grouper, this is where the ABC had to be a little bit more conservative, and the SSC recommended that the ABC be set at the median landings from 1999-2008. They took different approaches for different species, which was a really good thing that they had the time to do that and consider each species individually.

I apologize for the size of this table, but I wanted to make sure that I had all those numbers up there. This is a table that shows you in bold the recommendation from the SSC, so that's the proposed ACL. Recall that the council's preferred is to set the ACL at the same level as the ABC. When I'm talking ABCs for these species, I'm also taking ACLs.

And then in the next column we have the average landings from 2005-2009, and then we subtracted that and came up with a change in poundage and translated that to percent change. This is not how the council is going to calculate whether there has been an overage, but I wanted to have this up here to give you guys an idea of where we are for most of these species.

The ones that are highlighted in green, which you unfortunately can't see very well, but the ones that have a negative sign next to the percent change, those are the ones where the ACLs would likely be – or I don't want say likely will be exceeded, but where the ACL is close to the average landings, where the average landings have been for the last five years, since 2005.

You can see that there is really not very many of them. Atlantic spadefish would be one, the percent change there is only 1 percent. Gag, of course, golden tile, those are overfished; Goliath grouper, of course. Gray triggerfish is a concern and one that you guys have brought to our attention already. The percent change there would be 9 percent; their new proposed ACL versus the average landings – and then white grunt, another one that is again a very small percentage. But for all the other ones, the percentages are actually going up; the change is a positive change.

MR. JOHNSON: Just one question; this is the total ACL, right?

MS. BROUWER: I'm not sure what you mean. It's the ACL for each one of those species.

MR. JOHNSON: Well, I just figuring out what – this is recreational plus commercial. I'm just as a for-hire captain trying to grasp or wrap around what the recreational for-hire quota is going to be.

MS. BROUWER: Yes, it is total. For that you reason you have to sort of take this with a grain of salt. There are issues when we start dividing things up by sector and by state, and then we get into confidentiality problems. Like I said, this is just to give you guys an idea of where we are. It doesn't really mean that these are going to be overages or underages or whatever. It just gives you an idea of what the landings have been compared to what has been proposed, and that's extent of it.

MR. FEX: Is this in our briefing; is there any way I can get a copy of this to look this over later on or something?

MS. BROUWER: Sure, absolutely. I apologize for not having provided this before. Kate and I put this together yesterday, so we'll make it available.

MR. STIGLITZ: Make sure I'm right here; the proposed ACL for like the yellowtail snapper is 2,898,000 and the catch from 2005-2009 was 1.2 million, so the ACL is going to go up 141 percent from the average catch?

MS. BROUWER: Actually, I'm glad you point that one out because I think the proposed ACL for yellowtail snapper is for the whole region so it includes South Atlantic and Gulf. This is a species where one of the things the council did in March is add an action to the amendment to establish a jurisdictional allocation.

First we have to split up the ABC between South Atlantic and Gulf and then we have to establish allocations between sectors and then go with the ACL. That one is possibly incorrect because the landings are – and correct me if I'm wrong, Kate – the landings that we're showing on this table are only for South Atlantic and the proposed ACL that you see on the screen is for South Atlantic and Gulf. Please disregard the numbers for yellowtail.

MR. CARDIN: Myra, shouldn't you remove that 141 percent, then? The 141 percent is misleading; it makes it look like it's for the one ACL.

MS. BROUWER: Yes, absolutely, and that is what I was just saying; that is a mistake.

MR. DeMARIA: Is there anyone else that wants to comment on this?

MR. CARDIN: There is a rebuilding plan on the red snapper now, isn't there? Can we get red snapper included in that?

MS. BROUWER: That's the reason why red snapper is not included in this table.

MR. CARDIN: Why not?

MS. BROUWER: Red snapper is not included in this table because evidently it's under a different management, zero landings. These are showing species for which the SSC has made a recommendation for ABC, including all of the unassessed species. There are some in there – gag and golden tile that are also in there – but again these are species that are overfished and have been taken care of in previous amendments that are not included in the Comprehensive ACL.

Like I said, we put this together very quickly for you guys to sort of just give you an idea of where we are, so I apologize if it includes a couple of stragglers and some mistakes. I think Kate would like to address something.

MS. QUIGLEY: I was just going to say that you have – as one of your attachments you have the Comprehensive ACL and in the Comprehensive ACL, if you look in Chapter 2, there are tables and tables of every single species, including red snapper and every single species that is not even included in the Comprehensive ACL or in this table. You have that and you have it broken out by for-hire, private, charter, headboat and commercial.

This is a simplified table based on those tables. If you take a look in the Comprehensive ACL and the document – and if you don't have it with you I can bring printouts for tomorrow or specific things that you'd like to take a look at, but it includes every single species that has every been recorded in a logbook or through MRFSS or MRIP. This is just a simplified table based on that; so if there are specific things you're interested in, just come and tell me and I can print them out and bring them in tomorrow.

MS. BROUWER: Right, and just to clarify, the entire Comprehensive ACL Amendment was not included in your briefing book because so much has changed. Like I was explaining earlier, there were changes made by the SSC a couple of days prior to the council meeting, so those changes were not incorporated in time for the council meeting, and then there were changes that were made again last week.

I didn't want to provide you with a document that was going to have misinformation that was not updated. But, certainly, if you would like to see, as Kate mentioned, some of the tables within the document, we'd be more than happy to bring those to you and, no, I will not print the entire 500-page document for each one of you, but I'm happy to send it to you electronically or you can look through and ask for hard copies of portions of it as well.

MR. DeMARIA: Are there anymore recommendations or discussion on this or can we move on? I guess we can move on.

MS. BROUWER: Okay, other actions for unassessed snapper grouper species deal with allocations and ACLs, and I've put both of these on a slide because nothing has changed since the March meeting. The council's preferred is still to go with two sectors and to allocate landings based on that formula using half of the catch history, looking at current landings and half of it looking at a historical trend; and then whatever ACLs are specified for 2011 would then

remain in effect for that year and beyond until the council chooses to modify them. That is still their preferred for the allocations.

And then for ACLs, as I mentioned earlier, the council's preferred is to set it at the same level as the ABC and have that also be the optimum yield. That has not changed from what you guys saw in November. Accountability measures; there has been a lot going on with these, and I'm going to do my best to try to not confuse you a lot.

The accountability measures in this document would apply to all the unassessed snapper grouper species, as I mentioned, that also include black grouper and wreckfish, which have separate actions in the document, as you know. The council has chosen not to set an annual catch target, an ACT, for the commercial sector for any species.

Basically, the rationale for that is because they feel that the way to track the commercial landings is much more adequate than what we have to track recreational landings, and so there is really no need to have this target level in addition to all these other levels for the commercial fishery. For the recreational sector it's a different story. There is an annual catch target that would be set, and it would be set using the proportional standard error of the recreational landings.

I explained to you the last time that is basically just a measure of how confident you are about the data, so it's a measure I guess uncertainty in a way. The issue with this – again, you talked about the MRFSS and the MRIP estimates changing because of this new methodology so that is also going to change all these PSEs, and they're likely going to go up. This is something that the council will again have to revisit and figure out how they're going to address it if they are going to make any changes to the way they're proposing to set those ACTs. Any questions on that?

Okay, so for the commercial sector, currently the preferred for the commercial is if the ACL either for the individual species or for the complex, one of these four groupings that we've already talked about, is projected to be met, then the regional administrator would close the fishery and the harvest would be limited to the bag limit. Okay, that would be the accountability measure. If the ACL is exceeded, then the overage would be deducted from the following year's ACL. That is pretty straightforward and that again is for the commercial sector.

MR. FEX: So you say it's projected to met, then Roy Crabtree is going to close the fishery and limit to the bag limit in the commercial sector; that sounds –

MR. CARDIN: Recreational.

MR. FEX: No, it says commercial.

MS. BROUWER: Right, so basically it's just saying that any commercial landings would be shut down. I mean you could still go out and harvest your bag limit, but the commercial fishery would be shut down.

MR. FEX: Yes, I understand. What I would see a problem, though, okay, say we're projecting that the vermilion is going to be closed in the next month and, okay, then Roy says, oh, well,

now you're limited to your bag limit; well, I'm being a commercial vessel and I'm going to go out there, that means then I can still keep vermilion but then wouldn't that go under the recreational numbers?

If you're limited to the bag limit – I mean, the commercial, they're saying here you're about done, stop, but now you can still keep a bag limit of it; I'm not for that because I am a commercial fisherman and I'm not supporting any recreational bag limit because I don't think me as a commercial guy, I should still be able to keep – I should not be able to take from the recreational numbers.

MS. BROUWER: I believe your interpretation is correct, Kenny.

MR. CARDIN: Kenny, I've got a \$500 recreational license and a commercial, and I'll commercial fish and recreational fish. I'm licensed and I don't see any reason why I shouldn't be allowed to.

MR. FEX: The reason I don't see you should be allowed to is because when you go out fishing you are strictly commercial. You're a commercial fisherman and you should not possess any recreational fish under their bag limit, especially if you have already met your quota on commercial fish I don't think that's fair. I don't think it's fair the vice-versa; that the recreational sector can't catch fish and sell them commercially anymore. I don't think that's it's fair for one to do it that way but not for the other. That's my point.

MR. DeMARIA: I've thought about something to say here and then we'll go on. It's a little confusing in Florida because you can't combine recreational and commercial landings. That's the trouble with the tropical fish people. A lot of them don't have snapper grouper permits. They used to be able to catch coney groupers and things like that, but they can't catch those anymore. Also, when they go out collecting tropical fish, at the end of the day if they want to spear a snapper or something to eat, they can't because they're fishing commercially for the tropical fish. They can't take a snapper, so I don't know how this would play in Florida.

MR. CARDIN: This is just saying that once the commercial limits are caught it's shut down to the recreational fishery or vice versa. It's just Dr. Crabtree being able to shut down one fishery or the other, just like the black sea bass we just shut down commercially. A couple of months later it was shut down recreationally. This is no more than an example of that; is that not correct, Myra?

MS. BROUWER: Yes.

MR. JOHNSON: Well, I was just going to say that I think the state of Florida already has a law on the books, I'm pretty sure, like Don was saying. I don't know how often it's enforced. In other words, if you're engaged in commercial fishing, you can't have recreational bag limits on your boat.

That being the case, if you wanted to go recreational fishing on your commercial boat, you could do that because you're not commercial fishing; you're recreational fishing. But, Kenny, I don't

think the intent is to allow you to go out there while you're engaged in commercial fishing and keep a recreational bag limit.

MR. ATACK: Yes, I checked on that last year because I heard a little bit about that. In North Carolina, you can do both commercial and recreational. There is no law against it. If I go out and I have a commercial license for wahoo and tuna and I don't have a commercial license for grouper, I can get my grouper under recreational and I can get my wahoo or tuna under that permit. It's like you have to proclaim I'm commercial fishing today or I'm recreational today.

There is no reason why you can't do either. North Carolina was trying to do that a year or so ago and they found out legally they couldn't make you do commercial or recreational. I think the intent of this is I think the commercial boats would go out in grouper season – or a few years ago grouper was closed commercially; recreational it wasn't and they could keep some bycatch. I think if the season closed, the intent there is that they can have some bycatch on the boat that may be commercially closed but recreationally it's not.

MR. CARDIN: Once again, this isn't about allowing something new or allowing two fisheries on one trip. This is just an accountability measure that the regional administrator can shut down either the commercial or recreational fishery or what have you, and I think we're making a little bit more out of this than what is really intended here. This is just an accountability measure.

MR. HARRIS: Just to clarify it for my own mind, my understanding of this ruling is let's say Richard is out there catching mangrove snapper and mangrove snapper is open and grouper is closed commercially and he happens to catch one, if Richard wants to take that fish home and clean it and eat it, he can do it because of the fact that he is – if it was still open recreationally, he can keep that fish but he can't take that grouper to market and sell it. It just means that if he happens to catch a grouper and he wants to keep it for himself, he can. Is that not correct?

MS. BROUWER: That's correct.

MR. CARDIN: Once again, that's not what this is about. This is about just an accountability measure for once a quota is about caught, that the regional administrator has the power – the council saying we want you to take the power to go ahead and shut the fishery down. It's not creating a new set of laws here. It's just telling the regional administrator that the council wants him to shut it down when it's met. Once again, we're making a little bit more out of this than it is. We should support this.

MS. DOUGHERTY: Just a clarification; what species do these apply to?

MS. BROUWER: These apply to all unassessed snapper grouper species, wreckfish, black grouper, dolphin and wahoo.

MR. DeMARIA: Anymore discussion? Does anyone want to make a motion on this? Bobby.

MR. CARDIN: This is already the council's motion and the council's preferred; let this be our preferred, the AP's preferred. I make a motion to accept the preferred; can I have a second?

MR. DeMARIA: Is there a second on that?

MR. HARRIS: I'll second it.

MR. DeMARIA: Any more discussion or can we just vote on that? Do you want to read the motion?

MS. BROUWER: Okay, the motion reads the AP supports the council's preferred alternative for commercial accountability measures.

MR. DeMARIA: All those in favor; those opposed. The motion carries 13 to 1.

MS. BROUWER: Okay, when we get into the recreational sector, this is where it gets a little more interesting. Currently the council's preferred is to compare both the individual and the complex ACLs with landings over a range of years to determine if overages have occurred. So for 2011 you would only use 2011 landings; for 2012 you would use the average of 2011 and 2012; and then for 2013 and beyond you would use the most recent three-year average.

You would use those landings and compare them to the ACL to determine whether accountability measures to be brought into play. If there are overages, then the council's preferred is there is either a reduction in the length of the fishing year or a payback of the overages. This would be for species with individual ACLs or complexes; so when the ACL is exceeded, those are the two preferred options.

During the March council meeting the council discussed a lot whether this method for comparing the landings to the ACL was indeed appropriate. They had a lot of discussions about that and a new approach was introduced. John Carmichael, whom some of you from our office, and some of the folks from the regional office came up with a different approach to compare landings that would perhaps be a little bit better.

This was presented to the council at the March meeting. The council agreed that it should be incorporated into the amendment as an alternative but they not pick it as their preferred. That method, which we call the modified mean approach, basically would smooth out the landings a little bit so that when you compare the landings to the ACLs the peaks and troughs in landings would not impact that comparison as much.

First of all, to determine if an overage has occurred, you would use the lower 90 percent confidence interval of the recreational landings and headboat landings. If that is greater than the ACL, then that means an overage has occurred. When that happens, to determine if some kind of action is necessary, you would review the last five years of landings, take out the highest and the lowest from consideration; and if that three-year average is greater than the ACL, then that would indicate that an adjustment is needed to prevent further overages the following year.

Like I said, this new method was explained to the council in March. We don't have any analyses that go with this year. Then a couple of weeks ago the regional office introduced – is going to bring to the council in June a couple of other new alternatives for accountability measures that

the council has not yet seen. I'm not even going to try to explain those to you guys. Basically, suffice it to say that there is a lot going on with this. The council is going to have a lot to think about come June to try to figure out what is going to be the best approach for accountability measures to kick into place.

MR. JOHNSON: I just have one comment. I like this a lot better than what I've seen in the past because this takes into account the fact that you may have extremely high landings one year and you may have extremely low landings one year; and it stretches it over a five-year period, which I think as a whole is better for the fishery getting a more accurate picture. It's just my personal opinion.

MR. GOULD: I really have some reservations about using five years of landings when they've got plenty of data that goes back ten or fifteen years on a lot of this stuff. Everybody that's a fishermen – everybody knows that it has got its ups and downs, and sometimes it lasts two or three years in a down cycle. Sometimes it lasts five or six years in an up cycle. Doing it in a five-year period of time to do this, I think it's a very, very short period of time and it needs to be expanded out to at least a ten and may fifteen-year period there to get the averages.

MR. BOWEN: The only problem with that or one problem I have with what Terrell said is we've had drastic reductions in the bag limits from ten years ago to what we're seeing now. We harvested a lot more fish fifteen years ago than what we're taking now. That just kind of popped into my mind when you were going over that, and I just wanted to bring to –

MR. GOULD: If you wanted to look at it that way, if we were taking a lot more out years ago and the stock was staying stable or maybe just going down a little bit and then as the new regulations come in and it started rebuilding, I think it would give you a pretty good idea of what is happening.

From what I'm seeing personally a lot of the things that's getting more and more restrictive has been in a pretty good rebuilding status for the last four or five years. But, if you look at the way the statistics is skewered around, it's in overfished status even though it's getting better for us every year. I'd rather go with a longer time period myself.

MR. CURRIN: Terrell, keep in mind what we're trying to do here is get at the recent landings. Ideally what you'd use is the year before, just like with the commercial landings; or if we had the capability of tracking the recreational landings like we do the commercial landings, then we monitor the landings. If you got close to or projected to get at your allowable catch, then we shut the recreational fishery down.

Because there is so much inner annual variability, depending on the number of samples under the MRFSS or MRIP program that you get, it's not uncommon to see spikes in the estimated landings for the recreational community because it's not a census. It's a survey and you may have down years, you may have up years, so the council's attempt in, first, our current preferred was to use a three-year running average so you kind of smoothed the more recent landings a little bit, so you aren't closing the fishery based on a spike or upping bag limits based on a low estimate of the landings.

The problem with that, which Gregg Waugh identified, was if you do have one year of very high landings or a high landing estimate, it not only hurts you the next year, that data point is still in that three-year running average, so it's going to hurt you again the next year. It didn't get at the intent that the council had by trying to smooth the data.

This new approach – and I don't know what NMFS has come up with – but this modified mean approach does exactly in my mind what the council wanted to have done by selecting that prior three-year running average thing, but it accounts for those spikes and it doesn't penalize you two years in a row or three years in a row for having an individual spike. But keep in mind the point is to get at the recent landings here, and that's why it's three out of the last five years.

MR. ATACK: I guess one thing that concerns me about this, without really running some numbers and looking at it, is if you really are overfishing it's going to take at least two years before you make an adjustment and then how long we have to then keep the lower number before you can bring the number back up is one thing I've got.

And if it's really a data thing, why aren't we pushing for electronic reporting and getting all the recreational numbers in that you can like you do commercial and have real data, have all the charter for-hire, all the headboats electronically enter, have the recreational guys enter, then you won't have this MRFSS thing that you think is up or down. To me good data, fast data is real important.

MR. CURRIN: And the quick answer to that, Jim, is money. To census the entire recreational community, close to a million anglers in North Carolina alone. We've got, what, 2,000 active, 1,500 active commercial fishermen and maybe fewer than that. The division has a staff that is already composed of five or six people that run that part. If we add another 800,000 people to that, they're going to have to triple and maybe quadruple that staff. They just simply don't have the manpower, can't afford the manpower to do it, and it's worse on the national level. That's the short answer.

MR. ATACK: I think there are simpler solutions. I'm thinking they enter their data electronically just like the dealers do. It doesn't take more people. You get that set up; you can enter it from your cell phone on the way into the inlet, so you can enter your day's landings before you ever get home. You don't have to do it that night after you wash the boat up. There are applications that could be set up and that could be very simple.

MR. FEX: The problem I have with recreational sector logging in or electronically filing their stuff, if I'm under an ACL and I know I can't exceed it I'm not going to tell them that I caught many fish this year because I don't want to fill my ACL. I want to still be able to fish recreational. My numbers are validated because of my federal logbook and my landings.

The recreational sector is really going to be hard to enforce and get them to comply with that because if I was a recreational person and you called me and asked me how many grouper I caught last year, I would tell you none because then that wouldn't fill my ACL. That is a problem with the recreational sector. They can't validate their landing numbers, so I really can't support that or whatever, but I see the logic in this.

The thing about this is, too, some of these fish that normally we would never have targeted, they might be targeted now; triggerfish, grunts. I mean, recreational, them guys, if they can't go out and catch black sea bass, they can't catch B-liners, then the charter and headboat guys are going to target them.

So if normally historically we didn't catch many of them, then you're not going to have a high ACL, but there might be abundance of them out there to be caught. Keeping it current I would consider it a lot better because we've went through some regulations that kept us from fishing for these fish normally. Now we are having to target them because we can't catch the other fish. I would support this idea.

MR. STIGLITZ: I agree, I think we should accountability measures for the recreational sector. And like you said, Ken, if they think they're going to get their ACL, if they don't want to record it, well, you know what, it works two ways. When you don't record it, it is going to show that there is a decrease in the fishing and you're going to lose.

They need to do with the recreational sector just like they do with the commercial sector; that if you don't record it and you don't do what you're supposed to do, you lose your privilege of going fishing just like we do. If I don't do my logbooks, I don't get to go fishing. It needs to work two ways and I'm a hundred percent for the recreational sector being monitored just like we are.

I know it's going to cost money, but I resent that I have to do it and the recreational sector doesn't have to do it. All that stuff up there is just guess work. Every fish I catch is accounted for and every fish you catch is accounted for. I think the recreational sector needs to do the same exact thing.

MR. BOWEN: It's like Myra said, we need some analysis. I feel like I need some analysis and some runs on this to see where we sit before I can make a decision either way. I understand the points that have been brought up, but in this case we really don't have a lot to go on here, in my opinion.

MR. HARRIS: I would just like to – you know, I disagree with you to a certain extent. I think the majority of the recreational fishermen right now realize the fact that they're missing the boat because of a lack of reporting. Every meeting that I ever go to or ever since I've been coming to this meeting, we've been hammering away at reporting, reporting, reporting. The recreational guys are ready to get on board with reporting if they just had a format to do it in.

You will have some that will fail to report or will misreport. Even within the commercial sector we know that happens. Yes, your fish do get accounted for but it may not always be what they're being said that they are, so there are going to be errors on both sides, but I think that you're going to find the majority of the recreational fishermen would prefer to go out and be counted so that now they have something to stand up and say, well, look, this is what we've been doing.

Right now they don't have that because none of us, commercial or recreational, have any faith in the MRFSS system. I haven't seen anything that makes me want to jump on board with the MRIP either. There has got to be something out there and we've got to quit talking about doing something about it and actually do something about it.

MR. GOULD: As all of us know, it's a pretty well-known fact that the MRFSS survey is highly reliable, as it is. As a headboat operator I do a report everyday. Everything I catch is reported. Four years ago, for those of you that were still on the AP Panel, I brought up the idea of getting the recreational fishermen to fill out reports. A couple of the recreational representatives on the panel at the time, I thought I was going to get in a fistfight with them, we do this for fun, we do not want to do reports.

But, like I suggested there four years ago, if you're going to take part in the resource, you should be permitted for it. That brings in revenue to help do the reporting. It pays the people to keep track of the data. The National Marine Fisheries Service's reporting program is in the stone age it take so long – look at what happened with the sea bass last year when they shut it down because it was projected to be met by such a date.

And then all of a sudden up out of thin air, oh, we've shut this down too soon, so your reporting processes need to be updated and make it more modern. North Carolina has an excellent system where it's almost instantaneous. They know day by day by day; whereas the National Marine Fisheries Service, you might have as much as a two- or three-week lag to have to do a statistical projection on what they're doing.

This is something that this panel needs to look at very closely and make some recommendations on to upgrade the thing. I'm all for the recreational fishermen – if they're going to partake in the resource, they should have to report like everybody else.

MR. DeMARIA: But we need to keep moving on with this and I don't know if we really have a consensus other than I think we all agree that the recreational sector needs to be brought into the accountability program a little more than they are. If somebody wants to make a motion, we can do that.

MR. JOHNSON: I would just make a motion that we adopt the five-year plan as our preferred.

MR. SMITH: I'll second that.

MR. BOWEN: I'd like a little discussion on it. Robert, I can't support it now without having some kind of runs done on it, man. We sit here as charterboat and headboat operators and you're making a motion on something in my opinion that we don't know how that is going affect us. I can't support anything without me studying it and knowing how it's going to be for an outcome from my position as a charter for-hire representative.

One thing I want to get back to is – and I've been reluctant to say this and I've thought about it for the last several years. I carry recreational anglers fishing; but when it comes to the accountability – and there are a lot smarter people on this panel than I am, but one thing that we

should try to work with here is – and again I’ve been reluctant on bringing this up, but the only way that we know that recreational anglers go fishing is if they burn fuel.

You’re talking about trying to get plans in place to monitor, and I know some people try to throw some money under the table and don’t want to report this, that and the other, but burning fuel out of a vessel means you went fishing; and if you didn’t burn fuel you didn’t go fishing. So kind of kick that around and when some ideas come up about this monitoring the recreational angler, burning of the fuel with fuel tickets or gas tickets ought to be considered if the accuracy wants to be increased. if that makes sense.

MR. JOHNSON: Zack, I would just say this is not pertaining to the quality reporting. It’s just pertaining to how they’re going to look at it. I just think a five-year – removing the highest and lowest and taking the mean of the three remaining is a better way of looking at it than looking at 2011 and then adding 2011 – do you know what I’m saying? If you looked at some of their other alternatives, I think this is a much better alternative for the fishery because it gives a better picture. Terrell over said ten years, well, I think five is better than one or two or three is what I’ve seen in the previous.

MR. BOWEN: And I agree with that and maybe I made two points on two different subjects. While I had the microphone I wanted to mention about the fuel tickets. Without knowing how my runs are going to turn out without seeing some analysis on that, I can’t support it.

MR. ATACK: Yes, I agree, I would like to see some runs. I’ve seen the runs – you can just run it on the data that we already have. You could do a period of 1999-2005 or something and just see what that does to you and then how long will your ACL be lower based on this run or higher based on that run, it would be nice to see that before you just pick this method. A comment on the gas thing; there are lots of people that don’t buy gas at the marina. Depending on far offshore they’re going, you won’t see it on the gas tickets.

MR. BOWEN: They buy gas somewhere.

MR. ATACK: Yes, but how do you know it’s going in their truck or their car.

MR. BOWEN: Yes, and there are different ways to –

MR. ATACK: So I hear what you’re saying on there, but I’m not sure that’s a really good way.

MS. BROUWER: As far as your motion goes, just to clarify, as I explained earlier the council saw a very preliminary analysis of this approach at the March meeting, like I said, using the old numbers. What I would suggest perhaps, if the maker of the motion would agree, is you could always support the analysis of this approach, because I think it is a valid point. The council has not seen an analysis of it either. As I said, this is not currently their preferred. They voted to add it as an alternative that would be considered, so perhaps you want to do the same.

MR. DeMARIA: Is there anymore discussion or can we go ahead and vote on this?

MR. GOULD: I can't support this until we get a chance as a panel to see some runs, different runs, three-year run, five-year run, what a ten-year run would look. Just because each and every one of us being fishermen know that your weather is not the same every year, your currents is not the same.

I'm not real comfortable even with the five year because of such variations in the climate; you know, the weather each year. I'd rather see some runs be brought across and then pick out the best ones. Mac done a good job of explaining their rationale, but I'm still not comfortable with it so I'd rather see some runs before it was took action on.

MR. DeMARIA: Okay, one more comment and then we're going to have to vote on this.

MR. FEX: If you guys want to see some runs, I got this handout from the last meeting. It shows landing histories for the last ten years. If you guys want to look at it, it has got it on the graph on everything. It has about every species in it. And you want to take last five years, take out the high and lows, it's right here, and look at it and you can do your own runs and get an idea on that. I mean, here are the landing histories right here. This is a whole book full of them so if you guys want to look at it on our break or something, go ahead and get an idea so that way you have a better idea of what you're looking at there.

MR. DeMARIA: Okay, why don't we go ahead and vote on this?

MS. BROUWER: Okay, the current motion reads the AP supports the modified mean approach for recreational accountability measures.

MR. DeMARIA: All those in favor; those opposed. The motion was approved 6 to 5.

MS. BROUWER: I'm going to see if either John Carmichael or our new biologist can perhaps come and show you guys some examples of this approach at some point today or tomorrow. I'm looking into that.

MR. BOWEN: And I reserve the right after I see that and listen to it, I reserve the right to change my vote once we've had some runs, but right now I'm sticking with what I said.

MR. FEX: If you guys want, you name off a species and I'll do it sitting right here. Like I said, all the information is sitting right here on a graph. It has the highs and lows. It's not a mathematical hard equation.

MR. BOWEN: Again, I'm not the sharpest tool in the shed and I'm not as smart as you all. It takes me some time and sitting here in ten minutes I can't make that decision.

MR. DeMARIA: Okay, maybe you can get together on a break or something and look at it.

MR. ATACK: I guess the only thing is its pay me now or pay me later. An ACL is an ACL; and if you have really good data, if we had electronic reporting and numbers right away, we would

not exceed the ACL, and then this whole thing kind of goes away, and that's what you're kind of looking at.

MR. STIGLITZ: If we get more information on this, are we going to bring this vote back up because I abstained from it. I didn't really want to vote one way or the other on it. I'd like to have more information on it before I put a vote on it. I could have voted no and it would have been six to six.

MR. JOHNSON: Just one last comment; the reason I like this is there is no wording anywhere that gives us a payback when we underfish our ACL. This is the only thing that I've seen if we're under the ACL one year and we've over it the next year, we don't have pay accountability measures because we're over the next year because you're going to do a – am I correct; you're going to have a running three-year average and it's smoothed out. Do you follow me here? That's been a big issue with me is we're always going to be penalized when we have an overage of an ACL. Accountability measures are going to get kicked in but there is never any benefit from the years that we don't go over it.

MR. DeMARIA: Okay, why don't we move on; someone is going to come after lunch and explain this and we can go ahead and vote on it again.

MR. CARDIN: This was running; it's a running average. I wish we could do a revote. Instead of abstaining, I would have voted against it if it's a running average.

MR. DeMARIA: Someone is going to come in after lunch and we'll revisit it and vote on it again.

MR. BOWEN: I make a motion that we revisit this after we're – okay, fair enough.

MS. BROUWER: Okay, fishery biologist is probably going to be here after lunch and he can do some runs. He can explain to you the way that we walked the council through this whole thing in March, and he can do that this afternoon. Moving on, the next set of actions in the amendment have to do with wreckfish and I guess none of our wreckfish representatives are here. I'll just quickly update on what is going on.

The council decided to continue with their preferred allocation of 95 percent of the ABC going to the commercial sector and 5 percent for the recreational. Other actions, the ABC stays the same at 250,000 pounds. The allocations stay the same. The management measures would be one wreckfish per vessel per day. This is their preferred.

The council is looking at a July/August recreational season. We had a lot of discussion with NOAA GC as well. The council wanted to look into exempting the recreational sector from having to have all those permits and shares and coupons and all that to be able to land wreckfish. According to the regional office and NOAA GC this is something that can be done through changes in the regulation, so the council would like to go forward and make those changes.

MR. FEX: I just want to make a point on discussion. The only problem I have with that is wreckfish – you're out there fishing; who flips the quarter to say who is going to drop down and catch that wreckfish? Do you know what I mean; you've got five people on the boat. They're all going to drop down, they're all going to catch a fish.

They're going to keep the biggest one and they're going to throw whatever back. The same thing with the snowy groupers; they had 523 fish and they allocated them all the way through. I understand the logic that the recreational sector does deserve some of that, but how they do it and the way they do it, it's just hard to see. I hate to say it because you're killing fish, but that's just my point.

MR. JOHNSON: I think the intent of this was to allow for a recreational bycatch. My understanding was that they're not specifically targeting wreckfish, but they are catching them while they're deep-dropping for swordfish. Maybe I'm wrong but that was how it was presented to me, and so I don't you're going to have a situation where you have five people dropping down specifically targeting wreckfish. If that occurs, that's bad, I understand, but that's not what the intent of this was. It was just a bycatch-only allowance to allow them to retain a fish.

MS. DOUGHERTY: I think if the intent is bycatch, one of the things that I think about is there a possibility for a bycatch quota; and so rather than that 5 percent just being recreational, having some flexibility for either commercial or recreational that may have bycatch from other fisheries. Maybe that's not a concern for recreational and commercial swordfish fishermen.

MR. DeMARIA: Anymore discussion on this? Does anyone want to make a motion or does this just seem agreeable with everybody? Is anyone opposed to this? Okay, go ahead, Jim.

MR. ATACK: One question; why did they decide not to go with coupons? I guess if you have recreational people trying to target the wreckfish, then wouldn't you want them to have a coupon so you'd know that they're trying to fish in that fishery.

MR. FEX: The only reason I could see a coupon being a problem; it's like a deer tag. The only reason you put the tag on the deer is because the wildlife guy is coming up on you. So if you've got a coupon and you ain't got to put it on a fish until you see the marine patrol guy, you can save it for your next time and your next time. The coupon issue is just like a deer tag issue.

I know guys that go hunting, had deer tags, don't put them on the ears of the deer or whatever. I mean, that's just discussion. I'm not disagreeing with letting them people catch whatever, but it's just sometimes you open up a fishery.

MR. DeMARIA: If it's more of just a bycatch thing with the swordfish fishery, like Robert said, I don't see a problem with this. Can we move on from this or do we want to debate a little more.

MR. CARDIN: Well, the wreckfish thing has been going on a couple of years on the council, Don, so maybe if we can give them a little more guidance. I think one thing you're looking at is you might be looking at 250 or 300 or 400 wreckfish; and if you go give them coupons or some

sort of catch share thing, how do you distribute out just a couple hundred tags, and how is that going to reach the people who are actually catching them as a bycatch in a swordfish fishery.

MR. ATACK: I guess if they're planning to go, they could apply and get the coupon. If it's just a bycatch, then they're not going to go the coupon. If it's really just a bycatch fishery, then that's one thing. It sounds like some people were wanted to go catch the wreckfish and recreational fishing for them, that's different then.

MR. CARDIN: Yes, but what you're looking at is I don't the council really sees the ability to – you know, with a 10 percent of a possible 200,000 pound quota, that might be just couple hundred fish, and I don't think the council would open a directed wreckfish fishery for such a small number of fish.

MR. DeMARIA: Okay, so we're pretty much in agreement this is okay and we can move on.

MS. BROUWER: Okay, so none of the actions in black grouper changed since you saw them in November, so I figured I didn't need to go through all those again. What did change was an action was added to establish jurisdictional allocations for yellowtail snapper. As I mentioned, this is one of the species that the Gulf Council requested that the South Atlantic consider managing throughout its range.

That would present our council having to make changes to the permitting system, and that would take a long time and it's rather complicated. Rather than go that route, the council decided, well, let's do a jurisdictional allocation first and then go from there. These are the alternatives that were presented to the council at their March meeting.

There are not yet any analyses that have gone back to the council. They just approved including the action in the amendment. The alternative is to establish an allocation using the most recent stock assessment. That would be SEDAR 3. I believe Subalternatives 2A and 2B are pretty much the same, so one of them is probably going to end up going away.

2C would allocate the entirety of the yellowtail snapper ABC to the South Atlantic. 2D would be 95 percent to the South Atlantic and 5 percent to the Gulf. Then there is another methodology that was used is to look at the apportionment based on the Monroe County jurisdictional boundary; 73 percent to South Atlantic and 27 percent to the Gulf using the catch history information you see up on the screen; Alternative 4, the same thing with different percentages; 75 percent to the South Atlantic and Gulf 25 percent.

Moving on, Alternatives 5 and 6 have again different percentages using different time series of landings. This was brought to the council in March. The council agreed to include it in the amendment. They don't have a preferred. The analyses have not yet been done. If the AP would like to look through these, if you have an opinion as far as where you would like the council to focus, then we can do that.

MR. BOWEN: One thing that comes to mind here, guys and ladies, the circle hook law that just went in effect from March 3rd; wasn't that because they used the 28 degree line because of the

yellowtails not being able to be caught by circle hooks, so why spread it through the whole South Atlantic if us north of 28 is going to use circle hooks and we're not going to catch yellowtail snapper, anyway? It may be some confusion on my part.

MR. JOHNSON: Well, how many yellowtail snapper do you catch off of Georgia? We catch some but it's not a common fish; I think that's the only reason.

MR. BOWEN: Yes, a few but prior to the circle hooks we did see some, but now that we're mandated to go circle hooks and the guys south of the 28 degree line say that you can't catch yellowtails on circle hooks; what is the point of spreading this fish through the South Atlantic?

MR. STIGLITZ: We catch them with a circle hook, but our dehookers don't work with circle hooks. When we've got fish not biting, we pinch the barb on a J-hook and we've got yellowtails flying and they're pretty much unhooking themselves where you can't do that with a circle hook. It has got nothing to do with whether we can catch them or not.

MR. DeMARIA: Is there one of these alternatives that we want to pick as our preferred? I think the council would like to get some kind of guidance from us on this.

MR. JOHNSON: Well, we have two people from South Florida or maybe three; I would look to them for guidance on the preferred seeing as how it's their fish.

MR. STIGLITZ: Rob may know more of guys to the west that fish in the Gulf than I do. All of our fishing is in the South Atlantic. We don't fish in the Gulf at all. For me a hundred percent in the South Atlantic would be fine with me, but that's for me.

MR. DeMARIA: Well, keep in mind that at one point we did have a big yellowtail fishery in the Tortugas, which is the Gulf. Now a lot of that water has been closed down, so west of 83 degrees is still Gulf so we wouldn't want to cut those people out. There are still quite a few coming from the Tortugas. There are a few handline boats that fish out there.

MR. HARRIS: Well, there are a lot of them that are caught back in the Gulf. Typically we don't go back there to catch them, but I'm pretty sure that the Florida state record was caught out of Tampa. There are some big yellowtails up there in the Gulf. We typically out of South Florida – out of Key West we will run as far north as 34-40 miles, but mostly out to the west.

We'll catch big yellowtails. I think it's probably mostly the commercial guys that go out there and do overnight trips that will fish on the Gulf side for the yellowtails. I wouldn't want to say put a hundred percent of it in the South Atlantic. I think you do need to keep some of it in the Gulf. I don't think that the percentage needs to be that high; you know, possibly 2D, 95 and 5 percent.

MR. ATACK: Five percent would be how many pounds in a year?

MR. HARRIS: Well, that's the other problem. I think I heard Myra say that there has been no analysis done on it yet?

MS. BROUWER: That's correct; so if I bring you back to the table that shows what the ABC would be, that bottom line is 2.8 million. That is the ABC that would get divided between the Gulf and the South Atlantic.

MR. ATACK: So historically it has been 1.2 million in the South Atlantic; and then if you add the Gulf it's going to jump to 2.9, and you're only to give 5 percent of that back to the Gulf; is that the way that is?

MS. BROUWER: The number that would get divided up would be that 2.8 million, so 95 percent of that 2.8 million would go to the South Atlantic and 5 percent of that would go to the Gulf.

MR. ATACK: The way I'm reading this then is 1.2 are the average landings, right, and apparently 1.6 million was the average landings in the Gulf. It went from 1.2 to 2.9 million because you added the Gulf in there, right?

MS. QUIGLEY: No, the 1.6 million is simply 2.89 minus the 1.2 million, so the 2.89 is the proposed ACL, but that does not indicate in any way that Gulf landings are 1.6 million or 1.69. The first column beyond the species name is the proposed ACL regardless of what landings were in the last five years. Sometimes it's based upon the last then years, but it's not necessarily. That includes the 2005-2009, but it's not based upon Columns 3 and 4.

MR. ATACK: I guess I'm confused. Why did it go up so much, again? I thought earlier you said it had something to do with the Gulf landings.

MS. QUIGLEY: The Gulf landings are not included under the Column 3, average 2005-2009 landings, so nothing went up. It's just that number of 141 percent is large; and until we add in the Gulf landings, average 2005-2009, we won't know what the possible estimated impacts are going to be. What this table tries to do is just say what are the possible impacts going to be; so when you look at yellowtail snapper, you see, oh, there is only going to be beneficial impacts. Well, not necessarily; we haven't calculated in the Gulf landings, so therefore that number I think you should probably just ignore until we can recalculate it.

MR. ATACK: So I guess what you're looking at then 5 percent of 1.2 million would only be 60,000 pounds; and it's as high as 2.9, then you're looking at maybe 110,000 pounds.

MR. DeMARIA: Does anybody want to make a motion on this, which one they would prefer?

MR. STIGLITZ: I would like to make a motion that we prefer 2D.

MR. DeMARIA: Is there a second for that?

MR. HARRIS: I'll second it.

MS. DOUGHERTY: Just a point of clarification; so I think what I heard Kate say is that we don't know what the Gulf landings of yellowtail are at this point. I feel uncomfortable voting on this simply because I don't know what the impacts are at this point.

MR. ATACK: I agree; I mean, you don't know if you're cutting their take by a hundred percent or 80 percent or 50 percent. How can you vote on this without knowing what their landings have been?

MR. DeMARIA: Does anyone else want to make anymore discussion or another motion could be made. Richard.

MR. STIGLITZ: I don't know what the landings are for the Gulf, but the Gulf must not have much of any landings because they're wanting the South Atlantic to take the whole fishery over. If the Gulf had any amount of landings, you would think they'd want to keep it.

MR. HARRIS: This is the reason why I think that probably primarily most of those fish that being caught and are counted for the Gulf are actually coming out of those guys that running down to the west out of Key West; because if they don't want to deal with it, then they must have very minimal – and I say give them the 5 percent because of the fact they want out of that fishery as far as their accountability standpoint goes, but I don't want to reduce them down to zero either even if they are guys that are fishing out of the Keys and fish in the Gulf.

MS. QUIGLEY: Okay, it looks like the Gulf landings from 2005-2009 are 837,635. If you add that with the 1.2 million in the South Atlantic, then you come way below the ACL. That's an average.

MR. DeMARIA: It was 800 and something thousand?

MS. QUIGLEY: 837,635.

MR. DeMARIA: That would be much more than 5 percent, then, right?

MS. QUIGLEY: That's historical landings, right, so that's more than 5 percent of the 2.89 million or whatever it was.

MR. DeMARIA: That was from what years?

MS. QUIGLEY: 2006-2009 and 2005-2209.

MR. DeMARIA: Well, that's well after the reserves went in place and eliminated a lot of fishing area in Tortugas.

MR. STIGLITZ: Kate, is that the total landings for the five years added together or is that an average of every year?

MS. QUIGLEY: Average.

MR. DeMARIA: It's an average. Do you still want to go with your original motion, Richard, or back it up and –

MR. STIGLITZ: No, I believe I would like to withdraw my motion now that we have some data to it.

MR. DeMARIA: At one time there was a very large yellowtail fleet operating in Tortugas, but I know when Riley's Hump got protected and the north part of the bank and then part of the fort itself, it eliminated a lot of those guys, but there are still quite a few fishing. I think it's something that we really need to think about and not eliminate those guys.

MR. HARRIS: I'll second withdrawing.

MR. ATACK: I would like to make a motion. Based on the math, I think it should be 60/40 or the council should consider making it 60/40 to match the historical landings to two different regions.

MR. DeMARIA: Does someone want to second that? There is no second on that motion and I guess it fails.

MR. STIGLITZ: I don't understand why the Gulf Council is wanting to give the whole yellowtail fishery to the South Atlantic if they're catching those kind of numbers that Kate just told us. If they're catching 40 percent of the yellowtail fishery, which I have my doubts that they're catching 40 percent – I'm with you, Rob, I don't know of anybody going in the Gulf fishing. They've closed down most of the Tortugas now.

I'm almost wondering if some of these yellowtails that are being sold on the Gulf are being caught in the Atlantic with guys that are trying to keep two permits active. I'm speculating at this because I don't know of anybody fishing in the Gulf. I don't know anybody up the west coast yellowtail fishing in the Gulf.

There are some guys that fish down towards the Tortugas, but they fish Rebecca, they fish the Tail End Buoy, they fish that bottom south of Tortugas. There is not a lot fishing going on in the Gulf, so I'm trying to figure out now, number one, why the Gulf is wanting to give this up; and, number two, where these big numbers come from.

MR. FEX: To Jim's motion, if the numbers was 2.8 million or whatever and they caught 800,000, it would be more like a 70/30 split would be on the average, so I would support something along the lines of that because that would be historical. But, yes, I've been questioning, too, why the Gulf is trying to give up.

MR. OSBORNE: Richard, I'm thinking in my mind and wondering if the answer to your question is almost like our council wanting to take the mutton snappers off the federal management plan because the Gulf is primarily a red snapper – the primary snapper in the Gulf is red snapper, and the Gulf Council is so tangled up with red snapper and then you've got this little bitty portion of the Gulf catching a few yellowtails, and they don't want to deal with it. The

region of it is very minimal. We catch a lot of mutton snappers, but yet our council is saying we want to turn this over to the state because in the whole management zone it's a very small area.

MR. CONKLIN: Isn't the commercial fishery in the Gulf of Mexico monitored by VMS? Then if that's the case, you've got an accurate number there, I would assume, if they're landing those fish in the Gulf. If they're fishing in another zone and bringing those fish back into the Gulf, then something is not right. It's up to enforcement to take over on this.

MR. DeMARIA: Well, let me say something here and then we'll get the rest of you guys, but a lot of the guys that fish out of Tortugas will start out in the South Atlantic and fish their way to the Gulf with their VMS and then fish in Tortugas and fish their way back, so it's impossible to tell exactly what percentage of fish came from when you're relying on the fishermen to tell you when he fills out his ticket.

MR. HARRIS: I would just be curious since we do now have some numbers from what the guys were doing in the Gulf; do we know where those landings were? Were they in Monroe County because that could be the reason why the Gulf wants to get away from it.

MS. QUIGLEY: I don't know at this time what counties they were from. We'd have to look at a more detailed analysis, but just for the record these are the actual numbers – specific numbers if anyone wants to write them down. So 2005-2009, average landings within those years, the exact number is 802,297 caught in the Gulf. Of that 551,000 was commercial; 102 almost 103,000 was for-hire; and 148,000 was private. If you add that together with the 1.2 million it comes out to exactly 40 percent, Gulf took 40 percent of historical landings based on the average of 2005-2009, if you added together the South Atlantic and the Gulf.

MR. ATACK: Yes, that is what I was going to make was it 40 percent based on the landings and not the ACL. The ACL is much higher; they're jacking that up another 20 percent or whatever.

MR. DeMARIA: Was there anyone that wants to make another motion after hearing all the discussion and the numbers?

MR. ATACK: I have one other question if somebody can answer it. Why did the council come up with 95/5 or why wasn't it something closer to the 60/40?

MS. BROUWER: These alternatives were worked out by personnel in the regional office and Gulf Council staff. I'm not sure about the methodology; but if you go back it tells you what was being used. That 95/5 was using the lowest catch history from 1987-2001. All these numbers under Alternative 2 are using data that came out of SEDAR 3. Then you have further alternatives that use different time series of landings to calculate the percentages. They pretty much went as far as they could as far as the information that's available to come up with alternatives for the council to consider.

MR. DeMARIA: Let me remind you we don't have to come up with exact percentages. You make a motion something to the effect that the council adopt an allocation based more on

historical landings or something like that. We don't have to come up with percentages, but I think we should do something.

MR. HARRIS: So from those numbers, Kate, we've got the 800,000; total number of 551,000 that were commercial and we're going to assume were on VMS, so those are reliable numbers; and then the charter for-hire becomes a little fuzzy because that's based on MRFSS data. Based on that, I would feel comfortable going forward with making the motion to establish a jurisdictional appointment based on a 70/30 split, because I think that is going to get down more to what the real numbers are once we start dealing with the for-hire and the recreational catch for the Gulf. I think the majority that you can count on comes from the commercial sector.

MR. DeMARIA: Is there a second for that?

MR. SMITH: I'll second that.

MR. DeMARIA: Anyone want to discuss that?

MR. STIGLITZ: I'm back to why the Gulf Council is wanting to give this up? I can't make a second on it. I would like to make a second on this.

MR. DeMARIA: It has already been seconded, and we're ready –

MR. STIGLITZ: Well, I'd even like to agree with you, but why are they giving it up? I can't understand that. Maybe I'm being the dumbest guy in the room, but I can't understand – if I had a fishery that was catching 800,000 pounds of fish a year and I was catching them in the Gulf, if I was a fisherman I would be screaming and we're not hearing nothing. There is something here that we're missing.

MR. DeMARIA: Well, there are a lot of things that the Gulf Council does that many of us don't understand.

MS. DOUGHERTY: But this is just for consideration; we're not saying that this is our preferred. We're just asking the council to consider another option.

MR. DeMARIA: Right, so the motion is the AP recommends considering a jurisdictional allocation of 70 percent South Atlantic and 30 percent Gulf for yellowtail snapper. All those in favor; is there anyone opposed. The motion carries unanimously. There was one abstention.

MS. BROUWER: We have reached the end. As far as timing goes, the council is scheduled to approve this amendment for secretarial review at the June meeting. The deadline to have the regulations in place that is in the Magnuson Act is December of this year, so the council and NMFS is trying to make that deadline. At this point that's pretty much all I can tell you. I outlined for you all the issues we're facing, so I'm not sure how this is going to change. My feeling is that it will change, but I'm not going to say anymore than that.

MS. DOUGHERTY: So, I guess, Myra, what that brings up to me is that we had a lot of discussion in here about not having the analysis that perhaps we needed to make some decisions, and this may be the last time we're looking at this document; is that what you're saying?

MS. BROUWER: That's correct. If the council approved this amendment in June for secretarial review, then, yes, this would be the last time you see this. Because of the issues that I explained to you, mainly the problem that is going to arise with the MRIP re-estimates, I think the council may consider or may have to wait to include those numbers in the analysis.

We are currently waiting for some kind of guidance to come out of NOAA to let the councils know how they should proceed. We have not yet received that guidance. The only thing we have to go on is information from personnel that attended the workshop.

There is a memo that was issued by Eric Schwaab that basically said, yes, we need this to happen, we need these changes to take place because this is going to improve MRFSS, and this will become the best available information. Again, the council is sort of just waiting to see if any guidance comes out of NOAA to tell them how to proceed.

MR. DeMARIA: Well, let's go ahead and move on to Regulatory Amendment 11 and then we'll break for lunch. Let's take a five-minute break.

MR. DeMARIA: We need to get back to the table and start again.

MS. BROUWER: Okay, Regulatory Amendment 11 is the one where the council is addressing the closure for deepwater species beyond 240 feet that was established through 17B. I'm going to give you sort of little bit of an overview. It's very early in the process. The council has only seen what we call an issues paper, which is not even a skeleton of an amendment.

It has a purpose and need; it has some of the options that the council that can consider. Mainly that's what I want to walk you through. I want to remind you what the purpose and need of Amendment 17B and the alternatives that the council considered were, and then we'll talk also about timing. Certainly, if there are any recommendations the AP would like to pass on to the council, we can do that as well.

17B; the purpose of that amendment was specify ACLs, ACTs and AMs for nine species that were undergoing overfishing. Snapper Grouper 17A took care of red snapper and 17B took care of everybody else that was undergoing overfishing. Another piece of the purpose of this amendment was to modify management measures as needed; specify allocations for golden tilefish; and update the framework procedure for specification of catch. All these things were taken care of through Amendment 17B.

As far as the deepwater closure goes, I have here the alternatives. The council, of course, went with Alternative 4 as their preferred, which was to establish an ACL of zero, and that's landed catch only for speckled hind and Warsaw grouper; prohibit all fishing for or possession and retention of speckled hind and Warsaw grouper; and prohibit fishing for or possession and

retention of other deepwater species, which are snowy grouper, blueline tilefish, yellowedge grouper, misty grouper, queen snapper and silk snappers beyond the depth of 240 feet.

That is what has gone into place. In addition to that, the other alternatives that were out there for the council to consider was Alternative 2 would establish an ACL of zero for speckled hind and Warsaw and prohibit all commercial and recreational fishing for those two species throughout the South Atlantic Council's jurisdiction.

Alternative 3, again the ACL of zero, and then prohibit commercial and recreational fishing for or possession and retention of not only speckled hind and Warsaw grouper, but also all the other deepwater species throughout the South Atlantic Region. And then Alternative 5 is one that I believe the AP had recommended, which would have been to close the area seaward of 300 feet, so it's everything else as the preferred except it would have moved that boundary to 300 feet.

In Regulatory Amendment 11 this has come up because the council would like to evaluate whether we can reduce the socio-economic effects that are expected under these regulations while also maintaining or increasing the biological protection to speckled hind and Warsaw grouper. So far this is what is in the issues paper for this regulatory amendment as the purpose. These are the options and these came to the council during the March meeting.

A group of folks and Don DeMaria and maybe others at the table were included held meetings in Florida and hashed out some alternatives for the council to consider, and this is where these are coming from. The first set of alternatives deal with excluding blueline tilefish. There are various scenarios allowing harvest of blueline tilefish in the deep water, allowing it only in North Carolina off of the deep water; allowing it only north of Cape Hatteras in the deep water; or excluding blueline tilefish from the deepwater closure south of Cape Canaveral.

Then there is another set of alternatives. One is to have sort of a ban so that would go – the closed area would extend from 240 to 500 feet, so you would sort of have like a ban that is closed to harvest of these deepwater species; allowing harvest of snowy grouper in the deep water; allowing harvest of snowy grouper off of North Carolina in the deep water; harvest of snowy grouper off North Carolina north of Cape Hatteras in the deep water; and excluding snowy grouper from the deepwater closure south of the Cape in Florida.

In March the council received a presentation from personnel in the regional office with some preliminary data. The council did not have a lot of time to look at this ahead of time. It was e-mailed to the council the Monday of the meeting. The presentation was given I believe Tuesday or Wednesday. This presentation was sent to all of you at Don's suggestion so you received it separate from your briefing materials, and I have it if we need to project it.

Basically this presentation set out to answer two questions; what is the spatial distribution of Warsaw grouper and speckled hind in the South Atlantic Region; and to what extent are they caught with other deepwater stocks. Nick Farmer, the person who did the analysis for this, looked at commercial and headboat data, accumulated landing systems data, fishery-independent MARMAP data, reef observer program data, and trip ticket data.

However, the preliminary analysis did not at that time include trip ticket data from North Carolina; only Florida. As I said, this is preliminary information. The bottom-line conclusions that came out of all this are that the prohibition of sale for these two species, Warsaw and speckled hind, the rarity of these species and the lack of depth-specific data causes there to be a lot of uncertainty in the analyses.

Both species seem to be distributed from the Keys to south of Cape Hatteras with speckled hind predominantly occurring off of South Carolina to the south of Hatteras and Warsaw occurring mostly off North Florida and North Carolina. Nick also did a lot of analyses using cluster analysis techniques to see which species were caught with which, and the extent to which they're caught together with other deepwater species is pretty low, and it is especially low with blueline tilefish.

Again, these are very preliminary conclusions that the council had in March. The council then made a motion to have this same presentation given to the SSC. The SSC had the presentation. Unfortunately, Nick Farmer was not there to present it so they had a lot of questions as far as the methodology, the data that were used, the assumptions that Nick had. The SSC didn't really have any comments other than a lot of concerns and questions and recommendations.

Unfortunately, there was just not a lot of time between when the presentation was put together to have the SSC look at it before the council meeting. And then as far as timing goes, as I said, the council reviewed the options paper and added these recommended options that came from the fishermen for consideration in the analyses.

You and SSC are discussing it in April. In June the council is going receive whatever recommendations come out of this meeting and the SSC, and then we'll see what happens as far as whether public hearings get scheduled for later this year. It's important to also realize this regulatory amendment is not under any kind of a deadline, but we do have the Comprehensive ACL that has a deadline; amendment 24, which is the rebuilding for red grouper, is also under a deadline, so it's not up there in the same level of priority as some of the other things the council is working on. That is what I have for you and I'm not sure how you'd like to proceed. Like I said, I do have the presentation that was given to the council if you need me to bring that up as well.

MR. DeMARIA: I'm sure somebody wants to say something on this so let's discuss it.

MR. FEX: I was at that meeting a month ago when Nick Farmer did the presentation. It seems one of the things brought up is being able to fish past the 500-foot mark. It really don't affect many of the North Carolina guys or the South Carolina guys, I wouldn't believe, but down off of Florida I know it has got to hinder you guys with that 240 mark and not being able to fish past that.

I would support something of a measure if you could fish past 500 feet. That way you could catch some golden tile and some snowy groupers because the Warsaws and the Kitty Mitchells aren't found past 500 foot. Plus, the blueline tile is a pretty predominant fishery in the Hatteras

area so I would also support allowing them to fish past 240 to take advantage of the blueline tile fishery up there. I just figured I'd put that out there.

MR. HARRIS: I would like to see some of that presentation; and also if you would, Don, I know that you spearheaded a little meeting there in the Keys, if you could kind of rehash for everybody what came out of that meeting.

MR. DeMARIA: Yes, there were maybe eight of us or so that got together including Ed Little, the NMFS agent from Key West and Ralph Delph and a few other guys. The feeling was that it was incredibly restrictive prohibiting fishing past 240 and it really wasn't going to do anything to help the snowies and the Kitty Mitchells or the speckled hind since they're more of an intermediate depth fish.

If it was going to do anything, it would probably put more pressure on them. If you couldn't fish offshore, you're going to move inshore. What we wanted to come up with was something that was a little more agreeable to the fishermen plus would protect the resource, too. We felt that allowing fishing beyond 500 feet would be acceptable.

After the meeting, I talked to some snowy grouper fishermen all up and down the coast and asked them if they've ever really caught any snowies or Kitty Mitchells out in the deep water and none of them had. Of course, I don't dive out that deep, but my fishing and diving up and down the coast, it seemed like the snowies and the speckled hinds were more of an intermediate depth fish, say from 180 to 300, somewhere in that range. I think the further you go up your way, they come in a little shallower. Where we're at it's a little deeper, but you don't really catch them out in six and seven hundred feet. If they are it's just very, very few. I've never even heard of one caught out that deep. We came up with a lot of different recommendations for the council and that was about it.

MR. HARRIS: At that meeting, which I talked to some of the folks from that meeting and they were a little confused even after the fact of what it was that they were talking about other than the fact that they want to be able to go out and fish the deep water. Of course, I explained to them that the blue water tilefish fishery would still be open to them without much modification from what they're used to.

The main complaint that I had or that I heard from them was regarding the snowy grouper because that's what they were really looking to have open back up and have available to them. I brought to their attention that based on our last meeting with the council was doing, they were all kind of surprised when I said, well, do you realize that you're arguing about 523 fish?

"Well, Rob, what are you talking about?" I'm like that's what you get to go catch is 523 feet. If we do open this back up, it's going to be falling under the MRFSS system; what kind of season is it you're really looking at getting, two weeks? I explained to them that if they had left things the way they were, I could go get those 523 fish by myself without any other fisherman fishing in the South Atlantic.

They weren't aware of the fact that is what they were really about, so it's very difficult for me to sit here and look at this and talk about it without revisiting the ACL and the boat limit that was imposed on the fishermen going down to one. That's why I was kind hoping in this display that maybe it will show that reducing the bag limit to being one per vessel is actually justified for the snowy grouper because we weren't talking about snowy grouper.

We were talking about protecting the others and that one fish per vessel was to reduce effort in areas that would affect the Warsaws and the speckled hind. If we're going to open it, I think that we also need to look at making a change to that bag limit; because if not, it really doesn't change anything for these fishermen. They're going to get a two-week period, you know, maybe a two-month open period. What is it we're really talking about here?

MR. DeMARIA: Well, it's not just for recreational; it's allowing the commercial fishermen to go out there, too. It's not just a recreational deal. I think everybody at the meeting was aware of how small the recreational percentage was. They harped on that.

MR. FEX: I was just going to say that 523 fish ain't going to change until the next assessment. I have good feelings that the assessment ought to show something better as restricted as the snowy groupers have been and for as long as they have. I was trying to alleviate some of the stress on people down south because, like I said, 500 feet is nowhere I even go.

I was just trying to help the people in Florida where you've got that minimal area to fish. And 240 off of West Palm or whatever is really a short distance; and if they could go out past that and catch something, so I was just trying to help out. I hear the concern. I go to every council meeting and I hear every public scoping there.

I was just trying to go with what the council is looking forward to alleviate some of the stress that is put on all the recreational and commercial guys. If you can't fish past 240, we may never reach that snowy quota in the commercial sector. I don't even fish for them, but people still would like that availability to catch that hundred pounds.

I'm just trying to help out in any way we can, especially since we're talking about Warsaws and Kitty Mitchells. The numbers on them are just so construed because the reporting has never been there, so the stock might be out there but we've never really reported them because it has really been a bycatch. It has really never been a written-down I caught this fish. It has been on a discard report. I was just trying to look at other options to help people out that way. The scientists see that as an idea, so I was just trying to go along with what they see.

MR. DeMARIA: Another option that came out – and I didn't see it up there – is that rather than closing huge areas like 240 feet and beyond is go back and look at some of the historical data and talk with fishermen that have been fishing 50 years or so and see what they caught back years ago and find areas where Warsaws aggregated to spawn.

We do have one southwest of Cosgrove and you've got those GPS numbers. I called several different people and they're the same number I had. The old conchs call it the Warsaw Hole and

Sunken Rock and places like that. It came from 260 to 320. A number of years ago they caught a lot and it was talked about that it was a spawning area.

We talked if you can go in and close a smaller area like that, several square miles, where the fish come and aggregate, that might be preferable than 240 and beyond the whole coast. There are areas up off Charleston like that, too, is my understanding in talking from Ricky Acock. I remember back in the late seventies he came in with 35 boxes of Warsaws or so. Some were off of Charleston.

I talked to him recently on the phone and he said, yes, that would be a good idea if you could just find places like that where you know they historically aggregated and close that down and then let people fish in the other areas. That was another option that came out and I liked that one.

MR. JOHNSON: I saw the same thing, Don. I agree; I think that's a better way and that would allow those guys in North Carolina to still participate in that blueline tilefish fishery, which was what I heard when I was up in New Bern that they're so concerned about. They don't catch Warsaw grouper; they don't catch speckled hind.

They're shut out of a fishery really for no reason, and it seems like that would be a better way of addressing the problem. I don't know where it is, but someone sent me something on the computer that showed the aggregations of speckled hind. I guess it was off of South Carolina, a known area, is that correct, and you're saying Warsaw grouper.

I'm not talking about large areas. I'm just talking about – and I'm not a fan of MPAs; don't get me wrong. I don't like them. But if we've already got a deepwater closure from 240 foot out, so all you would be doing was narrowing it down to just a few specific areas and then allowing – and we're really talking about a commercial fishery; we're not really talking about recreational fishing – allow those guys to catch those blueline tilefish.

MR. DeMARIA: Yes, I think for certain species that aggregate to spawn and are very susceptible to overfishing, especially at that period of time, if you can go in and kind of surgically carve out those areas to be protected and set those aside rather than just penalizing everybody else from Key West up to North Carolina, I think it makes more sense and I think it would be a lot more agreeable to fishermen.

MR. CARDIN: Nowhere have we accounted for anything like Oculina Bank off Ft. Pierce. We've had the Oculina Bank shut for 20 years. I was doing a study on that, helping with a study, and I was talking to fishermen that were catching a hundred to two hundred pounds of Kitty Mitchells a day back 20 or 30 years ago there, and now there hasn't been bottom fishing in there since 1994, and that has had to help these stocks some, but yet that's not in any figures. That is one of those areas that has been carved out and shut.

MR. HARRIS: I understand the blueline tile fishery off the Carolinas because we have a very robust blueline tile fishery down in South Florida as well. But I think just by looking at this amendment the way it's written, it's looking like it's trying to open up the bottom fishing in that deeper water, but I think what you're going to find is you're going to find that – you know, we

lowered the bag limit for the recreational guys down to one per vessel without any stress on the fishery because of the fact that it was there to prevent people from fishing for the Warsaws or interacting with the Warsaws.

If we open up the fishing right now with the way things stand with the ACLs and the bag limits, the commercial guys are going to be able to go out there and get their hundred pounds a day whereas the recreational guys are going to go out there and fish for 523 fish. There is going to be a huge uprising because I already saw it at the Key Largo meetings and I've heard about it from some of the other meetings where it was primarily a lot of the recreational guys that wanted that fishery opened back up and didn't understand why it wasn't.

That echoes some of the commercial side of it. If you don't open it up in Monroe County, I will guarantee you're not going to reach your commercial ACL because of the fact that we looked at that during the other meeting and the majority of that catch comes out of Monroe County. That's a very important fishery there, and that's why – you know, especially at the Key Largo meeting for the public hearing in February they actually had to write into the schedule and on the agenda to discuss the deepwater fishery again because people were so upset in that area.

I mean, people were talking about selling their houses and selling their boats because they were like now I have nothing to fish for in the summertime. I think that it's impossible to look at opening this back up without going back and revisiting those ACLs and those bag limits to at least put it back where it was and allow those people to go out there and get their one per person. But to leave it as one per vessel and make the number 523 fish for the entire South Atlantic, you're going to run into more problems than what you're going to solve.

MR. GOULD: This is a hard one; there ain't no two ways about it. I was just sitting here thinking how is this going to be enforced, 240 feet, who is going to enforce it? The coast guard doesn't want to. They've got their hands full with homeland security. NOAA doesn't have the resources to go out there, so you're depending on the honesty of the fishermen. A lot of fishermen, well, they usually bend the rules a little bit, but to close down the whole deal from the Virginia/North Carolina Line all the way down I think it was pretty much a moot thing because it's not enforceable.

The problem is a lot of our boats out of Morehead, I can think of two right offhand, targets snowy grouper with charters. They had no problem catching their limits even with the reduced limit from last year – what was it, one per person – he'd go out there and make one or two drops and it was done deal and they'd move inshore.

And, of course, there is the problem of putting more pressure inshore. Then you take your commercial snapper fishermen, during the summer a lot of the vermilion snappers that they're catching is in 55, 60, 65 fathoms. That is where the larger fish seem to congregate at times, depending on the weather, and they move inshore a little bit later on.

I would personally like to see the depth limit done away with and even if we had to close down the recreational grouper fishing a little bit early, go ahead and put it back up to one per person. It

gives them something to fish on for a week or two, anyway. It appeases them. Maybe with more assessments coming down the pipeline, it would be able to go up even more than that.

I think there are more snowy groupers out there than what the National Marine Fisheries Service even has an idea of. I don't fish over 30 fathoms with my boat, anyway, but I used to. In my other boat, when I did it, there was places we could go – this is knowledge of territory and I can still do it – and you would be amazed at what you brought up. But, anyway, I think we need to do away with the depth limits just because of an enforcement problem. You can't do it.

MR. DeMARIA: And another thing that we talked about at the meeting, when the council went to a one fish per boat or whatever it was for Warsaws and speckled hind, I believe the intention of that was just in case someone caught one inadvertently as a bycatch he wouldn't have to throw it away. It wasn't intended for people to go out and target one Warsaw or one speckled hind.

But what has happened over the year were divers going a little deeper and now people are starting target the Warsaws. When you get upwellings around West Palm and Ft. Pierce, they do come inshore – when I say inshore, 150 feet or so or whatever. If you went to a zero bag limit on those, that would offer a little protection. At least people wouldn't be targeting them. It's not a great amount of fish the divers take, but it's a few; and by going to a zero bag limit on those two, that would be a little more protection. Does anybody else want to say something on this?

MR. FEX: I would like to make a motion that the council revisit the deepwater closure and maybe specifically target spawning aggregations of Kitty Mitchell and Warsaw to alleviate some of the stress.

MR. GOULD: I'll second it.

MR. DeMARIA: Okay, do we want to discuss that a little more? That pretty much covers all the concerns that we had at the meeting or most of them. That leaves it up to the council to draw depth limits and whatnot.

MR. FEX: I was talking with Nick Farmer. After the council meeting, I went down to St. Pete and hung out with them for a little while. In the Gulf of Mexico – I mean, we beat this around, the VMS on the commercial sector, and I'm fine with VMS on the vessels in the commercial sector – they were able to fish around the spawning aggregations. They were still able to fish because they found out that the major abundance of red snapper were in a certain area, so they allowed the commercial sector to still fish but kept that area closed.

This would be just something that coincides with what the Gulf had done, and Nick Farmer and the enforcement guys found that to be useful. That way you're allowing for them fish to do what they do and then also fishing to occur around there.

MR. DeMARIA: Again, I think it would be important for the council to go back and try to get some of the old-time fishermen and go through their logs – a lot of them will open up. Some of them aren't fishing right now as much as they used to – and find out where out where some of these areas historically existed.

It's kind of what we did with Riley's Hump and the mutton snapper; and even though they were beat down pretty low, once that small area was closed the fish came back. I would hope happen with the Warsaw groupers. There is something in these fishes, their genetics of whatever that brings them back to these same areas.

Even though they're beat real low, if you take a little pressure off – and it may only be a few square mile area – they will come back. I've always been a proponent of protecting spawning aggregations if you can go in and find smaller areas and not this whole southeast coast of the U.S. Is there anymore discussion on this one or can we vote on it? Myra can read it.

MS. BROUWER: The motion is the AP recommends that the council revisit the deepwater closure established through Amendment 17B and consider closures of spawning aggregations.

MR. DeMARIA: All those in favor; those opposed; those abstaining. The motion carried 11 to 2.

MR. HARRIS: I would like to make a motion to go along with this, and it is to have the council also revisit the recreational bag limit and raise it back to one per person from one per vessel if they do revisit this and just close off that Warsaw area since then we will no longer be interacting with those Warsaws.

MR. DICKENSON: I'll second.

MR. DeMARIA: That's for snowy grouper you talking about, right?

MR. HARRIS: Correct, for snowy.

MR. JOHNSON: I just have a question. The intent of the one fish per person limit on snowy groupers had nothing to do with Warsaw and speckled hind; am I correct? It had everything to do with the stock assessment and the ACL, and there is a stock assessment coming out when on snowy grouper; does anybody know when is the next one due?

MR. CURRIN: I can't tell you right offhand.

MR. JOHNSON: Okay, I'm not trying to shoot your motion down, but the council is probably not going to – they're not going to be able to do anything with that until they get another stock assessment until they divvy up the pie differently. Is that what you're asking, for a different recreational and commercial allocation? I'm just asking; because if not, you're just going to have a real short season is what I'm getting at and then they're going to be closed and you won't even be able to have one per boat.

MR. HARRIS: Right, but that's the position that we're in now is if we have one per boat, it's still 523 fish.

MR. JOHNSON: Right, so if you had one per person you in effect might have a week season and then you would have none per boat. I'm just trying to make for discussion.

MR. HARRIS: Right, and I recall when we were discussing this back during the last meeting that one of things that went on to the one per vessel was to reduce some of that interaction with the Warsaws. I don't recall it being solely based on an assessment because of a lack of an assessment.

MR. CURRIN: The schedule for a snowy grouper assessment is 2013; the results would be later in that year; I presume in the fall of 2013; so new regulations regarding snowy would occur before that. Robert is right, Rob, that one fish per boat for the recreational fishery for snowy was as a result of the assessment in an attempt by the council to maintain that catch at the allocation, which as you correctly stated was 523 fish.

If you look at the landings for the last handful of years or estimates of the recreational catch of snowies, it's significantly higher than 523 fish. At some point in the near future, when we set up accountability measures for snowies, the council is going to have to go back in and address that. I don't know how we handle it or constrain the recreational catch to 523 fish.

I don't know when that will be; but once we get around to looking at those accountability measures for snowies and implementing those, then it's likely to have some dire impacts on that fishery. Based on what I know about the landings – and I can't quote them to you right now, but I remember being impressed when I saw them, at how high they had been.

Somebody correct me; I want to say at least one of the more recent years the recreational catch has been higher than the commercial catch, which has not reached their quota to my knowledge in the last handful of years.

MR. FEX: My advice to Rob is maybe have the council relook at the allocation since the commercial hasn't reached their allocations in the last couple of years. It's just by a percent so maybe you might be able to keep a thousand fish or something, but that would be the only thing that you might be able to do at the present time. I don't know what the allocation percentage it was, so you might ask for 95 to 5 percent allocation difference to alleviate some of that and maybe keep the fishery open longer, because they will have to revisit that just like Mac had said.

MR. CARDIN: Kenny, I had to ask why would we ask the council to relook at the allocation on the snowy groupers as a topic discussion if you don't mind?

MR. FEX: Because we have not met the allocations or the ACL in the past couple of years, so the recreation sector, being Rob over here, had just requested that somehow ability to catch more fish; and since we haven't met it and we haven't been targeting them. For the hundred pounds, we don't target them in North Carolina; you're going out of your way. And since the commercial sector being you, you have not met it; it was just an idea I threw up to him, so you can reject it.

MR. CARDIN: Well, we're not meeting it because it's knocked down to a hundred pounds and it's not worth going to catch them. I'd much rather see that we ask council to talk about raising the limit to a 4 or 500 pound trip limit. We would utilize it. It's not that we're not catching it because we don't want to. We're not catching it because it has been regulated down to a hundred pounds.

MR. SMITH: I support Ken's suggestion over there that the council looks at the allocation of the species when it revisits it.

MR. ATACK: And the other reason is I think what Rob was getting at was the bycatch mortality. If you're going to go out there and take four or five guys on a charter and you've got one fish per boat, you get one in the boat and your throw four back die; that doesn't really make sense.

It should be one per person, I would think, and then you close when the allocation has been met. So reallocating and looking what has happened and increasing the commercial so they could – and then you've got to close the season when the ACT is met.

MR. CARDIN: Yes, Jim, I see that. Even in my area I'll see a recreational boat dropping five-hook rigs for snowies; and I've just got a question why are you dropping five hooks if you're only after one fish in the first place. If you only drop one hook at a time and catch one fish, you don't have a bycatch problem such as that.

MR. ATACK: Well, if a charter takes out four people fishing; I mean, which one guy gets to catch the snowy? That's the problem, so that's why you want I think a bag limit of one per person. It's one hook per line but, you know.

MR. JOHNSON: What was the underage on the commercial sector as far as you say they haven't reached the quota? Does anybody have a figure on how – and I know that it is an important for-hire fish in North Carolina; because when I was up there in Beaufort I saw some of the charterboats that actually do as he was saying. They go out and target snowy grouper, so this has probably hurt them, one fish. What is the difference; are they severely under the quota or are they close to it at a hundred pounds a trip?

MR. CARDIN: We catch 60 or 70 percent.

MR. DeMARIA: I heard a lot of arguments from the charter fishermen in Key West and here saying, well, it's not worth it for me to go out in the deep water to catch one fish. Well, the same argument can be used for commercial guys; it's not worth it for me to go out and just catch a hundred pounds. It's essentially not even a commercial fishery up here your way anymore. You have to go so far offshore it's not worth it. I don't know what the answer is with this one.

MR. CURRIN: Just for your information, I just checked the landings and last year – is it 2010 or 2009, I forget which one I was looking at. It's probably 2009 – the commercial landings were 60,900 pounds out of an 82,900 pound quota, somewhere in there. I think it has been close to

that proportion. I want to say maybe the year before it was 70,000, but they haven't reached it. They're close but down 25 percent.

MR. DeMARIA: I guess what I was getting at is it really fair to increase it one per person from one per boat recreationally and not do something on the commercial side, too.

MR. CARDIN: When we're the ones not even catching our share and what we should be catching, at one person you're still probably overfishing the other.

MR. DeMARIA: Can we vote on this motion?

MR. HARRIS: Well, keep in mind this one per vessel, this is new only since January, so that's a new thing. It's not an old thing. You mentioned the fairness of it, well, you're looking at 97 percent to 3 percent, so it's very difficult to bring up fairness. Whereas I understand that it's not worth it for most of the commercial guys to go out to go catch that 100 pound limit, I know that they'll go out and get a hundred pounds here before 10:00 o'clock in the morning and then they'll go out and they'll get another hundred pounds between 10:00 and 2:00 and then they'll go back out and they'll get another hundred pounds between 2:00 and 6:00.

You can't tell me it doesn't happen; I see it happen on my dock. In reality, because it's based on a trip limit and not a daily limit, and in the area that we happen to live in, you can make those runs. But for the charterboat guys and for the recreational fishermen that are out there trolling around, they happen to be out in that deeper water, the bite slows down, hey, look, I just marked some fish, you drop over a line, pop up a couple of snowies, throw them in the boat, and now you've got fish in the boat and you go back about what you're doing.

It's not like we're bringing a hundred pounds per day; we're bringing back three or four fish here and there. But to go out that far and to go through that effort to drop down for one fish, we've had one tilefish per vessel and we won't go out there for that one tilefish.

MR. DeMARIA: Okay, I don't want to get into this recreational and commercial thing other than to say that this came up at the meeting about how such a small percentage recreationally for the snowies, and my response to some of the recreational anglers there was, well, look at some of the other species where the recreational has a hundred percent of redfish, a hundred percent of snook, tarpon, all that; would you want to go back and give the commercial a fair share of that? It's not really a valid argument, I don't think, about the percentage. That was done on historical landings is my understanding. Can we vote on this here? Let's read the motion and vote on it.

MS. BROUWER: The motion is to recommend that the council revisit the recreational bag limit for snowy grouper and increase it to one per person.

MR. DeMARIA: **Okay, all those in favor; those opposed. The motion carries 8 to 4.** This would probably be a good time to break – do you want to say one more thing?

MR. JOHNSON: Yes, one more thing. I was just going to tell Rob what that in essence is going to mean is it's just going to be a real season and accountability measures are going to be kicked

into place until they get a new stock assessment and hopefully come back with some more fish. If the council did adopt this, that in essence is what would happen.

MR. DeMARIA: Yes, you're right. Why don't we break for lunch now?

The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened at the Town and Country Inn, Charleston, South Carolina, Wednesday afternoon, April 13, 2011, and was called to order at 1:30 o'clock p.m. by Chairman Don DeMaria.

MR. DeMARIA: We should start again. About the subject of Steve, I think everybody gets frustrated with this process once in a while, and I was sad to see that Steve dropped off. I'm happy to hear that he wants to get back on. I would like to see him back on.

MR. BOWEN: I would like to make a motion that we as an AP support Steve Amick returning back to the advisory panel. I don't know that you'll find a more experienced or more knowledgeable fisherman off of the Georgia coast than Steve.

MR. FEX: I'll second that motion.

MR. DeMARIA: Do we even need to discuss this? **Is there anyone that opposes Steve getting back on the panel? Then it's unanimous.** We have a presentation by Mike, so I guess we ought to do that now.

MS. BROUWER: To introduce Mike, Mike joined the staff for the council in February. He has a doctorate in population dynamics. Anyway, he's a numbers' person and he's very good. Anything that has to do with data, go to Mike.

DR. MIKE ERRIGO: I'm going to talk to you about what the modified mean is. John Carmichael is the one that came up with the idea, but it's something to use in lieu of the three-year running average. The three-year running average is you just take the last three years of landings, you take the average of those three years, you compare it to the ACL, and that's how they determine whether you have exceeded the ACL or not in a particular fishery.

The problem with the three-year running average is that what happens if there is a spike in your data; the spike is just part of the normal variation in the landings or just part of the uncertainty. Like in the recreational data, there is a lot of uncertainty in the recreational data and so it spikes up and down a lot.

That doesn't mean that each year that's exactly what the landings are, so we wanted to figure out a way to take into account what happens if there is just normal variation that leads to a spike. In the three-year running average, that spike will affect the average for the entire three years, bringing the average way up, possibly pulling it over the ACL artificially like the landings aren't really over the ACL but that look that way because there is a huge spike in the data.

Here is an example how that happens. This is a real fishery's landings trend and that green line there, that's the ACL. If you use the three-year running average for the last three years, that red

dot there, that is where the three-year running average would put you, so you would be over your ACL and management actions would be taken to reduce landings.

Well, this actually is 2009 so if you took these three years right here for 2009 and averaged them, this is the three-year running average right here. But if you look at this trend, here are the landings, one crazy spike in there, so they're going down. The three-year running average isn't truly showing what is going on in the fishery.

MR. CARDIN: Do you know what kind of fish this came from?

DR. ERRIGO: Yes, that's wahoo, but there are plenty of examples. It's just wahoo has that really nice point.

MR. CARDIN: Was there some kind of event that showed this spike because that is really out of the norm?

DR. ERRIGO: Yes.

MR. CARDIN: And if you use this running average on something like this, it looks really misrepresenting of what happened in the fishery.

DR. ERRIGO: Yes, that's exactly right, that's why John suggested this modified mean approach instead of the three-year running average. I don't know what it is that caused that spike, but I do know that is a recreational spike. That's recreational data that caused that spike; that's not from the commercial data.

That could just be a random spike in landings or it could be uncertainty in the data that the estimate for that one year was really high and don't really know why that happened. We know that it's not representative of what is really going on. That's why some people expressed concern about this three-year running average.

MR. DeMARIA: Why don't we let Mike go through this first?

MR. ATACK: One question before we leave that trend; if you go back to that for a second. It would be real visible if you went ahead and plotted the three-year average just like you did in the landings. Then people would see how that three-year average mimicked or mirrored versus just the one point at the end.

DR. ERRIGO: Yes, I can do that. I just wanted to show – just using it as an example to show what could happen in a particular year with the three-year running average.

MR. DeMARIA: Let's let Mike get through his presentation. I think he is going to answer a lot of these questions, and then we'll have plenty of time to ask questions.

DR. ERRIGO: The idea behind the modified mean is to try to get rid of a random spike affecting the average too much. So instead of taking the last three years of landings, you look at the last

five years of landings, you drop the highest value and you drop the lowest value. Then you calculate your average from the remaining three years and compare that to your ACL to determine whether you've exceeded your ACL or not.

What this does is it removes the effect of having one random large spike; but if there is a true trend in the data, that will still show up, and I'll show you how that works. Here is the same graph. The red dot is the three-year running average and you'll see here is the green dot down here; this is a modified mean. You look at one, two, three, four, five years; remove this point, remove this point; then take your average.

That is more representative of what is going on in this fishery. That's the idea behind suggesting this modified mean approach is that it gets rid of the effect on one random outlier. This is another example of using both the modified mean and the three-year running average. Now in this fishery what is happening is it came up to a certain point and now it's basically fluctuating around a mean value is what is going here.

So the three-year running average, this year, this year and this year, when you average those together puts you here; and then the modified mean puts you in the same place because in this situation the three-year mean is representative of what is happening in the fishery and the modified mean also will show that is representative of what is happening in the fishery.

It works in both cases; whereas the three-year running average really only works if there aren't a lot of spikes – if there isn't a random high value or low value in the data. That's all that this slide says is that if there is a true trend in the data, the modified mean works just as well as the three-year running average; but when there is some random spike in the data or a random really low landings event in the data, the three-year running average is heavily affected by that one point whereas the five-year modified mean is not. You'd have to have multiple spikes during a five-year modified mean in order to see that in the data. That's all I have, so if anyone has questions about that, please feel free to ask.

MR. BOWEN: So we're talking about using this dropping the high and dropping the low to figure an ACL for a specie or to figure the accountability measures of the species, just so we can have some clarification.

DR. ERRIGO: Okay, what they're trying to do is they're trying to determine whether the landings in the fishery have actually exceeded the ACL. Instead of just looking at one year, because obviously if you just looked at a single year like here, this is a part of, let's say, random fluctuation, you have this random spike; and if you were just looking at landings, the accountability measures would go into place here because you have exceeded your ACL.

So the running averages are meant to track the fishery to determine whether you have truly exceeded the ACL or not. That's what the running averages are meant to do. They're just tracking to see whether they truly think you have exceeded your ACL or not.

MR. BOWEN: So let me just clarify again – I'm a little slow so bear with me – we're going back on species that are not – that does not have an assessment on them, we're going back to

historical landings from 1999-2008 to figure the – and we use the median landings to figure the ACL, but then we go back from 2008-2004, take out the high point, the low point to figure the landings for accountability measures; am I following you?

DR. ERRIGO: Okay, the ACL has changed. The SSC has decided that in order to set the ABC they're not using the median landings anymore. For a lot of species they're using the third highest landings in the period 1999-2008.

MR. BOWEN: To set the ACL?

DR. ERRIGO: To set the ABC. ACLs haven't been determined yet, but for a species with very little information I'm not sure if they'll just use the ABC as an ACL or if they're going to –

MS. BROUWER: Currently their preferred is ACL equals –

DR. ERRIGO: Currently the preferred is the ABC equals the ACL, so the ABC is set based on the third highest landings in the time period of 1999-2008, so it will be higher than the median. Then they track the landings using this modified mean or a three – they use a running average or they're suggesting using a running average. They haven't decided any of that yet.

To track the landings, instead of just looking at the particular year that you're in, they'll average the landings to decide whether they should take management action or not, to decide whether you've crossed your ACL or not.

MR. ATACK: I really can't tell from one snapshot at the end as to what this is really going to do for me; three year, five year, take out the high and the low. If we had trended – you know, just go ahead and trend it just like you did the blue line, you could then see as your landings go up what kind of a lag you're going to have as to long will you go before you go above your ACL for your accountability measures that you've got to take.

I can't tell how much overfishing is really going to take place for how many years before this modified five-year mean is going to tell me I've got to do something; or the three year. I think it would really be real visual for everybody if you went ahead and trended both the three-year and the modified mean along with the data so then you could get a real feel for, well, the three-year is better or the five-year is better. I can't tell with just one point at the end.

DR. ERRIGO: Okay, I can do that for you guys if you'd like to see that. It will take me a bit of time but I can calculate that stuff out and make sure you get it before your meeting is over, hopefully this afternoon, but I'm not sure. Would you want to see that for these examples, you're saying?

MR. ATACK: If it was for this example right here, then you could see an area where – you know, you have an area where you're really trending up, so you could see your modified mean, how long – how many years would you go into an overfishing before it really kicked in. And then you've got your spike so you would see how it would behave in a spike. You've got to have some type of data like that in order to actually compare one to the other.

DR. ERRIGO: Yes, I can do that for these examples.

MR. GOULD: If you're going to do that, could you do a ten-year and a twenty-year, too? Would it take that much more to do it just to see what it is?

DR. ERRIGO: I'm sorry, a ten-year running average?

MR. GOULD: Ten-year average and a twenty-year.

DR. ERRIGO: I can put in the ten-year average and twenty-year averages. This data doesn't go back very far.

MR. GOULD: Well, that's 1986-2009.

DR. ERRIGO: Yes, that would give me about –

MR. GOULD: Just out of curiosity because I'm of the personal opinion that the longer time set that we've got due to the natural variations in any fisheries that we have, it would be better to do it over a longer period of time than a shorter period.

DR. ERRIGO: I can do that, yes. One thing about that is that if there is a trend like this one here, the further back you average the less you will see the trend. The trend will disappear and it will just flatline, but I can do that for you if you would like to see it.

MR. BOWEN: I'm very skeptical because the sea bass closure caught me so off guard, so I'm just maybe paranoid is a good word, but that was the only thing I wanted to add. I think the sea bass was the first – well, I know it's the first several species to come and it's just putting me in a weird position.

MR. ATACK: Would it be possible to do more than one type of species to show – I mean, some species may have a lot of different landings so that you'd have – well, on this species it would look like this and this would look like that because you're talking about applying it to more than one species.

DR. ERRIGO: Yes, I can.

MR. CARDIN: Can you do like the B-liners that shows the most recent years and the reductions in the TACs and can you do it, say, for the snowy groupers?

DR. ERRIGO: Yes, I can do that for those species.

MR. CARDIN: Now, could you explain to me a little bit where this word "running average" comes in on this?

DR. ERRIGO: You mean what that means?

MR. CARDIN: Yes, I mean so every year you're going to bump it up a year?

DR. ERRIGO: That's right.

MR. CARDIN: Just the accountability year?

DR. ERRIGO: This data goes to 2009. The 2009 data uses 2009, 2008 and 2007. In 2010 you use 2010, 2009 and 2008.

MR. CARDIN: You're not talking about – this won't be used to set any allocations, but an accountability measure could be by altering an allocation.

DR. ERRIGO: An accountability measure can be pretty much anything that the council decides on, but this is only – this is not used to set anything. This is only used to track landings. This is just a way to track landings while trying to average out spikes, like high spikes and low valleys. That's why they suggested some kind of running average instead of just using the current year's landings.

MS. BROUWER: I just wanted to clarify that the council is considering this approach for the Comprehensive ACL, so this would apply to the snapper grouper species that are included in the Comprehensive ACL as well as dolphin and wahoo. It does not apply to other species that already have their ACLs established through other amendments, so this would not apply to the species that were covered under 17B. The council has not given us guidance. They're not considering applying this approach to those species. I know you want to look at the B-liners and the snowies, but just bear in mind that this methodology would not apply to those.

MR. CARDIN: I just wanted to see something that took reductions in TACs and show you more hard up against the law.

MR. DeMARIA: Anymore questions? Do you have anymore on this?

DR. ERRIGO: That's all that I have. If you have anymore questions or anything else comes up, feel free to ask.

MR. DeMARIA: Does somebody want to reconsider the motion we made this morning or revisit it or let it stand as it is?

MR. ATACK: I think we should wait until he brings back the other trends so we can see what they look like before we reconsider it. That's the reason he is doing the trends.

MR. DeMARIA: Is that okay with everybody?

MS. BROUWER: Next on the agenda we have Kate who is going to give you an update on other developing amendments, so Amendments 18A, 20, 21 and 22.

MS. QUIGLEY: Actually I'm not sure how 22 got in there. I think 18A, 20 and 21; I think that's what we meant. There are so many amendments we're getting them mixed up. I would just give you an update first on Amendment 18A. The council in March did not discuss Amendment 18A, but they did make several changes in December of 2010. The copy that you have in your briefing book was updated prior to December when they made those changes.

We had been working on a revised one so you don't have a revised copy, so I'm going to update you on some things that you will not see in your document. Some of the things that the council wanted done to the document that you have was they wanted to add in an appeals process for the golden tilefish endorsement and black sea bass endorsement programs.

That's one thing; they're going to add in an appeals process with very general language. All these things that I'm mentioning, the council will review in June and decide, yes, we want them or, no, we don't. One thing they're going to do is add an appeals process for the black sea bass and golden tilefish endorsement programs that are proposed in Amendment 18A.

Another thing that they did was we've got this golden tilefish endorsement program, and then there was consideration of a decrease in the number of people who participate in the black sea bass fishery, the pot fishery, the commercial, so this is all commercial. The council suggested that instead of decreasing participation, that instead we should just have a black sea bass endorsement program similar to the golden tilefish endorsement program; and that we should have transferability options for the black sea bass endorsement program.

So now we've been talking for several years now about a golden tilefish commercial endorsement program. If you qualify you receive an endorsement and those are the only people that can commercially fish for golden tilefish, and now they're saying let's do the same exact thing for black sea bass.

Another thing that they added was golden tilefish transferability. There are a couple of people that qualify for both the hook and line and a longline endorsement, and the question was do they receive both of them or not. Now we have options on the table where the council can choose to provide them one or both of them, so at least we have those options on the table.

I don't know if everyone recalls Amendment 18A. I guess I'm assuming that you do. These are some of the changes that have occurred. They're relatively minor compared to the actions and alternatives that are already in place. At this time I can go ahead and answer any questions that you have about 18A. If you don't remember it, I can just provide you a little synopsis of what is in the document and answer any questions about it before I go on to Amendments 20 and 21.

MR. DeMARIA: Can you just briefly remind us what 18A was?

MS. QUIGLEY: Yes, sorry about that, I probably should have done in the first place. Amendment 18A is an amendment that the council has been looking at quite some time now, about two and a half years, it considers management changes to commercial golden tilefish and the black sea bass pot fishery.

For the golden tilefish fishery they had gotten together a group of fishermen to consider catch shares for golden tilefish. The fishermen had said catch shares, we're willing to consider them, but we would rather have an endorsement program. This amendment considers an endorsement program for golden tilefish.

What that does is there are certain qualifying criteria that people have to meet in order to receive an endorsement. If they have an endorsement, then they can fish for golden tilefish in South Atlantic waters commercially. If they don't, then they can't; they're prohibited to the recreational bag limit. The number of years that the council has as preferred and who qualifies, it is about 17 longline fishermen and I think it's 20-something – I can look it up but 20-something hook-and-line fishermen

First it takes the commercial quota for golden tilefish, splits it up for hook and line versus longline, so now there is a hook-and-line golden tilefish commercial quota and a longline commercial golden tilefish quota. Then it says certain people receive endorsements, either a hook-and-line endorsement or a longline endorsement, and those are the only people who can fish for those species, and you can only fish using that gear.

Basically the goal was to decrease the number of people that they expected to enter the fishery once these ACLs are implemented for golden tilefish and for other species. They expected to see a lot of people coming into the golden tilefish fishery as other fisheries were closing down earlier and earlier. They have seen that in the longline fishery; I'm not sure about the hook-and-line fishery. This was an effort to basically freeze the number of people that are participating at this time. That's golden tilefish.

And then there is also black sea bass, and they've done a similar thing with black sea bass. There are qualifying years, there is a certain number of poundage you have to have caught within those qualifying years; and if you qualify you receive an endorsement. The council has a preferred which works out to – I'm not recalling right now; I think it's about – I don't know, Bobby, if you can remember how many black sea bass fishermen, but I think it's about 60-something – I'll look it up – black sea bass pot fishermen.

It's a very similar number to how many people who actually fished last year. Now, another component in Amendment 18A is there is some data improvement alternatives and one of them is to make dealer reporting mandatory and to have that be done on the web. That is also in the preferred alternatives. That in a nutshell is what is in Amendment 18A.

Some of the changes is they're going to add an appeals process for the endorsement so if you don't receive an endorsement and you believe that you should have, you can go to NMFS and you say, look here, my trip tickets – all of the eligibility criteria are based upon logbook landings, so you can go to NMFS and say, look, here are my trip tickets, I did land this stuff, it's just not in my logbook because it was lost or for reason it's not in your computer system, so there is an appeals process that people can participate in. That's the big change there.

MR. JOHNSON: Just one comment; some of the criteria that was put forth, especially pertaining to black sea bass and golden tile, one was the control date; not to mention some of the landings.

What it did was – especially on the black sea bass, the guys down in my neck of the woods, especially south of me out of Ponce Inlet, it excluded under what they’ve got right now – and Florida was faced with an area closure, so a lot of these guys went out and got their sea bass pot endorsements, bought the gear, the traps, the haulers and all of that because they thought they were going to have an area closure and they were just looking at a way to make a living.

And then the council comes back and basically took, through their decisions, the rights for those people to participate in that fishery. Under the current decision that the council has made and what they talked about at their last meeting, all but one boat in Florida will be excluded from black sea bass fishing. It will just be one guy in the whole state, and that doesn’t seem like that is really fair. I hate to use the word “fair”. I know the guys down south would like to see the control date about 9/17/2010.

The argument that was used is a bunch of boats were jumping into the black sea bass pot fishery when in effect in Florida it’s less than ten, so I’m not sure where this large number of boats that were entering the fishery is. But, anyway, that’s just some concerns that have been relayed to me by some of the Florida fishermen concerning the control date for black sea bass and golden tile.

MS. QUIGLEY: For black sea bass the preferred alternative says that you have to have landed 1,000 pounds between 1998-2008; so if you add together all of the pounds that you have landed between 1998-2008 with pot gear and you took the average and you had 1,000 pounds or more, then you would receive an endorsement.

The problem is there are people who have participated in 2008, 2009 and 2010 and are participating this year in Florida and there are a few new people up in North Carolina, but mostly in Florida, who will not get into – who will not receive an endorsement even though they’ve geared up and they have invested.

There are also some golden tilefish people who have geared up and invested, who the year is up to 2008, who will not be included under the current preferred alternatives. One thing the council is interested in doing is waiting until the next stock assessment. The stock assessment results come out in October of this year for golden tilefish and for black sea bass for SEDAR 25.

The council would like to wait to see what the results are from the golden tilefish and the black sea bass stock assessment to see what the numbers are and to see if the fishery can absorb more than they previously thought that it could absorb.

One thing that they may do is some council members are thinking about, well, perhaps we should say that you have to also have fished at least one pound in 2009 and 2010 or expanding that date from 2008 to 2009 or 2010. This amendment has been going on for quite some time so that’s why we’ve got the 2008 data, but we do have 2009 and 2010 logbook data at this time.

MR. FEX: I don’t know if I heard you right; did you say something about limiting the black sea bass strictly to the pot fishery; did you make any comment about that? I thought I heard you say something about that, so that would mean that the hook-and-line fishery would no longer be able to catch black sea bass?

MS. QUIGLEY: No, the hook-and-line fishery can continue as it does right now. These actions and alternatives apply only to the pot fishery except for one action, and that has to do with the decreasing bycatch by requiring that people come in within 72 hours, I think it is. I've got to check with the preferred alternative, so there is one action that applies to hook and line, but the endorsement program applies only to the black sea bass pot fishery.

MR. HARRIS: I'm just curious; when we're talking about doing a limited participation and endorsement program into it, is the goal here to protect the fish or is it to protect the fishermen that are currently fishing in that fishery?

MS. QUIGLEY: In my opinion as an analyst, it was both. It was protecting the fishermen that are in the fishery, but also having there be a large benefit to the stock as well because you have a smaller number of people that you're working with. That's how it's written into the document.

MR. HARRIS: So having said that, wouldn't it be better to have fewer people in the fishery if we're looking to protect the species because we're not changing the amount of fish that is coming out of the water. We're just trying to isolate it down to who can get them and prevent people from shifting effort and now going after that piece of that pie. Do I understand that correctly?

MS. QUIGLEY: Yes.

MR. DeMARIA: Anymore questions of can Kate move on?

MR. CARDIN: Kate, I was looking at these numbers several months ago and strangely enough the numbers the numbers that the tilefish workgroup came up with in their limited entry, the 16-1/2 longline boats and the 17 or 18 bandit boats, that's pretty concurrent with like ten years of history in the fishery. There has been about that many boats consistently fishing in the fishery for many years. I don't know if anyone ever realized how close they came to this is an historical picture with these endorsements. It captures a historical picture with their endorsements.

MS. QUIGLEY: Yes, I think so. The longline endorsement allows for 17 longline participants; that's more than has participated in any one year in recent years, but it includes pretty much everybody that has had landings in the past ten years. Hook and line, it's from 2001-2005 pounds; it's aggregated. You were only required to have 1,000 pounds. That's, anyway, for both longline and for hook and line pretty low requirements to get into the fishery. It's 23 endorsements for hook and line and 17 for longline.

MR. CARDIN: Once again, when I looked at it, it fits. I mean, that is what has been in the fishery the whole time.

MR. JOHNSON: Just one comment; when we look at these ACLs and this stock of fish, golden tile, which you've got an assessment coming out; black sea bass, which is an assessment coming out; and the whole goal of MSA is to rebuild all these stocks of fish, what are we going to do when they increase; you're just going to reward the handful of boats that are in now, they're

going to get more, or are you going to include some other boats at a latter date or give it to the recreational fishery. That's just some thoughts.

MR. BOWEN: The recreational fishery will take all that you want to give us.

MR. DeMARIA: Okay, can we move on?

MS. QUIGLEY: Amendment 20 has to do with wreckfish, so we have a Wreckfish ITQ Program that was implemented in 1992 and no changes have been made to that Wreckfish ITQ Program since. Well, we have situation in the Comprehensive ACL Amendment where we have an ACL of 250,000 pounds being proposed for commercial and recreational. The commercial total allowable catch that the wreckfish commercial fishermen have been operating under since 1992, over how many years that is, over 15 years, is 2 million pounds.

They're going from 2 million pounds down to 250,000 pounds, and, of course, then you have to take off the 5 percent for recreational and any buffers that the council wants to put in. The council is looking to decrease the pounds that the commercial wreckfish fishermen receive each year 87.5 percent.

What this does is the fishermen are no longer going to be able to go out. They might be able to make one trip, but that's about it. Right now we have about five to six people participating in the wreckfish fishery with three boats bringing in significant amounts. Once this ACL in the Comprehensive ACL Amendment of 250,000 pounds is implemented, that will become the new total allowable catch – or 200,000, something like that will become the new total allowable catch and people will retain their percentage shares, but the actual pounds that they receive in coupons under the Wreckfish ITQ Program will go down 87.5 percent or more, 90 percent.

These people will no longer be able to participate in the fishery. Amendment 20 takes a look at the Wreckfish ITQ Program to figure out what can actually be done. At the last council meeting some council members talked about how we need to perhaps reallocate the wreckfish shares from the current 25 shareholders down to the people who are using the resource or have used the resource over the past ten years or something.

They asked staff to come up with some options for them to take a look at as far as reallocating those shares. That's the update that I have at this time. Right now NMFS and council staff are working together to come up with some options for reallocation and we will present those to the council in June.

Failure to do that – our understanding is failure to do that will result in no one being able to bring in wreckfish commercially. There is no cap on how much people can own in shares, but nobody has money to buy the shares. Even though there are shares that have not been used for ten to fifteen years, those shares are still not cheap. You'd expect those shares to be just about free.

Well, that's not what is happening. People still value those shares and want to go back to wreckfish fishing some day or to sell it to somebody some day for a significant amount of money. The fishermen that are currently fishing right now cannot buy – they've tried to buy

additional shares, but they would have to buy 87 percent more or 90 percent more than what they have right now, and that's simply not possible. There is not enough to really go around at this time so reallocation is the one way to solve that problem and to continue the commercial wreckfish fishery.

MS. DOUGHERTY: Kate, I also think I remember from the March council meeting Roy proposing or introducing a control date for the wreckfish fishery; is that right?

MS. QUIGLEY: Yes, there was a control date – I can't remember if it was March 11, 2011, I think that was put in and that has been published just to give a heads-up to the public and to fishermen that if they are to go out fishing for wreckfish, they may not be included in any future management.

MR. JOHNSON: What criteria was used to cut the quota from 2 million pounds to 250,000 pounds; was that based on landings?

MS. QUIGLEY: Here is the story. The SSC took a look at the wreckfish data that they had and past stock assessments. They looked at everything that they had available. At the time the Science Center did not provide them with wreckfish landings, which are confidential. What they did was they looked at the last stock assessment and it looked like in 2001 – I can't remember the year, sorry.

I'm not going to say the year, but in one of the years it looks like when harvest amounts of close to 4 million pounds were being taken by fishermen of wreckfish, that the stock was looking overfished at that time. Now, since that time – the stock assessment was done in 2001. Since that time there have been no further stock assessments of the wreckfish fishery, so the SSC said this is the best available data that we have, this is the only available data that we have, and it indicates that at one point in time the wreckfish stock was overfished.

They said, well, maybe it has recovered from being overfished, but we don't know and we don't have a stock assessment to tell us whether this has happened or not. They decided that they needed to be conservative and what they did is they wanted to get to the average of the last ten years of landings. Well, of course, the data is confidential because there are so few dealers.

There are only two dealers, so they couldn't take a look at the average landings. At the time they asked about how much are these people landing, and it is about 200 to 250,000. That's about the average and so they decided 250,000 was the number that they would provide the council with. Now, the problem is that this stock is a trans-Atlantic stock; and so even if they do a stock assessment, which is planned for I think it's 2012 – even if they do a stock assessment, it's very likely that it's going to be incomplete and it will not provide all the information and the data that the SSC would like to have.

They will re-evaluate 2012 or 2013 what the status of the stock is, but it's highly unlikely that we're going to get a complete picture, and it's highly unlikely we're going to get back up to 2 million pounds.

MS. BROUWER: And just to add a little bit more to what Kate said, the council did have a discussion about wreckfish during the March meeting to try to figure out if there was any way the SSC could reconsider their recommendation of 250,000 pounds. They passed a motion to request that the Science Center provide any additional information that they may have gathered since the SSC last saw this in August of 2010.

The Science Center said we will see what we have and provide it in time for the SSC meeting. Unfortunately, they did not provide anything. The council is aware of the shortcomings of this recommendation and the lack of information, and they just keep requesting for more information and the information simply isn't coming back to them.

MR. JOHNSON: So what we're looking at is decreased effort led to decreased landings with no records, and so we're going to cut these people's quota – I don't wreckfish; never intend to, but we're going to cut their quota and in essence put some of them out of jobs because we don't know what is going on. That doesn't seem like that's the proper way to manage fish.

MR. HARRIS: Kate, I've just got a quick question for you. Back in 2001 we had all these poundages for the commercial catch, but we don't really know what that is because those numbers are confidential and so they're not being shared, but yet we're making decisions and judgments based on numbers that have been provided that you can't validate and you can't dispute, but we shut the recreational anglers out of the fishery. Like Robert Johnson points out, now we want to push even more of the commercial guys out of the fishery and still we're dealing with figures that are confidential?

MS. QUIGLEY: Yes, the data has been confidential since 2001. We have landings' data until 2001, but since that time the data is largely confidential. The SSC and the council requested any information at all that the Science Center might have, catch-per-unit effort, anything at all that they might have with regards to the wreckfish fishery, including logbook data, anything. The Science Center has not responded as of yet with landings' data or with CPUE data or with sizing data or anything, so the SSC had to base everything completely upon my estimate of average landings of 200 to 250,000 pounds and this stock assessment from 2001.

MR. FEX: I've got a question. Since they did go to IFQs and catch shares or whatever, is there any way that they could ever shift out of them once they've went into them; that they could go back to the normal derby fishery?

MS. QUIGLEY: Yes, and one thing that Amendment 20 considers is simply doing away with the Wreckfish ITQ Program and returning to something else; returning to either an open access fishery or going to some other type of management. The council is undecided on what they would like to do at this time.

They did hold a wreckfish shareholders' meeting, though, and we got about nine shareholders out of the twenty-five. They showed up and they unanimously agreed that they like the Wreckfish Program, the ITQ Program, and they wanted to keep their shares and they wanted to continue the Wreckfish ITQ Program. Of course, a lot of them have spent tens of thousands of dollars purchasing shares.

They want to hold to that asset and continue fishing for wreckfish. They did not want to do away with the ITQ Program, but they were looking for some sort of way out of this mess that they found themselves in. Some suggested that let's do away with the ITQ Program until we can get a new stock assessment and just have an open access fishery for a couple of years.

Apparently that is not possible to do on a temporary basis. You have to do a plan amendment, get rid of the whole ITQ Program, and then if you want to re-implement something you have to do another plan amendment to re-implement it. They see that this is possibly the only way to go. We did two papers on the wreckfish fishery and why this whole thing has occurred and what has been going on.

What appears to me as an analyst having participated in those is that they implemented a catch share for a fishery that did not have a stock assessment, and so they didn't have a solid number to work off of before implementing a catch share. If they had, they might have come up with 1 million pounds or 500,000 pounds, and then we wouldn't be having this problem today, but they did not have a stock assessment. That's one problem.

Another problem right now, though, is that we've got people participating – it's low participation because it's a very difficult fishery. You can't spot them on a fish finder. They're very difficult to fine. It's very far out; it's dangerous; it's up against the Gulf Stream, so you don't have many people who can actually do this. People did it when it was easy and it was a virgin stock; and now that it's no longer easy, people dropped out and there were better economic opportunities in shrimping and in nearshore fishing.

People dropped out so you have low participation now; and as a result you have low landings. We made it very clear to the SSC that these landings that we're seeing of 200 to 250,000 pounds are due to lack of participation and it's not a reflection of what the stock is. We've repeated that to them again and again.

Paul Reiss, who is on this AP, did a presentation with me and Sammie Ray and Micah LaRoche, and we presented that to them, and so I think they clearly understand that and they just don't what to do with no data other than the stock assessment.

MR. GOULD: Maybe it went over my head, but why is the information that you need is so confidential. Why is it so secretive? This is one of a few questions I've got for you.

MS. QUIGLEY: The Magnuson-Stevens Act requires that you keep landings and any sort of business information confidential if there are very few participants so that people could figure who is catching what. We have this thing that we call the Rule of Three. There has to be three harvesters and three dealers in order to release landings' information. At this time there are five to six harvesters but only two dealers.

MR. GOULD: And that includes even the regulatory agencies that have to manage these fish?

MS. QUIGLEY: Well, that includes only dealers basically on the South Atlantic Coast, so it includes dealers and harvesters so it doesn't include anybody else, just dealers and harvesters, commercial dealers and commercial harvesters.

MR. GOULD: So what you're telling me then basically what they're catching, the dealers keep the information to themselves or it goes to Florida, to the NMFS place there in Florida?

MS. QUIGLEY: The logbooks and trip tickets eventually make their way to the National Marine Fisheries Service in Beaufort, North Carolina.

MR. GOULD: And they do not share the data with you?

MS. QUIGLEY: They will share it with us. Because we signed a confidentiality agreement, we are not able to share it with anyone who has not signed the confidentiality agreement, and that means council members do not access. SSC members do not have access. As a way to get around this, we have the fishermen if they would sign off on – if they would release their own information. Paul Reiss did, but he has not signed the waiver. There is a confidentiality waiver. Nobody else has signed the confidentiality waiver. We have only one person who has signed it so far.

MR. GOULD: I would think that if I was on the council I would let them boys know and say, look, fellas, we're going to shut you down if you don't give us the information. This is a democratic process that you have; either give us the information and we'll let you keep fishing or we're going to shut you down and you can be out of business. You can't regulate this the way it is right now. I think it puts this panel in a bad spot trying to give any kind of recommendations on it. I think it is up to the council to take it in their own hands and give them an ultimatum; say, you can fish, give us the information; don't give us the information, we're going to put you out of business.

MR. QUIGLEY: Well, regardless of whether the fishermen provide the information or not, unfortunately, they will still be restricted to 250,000 pounds because their average landings are indeed 250,000 and below.

MR. HARRIS: In effect aren't what you're doing is signing a check and handing it to them?

MR. QUIGLEY: Signing a check and handing to whom?

MR. HARRIS: To the guys that don't have to provide you the information on what they're doing.

MR. CARDIN: NMFS had information. The council members can get the information if they want it. What Kate and them can't do is share with you or I. People are not holding out on the council.

MR. HARRIS: That's not what I was implying. What I was meaning by that is that you're asking for our input on something that we have no information on and expecting me to sign my

name on a check that's in your account that you're then going to give to them because I have no idea what it is that I'm voting on or what I'm saying because I don't have the information.

MS. QUIGLEY: You don't have to comment on this. This is simply an update, so I'm just providing information. At this time it's not necessary to comment on Amendment 20 or Amendment 18A. In the past the AP has commented on 18A and 20, and I'm going to go over 21. This is basically just for your information but you don't need to comment. Right, you don't have the information that you need to actually comment; I would agree.

MR. DeMARIA: Okay, can we move on?

MS. QUIGLEY: Amendment 21, which is considering management measures for snapper grouper, which includes trip limits, endorsement, catch shares, anything and everything is being considered in Amendment 21. At the last council meeting a motion was passed by the council stating that no further work should be done on snapper grouper catch shares until further notice.

That is the motion that was made and so we have not done any work on snapper grouper catch shares for Amendment 21. Due to workload, we haven't really moved ahead with some other things because trip limits are being covered in Amendment 9. It has been brought out to scoping and we're just kind of sitting tight right now and waiting to see what the council wants to do with this amendment. That's the update that I've got.

MR. DeMARIA: Any comments on that, questions? I guess we're ready to move on.

MS. BROUWER: If I may, Mr. Chairman, I neglected to give the AP an update on Regulatory Amendment 9, so I would like to just say a few words about that before we go on to Amendment 24. Regulatory Amendment 9 was finalized and it was approved. It was submitted to the National Marine Fisheries Service last week or two weeks ago.

That is the one that contains commercial trip limits for vermilion, for greater amberjack, for gag and it also has harvest management measures for black sea bass, including a reduction in the bag limit. When I presented Regulatory Amendment 9 to the AP back in November, there were no alternatives at that time for a reduction in the bag limit.

This is all came about after the fishery had to be shut down, and then the council requested that an analysis for a reduction in the bag limit be conducted in the regional office. This came back to the council right before the meeting. The SSC received it within minutes of the conference call so they didn't really have a consensus statement about those analyses, but the analysis was presented to the council in March.

The council voted to add it as an action to Regulatory Amendment 9. The preferred alternative is to reduce the black sea bass bag limit to five. That is what is has gone into place with Regulatory Amendment 9. Hopefully, the council's intent to see this be put in place for the beginning of the black sea bass fishing year, which starts June 1st. We're going to keep our fingers crossed that these regulations can be put in place before that so that we don't have a

repeat of what just happened where the quota gets caught really early and then the fishery needs to get shut down.

MR. FEX: Would that also include the vermilion trip limit might begin July 1st?

MS. BROUWER: I'm not sure what the implementation date would be of that. I was solely speaking for the black sea bass. Okay, the next item on the agenda is an update on Amendment 24 that contains the rebuilding for red grouper. I gave a presentation on this to the AP back in November. Very few things have changed, but I wanted to bring you up to speed on that.

The red grouper stock is undergoing overfishing and is overfished, and so the council and NOAA Fisheries have to implement a rebuilding plan by June of 2012. The plan is to have an amendment to NMFS by the end of this year so that then they have the first six months of 2012 to implement those regulations and be within that deadline. This is Attachment 5 in your briefing book.

If you'd like to follow with me, I don't have a powerpoint, but I just cut out the various alternatives to walk you through them. If you go to PDF Page 21 on that attachment, that's Action 1 and that's to establish the MSY. This is the same as you saw in November, so still Alternative 2 is the council's preferred, and that is to go with the recommendation in the most recent SEDAR assessment to set the MSY and basically leave it at that. So instead of having a specific value, switch to just using the latest assessment and have that be the level at which MSY is set.

Action 2 is to set a minimum stock size threshold, and that's on PDF Page 24. There are several alternatives for this action. There is no preferred currently. At the December meeting the council asked that the Science Center do an analysis and they asked that another alternative be added to this. I apologize for having to refer to my notes, but this goes a little bit over my head, so I need to make sure I'm going to get it straight.

The reason the council needs to take action is because currently the level at which the MSST is set is too close to the spawning stock biomass at Bmsy. If those two levels are too close, then there is a chance that if the stock fluctuates as a stock of fish does naturally there could be an overfishing condition that gets triggered, and that's why they need to take action to correct that.

The council asked, like I said, that Alternative 5 be added in December, and they will go back and look at the analyses for this amendment to choose a preferred in June. Alternative 3 is for establishing a rebuilding schedule, and this is on PDF Page 25. I don't believe anything has changed here. There are different rebuilding timeframes that the council is considering.

Their preferred is to have the longest one, which is ten years, so Year One would 2011, so the end of the rebuilding time period would be in 2020. This is the maximum period allowed under the Magnuson Act. Then comes the rebuilding strategy, and that's on PDF Page 28. This has changed a little bit even since the March meeting.

These are recommendations that the IPT is going to bring to the council in June, and I wanted to just update you on that. These alternatives are based on a certain percentage probability of rebuilding success in various timeframes. According to the projections that come out of the stock assessment, you have different acceptable biological catches based on landings and landings and discards.

You see the values there show you what the projections would establish those values at for those various years at various fishing rates. The council did ask that we add another alternative and that is for an eight-year time period, so the ABC values there would be 620,000 for 2011 going up to 765,000 in 2013. There are further values that come out of those projections. They're just not on that table, but there is a value for each of the years to rebuild the stock at that level. That would be for the ABC.

And then in order to be consistent with how the council has – the approach that they have taken in the Comprehensive ACL Amendment for other snapper grouper species, we're going to suggest that they add – I'm getting ahead of myself – we have to do allocations first, before we do annual catch limits. That's the approach we've taken in the Comprehensive ACL where you set your ABC first; then you allocate in the various sectors; and then you have your ACLs for the commercial and the recreational.

The allocation action would have to come first, and currently their preferred is to have 45 percent be commercial and 55 percent be recreational; and again using the catch history, the same formula that they've used for other species to establish those allocations. There are other alternatives that would divide it into three sectors, including a for-hire. There is none of those that the council has picked as their preferred.

Once you do the allocations, you go into your ACLs, and this is an action that the council has not yet seen. We're going to propose to them that it be added; again just to be consistent with the approach that they've taken in the Comprehensive ACL. The numbers don't really change. Their preferred, if they stick to what they've done with the Comprehensive ACL, is to set the ACL at the same level as the ABC.

There is also two alternatives that would eliminate the aggregate ACL that was put in place through Amendment 17B for black grouper, red grouper and gag. We're already establishing an ACL for black grouper in the Comprehensive ACL. Gag has its own ACL and so it's time to take the aggregate away so that each one of these species will be tracked individually, so there are alternatives in there to take that aggregate ACL away and the corresponding accountability measures.

Again, the council will see this again in June. I'm not sure if it will be ready to approve for public hearings. I believe we're going to try to have all the analyses ready for the council to approve it for public hearings, which means the public hearings would be some time in the summer, maybe in August, with the intent of having it finalized by the December meeting. That's what going on with red grouper and I'll take any questions if you have them.

MR. FEX: Okay, if you eliminated the aggregate count of the grouper on the commercial sector, the combined 648 pounds and you just went off of each species, would it do the same thing that the gag quota does; if we meet one of the – if we go over the ACL, say, on red grouper, it shuts down the whole shallow water grouper species?

MS. BROUWER: No, it wouldn't because there would no longer be in a complex together. They would have their individual ACL so they would be tracked separately. The accountability measures would apply to each individual species.

MR. FEX: Okay, well, at the present time I know if we meet our gag quota, we shut down on all shallow water grouper, so I'm just thinking that if all a sudden we do meet the gag quota, when we do separate it, it does do the same thing whether we meet the other ones, so that might be a question that really needs to be considered.

MR. DeMARIA: Anymore questions? Did you want recommendations on this?

MS. BROUWER: I believe the council would like some recommendations from the AP before they send this out to public hearings if you're ready to provide any.

MR. DeMARIA: Do you want to go to the beginning? Is there anyone that has any recommendations on this part of it? If not, we'll move on to the next one.

MS. BROUWER: It would be good if they're in agreement to have a motion to support it.

MR. DeMARIA: Okay, can we agree to support this? Do you understand it?

MS. BROUWER: Basically what this does is it makes it a little bit more flexible so that the council isn't tied to a specific value. Basically it just says whenever the stock is assessed, then whatever comes out of that assessment, whatever comes out of the projections and the MSY level, that is what would be the MSY for this stock. It just makes it more flexible so the council doesn't need to be changing those values every time a new assessment is done. They just adopt whatever comes out of the latest assessment as the MSY.

MR. DeMARIA: Okay, are we agreement that this is acceptable? Okay, and maybe if you could kind of briefly explain each one of these things like that, otherwise it's a bit confusing. We agreed that it was acceptable and I think that's good enough.

MS. BROUWER: The MSST, as I explained, Amendment 11, which was the one that was done right after Magnuson was amended with the Sustainable Fisheries Act of 1996. It required the minimum stock size threshold to be at least one-half of the spawning stock biomass at MSY. It can be greater if the natural mortality of a particular stock is low.

Well, it happens to be that way for red grouper, so the current definition, as it is, would possibly trigger a rebuilding plan if it fell slightly below that SSBmsy because the values are so close together. The council would like to take action to make sure that doesn't happen. Because it

could be just a natural variation in the stock, it doesn't necessarily mean that the stock has fallen below this critical size.

These are the alternatives that the council is considering. The SSC didn't have any comments on this. The Science Center provided an analysis of various methods to calculate the MSST. That was presented to the SSC last week or whenever it was that they met. From what I recall of the discussions, they did not feel that they had enough information and they were not in the position to recommend any one of those methods to be used.

They want to go back and revisit that. I'm not exactly sure what that means as far as what the council will do. I think they do need to take action on this, but not knowing what the SSC recommends I'm not quite sure which way they're going to go.

MR. FEX: Is the council going to take in consideration that we've actually been through two years of rebuilding with the four-month spawning closure?

MS. BROUWER: That has been taken into consideration and the analyses that compare the landings to the proposed ACLs have taken into consideration that closure, so they actually zeroed out those months to simulate – you know, because the closure didn't go into place until 2010; and so to simulate no landings during those months, and so it has been taken into consideration. It looks like the regulations that are currently in place are sufficient to keep the landings below the proposed ACLs so the amendment currently doesn't contain any options for any kind of management measure to keep the landings lower.

MR. FEX: And also, too, that the recruitment of two years of spawning closure adds to the rebuilding of the stocks since you're going to have recruitment involved with it, so that's what I was mainly going for.

MR. DeMARIA: Is there anyone that wants to add another alternative or is this agreeable with what is up there?

MR. FEX: I would like to make a motion on the Preferred Alternative 4 to be preferred by the advisory panel.

MR. CARDIN: I'll second that.

MR. JOHNSON: Can you show the alternatives again, Myra, please?

MR. DeMARIA: So this would be the least restrictive of all of them.

MR. ATACK: The way I understand it, two, three and four I guess as the MSST goes up, you've got to have a higher stock out there before an accountability measure kicks in, right?

MS. BROUWER: No, I don't think this is tied to accountability measures.

MR. ATACK: Then what is it tied to?

MS. BROUWER: It basically is a critical level below which a stock would be considered to be overfishing and you need to step in and put in a rebuilding plan. The reason again that the council needs to do something is because that level currently is too close to the spawning stock biomass level; and so if the stock fluctuates too much, then that is going to trigger a rebuilding even though it may not be necessary.

MR. JOHNSON: Myra, is the purpose of Alternative 5 just to specify that will allow rebuilding to take place within ten years, whatever that number may be, is that what I'm seeing; and Alternative 4 we don't really know for sure if they're going to reach their goal of rebuilding within ten years, so in fact even at 85 percent we may face accountability measures; is that what I'm reading into that?

MS. BROUWER: I believe you're correct in that interpretation, yes, and that's why the council added that alternative in December. It's a little bit broader and doesn't tie them to a specific level.

MR. DeMARIA: Okay, we've got a motion; do we want to vote on it or discuss it more?

MS. BROUWER: The motion is that the AP recommends adopting Alternative 4 under the MSST action in Amendment 24, and that is the MSST to be 85 percent of the SSBmsy.

MR. DeMARIA: All those in favor; those opposed. I didn't vote because I'm not quite sure I understand it. I think we should add in there that several of the AP members are just not quite sure what it means. The motion carried with three abstentions.

MS. BROUWER: The next action is the rebuilding schedule. There currently isn't a rebuilding plan for red grouper. The last rebuilding plan that was put in place expired in 2006. Alternative 2 would rebuild in three years with 2011 being Year 3. Alternative 3 would rebuild in seven years; 4 would rebuild in eight years; and then Alternative 5, which is the council's preferred would take the longest time and that's a ten-year rebuilding with 2011 being Year 1.

MR. DeMARIA: Is there any discussion on this?

MR. JOHNSON: Not discussion; I was just going to make a motion that we adopt the preferred.

MR. BOWEN: I second that.

MR. DeMARIA: Can we go ahead and vote on this? We've got to read it first.

MS. BROUWER: The motion is that the AP supports the council's preferred rebuilding schedule alternative in Amendment 24.

MR. GOULD: Can we go back to the motions for just a minute, please? Okay, thank you, let's go on with the vote.

MR. DeMARIA: Okay, all those in favor; any opposed. It carries unanimously.

MS. BROUWER: Okay, the next action is the rebuilding strategy, so how is the council going to get there as far as rebuilding. All these numbers come out of the projections. As I said earlier, the council requested that an additional alternative be included, and that would be to use an F equal to F-rebuild. The ABC in 2011 would be 620,000 pounds; 695,000 in 2012; and 765,000 in 2013. That is landings and discards together. Again, the council has not yet picked a preferred because they haven't seen the analysis for Alternative 6.

MR. DeMARIA: Does anyone want to discuss this or make a recommendation? If not, does this seem agreeable and we can move on? Okay.

MS. BROUWER: For allocations, as I stated earlier, the council's preferred is to adopt a 45 percent commercial allocation and a 55 percent recreational; using 50 percent of the catch history from 1991-2008 plus 50 percent of the catch history from 2006-2008. This is consistent with what they've done with other snapper grouper species in the Comprehensive ACL Amendment and other documents. This would be again just the two sectors; not considering the for-hire sector.

MR. DeMARIA: Is there any discussion or a motion?

MR. FEX: I would make a motion that we consider a 50/50 split commercial and recreational. I will make a comment on the discussion.

MR. CONKLIN: I second the motion.

MR. BOWEN: Why are you considering that when the preferred has been 55/45?

MR. FEX: The rationale behind that is the recreational sale of fish was eliminated, which was a contributor to a lot of recreational effort and was actually being a double count of fish during that time. I brought that up to several council meetings. I figured it would be a logical thing to actually do a 50/50 split seeing you're being fair to both sectors.

You can go through the numbers and you can pick whatever dates you want and make the numbers come out the way you want them to. They did that with the gag grouper. I don't know if you recall that. I think they pulled the 2005-2007 and ended up getting more gag recreational than commercial. It wasn't a historical thing. They just pulled them numbers and that's how the allocations went. Since they eliminated the recreational sale of fish and the effort is down, I would think that you might consider that being an option since they no longer can sell them fish. That is what my rationale for that is.

MR. BOWEN: So are we basing our allocation now – if I understand that correctly, we're basing our rationale on selling of fish? I can't follow that. I mean, just because the recreational sector doesn't sell their fish, it doesn't mean that they don't want to still catch them and keep them.

MR. ATACK: I understand what you're saying, but that's not all true. The recreational bag sales count towards the commercial when they were sold so they inflated your numbers, if

anything. If you look at it from that standpoint, well, maybe we should take yours from 45 to 40. Now, the recreational was the charter for-hire, the headboats, the recreational guys, and there was very little double-counting in North Carolina. They knew which were sold recreational bag limits under the SCFL license.

MR. GOULD: If we're going to split this up, I was just looking and I think it would be good if we went ahead and bit the bullet at this time and went with a for-hire sector component into this, too; divide it up into commercial, recreational and for-hire sector. It would be for the recreational fellas, it would be good for us for-hire fellas and everything. If the recreational can come back there and they go over their limit, they're going to shut us down and the same thing could happen to them, but it's something that I've been wanting to see done here for some time, and I would love to see a for-hire sector be put into this.

MR. FEX: Back to your comment, Jim, yes, the recreational did inflate some of the numbers, but they were actually targeting that in my area, which you know they would go out there strictly to catch their bag limit and sell them. Now there is no incentive to go out there and do that no more. The recreational effort has totally decreased in our area because of that; so why to go ahead and give them allocations of such a thing when they are no longer actually targeting them anymore.

Like I said, they have been double-counted through history. I have been involved with this council for a long time, and I have questioned it a lot of times. Twenty-five percent of the red snapper was recreational fish put into the commercial sector. Well, when NMFS questions the recreational fishermen they don't ask them if they sold them, so that's called a double-count, so that's my point on the double-count of fish. They might say that we caught that many fish, but we probably never did. They were just double-counted when they brought in recreationally and then turned into commercial fish when they were sold to the state.

MR. BOWEN: Terrell, one thing to consider before we really want to split this into three sectors; you as a for-hire guide, myself as a for-hire guide, Robert as a for-hire guide, if we have the recreational allocation with us, who do you think is going to catch the fish first, you or the weekend warrior that goes on Saturday? I feel like we as the for-hire sector in this situation need to be counted in with the recreational sector as well. If not, I think we're cutting off our nose to spite our face here. Just a thought; and if we could get to that vote on that allocation, I'm anxious to vote on that negatively as well.

MR. DeMARIA: Well, let's take two more comments and then do the vote.

MR. JOHNSON: I think, Terrell, we're going to complicate an already complicated system even further when we start doing that. I don't think that is a wise move at this point to go down that road because this council is having a hard enough time managing fish just based on a commercial and recreational standpoint. We've got a pie here and we keep dividing that pie up and there is just going to be crumbs left. We saw that in the wreckfish fishery for the commercial guys and that is what has happened there. I think that's an unwise move.

MR. DeMARIA: Okay, we need to move on and vote on this, but Myra just brought up a good point that if you do split it up like that, then you're going to have to have a for-hire ACL also. Why don't go ahead and vote on the motion that's there; and if it fails, we can come up with another motion.

MS. BROUWER: The motion is the AP recommends considering a 50/50 allocation for red grouper.

MR. DeMARIA: All those in favor; all those opposed. The motion failed four to eight. Bobby, did you want to discuss this or make another motion?

MR. CARDIN: Myra, what was the historical landings on this?

MS. BROUWER: I don't have those numbers in front of me, Bobby, sorry.

MR. ATACK: And that's kind of where they came from the 45/55 was from the historical landings. The other comment; I don't think you just arbitrarily change it from 45/55 to 50/50 without data. I agree that if you go ahead and try to do a for-hire allocation, it's just going to complicate everything and it would be really hard to manage. I disagree with coming up with a third allocation. It's hard enough with just the two.

MR. CARDIN: It was 50 percent from 1991-2008; it was 50 percent commercial.

MR. ATACK: What they mean is they took the catch history from those years, so 50 percent of the 45/55 was from that, and then they took the landings from 2006-2008 and did 50 – so they weren't saying it was 50/50.

MR. CARDIN: What happens is when you take and use 2006-2008 when the commercial grouper fishery is basically shut down for gags, a lot of people were not catching reds because the gags were shut. Management measures made our historical landings drop and to lose poundage over following the law and rebuilding the fishery, I just don't sit with that well.

MS. DOUGHERTY: A clarification; is this the same allocation formula that the council has applied to other species as well, Myra?

MS. BROUWER: It is the same formula. I'm not a hundred percent sure that it's the exact same time series. I can pull that up for you in just a second.

MS. DOUGHERTY: Just to followup, that would be interesting to me because one of the reasons I voted against that is my understanding of the application of that Boyles' Formula, that in some cases the recreational fishery got higher allocations and in some cases the commercial fishery got higher allocations. I would just like to see that in terms of how overall, if you're looking at all the species how that plays out.

MR. BOWEN: Bobby, one thing that Myra mentioned earlier, they're going to divide these up so the red grouper is not going to be in your gag grouper. It's going to be totally separate, so the

problem that you were just explaining shouldn't happen from this point forward. Again, I'm not a commercial fisherman and I might be wrong.

MR. CARDIN: Well, I mean, historically the commercial and recreational gag landings were what they were. We went into ten years of closure in 16B and all of a sudden the recreational landings went up because they got to fish for them the whole time and for eight years we were shut down for two months. That made our landings go lower.

We were regulated into landing less. Now we've got future allocations on being the ones paying the price to make some kind of rebuild, and we paid a price, and now we're walking away with less quota. And here we are once again, now we're taking this over into another fishery. If we had been fishing those two months like the recreationals were, we might have had higher – we would have had higher landings of red groupers.

And here we are walking away once again with less quota because we were tied to the dock. We were helping rebuild the fishery. Everyone else is having fun fishing while I was sitting at the dock for two months, and now for perpetuity and from here on I'm going to get allocated less than one fish because for ten years I sat there and didn't fish the fish for two months every year.

MR. BOWEN: I understand your position.

MR. DeMARIA: Well, why don't you make a motion that the council go back and look at the numbers and take into account what you just explained?

MR. CARDIN: Well, I mean we've got the numbers.

MR. DeMARIA: Well, put it in the form of a motion.

MR. CARDIN: Myra, can we get the numbers on what the landings were?

MS. BROUWER: Yes, we can try to get that for you, hopefully.

MR. CARDIN: We've got it; it's right here.

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

MR. BROUWER: What is up on the screen is the preferred alternative for the Comprehensive ACL, so it's the same type of a formula. It does use different years for catch histories. They're using half of the catch history from 1996 onwards as the current trend and – or as the historical trend and half the catch history from 2006-2008.

MR. CARDIN: When commercially we were shut down for two months and the recreationals were still fishing.

MR. DeMARIA: Bobby, put it into the form of a motion where they go back and take that all into account.

MR. CARDIN: Well, I want to be whatever the historical lows; you know, 100 percent, be it from 1991-2008.

MR. DeMARIA: Well, just put it in a motion.

MR. CARDIN: I want the historical levels used from – what was the number up there; 1981 or 1991 to 2008; from 1991-2008.

MR. FEX: 1996.

MR. CARDIN: 1996-2008; that's a motion. Okay, I make a motion that the allocation be based on the historical levels from – historical landings from 1996-2008.

MR. DeMARIA: Is there a second for that. Okay, Richard seconded it. Is that what you wanted, Bobby. Are those the years that you wanted?

MR. CARDIN: Are those realistic years, '86 or would '96 be better, Myra?

MS. BROUWER: 1986 is what has been used in the Comprehensive ACL Amendment, so that's what we're using, 1986-2008.

MR. CARDIN: Yes, Mr. Chairman, that's my motion.

MR. DeMARIA: Okay, can we go ahead and vote on this or do we need to discuss it? Read it first.

MS. BROUWER: Okay, the motion is base the allocation for red grouper on historical landings from 1986-2008.

MR. DeMARIA: Okay, all those in favor; those opposed. The motion is approved 9 to 3.

MS. BROUWER: Bobby, we have the landings by year for red grouper; is this something the AP would like to see. We can put them up on the screen if you'd like. It's going to probably take us a couple of minutes to rearrange the projector.

MR. CARDIN: Can you just give me the percentage during our next break?

MR. DeMARIA: Why don't we take a five-minute break while they get that together?

MR. DeMARIA: Let's go ahead and get started again. Are we ready to go?

MS. BROUWER: Okay, Kate has graciously calculated these percentages that Bobby just requested for red grouper. Looking at landings 1986-2008, it looks like commercial sector took 60 percent; for hire was 11.7 percent; and the private was 28.7 percent. The last action in this amendment is the one that as I explained to you is currently not in the amendment. We're going to suggest that the council add it as an action basically just to be consistent with the approach

they've taken in the Comprehensive ACL to have separate actions; first for ABC, then for allocations, then for the ACL.

Based on their preferreds for the Comprehensive ACL, then the annual catch limit for red grouper would be set at the same level as the ABC. And then the last two alternatives under this action would have to do with eliminating the aggregate ACL for red, black and gag. The accountability measures have been put in place for that.

MR. CARDIN: Is this what we were discussing earlier? Can we back up to the preferred on this? Can we have a couple of preferreds in here? Is number five and number two; they're very different, aren't they?

MS. BROUWER: Yes, the council asked us to include alternatives to take away that combined ACL. Like I said, the council hasn't even seen this action yet. We just put it together, and so they will have to pick two preferreds; one to establish the ACL and then one for how to address the aggregate.

MR. CARDIN: As the AP can we discuss maybe Alternative 5 and 6 and see if that's something we like?

MR. DeMARIA: We can do whatever you want. We could just skip over it or –

MR. CARDIN: Combine five and six; does the recreational want them tied together?

MR. BOWEN: I think what Bobby is trying to allude to we as commercial and recreation sectors want split ACLs for those three species of grouper to keep one from being what we call, quote-unquote, a choke species; is that correct, Bobby? If I could make that into a motion somehow, I would be willing to do so, but I might need a little guidance from the rest of the panel.

MS. BROUWER: I think what you're getting at, Zack, is probably adopting both Alternatives 5 and 6 as preferred because one deals with commercial and one deals with recreational. I think the intent is – and if the council wanted to take away all this stuff, they would have to pick both of those as their preferred, so you can certainly suggest that be the course that they take.

MR. BOWEN: Can I make a motion for that if there is some support?

MR. DeMARIA: Yes, go ahead.

MR. FEX: Zack, the problem that I would worry about is, like I said, right now we're going under a gag quota; and if we meet the gag quota, we shut down the shallow water species. If you separate and don't do a combined allocation like they're requesting and you go under each individual allocation, so you say you got 300 red grouper, 200 gag – I'm just throwing numbers up – and a hundred black grouper, and all of you sudden you meet your black grouper's quota of a hundred, then from my knowledge of the council is it will probably shut down the other two shallow water species. That is what my concern is that I would bring to you is to think about because that –

MR. BOWEN: No, that's what we want to try to get away from.

MR. FEX: Yes, that's what I understand, but that's –

MR. DeMARIA: Go ahead and make a motion and we'll see if we can get a second.

MR. BOWEN: Okay, I make a motion the council look at Alternatives 5 and 6 as preferred.

MR. DeMARIA: Is there a second for that? Robert seconded it. It's open for discussion now.

MR. BOWEN: But to get back to Kenny's point, that is what we're trying to get away from.

MR. CARDIN: However we vote on this, we seriously consider this. I mean, geographically with the black groupers in the Keys and the more red groupers in North Carolina, it's probably a good thing to separate these species and not have the combined – so geographically I think it's very important that we support number five and number six as our preferreds.

MR. FEX: Just again, like I said, I would make a concern that might happen. Like I said, right now the gags will shut down the whole shallow water species. The same scenario with – I mean, if you separate them and not have them a combined allocation; you would have one of them being the trigger mechanism.

MR. BOWEN: No, that's what we're voting to get away from now, if I'm understanding correctly. We're voting to get away from a choke species by splitting them up into three different ACLs.

MR. ATACK: If this goes through, you know, if gags max out, then you'll still be able to fish for red grouper and the other things. The downside of that – I guess the original intent of council, when they grouped them together was to eliminate bycatch mortality of like – you know, if you go ahead and max out on your gag, you make your limit and you're there fishing for red, then you're going to still be killing gag as bycatch. That's the downside of doing this, right?

MR. CARDIN: I think I was at the council meeting – and actually the AP is the one that started this, and we were discussing because there was ACLs on blacks and reds at the time, that somehow using the gag ACL as a way to shut down the other fisheries.

MR. DeMARIA: We need to read the motion and then we can vote on it.

MS. BROUWER: The motion is that the AP recommends that the council adopt Alternatives 5 and 6 as preferred under the new ACL action in Amendment 24.

MR. BOWEN: Can we put in parentheses somehow to make it clear that those three species are to be separated with separate ACLs?

MR. DeMARIA: Did you want to say something else, Terrell, before we voted?

MR. GOULD: Yes, for my section of the pond I think this would be the best and I hope you will support this. Doing what I do, a lot of times the gag grouper – the red grouper is miles apart. We catch just a handful of gags along with the groupers or with the red groupers; and it's same thing true with the gags, where we catch big concentrations of gags, there is not a lot of reds, and this would be the best alternative for the North Carolina fishermen here. I hope you all support it.

MR. DeMARIA: Okay, you'll probably have to read that again since you added something to it.

MS. BROUWER: Okay, the motion now reads that the AP recommends that the council adopt Alternatives 5 and 6 (that is the removal of the aggregate red, black and gag ACL from both sectors) as preferred under the new ACL action in Amendment 24.

MR. DeMARIA: Okay, all those in favor; is there anybody opposed. It carries unanimously.

MR. CONKLIN: Where does this leave the scamps at?

MR. BOWEN: It's under my impression that there has been no assessment on scamps, so it will fall under one of the 18 species that is unassessed. An ACL for that has not been set yet, but scamps will be separate as well. That's my understanding as it stands right now.

MS. DOUGHERTY: Myra, is the council yet to consider accountability measures for red grouper or do those now need to be put in this document?

MS. BROUWER: Okay, the accountability measures for red grouper would be covered under the action in the Comprehensive ACL that sets accountability measures for snapper grouper species. There isn't currently a separate action in this amendment for that. That's a little bit confusing, but that's the way it's structured right now. Certainly, if the AP thinks that it would be a good idea to separate that out and put it in this amendment, you're more than welcome to pass that along to the council.

MR. BOWEN: Wouldn't that go back to the five-year median deal that we have been talking about basically all morning?

MS. BROUWER: That's correct.

MR. BOWEN: I'm all for leaving it as we voted on earlier.

MR. CARDIN: Myra, can we back up to that 2A portion of the preferreds, the council's preferred? I think it was 2A. Do we need to address this as the AP?

MS. BROUWER: No, I put this one up. This is the alternative that is currently preferred in the Comprehensive ACL Amendment; is this what you're referring to? This is the allocations.

MR. CARDIN: No, we had 1, 2, 3 and then we had the five and six that we –

MS. BROUWER: I'm sorry; let me pull that up. This is the one.

MR. CARDIN: Okay, do we have to do anything with this? Okay, thank you.

MS. BROUWER: So that does it for Amendment 24 unless you have other questions or concerns or recommendations for the council. Okay, if you'd like, Mike has indicated that he is ready to present the graphs with the five-year modified mean and the three-year running average that you had requested.

DR. ERRIGO: Here are the wahoo landings, the same graph that I showed you guys earlier. The red line is the three-year running average. The green line is the five-year modified mean. The purple line is the ten-year running average, and the orange line here is the twenty-year running average. That's what it would like.

As you can see, some things to notice are like here the last three years, the three-year running average is well above the ACL whereas the modified mean drops below it. In fact, all of the running averages besides the modified mean are above the ACL in the last years. What the modified mean does is it doesn't let this one enormous point pull it way up. The ten-year and twenty-year averages are very long running averages so they don't fluctuate very much; so wherever they happen to end up, they'll stay there for quite a while. That's the wahoo landings.

MR. CARDIN: Can I ask you about the wahoo there? It looks like you have the difference between the modified and the three-year is almost a half a million pounds. Now, isn't that hard to manage with that much of a – you know, 500,000 pounds is a lot to be giving and taking.

DR. ERRIGO: Well, yes, there is a big difference between the three-year and the five-year modified mean. That's because of this – it's over 2 million pounds so when you add that into an average, it's going to pull it way up. If you eliminate this point, the average is going to go way down. That's why these are so different. In this situation that's the advantage of this modified mean.

Here is snowy grouper. The colors will remain consistent so red is the three-year, green is the modified, purple is ten-year, orange is twenty-year. You'll see a lot of shortcomings especially in some of the longer time series when you have these trends like this. This is a downward trend and these don't follow it that well. You'll see the modified mean and the three-year running average follow them better.

I don't what the ACLs or anything are for snowy grouper or for vermilion, which is the next one. Vermilion snapper, it's pretty consistent since about 2000, 1999 or so. It's pretty flat and that's pretty much what the averages show. It's pretty much bobbing right along right here. In this situation not much of a difference.

You'll only see a big difference in the three-year and the modified mean when there is a random spike. That's the only time where you'll really see a different in the two. I also added in, just for comparison, blue line tilefish. I happen to know what the ABC is for that one or what the

proposed ABC is for blueline tilefish. As you can see here in the very last year, the three-year average shows you're over your ACL whereas the modified mean does not.

MR. ATACK: Can you back up to the B-liners for a minute? When your landings dropped after the second big peak there, your three-year dropped down quicker than the modified mean; and your three-year it went three years or two years, anyway, before the other caught back up to it. So in that scenario you'd be having to be cut back on fishing for a couple of years prior to catching up to the modified mean, right?

DR. ERRIGO: Yes. Now, there are a few caveats I should probably point out. One is that all of these are kind of being considered but I don't think – does the council have a preferred on any of these?

MS. BROUWER: The three-year running average is the preferred.

DR. ERRIGO: Okay, the three-year running average is the preferred, but they're also considering looking at a single year's landings, current year's landings, and mitigating the effects of spikes within the AMs. So like if you go over your ACL, then they continue to monitor closely and the next year if projected to go over again, then they would do an in-season modification, so that's another one that they're considering.

Also, there was some concern that people have talked about when it comes to these running averages about fisheries that have a payback system; so if you exceed your ACL in one of these kinds of fisheries, then the next year they reduce your ACL by the overage. In a situation where you've got like a three-year running average, your ACL will go down but the year that caused you to go over in the first place will still be there in the next two years, so it will continue to push the ACL down even though it may not be warranted.

MR. DeMARIA: What you're doing here, eliminating the high and the low point, that's just fairly is common statistical practice, isn't it? I mean it's just done all the time and you can figure out means and –

DR. ERRIGO: Yes, the idea is to try to eliminate outliers like on wahoo. The idea is we don't think that this point is really a significant spike. We think that it might just be some kind of statistical anomaly; that we don't think that is really what is happening in the fishery. The idea behind the modified mean of dropping the highest and lowest is to eliminate what we think is not really happening in the fishery.

We don't think that these points really should be involved in tracking the ACL. That's what the modified mean does. Averaging is supposed to help with that, also, but the problem, which is the straight-up average, is that one year like this throws it off.

MR. BROWN: My name is Mark Brown. I have a question about the ACL. You were saying that if the ACL, if we went over it that it would be taken away from the following year. What about if it's not met; would the amount that was the difference between it not being met be added to the following year?

DR. ERRIGO: Okay, not all fisheries have a payback plan. Fisheries such as, let's say, black sea bass have a payback plan because it's on a rebuilding schedule. It all depends on the specifics within that fishery. I don't think the council is not considering underages at this point, meaning they're not considering increasing ACL the next year if you don't meet your ACL in the previous one.

MR. BROWN: So each fishery, they're set up with a different payback; is that what you're saying?

DR. ERRIGO: No, most of these fisheries don't have paybacks; only certain ones do. They're only the ones that were considered overfished; they have a payback. Black sea bass is in a rebuilding plan because it was overfished or it's considered overfished now, so it has a payback plan, meaning that if you go over your ACL they deduct it from the next year. Most of the fisheries that we're considering do not have payback plans, but there are some that do.

MR. FEX: To answer that question, I've heard Roy Crabtree say that at several council meetings. The ABC is based on per year so if you don't actually meet the ABC, you're not going to get it the next year because they only allow for the ABC to be per year. They're not going to say, well, you can only 300,000, well, you didn't finish it last year, so they're not going to add it on because it's allowable biological catch for that year, so that's what they're set at.

MR. CURRIN: That's one of the things I was going to say. I think Kenny nailed it pretty well. Actually it has to do with the ACL and the Act will not allow you to exceed your ACL. If you add more fish back to your ACL and you catch them, then you've exceeded your ACL, you're overfishing and that triggers a whole bunch of other things. Currently there is not a way to deal with underages under the Magnuson Act. The other thing – a question for you, Mike – I think these are total landings, are they not?

DR. ERRIGO: Yes, these are total landings; they're not broken down by sector.

MR. CURRIN: Yes, so keep in mind the measure we're talking about with this modified mean – and apparently NMFS has a couple more – is to address or to set accountability measures for the recreational fishery. If you see these graphs again and they're applied only to the recreational fishery, which is what they're intended to be used for, they may look quite different from here.

They illustrate the point and they show you the relative impacts of the modified mean and the three-year running average, but don't expect to see these with the recreational data looking the same nor being over or under the ACLs on the same years that you have here unless the recreational data are proportional to the commercial data as well or the total. So, just to make that clear.

MR. ATACK: But by using the average, basically you are kind of allowing yourself to go from one year to the other; so your ACL, you could exceed it this year, but you've got no accountability measure because last year you were low, right, so you do get carryover with an averaging like this.

If you eliminate your high and your low, basically you don't get credit for your low in your averaging and you don't get hit for your high; so if your fishing reduction really drops one year because your ACL is high, that will get thrown out and you won't get credit for that until another year.

DR. ERRIGO: Yes, you're right, you don't get credit for your really low years and you don't get hit for your really high years; but that's the point of dropping both the low and the high, you don't want to artificially inflate or deflate landings. That's the point of using the modified mean where you're dropping the highs and the lows.

MR. ATACK: But the point to really make is if you go into a reduction because you were over your ACL, you won't get credit for that first year; because if you do drop, you won't see that number, so then you'll be in an overfishing state for whole 'nother year before things change if you take the low and the high out.

DR. ERRIGO: Yes, if you're going along here and then you start dropping all of a sudden, yes, the first year will not be taken into consideration, but the next year will but you'll also, as you start dropping – remove the high points, yes, it will eventually catch up but not in the very first year.

MR. DeMARIA: Okay, do we want to reconsider that motion before –

MR. JOHNSON: Well, I just want to ask one more question. Basically, you're just adding a year every year, so the previous four years are still in this?

DR. ERRIGO: No, for any of these averages, like for the three-year, in 2009 you're looking at 2007, 2008 and 2009. When you move to 2010, you look at 2008, 2009 and 2010 and then 2007 gets lopped off, so it's just the three years moves; and the same with the five-year. You're looking at these five years, 2005-2009, then you move to 2006-2010. You're not adding years; you're just moving the window forward.

MR. JOHNSON: I was trying to see why you wouldn't get credit for that next year. If it was lower than any of the other low – do you understand what I'm saying?

DR. ERRIGO: What he is saying is let's say your landings have been pretty constant around here, like 2 million, 2 million, 2 million, and then one year it drops really low to like a million pounds; it gets cut in half. That won't show up in the running average, but the reason for it is because that might be an anomaly. The next year it might come back up to 2 million and keep going along.

He is saying what happens if you start reducing it and the next year it goes down again and the next year it goes down again because you're on a downward trend. You won't see the downward trend for one year, for the first year that the trend starts; then the next year you will start to see it. I think that was the point that they were trying to make.

MR. DeMARIA: So do we want to reconsider that motion that led up to all this or let it stand? I have forgotten it now.

MR. JOHNSON: The motion was to adopt their preferred, the five-year, which excludes the high and the low and uses the mean, and I made the motion and I stand by it.

MR. DeMARIA: So do we want to leave the motion the way it is?

MS. BROUWER: Before you decide if you want to reconsider or not, just a couple of things to keep in mind. What Mike talked about regarding the three-year average for overfished species, the ones that have a payback, that is an issue. That is what prompted a lot of this discussion at the March meeting because if you use a three-year running average for a situation where you have paybacks and the overages are big, then you get penalized for two years in a row. That's a big issue.

The other thing that I want you to keep in mind is that the Comprehensive ACL Amendment does not have any management measures – is not setting any management measures for any of the snapper grouper species that are not assessed. The council is setting accountability measures – you know, they're saying, okay, this is when accountability measures would kick in, but there is nothing in the amendment that would curb landings to make sure that they remain below the ACL.

We have that for dolphin and wahoo but the council chose not to do that for snapper grouper. What we're going to do is add some clarifying language to the document that says – you know, to make sure the public understands – by the way, you know, just keep in mind that there is going to be management measures that kick into place for some of these species if the ACLs are exceeded. We don't know what those are quite yet, so the council will likely have to come back and through framework action, which they modified in Amendment 17B, put some management measures in place as needed when these ACLs get exceeded.

MR. BOWEN: Again, I'm going to go back to the sea bass – I mean, these over ACLs and closed seasons are going to drive everyone of us – I just wish there was a way that we could know what was going to happen when the ACLs were met and on what species. I don't know if there is a way to know that right now, right?

MS. BROUWER: Right, and that's why I put that table up showing you average landings versus the proposed ACLs, just so that you would have an idea of where the landings are compared to what the council is proposing as the limit; not that is how it's going to be compared, but so that you can have an idea – and as you saw, there is really not that many species where the landings are going to be above the ACLs. I think it was Atlantic spadefish, a little bit on gray trigger. I can bring that table up again if you want to see it again, but those are the ones that may be – if landings continue the way they have, that you may see some overages of the ACL.

MR. GOULD: As far as the bass is concerned – and it has been batted around before – there is no real fair way to do your ACL under the present system. I think the best thing to do – and this is true with the vermilion snapper, too – the bests thing to do is figure out what states' historical

landings is – and I harp on this every meeting – figure out the historical landings and then divide it up amongst the states and let them divide it out and advise the council or the National Marine Fisheries Service when your portion of the ACL – I also realize that there can be some cheating in this, boats going over the lines and everything, but if you look at what happened with the vermilion snapper this winter, the quota was met quite a bit early, which cut our boys out up here.

It was good for you boys down south, but it was bad for us up there. Now, we get our comeuppance in July when it opens back up and the fishing up here is real good, so we're going to sort of equal that out. But, I think sectoring it out or allocating it by state would be a viable way to dole it out – and that's all you're doing is doling out a resource now – and be fair and equitable to each and every person that's from the individual states.

MR. DeMARIA: I think if we can get through this part of it, then we can go on to all those recommendations under other business and make whatever recommendations you want. There are certainly quite a few that I think you all would like to make. Am I correct now that we're just going to let it stand like it is?

MR. FEX: I would suggest we revote on it. That way we show the council how we actually support it a lot more because there was about a split right there. If it goes to the council and they see that it was barely split –

MR. DeMARIA: Right, I think everybody understands it a little better now, so do we want a revote; do we need a second to revote? We need a motion to reconsider.

MR. JOHNSON: So I need to withdraw this motion? Okay, reconsider this motion for another vote; is that language? **I make a motion to reconsider supporting the modified mean approach for recreational accountability measures.**

MR. FEX: Second.

MR. DeMARIA: Okay, let's vote do we want to reconsider it? That carried with one against. All those in favor; those opposed.

MS. BROUWER: The motion was that the AP supports the modified mean approach for recreational accountability measures.

MR. DeMARIA: The motion was approved 10 to 2.

MS. BROUWER: That covers it for the Comprehensive ACL and Amendment 24. We have prepared a couple – actually, there are four species that we were hoping that the AP could provide some more information. These are species, almaco jack, Atlantic spadefish, gray trigger and blueline tile, I believe. Kari MacLauchlin is going to lead that discussion tomorrow. She can't be here until 9:30, thought.

What I was suggesting to Don is that we probably discuss – there is some interest in discussing about potential regional management approaches, so we could go into that. Picking up on what Terrell was saying, just an update, the council did discuss regional management approaches for the black sea bass fishery a lot during the council meeting in March.

There is evidence of a progression in spawning as you go up in latitude so that they spawn earlier in Florida and later in North Carolina. There are a lot of reasons why the council was having a hard time with some of the alternatives under consideration, especially for Regulatory Amendment 9.

One of them was to change the fishing year, and, of course, there was support for one alternative from folks in the northern area of the council's jurisdiction and so forth, and it would benefit the guys in North Carolina and not so much the people in Florida. The council went through a lot of discussion about how to go about establishing regional management approaches and even asked the regional office staff to conduct a very quick analysis to see if this could be done. The reality is we just did not have enough time.

There was not enough time to introduce new alternatives into Regulatory Amendment 9 to take care of this for black sea bass. What the council decided to do was wait until the assessment is completed – and as Kate mentioned earlier, the results of that assessment are going to be brought to the council at the December meeting – and at that time the council is going to have to talk at length about what to do with black sea bass for several reasons; one of them being the potential for a regional split for management and also because the current rebuilding schedule is such that it's being done at a constant level, so there is a constant catch every year.

This is creating a lot of problems because as the stock rebuilds and there is more frequency of encounters with black sea bass, the fish are getting bigger, there is a lot more out there, so that the allowable catch needs to increase at the same time as the stock is increasing.

The council realizes that is the case, but they need to wait until the assessment is done to make those changes because all those changes are going to have to be done through a plan amendment. It was premature to start talking about that at the March meeting when they engaged in this discussion. That's basically just an update on where the council stands on that.

MR. FEX: I was at the last council meeting and Otha, the black officer for the enforcement, had made a comment. It pertains to the recreational sector than it does the commercial. He said that he could see allowing the recreational charter, whatever, fish for black sea bass during the spawning closure if they would put a VMS and stay out of the main spawning aggregations.

I run it by a couple of headboat operators and everything because I know down in Florida that's the main time to catch or go recreational or charter fishing is in the spring when everybody is down there enjoying the warm weather. He had made that comment to me because he sits at the council meetings and hears all the public scoping about we can't fish now when everybody is down there.

I just figured I would put that in your guys' ear being the headboat and charter industry, if you considered putting VMS on your vessels to stay out of them aggregations during their spawning closures, he could see allowing takes on the outskirts of them areas. I just figured I would let you guys know because he made that comment at the end of the council meeting.

I've never heard him speak much on anything else, but he brought forth. I've talked to him since then, so, I mean, just to let guys know he says there is money out there for the VMS systems to have them installed, but you would only have to maintain the VMS at \$40 a month. I figured I'd let you guys know. Like I said, it don't pertain to me but he had made that point to alleviate some of the stress that the recreational sector and charter industry has been handling.

MR. DeMARIA: Myra just informed me that the Atlantic States Marine Fisheries Commission just went with a more regional approach for managing sea bass state by state. It seems like they're heading in that direction.

MR. BOWEN: Kenny, personally I don't have a problem with VMS. The problem I have with that statement is I'm not sure that fella knows where the spawning biomass of the sea bass is. That's my point; what makes him know that pot of fish over there is spawning and this one over here is not? But as far as the VMS, I don't have a problem.

MR. FEX: Back to your point, I just know from my knowledge of the fishery that the majority of the black sea bass occurs within 90 feet of water. This guy that I was talking to – I had a couple of headboat operators – could go past that 90 foot and be out of the main aggregations of black sea bass. Then that way if he did catch some fish that weren't in that major aggregation complex – because, I mean, I've never ran across black sea bass pots in my fishery where I fish.

I'm out past 90 feet. I know that they lay the traps inshore of that, so I was just trying to help the recreational charter industry still fish during that closure, because that's the problem you guys are handed right now is don't have nothing to catch. He had brought that point up, and he don't know where they are, but he brought that to the council.

The scientists know where they are; we know where they're at. If you could sit there and consider not fishing inshore of 90 feet of water and fishing out past that and still be able to catch them black sea bass – because I'm catching them in 130 foot of water now when I never did before. That was a consideration. He brought it up as an idea. I'm just passing it on to you because none of you guys would ever hear if. I'm just trying to help you guys out in a sense.

MR. DeMARIA: If anyone wants to make a motion on that, that's fine, but go ahead, Robert.

MR. JOHNSON: I just have a comment on it, Kenny. The whole reason the black sea bass closure was so devastating is it penalized the fleet in all states, really. But Florida, Georgia, so wherever you are, in the wintertime that's all that bites and it bites close to shore where you're going on – charters are not going to run – where Zack fishes, 90 foot is probably 35 miles.

If you've got a four-hour trip, you're not going 35 miles; so when they passed that closure, they eliminated all four- and six and even the eight-hour headboat trips. They just eliminated them.

There was nothing to keep. And so it doesn't matter whether you're fishing – you can't get away from sea bass out of St. Augustine right now. You go to any public number, you're going to catch sea bass right now today.

MR. BOWEN: Or Savannah.

MR. JOHNSON: Or Savannah or I'm sure up here, too, so the point was you took away the most valuable fish at the most critical time of the fishing season. That's what the council needed to understand. If they would have took those fish away in June or July, there would not have been near as big of an uproar because the water would have been warmer, people could have fished inshore and caught other species. When they did it, it was devastating.

MR. BOWEN: Guys and ladies as well, I brought up something up to the council at the meeting, and this is just for some of us to kick around. I mentioned instead of these overlapping seasons, I stood up and mentioned a start date for all snapper grouper species; but along with a start date, I also mentioned an end date; whether that be – and I know there is North Carolina and South Florida, there is geographical differences, but that might be something for us to consider.

As a charterboat captain, owner-operator, if I have a set season from – and I'm just throwing out dates – off of Georgia from April 15th to October 31st, I can go fish and give my customers a value for their money spent during that timeframe; and then after that timeframe no snapper grouper fishing allowed, that allows we me to move on to something else.

I don't have to sit around the second week of January and pray that my phone rings for a trip. It will allow us as charter for-hire guys to make a business plan. I know that my start date and end date off of Georgia might be different than the guys in South Florida or Terrell's up in North Carolina. If you all want to kick that around, if can gain traction, I'm sure we could come up with some plans that would work.

I mean, overlapping seasons; sea bass June 1st; grouper May 1st; vermilion April 1st; how do you plan to sell that? When the phone rings, everything is no harvest right now except whatever, but if the phone rings and the guy says when can we go fishing; well, sir, we start fishing April 15th and you can catch everything or you can fish for everything. They still have limits in place. It just kind of seems like a pretty idea from a business owner's standpoint. I would like to hear some comments from you.

MR. FEX: Yes, I would totally support state-by-state allocations of recreational and the charter industry because –

MR. BOWEN: With a start and finish date for snapper grouper fishing.

MR. FEX: By all means; whatever your state chooses, I'm all for that because I understand every fishery is different. You know what I mean, our recreational fishing don't really start until May and it ends August, September, October, and I totally understand that; and that's fine, state allocation for them.

The problem is it wouldn't work for commercial because all it takes is a land-and-sale license for him to come up and fish off of my state or for me to go get and land and selling fish, so I would totally support what you're saying because every fishery is different, but bring up a plan.

MR. BOWEN: I agree, but me as a charterboat operator, I'm not going to go to Florida and wish. I'm not going to go to North Carolina and fish. I'm going to fish out of Savannah, period. That's the only place I'm going to go, so for the for-hire people it might be something to consider.

MR. JOHNSON: Just one more comment; Zack, I'm not trying to differ with you but we sort of already have that. May 1st everything is open except for black sea bass this year.

MR. BOWEN: No, Robert, we don't because April 1st I'm fishing for vermilion but I can't keep a grouper until May 1st. I can't keep –

MR. JOHNSON: But that's a spawning seasonal closure and that's not going to change. That's a fact we're going to have to accept. They're not going to change spawning closures for grouper; that's not going to change. The council is not going to say, okay, we'll let people in Florida catch grouper during the spawning season. That's not going to happen.

MR. BOWEN: I mean, it's just something to consider; a single start date and a single end date.

MR. ATACK: Well, I guess you could push B-liners back to May 1st along with grouper May 1st and then have sea bass start May 1st if you want to somehow rotate the calendars around. I understand what he is saying and from a lot of people I've talked to are really confused with all the regulations. They say I've got to check the internet the night before I go because I don't know what is open and what is not and proclamation came out last month. It's really, really confusing.

One other comment on black sea bass, I looked at the Mid-Atlantic states, their regulations. They have Virginia, Maryland. Their black sea bass is 12-inch minimum commercial – and we talked about that at the last meeting – and that would be nice if we were 12 inch across the board; you know, different regulations for different people, it would be the same size.

And then north of Hatteras, North Carolina, it's 13 inches now, so the recreational north of Hatteras is 13 and the commercial is 12, but it would be nice if we could somehow make that all 12 or all 13. The payback would be there because your poundage per fish would be higher, and they have higher bag limits per fish because they let them grow bigger before they take them.

MR. GOULD: Talking about the spawning season closures, I don't think that especially with the grouper and the bass that anybody with a lick of sense will say they're going to spawn at the same time up here. I think there needs to be some research done and find out where they spawn each time of the year, different times of the year in different places.

Up here in North Carolina, where I'm from, is a different universe from what it is down there in Florida. This one fix takes care of it all is not working in the long run. It's a detriment to the

stakeholders in this. I really wish the panel would take a good look at recommending more research into when these fish do spawn and what times of the year.

Your water temperature has a lot to do with your spawning times. My water temperature up where I'm from cools off a lot quicker than what it does down here. The science isn't perfect. It's never going to be perfect; it's always done in a bit of darkness, a lot of guessing going on, but it's something that I think that our fisheries' managers should look at real close as to when the spawning years are or spawning times of the year for each species and then regulate it accordingly by state.

MR. DeMARIA: Do you want to make a motion on that?

MR. GOULD: Yes, put it down just like I said.

MR. DeMARIA: Well, what did you say?

MR. GOULD: I was talking too fast. I make a recommendation to the South Atlantic Fisheries Management Council that they consider doing research into the spawning times of essential snapper grouper species between North Carolina and Florida – by region.

MR. DeMARIA: Is there a second on that?

MR. GOULD: Do you need anything to add to that or is that good?

MR. DeMARIA: I think we've got it. We need a second and then we can discuss it.

MR. FEX: I'll second it.

MR. BOWEN: I just have a question. The research; I understand what you're trying to say, but I just feel like it could be worded different and simplified.

MR. GOULD: Do it as you want?

MR. BOWEN: And I'm not the smart one now; but if you can figure out some way to simplify that so maybe a dumb old fisherman like me could understand it.

MR. GOULD: Okay, folks, we're open for –

MR. BROWN: Mark Brown from here in Charleston. Right now the fishing year for black sea bass is June 1st for recreational and commercial, and it was mainly set by the commercial guys because they wanted to be able to fish the black sea bass with the pots and stuff in the summer months and into the fall. That was a calmer period for the smaller boats and I'm assuming that was probably one of the reasons.

Is there any reason why the fishing year can't be separated between the recreational and commercial since it's so critical for the recreational guys in the early parts of the spring and in

the summer so it would extend the black sea bass fishing from January 1st around until the beginning of the winter months or into the winter months. When the recreational fishing has slowed down, for-hire has slowed down; could you change the fishing year?

MR. DeMARIA: Read the motion and we'll vote. You want to amend it, okay.

MR. GOULD: I'm open to any suggestions on changing additional research on the spawning. If you all are comfortable with that, I'll leave it with that, or I'm looking for some guidance here.

MR. ATACK: I had a question and maybe you can answer it. Maybe they already know when the spawning is for all of them and it's just a matter of putting a table together. It would be nice to have a table that showed species, spawning times by region, and also it would be nice to have on that same table the minimum size for spawning because that questions comes up a lot in some of these species; so when you're looking at developing the regulations, you can change things that make sense.

MR. DeMARIA: Additional research would cover that, I think. Rob.

MR. HARRIS: I don't know else you could say to that except for the fact that every meeting that I've been to here we've asked for additional research on spawning.

MALE VOICE: We'll just keep asking.

MR. HARRIS: Keep asking and for some of the species that you're involving here that involve sex changes, I think that they're going to probably tell you it's really hard to tell when that happens as far as how those aggregations are doing stuff. They can kind of get it down, but like with mutton snapper we know that down to the west and towards Mexico they start theirs, you know, in that April full moon; but as you start to move to the east, that time changes. Well, then, of course, you've got your aggregations that are off of Northeast Florida that it's different time.

When you talking about doing it regionally, it's really hard to put down into even one timeframe just for one state let alone for the entire South Atlantic. Possibly what you need to be looking at is taking and breaking the South Atlantic Fisheries Management Council down and doing sub-sectors within the council.

MR. DeMARIA: Well, why don't we vote on this so we can get into that; that's exactly what I wanted to cover is something like that. Can we vote on this and get it out of the way? Read the motion.

MS. BROUWER: The motion reads the AP recommends that the council consider additional research on spawning times of snapper grouper species between North Carolina and Florida by region.

MR. DeMARIA: All those in favor; those opposed. It passes unanimously. Now we have on here separate management for the Florida Keys. There is a group in the Keys that is trying to go around and get a separate management council formed, but I think you've probably read

about them, they approached the Village Counsel in Islamorada. I'm not sure if that is ever going to happen, but there really is a need to manage at least South Florida differently.

What you catch up here, what you target, the red snapper, gag, black sea bass, pink porgies, vermilion, is nothing more than a bycatch for us as best. What we target down there, black grouper, mutton snapper, yellowtail and mangrove snappers, is really a bycatch for you up here. Your season is summer; ours is winter. We're a tropical reef type environment; you're more of a temperate zone.

It is very different and I think there is a real need to look at that and not just paint the whole South Atlantic with the same broad brush. But where you draw the line; we've talked about this before, somewhere around Jupiter, others say Dade/Monroe County – somewhere there ought to be a line drawn where at least the snapper grouper species are managed a little differently in the two zones. I don't know how to go about that. If anybody wants to –

MR. BOWEN: That sounded good; do we need to make a motion right there?

MR. DeMARIA: Yes, if somebody wants to make a motion or whatever.

MR. BOWEN: I make a motion to do just what Mr. Chairman said. I don't know about the line; somebody from down there needs to come up with a line, but to divide that into two regional – at minimum two separate regions. I actually one for three or four regions, but at minimum at South Florida and the rest of the South Atlantic.

MR. DeMARIA: Is there a second on this?

MR. GOULD: I'll second it. Okay, I would also suggest right quick there you were looking for a line; why not the line at the latitude that the circle hook rule goes out of effect and it goes in –

MR. BOWEN: I'm not for sure where that 28 degree line is; somebody would have to – it's north of where we're talking about now? Cape Canaveral is too far north, maybe.

MR. DeMARIA: That's probably a little too far north. Where the stream starts to head out around Jupiter things change, so what we talked about before is somewhere between Dade/Monroe County and the Jupiter line, somewhere in there.

MR. BOWEN: Okay, well, I'd put that in my motion, somewhere between Dade/Monroe County and the Jupiter line.

MR. JOHNSON: Are you going to have like a separate council; I mean, what is the intent here?

MR. BOWEN: No, there just needs to be different management measures in place for the different regions. It's two totally different – actually more than that, but it's like Don said his bycatch is what we're targeting and what we're targeting is his bycatch, and it just seems impossible to be able to manage that properly when it's like that. What do you think, Robert?

MR. JOHNSON: I think the council is already addressing a lot of what you're talking about. I think it's up to the guys from South Florida if they have specific concerns, that they need to let them be known and then that can go to the council. You've already got a special management zone, per se, down there because they're excluded from the circle hook requirement. That's one thing that has already been done at the behalf of South Florida. I think that right there shows that the council is listening to the concerns of South Florida. I'm not sure what the intent is.

MR. BOWEN: The intent is just to get better management of the species. What I've been witnessing over the last several years with the council is ain't much management to it, in my opinion. It has been cutthroat, cutthroat, cutthroat. I watched Doug Haymans for the Georgia Department of Natural Resources at one of the meetings we had a few weeks ago stood up and he said, "Well, it's a balancing act", and he had his hands held out this.

He said it's a balancing act between the fishermen and the council. Well, excuse my French, but my ass, it ain't been a balancing act. I hope he did get it because that's the truth. It has not been balanced. We've been take from, take from, take from, take from since I've been a part of this process; and to be frank I'm sick of it. My boat is tied to the dock with nothing to fish for. That's not management so we've got to come up with something. I'm not here to rant and rave. I want to try to come up with a solution, so that's the reason I'm here.

MR. SMITH: I'm not sure if I would support the motion but I would suggest that the Martin County/Palm County Line would be your boundary on one end and perhaps the Everglades National Park Boundary to the north would be your other end; just a suggestion.

MR. HARRIS: The chances of having the council actually break off and develop another council are probably slim and none; and there went slim. But there are measures that the council does take, and one of the things that I would like to see from the AP standpoint is that we've had some prime opportunities to institute some of these changes that you're talking about doing now and literally you've just missed the boat because we just earlier today talked about modifying that 240 closure.

Well, if you remember correctly the last time I told you we need to stop that line up on the mainland; and everybody said, well, no, what is good for the goose is good for the gander. I'm not taking shots at that. I'm just saying that there are things that the council does and things that you could be doing right now to institute that or make recommendations that follow those lines because Roy and I have talked in the past regarding the fact that they don't do regional management.

Well, you low, lo and behold, yes, they do. If you look right now at kingfish, right now all the kingfish that are caught on the Gulf side of the Keys, those are all considered South Atlantic kingfish. You've got the Gulf Council doing everything it can to separate itself from about that same line south and then onward.

Nobody really wants to be in charge of the Keys but everybody kind of uses it as a little balancing act. One of the things that we as an AP could be doing is foresee some of this stuff

and start making recommendations based on, okay, I'm up here in the spring and there is nothing for me to catch; hey, you know, all those tourists are down there in the Keys right now.

Well, let's instead of running this closure all the way down, well, let's stop it right there instead of just broad base saying close it down for everybody or don't close it down. That doesn't apply just to this fishery here with the snapper grouper. We see it in the dolphin and wahoo. We have limits that don't apply north of Georgia. We're seeing it come up with the cobia, with the coastal pelagics.

Everything is always oriented to where those of us in the south get hammered but yet nobody in the north wants to do anything as far as regulating themselves, but they're very quick to throw the folks down in the south under the bus and say, well, I can't fish, then they shouldn't be able to either. There are certain times that should apply.

Maybe one of the things, when go through these different amendments, you should be looking at is say, okay, well, does it really make sense to apply to the entire South Atlantic; or, is it a line north or south of that that we should be drawing. Just as a suggestion of something that could be done without actually forming another regional group.

MR. BOWEN: In no way, form or fashion did I make this motion to form another council at all. I was trying to form regional boundaries for management and in no way did I want another council. I think the single council is fine.

MR. DeMARIA: Yes, I think it's pretty clear that they're not going to form another council. We've got a motion on the floor; why don't we go ahead and read it. One more comment; okay.

MR. STIGLITZ: I would like to hear from Mac and Charlie what the council thinks that could they even possibly do something like this; to separate it out. We may be asking for something that the council can't even try to do. We've got two councilmen here; let's hear what they've got to say.

MR. DeMARIA: Well, they separated out with kingfish.

MR. CURRIN: It can be done and the folks from North Carolina have been pushing for some form of either state-by-state or regional management for a number of years at the council table. In Amendment 21, I believe it is – and you guys didn't talk about that today. It has kind of been on the back burner, because we've had all this statutory-required work to do, but in Amendment 21 we're going to be looking at stuff like that, take a comprehensive look at trip limits as an approach to management.

We had catch shares in there as an approach to management that at the last meeting the council voted to remove the consideration of catch shares from Amendment 21. I believe that's right, isn't it, Myra. 21. We've got so many; we've got about eight on the table now so I can't keep them all straight, and I'm the chairman of the committee.

That's where it is going to be looked at. It's a wonderful discussion. Zack, I'm delighted that you brought up the concept of a seasonal approach for the recreational fishery. This is my opinion and not the council's opinion. What I see coming down – and we've just looked so far, folks, and you have at a number of species, those that have been overfished and in the Comprehensive ACL a number of others that have not been overfished.

When we start implementing accountability measures for all those things, which we haven't done yet either, John Carmichael showed us a chart of some projections on what is going to happen, what species we're going to have trouble with. At our March meeting he threw up a chart and it's not pretty. Let me back up.

With the new ACLs that we've gotten from the SSC – and thank God they went back and reconsidered that and I think have done a pretty reasonable job in approaching it in a rational manner for most of the species – it's not going to be as bad as the chart John showed us, but we're still probably going to have a handful of other species that are going to result in closures for those species.

The recreational allocation is going to be met and it's going to be black sea bass all over again for something – probably gray triggerfish is one of them. There may be a couple of other species, some of the smaller jack species, minor jack species. I couldn't predict right now what they're going to be, but we're going to see some of those.

That's going to hit us in the head again and we're going to have to come back and figure out some way that we can avoid having these closures for the recreational and for-hire communities. My personal opinion is Zack's suggestion about consideration of a season is a very realistic one for the recreational and for-hire sector; and the point especially from the for-hire sector that you made, Zack, is it allowed you guys to set a business plan so that you know when you're going to be fishing and you know more or less when it's going to end.

Now, if we set that up in reality, if it were to be set up, you'd have a good start date, you know you could start fishing then, tell your customers this is when we can start going, and the goal would be to get to the end. We've got the ACLs to deal with, and so there may be some species that are closed a little earlier than others, perhaps, but we get it as close to right as we can, then I think you will have a pretty good idea of what your fishing season is going to be like.

It's tough to consider that; it has been thrown at you today, but I'd urge you to do some thinking about it and how that fits with your fishery; because I think as long as they're together, the recreational and the for-hire sector, are probably going to end up with some sort of season. You have to look no further than the Gulf coast with red snapper. It's going on right now; they've got a red snapper season over there.

Look up to the Mid-Atlantic Council; somebody mentioned black sea bass up there – Jim, you did. They have two recreational seasons for black sea bass. I forget what the periods are, but they've have got two very defined seasons for recreational black sea bass fishing up there. After that you can't keep them. I just see it from my perspective as being kind of inevitable.

Anyway, enough on that tirade, the regional approach, I think we can do it. The problem in the past so far has been the state of Florida is not interested in trying to manage a state quota. They don't have the time, inclination and resources to do that on their own. They just don't want the headache, I guess. Georgia has the same sort of problems and they also have money problems – everybody has got money problems now – so they have not been particularly interested.

I think South Carolina is under an infrastructure and people sort of constrained as well. It may be that the first cut is we just carve North Carolina out. If Florida will let you carve out the Keys, Don, then maybe you can do that. They might be willing to see that up. There are a bunch of real differences between you guys and the rest of the state and the rest of the region.

I don't know, but I know the group from North Carolina is real interested in trying to carve out some portion of these quotas for the fishermen in North Carolina, get our state to help track those quotas and close those fisheries when the ACLs are met for the states. It's going to be talked about more in the future.

MR. DeMARIA: Let's get back to this motion and vote on it. Can you read that again?

MS. BROUWER: The current motion reads the AP recommends that the council investigate the possibility of separate management for Florida south of somewhere between the Dade/Monroe County Line and Jupiter.

MR. DeMARIA: We've already had a second on that. All those in favor; those opposed; abstain. The motion carries with one abstention.

MR. BOWEN: I've got one more motion. I'd like to make another motion that the council simultaneous start and end dates for recreational and for-hire fisheries of all snapper grouper complex – simultaneous start and end dates for all snapper grouper species for the recreational and for-hire sector.

MR. DeMARIA: That's your motion? Is there a second to this?

MR. BOWEN: Well, and the start and end dates be divided into state sectors; and if anybody can help me word that so I don't sound like a dumb old red neck, that would be great.

MR. SMITH: I second that.

MR. ATACK: You wanted to put regional into there, like simultaneous regional start and end dates for recreational?

MR. BOWEN: Well, my point is what I mean by that is as a start and end date for me off of Savannah is probably not going to be the same timeframe as – I don't know about Robert; we're pretty close, but Rob down here in South Florida or Terrell up there in North Carolina, the dates aren't going to be – so however we can word that to get that point across, I'm for it.

MR. SMITH: I seconded it before we – why don't we just put all managed species?

MR. BOWEN: No, the reason I want to say snapper grouper species is because March/April I can still go troll for tuna or wahoo. It still leaves some fishing available but it also lets us as a for-hire business owner have a business plan and tell my customers when we can start fishing and go from there.

MR. DeMARIA: Okay, we've got a motion and it has been seconded.

MS. DOUGHERTY: On this motion the only that causes me pause is just the end date, because it seems like with different species having different ACLs they may have to implement measures to shut down fisheries at different times.

MR. BOWEN: I understand what your point is, but with the lower regulations that we're facing now – I mean, you give us a six- or eight-month season, the ACLs and our seasons are probably – we can fix it where it is probably going to line up pretty close going on historical landings.

MR. SMITH: If we begin with the end in mind, it seems as though this is the logical thinking for the future. This is a good starting point. I think it's a good starting point because we're going to have to start looking at how this is going to look in the future. I like the way it's going.

MR. FEX: I would just not put end dates. I would just put start dates, because you could divvy it out, trip limits, your bag limits or whatever to try of kind of coincide the end at that time, but none of them is going to end at certainly one time, so that's probably what Eileen was trying to at. That was just something I was making comment. You have a good idea. I'm all for what –

MR. BOWEN: I mean, you all help me with it; that's the reason –

MR. DeMARIA: If we just take out the end date, would that be acceptable to you?

MR. BOWEN: Yes, but if we start fishing April 15th, then do we sit – you know, I'm looking at it again as a business owner – do I sit here right through the 1st of December going, well, the season is still open or do I pull – and I still pay dockage, this, that and the other or go find another job or wait on that one trip that might come in the week of Christmas with people on vacation? If you have an end date, it's over with until the start date again.

As a business owner I move on. I pull the boat out of the water or winterize it or whatever, and I'm not sitting around hoping for a phone call for a trip. I've moved on to something else. The way that things are now I'm probably – and I haven't done this in 12 years, but I'm probably go look for a side job.

MR. JOHNSON: Just a couple of point, Zack. I fish because I love it and I've done it for 30 years. I fish year round, number one. I'm adapting to the requirements MSA. It's just a reality. I'm learning how and my people are learning how to adapt to it. They know if they want to go catch tunas and wahoo, they can go February and March.

There is something you need to think about here. Most of these species we're talking about are in rebuilding plans. Our fisheries are depleting according to the science. I'm not saying I agree

with it, but that is what the science is saying. A lot of these ACLs are set in a manner that allows that stock to rebuild to a number we're working to in the future.

You start getting these seasons. I mean in essence we may end up with proper management back to a scenario other than spawning closures, which we're always going to have. That's a reality we're going to face. We may get back into a scenario where we are fishing for B-liners year round recreationally. We are fishing for black sea bass year round recreationally. That's my goal; my goal is not to limit my fishing. My goal is to manage fish in a sustainable manner so I can fish like I have my whole life.

MR. DeMARIA: Okay, one more comment and then we're going to vote on this. If it doesn't pass, we can redo it and do another one.

MR. BOWEN: Robert, not meaning to cut your short, man, but you're not fishing year round right now for snapper grouper. Everything is closed, bud. I mean, that's my point is we're not – the meat hunters we've been carrying for the last 10, 15, 20 years, that's over with. It ain't ever going to get back that way. The MSA won't allow it.

Yes, we're all trying to adjust and this is just an idea, but we're not fishing year round for snapper grouper species anymore. It's over. And with the spawning closures like you brought up, it ain't ever going to happen again. I want it to; we all want to be able to fish year round, but what is in front of us and the changes that have come across our desk in the last two years, it's over. I'm just to the point where I've tried to accept it and try to come up with a solution where we can fish for all the species when we go fishing and cut out the overlapping season.

MR. JOHNSON: I understand that, but again there are some species that are still available. There is red porgy, there is amberjack. I'm speaking on recreational. I know there are few but you know what, people will still go fishing if they can catch other fish. They may have to let them go but have the opportunity to retain some fish, even if it's only a handful.

MR. BOWEN: That's my point; that's why I –

MR. JOHNSON: I just hate to limit my business to so many months out of the year when I've worked for 30 years 12 months out of the year.

MR. DeMARIA: Why don't we go ahead and vote on this one here. One more and that's it and we're going to take a vote.

MR. SMITH: Both of you are right. One is looking at the way it has been and one is looking at – and these are just perceptions – and one is envisioning how it could be in the future and how it probably will be in the future. This is nothing but let's start looking at this way. I agree with both of you, but I believe one is a little bit more of an visionary in this case.

MR. DeMARIA: Okay, read the motion again and let's go ahead and vote.

MS. BROUWER: Okay, I'm going to read the motion but I would request clarification on the word "simultaneous" because it's not clear whether that's necessary. Currently the motion reads the council consider simultaneous start and end dates for recreational and for-hire sectors for all snapper grouper species by region.

MR. BOWEN: Okay, can I clarify it? I would like to take "simultaneous"; and put instead of that word let's put "single"; let's consider a single start date and end date for all recreational and for-hire sectors for all snapper grouper species separated by regions.

MS. BROUWER: Okay, so the motion now reads council consider a single start and end date for recreational and for-hire sectors for all snapper grouper species by region.

MR. DeMARIA: Okay, everyone in favor of that; those opposed. The motion is approved 6 to 5.

MR. ATACK: The reason I voted against it is because with end date on there, it's just hard to pick a end date. You're going to leave the ACLs not met. I would start out with just a start date and then later on once you get some history and whatnot, maybe you could pick an end date that you want to close all your recreational fishing down, but I just don't think you want to do that.

MR. DICKENSON: I voted for it because it says consider and because it says by region, but personally I would like to be real clear that I would not vote for that if it was just Florida. We have enough to fish for, I think.

MR. DeMARIA: All right, I think that's enough for today. We'll reconvene at 9:00 in the morning.

The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened at the Town and Country Inn, Charleston, South Carolina, Thursday morning, April 14, 2011, and was called to order at 9:00 o'clock a.m. by Chairman Don DeMaria.

MR. DeMARIA: Why don't we come around the table and get started. I'm going to change things around a little bit today and Zack is going to do the meeting, so it will be a little bit different.

Before I hand it over to him, I wanted to talk about something that Kenny brought up yesterday that at the council meeting several of the council members were talking about where we wanted to be in ten years from now and how do we get there. I think it would be a good idea for us to comment on that; maybe not at this meeting but when you get home and you've got time to think about it, send an e-mail to Myra and just write down where you think we should be in ten years and how you want to get there. I think we all want to be at the same place, lots of fish and a sustainable fishery, but it's we get there we may have a difference of opinion.

I think with this group – and it's obvious that the council listens to us – if you just take the time to write a letter and send it to Myra so she can distribute it to everybody about where you see this

being in ten years and how you want to get there. It would probably be helpful to the council. So with that, that's really all I had to say and I'm going to turn it over to Zack.

MR. BOWEN: I guess we're going to start by needing some input – I think Myra has got a graph for us on some harvest records for blueline tile and some triggerfish and spadefish and look at the spikes and dips and kind of get an idea of what you feel about the records that are going to be posted. Never mind, we'll postpone that. Mr. Attack has got some questions on some gags so I'll guess we'll move to that – or not questions but some ideas and we'll let Jim kind of go over and tell us his thoughts.

MR. ATTACK: What I was thinking about and hearing from some of the recreational guys that have been into this for the last two years to reduce bag limits on the grouper. What I had asked Myra to do was put together the landings on the gag and the scamp and the red grouper. Gag has an ACL; and when we went from three gag to one gag and five aggregate to three aggregate, since then I don't think they're anywhere near the ACL on gags.

They're wanting to know if we can give something back to the recreational sector by asking the council to relook at going from one gag to maybe two gag on a trip limit and maybe four on the aggregate instead of three. If you look at the landings for the last couple of years, the percent landings is pretty low compared to the ACL. I'll let Myra go through the data for a second.

MS. BROUWER: Okay, this is something that we prepared kind of last minute and I'm not the person that put it together. Actually, who was here yesterday, was kind enough to dig around and pull this information so that you guys could discuss it. I haven't really prepared anything to go over. From what I understand, this is all the information that Mike was able to put together that is non-confidential.

Of course, when you start dividing it up by sector and by state, then you run into the confidentiality issues. Where we have it, we have it broken down like that. This is showing you gag commercial landings and recreational landings for 2005-2009. 2010 is preliminary data probably for the recreational landings. It's broken down by state where available.

Of course, Georgia for commercial landings is probably confidential and that's why it's not showing up on the table. Then we have just basically just graphed it so that you guys can see the trends that the landings are showing. This is showing the landings. In Florida you can see they've gone down since 2008. These are recreational landings from North Carolina.

Again, it's trending down since 2006. Recall that 2006 is when Amendment 16 went into place. Here is commercial for North Carolina; South Carolina. This one is kind of interesting. Georgia landings for gag recreational and I believe that's what we have on the gag.

MR. ATTACK: It's hard to tell because it's kind of split up. I think there was total when I asked NMFS about it, and I think the total recreational landings was like – I think the ACL for gag is like 335,000 and I think it's less than 60 percent of that is what is being landed the last couple of years between the spawning season closure and the reduced bag limits and the reduced pressure

from all the other species' closures so you're not fishing as much as you used to because people aren't making the trips.

MR. JOHNSON: I'm just curious if you went to two gag per person, are you going to bust your ACL when you do that? What is the ACL for gag, recreational ACL for gag? As far as the numbers because in effect if you allow two per person, you're going to double what that – do you understand what I'm saying?

And then you get into a situation where you're going to have a council meeting and they're going to say guess what, guys, you can't catch grouper anymore, period; not just one, you can't catch none. I'm not saying I'm against raising the recreational limit; I just think we need to see those numbers before we do it.

MR. BOWEN: Good point, Robert. Just an idea here, guys, somebody can make a motion that the SSC take a look at what we would gain by going up to two gags and four aggregate, as Jim has kind of led to. If somebody can put a motion on the table, I think the SSC could take it up from there and see if we went to two what it would do to the ACL.

MR. ATACK: Just by raising it one to two doesn't mean you're going to double the take. They've got all the numbers on that. They ran statistics on it before. The motion would be just to propose to council to take a look at that and then the SSC or somebody could run the numbers to make sure it makes sense. But from what we're seeing, we think it would make sense.

MR. BOWEN: And still keep the spawning closure, correct, Jim? Yes, and keep the spawning closure.

MR. ATACK: I guess I would make the motion to ask council to look at the bag limits for gag grouper – or look at raising the bag limit for gag grouper from one gag per person per trip to two gag per person per trip and increasing the aggregate from three grouper to four.

MR. SMITH: I'll second that.

MR. CARDIN: Jim, you're not afraid of going over the ACL with a two-fish limit? What would your reasoning be?

MR. ATACK: I believe as low as it is that we won't, but that's why we're asking for them to look at it. They can have the SSC run some numbers; and if it looks like it should be fine, then why not give a little bit back to the recreational fishery? I think the landings for the last couple of years have been 60 percent of the ACL.

We're nowhere near the ACL on the gags. I think the aggregate is the same case. They've got the numbers and they can review it; and if it looks good, then council can then decide to action or not take action. We're just proposing that they look at it.

MR. BOWEN: But in no way, shape or form do we want any chance of a shallow water grouper closure early, correct?

MR. DeMARIA: I'm going to support it, but I still have to question how many 20- or 40-pound fish does a recreational angler really need to catch? Those are pretty big fish. The motion is just for the council to look at it or the SSC so I'm going to support it, but I still question just how many pounds of fish does a recreational angler really need? Those are big fish.

MR. SMITH: What is the average size of a legal gag grouper weight-wise?

MR. ATACK: In North Carolina we're looking at probably ten to twenty pound ranges on the gag groupers. We take people that spearfish and they shoot one fish on the first dive and then they can't shoot another gag the rest of the day. They maybe go two times a year so they'll be glad to take a couple of gags back with them. They would eat that fish.

MR. JOHNSON: I think what Jim is – two things he's trying to do. One is to let the council show the public that they are working for them by giving them a little bit back, and I think that's a great idea. I think the other thing is I'm charterboat operator and we sell the idea of the trip. Am I going to go out and catch my two fish per person limit?

Occasionally yes; a lot of days no. I think his intent is just to give the opportunity. Again, I'd be concerned about busting the ACL and then have to go back at a later date and say, hey, guess what, you can't catch any. I think it's something that you're going to have them look at. I'll support the motion, but it has to be looked at.

MR. FEX: I have a question; how long has this bag limit been in effect? I don't think it has been effect for two years? All right, thank you.

MR. CARDIN: So if you take the high and the low year out, you basically don't know what is going to be caught.

MR. GOULD: Well, the way I look at it, fellas, you've got a downward trend in a lot of this, and I don't think it's reflecting the lessening of effort on the part of the recreational fish. Where I'm from, I've noticed a 50-60 percent decrease in small boat traffic over the last couple of years, especially with last year being a little bit better than the year before.

I really don't think from my perspective up from where I'm from they would have much of a chance of busting this ACL on the recreational side. I think this is something that we should support on a look-see basis. Maybe in a couple of years come back and look at it again and if it looks like it's getting close or the stock is not improving like we want it to, to take and revisit it and maybe recommend that it goes back to what it is now. I'm all for the four and the two.

MR. FEX: I support the idea, but I will say one thing. A fellow fisherman in my area, Wally, he has been recreational fishing for quite a long time and he actually made a comment to me about he was glad that they had actually dropped the aggregate bag limit down to three. I respect him because he is one of the top charter guys in my area, so I just wanted to bring that as a comment. I don't know what his intent on it was, but he was happy that they dropped it, so I just figured I'd let you know that.

MR. ATACK: One comment on that is I'm not saying they have to be linked. They could look at just raising the gag to two and leaving the aggregate at three. If it makes sense they could go from three to four.

MS. BROUWER: For the record, the recreational ACL for gag is currently set at 340,060 pounds gutted weight and you have here – I totaled the recreational landings and in 2009 the landings were 292,264 pounds; 2010 the landings were 177,201 pounds.

MR. ATACK: What did you say the limit was?

MS. BROUWER: The recreational ACL for gag is 340,060 pounds gutted weight.

MR. CONKLIN: I can see your concept being a business person and having a charterboat and a headboat, but what is the chance of making it – just increase it from one to two and just to the charter or headboat fishery?

MR. JOHNSON: I would never support something that just favored my interest personally. I mean we're fishermen – the recreational guy that has a 25 footer has just as much right to go catch those fish as I do on a charter, so I wouldn't be in favor of that.

MR. CONKLIN: Okay, number two, the guys that are fishing for me here, we've kind of come to the consensus that we get close to catching the TAC grouper. We were closer this year than we ever have been, but they've learned to don't put so much pressure on them; equal out your fishing trip where they target more red grouper and scamps and lessening their input and the amount of time they put in catching gag grouper. Now, granted, they'll catch a few gags but they've learned to avoid it so we don't get shut down.

MR. CARDIN: Myra, would you please repeat the years and the quotas?

MS. BROUWER: Up on the screen are the total landings for the last few years, since 2005, and the totals for 2009 is 292,264 pounds and for 2010 the total recreational landings are 177,201 pounds.

MR. CARDIN: Would someone remind me how long the one fish per person has been; was that a part of 17 or 16?

MR. BOWEN: It has been in place two years, Bobby, two full years. If you'll notice, in 2008 the total poundage was 632,000 pounds and when the new regulations went in place and the spawning closure went in place it dropped drastically there in 2009 to less than 300,000 pounds. It cut it over half.

MR. ATACK: July 1, 2009, is when it went in effect and that's when the spawning closure went from January through May 1st, so the 2009 number or actually the first part of that still had the recreational open until July 2009; so in 2010 it was the full year of the four-month closure and the reduced bag limits.

MR. DeMARIA: Is there any catch-per-unit effort data for the recreational sector on gags for the same period?

MS. BROUWER: Not that I could show right now, but I'm sure we could get that information together.

MR. JOHNSON: What was the 2009 recreational landings?

MS. BROUWER: It's up on the screen; the 2009 landings were 292,264.

MR. JOHNSON: My only concern is if the economy gets better – because I really feel like I can't grasp what is caused by management decisions and what is caused by a bad economy and four dollar a gallon fuel as far as effort is concerned. My only concern is if you get fuel back down there to two dollars a gallon, which I pray it happens, you're going to get an increased effort.

I'm going to support it; I'm just saying when you do something like this, it come back and bite us in the future. It would have to be really closely monitored; and if we start seeing a big spike and hope for the council to revisit it and go back to one before we have accountability measures kick in.

MR. CARDIN: I was wondering if Myra could remind us of some of the things that the council is doing that gives the regional administrator time to do in-season bag limit changes and stuff. Isn't the council working on those kinds of amendments?

MS. BROUWER: Right, but what the council is working on is accountability measures for the non-assessed snapper grouper species in the Comprehensive ACL Amendment. The species that were included in 17B are not currently being discussed, so whatever is in place right now is what will remain in place until the council decides to change it.

MR. CARDIN: So if the bag limit is increased and the sector starts running over, there is no in-season type management measures that could be taken?

MS. BROUWER: I believe what is in place right now is the same thing that we have in place for black sea bass; so if there is an overage, then that would get deducted from the following season's ACL. That is what is in place for all the overfished species that were included in 17B.

MR. CARDIN: Of course, I will support whatever my recreational friends on this panel want to decide, but it sure does seem – you know, we're looking at a year or two years back, and I don't know if the time has really told what the story will be. On the other hand, I would think that we need to get this council and this administrator power to do some in-season changes if in fact we allow this two bag limit and in fact it gets ran over. I think we need to look on a different level and giving the regional administrator some power.

MS. BROUWER: And I'll go back and look; I can't remember off the top of my head right now if there are any in-season AMs in place for the overfished species. I'll have to go back and look,

but while you're discussing this you can certainly recommend that the council consider this and evaluate this. That could be your recommendation, as Jim was suggesting, that the SSC or the Science Center or whoever can run the analyses and run the numbers and see whether something like this is doable at this point or not.

MR. JOHNSON: I was just looking at 2009; and if you apply the 15-pound average, you're only looking at about 3,500 fish shy of reaching the ACL. I'm just looking at it like that. Again, I'll support it.

MR. HARRIS: Two quick questions; the recreational landings data, is that based on MRFSS information; and if so, what was the level of confidence?

MS. BROUWER: Well, I would have to go back to the data base and look at that. It is based on MRFSS. It's whatever is available and it's non-confidential information. Mike went to the website and pulled the publicly available information on landings, so I could tell you without going back and looking through it what the PSEs are and what the level of confidence for these data are.

MR. OSBORNE: One thing, if my timing is right on this, that is being overlooked with the decline in the recreational gags is at the same time that we went from a two-month closure to a four-month closure, prior to that the recreationals were still allowed to fish during the spawn closure.

Am I right on that; so you've got to factor that into less fish being caught after that time. It's not just the bag limit that did it; it's also you've got two months of no fishing going on that wasn't there before – well, four months now but during two-month closure they were still allowed to fish. They were still allowed to catch the recreational bag limit during the spawn closure. It was closed for commercial but still open for recreational.

MR. CARDIN: Can our recreational friends tell us that this is the first year of the spawning season closure for recreational; isn't it?

MR. BOWEN: It's the second year.

MR. STIGLITZ: I'll support it if this is what you guys want, but I listened to a lot of talk yesterday about being able to fish the rest of the year. Like Robert said, the economy has been in the tank for the last two years, the price of diesel fuel, the gas is sky high; and with this economy turning around – and I'm like Robert, I hope to see diesel fuel back to two dollars a gallon.

I may not live long enough to see that. I don't think the effort has been out there the last couple of years. I would hate to do something to stop you from fishing two or three more months of the year where you could fish year round because somebody wants to catch two fish instead of one, and it's only been going for two years. If this is what you want, I'll support it but I would rather see it go for a couple of more years before we did something on it.

MR. BOWEN: I'm not for it. It's just like Richard said, I'm just so scared of the ACL being met and it closing not only gags but other groupers. From my perspective as a charterboat operator, I carry six people and six gag grouper for my boat is plenty for my people.

Now, I'm not speaking for the guys with a 20-foot boat and there is just two of them. I understand two fish, four dollar a gallon gasoline for two groupers is not a lot. But from my perspective, I'm not going to support the motion. I think six gas grouper on a charterboat is plenty.

MR. DeMARIA: We talked about the effort being reduced up this way, and it probably has with the price of fuel. Again, in the Keys we're different; and the effort, if anything, has increased on the reef with the price of fuel. Not as many are going out and trolling for dolphin. If you go off of Big Pine and that area where I live, the reef is just plastered with boats fishing and hardly anybody out fishing for dolphin and whatnot. If anything, in our area the price of fuel has increased the effort on the reef on all grouper and snapper, even though we don't catch a lot of gags. Again, it's different in the Keys. It may have decreased up this way but the effort has increased in our area.

MS. BROUWER: Okay, just to follow up on Bobby's question earlier, the in-season AMs are what is currently in place for black sea bass; so if the ACL is projected to be met, then the regional administrator will shut the fishery down and there is a prohibition on harvest and retention.

And if the ACL is exceeded, then that gets deducted from the following years ACL. Just to bring you back to what we were discussing yesterday on the method to compare the landings to the ACL, for these species that have the payback provision in there, the current method that the council is using – what is in the books right now is to use this three-year running average.

Perhaps you would like to suggest that the council revisit a different methodology because of what we discussed yesterday, the fact that the payback makes the average lower and then you're still paying back for that in a sense for two years in a row. That is something that is of concern for a species that have an overfished status.

MR. STIGLITZ: I didn't mean that I supported it. I said I would support it if my recreational constituents wanted it. Personally I was talking against it and I would really be leery about going forward with it just for the fact that I would hate to see Zack tied to the dock when he has been fighting for a day and a half to try to stay in business and to stay working. I would rather see his people catch one fish and go fishing eight months out of the year instead of having some people catch two fish and working six months of the year. I really want him to see him go to work as many days as he can go work just like the rest of us need to go to work.

MR. CARDIN: Looking at these numbers, of course, we want to catch all the fish we can. As fishermen that's what we want. If we undercatch one of these quotas, the numbers will be used to rebuild the fishery faster. I mean, it's a good thing and you will credit down the road somewhere for it.

Now, in the spirit of wanting to catch everything we can, when you're looking at overfishing and catching too many, the regional administrator shutting the fishery down two or three months, maybe even taking a couple of months away from next year's seasons, I'm just not sure that's what anyone is prepared to do. To me it's a little bit of a gamble; is that the gamble that you want to take, Jim?

MR. ATACK: Well, the other point is the ACLs are going to go up to I think a million pounds a year that they had projected as they rebuild, so this is the lowest, the 340,000 pounds per year. Right now the 2009 numbers included all year where they were fishing. They didn't have the spawning season closure in 2009. It's more than just I think the number of boats going out because of gas prices. Part of it is economy; part of it is the spawning closure.

They ran numbers before doing this on what was the impact of the spawning season closure, what was the impact of this, so there are a lot of other variables in there which has reduced the effort besides the economy. I just think it would be good to look at it, have them rerun the numbers and see if it's worth doing. They're also splitting out the grouper to where you're not going to have one grouper take out the whole grouper season. Zack won't be tied at the dock when the ACL is met on gag because there is also one for red grouper and other things.

MR. BOWEN: Jim, I fully understand what you're trying to do. My position is let's give it another year and see. We've got one year right there of full landings and my position is I'd just rather hold off on – I mean, you're welcome to make your motion and we can vote on it, but I just can't support it right now. In a year when I see some landings for this year and the other species get separated and that deal gets done, then I might have a change of heart, but right now I just couldn't support it.

MR. ATACK: And I understand that and the way the cog turns, you know, you put this motion in right now, they're not going to change it next week. It will be a year before anything changes and you'll have a whole 'nother year's data in there, too, by then. This is just putting it in front of them and asking them to look at it, because what we're seeing – and if 2011 is a lot different, well, then they're not going to do anything. If the 2011 numbers come through and you're still down there at 50 percent of the ACL, by next season maybe they could have it changed so you would have three years.

MR. BOWEN: Okay, we'll vote on this but, go ahead, Kenny.

MR. FEX: Jim, one thing you might want to understand is we're fortunate where we're at. We have reds, gags, scamps; we have a variety. Georgia, they don't have the reds; the same thing with northern Florida. Once that gag aggregate count is met, they won't have no groupers really to catch. We are fortunate in our area to have a diversified grouper, so you might want to also take that into consideration.

MR. CARDIN: Well, the way the motion reads the council will look at it. I guess we've discussed it enough that the council understands that we are just wanting them to consider it, that we don't really support increasing it at this time.

MR. BOWEN: All right, Rob, the last one and then we're going to move on.

MR. HARRIS: I've got a couple of things. You're asking to take it up to a four grouper total per person and right now we're living and fishing under a three person, one of which can be a gag or one of which can be black and then a red. Now, what about if it was changed to where we still have the three-fish bag limit but two of them could be gags or two of them blacks and then one of them red. Would that also serve the same purpose?

I know as far as in my area putting two gags in there is not going to change really anything for me; but having the additional of two blacks, gives me one more black than what I'm getting right now, which is the only grouper not in an overfished status, that would help me and also possibly serve the same purpose that you're doing, but still keep the bag limit at three. Just a thought.

MR. BOWEN: Okay, the motion reads request that the council look at raising the bag limit for gag from one per person per trip to two gags per person per trip and increasing the aggregate bag limit from three to four. All in favor of that motion raise your hand; all opposed. The motion appears to carry by a vote of eight approve and five against. The motion carries. Jim, did you want to talk about some other groupers? Okay.

MS. DOUGHERTY: I just wanted to bring up a point that I think Myra touched on when she was looking at the regulations in 17B. In reviewing 17B, it looks like the accountability measures for the overfished and overfishing species are now differing from the ones that are being considered in the Comprehensive ACL Amendment.

Just looking at recreational, for example, I think yesterday Mac told us that the reason they were going with the option we reviewed, the five-year mean, is because that is preferable over the three-year running average. When looking at 17B, it looks like they are using a three-year running average.

One thing I would suggest – and maybe I should put a motion on the table – is a motion for the council to consider bringing the commercial and recreational accountability measures covered in 17B in line with the Comprehensive ACL Amendment so there is consistent accountability measures for those species along with the Comprehensive ACL.

MR. FEX: I'll second that motion.

MR. ATACK: Isn't that what we kind of did yesterday, though, when we voted on the five-year mean thing?

MR. BOWEN: That was just for the species that listed – what was it?

MS. BROUWER: In the Comprehensive ACL.

MR. BOWEN: Yes, in the Comprehensive ACL. Okay, it seems like that is pretty straightforward. **The motion reads the council consider bringing the commercial and recreational accountability measures in 17B in line with those in the Comprehensive ACL**

Amendment. All in favor of that motion; any opposed. The motion carried unanimously. Kari, are you ready? We're going to have the AP input on status of blueline tilefish, gray triggerfish, Atlantic spadefish and almaco jack. It's Attachment 6.

MS. MacLAUCHLIN: My name is Kari MacLauchlin. I'm South Atlantic staff, and I'm going to lead you through this. We're just going to talk informally about the almaco jack, spadefish, blueline tilefish and gray triggerfish, which is an attachment that you received. The graphs that I have in here, it says what table it is so you can refer back to it.

Basically what we're doing here is these are four stocks that have landings that kind of have these sharp increases and decreases. We wanted to talk about some factors that may affect effort changes in your decisions for fishing. How we're going to do this is I'm going to go through each one and we're going to look at the charts. I went through some of them when I could get more information and data and tried to pick apart some questions for you, like a little more – you know, what state had some big changes that affected the overall landings and other things that are going on. We're going to include these factors in decisions for the ACLs, for the stocks that have these variations.

This is something that the Mid-Atlantic Council SSC has been talking about. They call them AP reports. They wanted to use AP input for data-poor stocks when they have to make decisions for ACLs using the landings. The last I heard the SSC is still kind of in discussion about how they want to do this, but it's going to be for them I think a broader long-term project.

We are really interested in that, also, and so we wanted to go ahead and do this. This is kind of going to be the first run of this. We'll see how it goes and see what you guys think about it and then get this information back to the SSC and SEDAR. I've put together the powerpoint just so I could kind of keep on track and keep us focused a little bit on this.

I'm going to go through just some things to think about when we were looking at each of these, and then we have our four different stocks that we're going to look at specifically. Some things to remember, think about some major events that have affected fishing or fishing in your area; regulations and closures; establishment of any kind of closed areas, MPAs; whether obviously hurricanes, things like that; and then gas prices going up and down; changes in demand for a certain fish or maybe the dockside price has changed; for recreational changes and tourism like growth in tourism in a certain area or maybe a drop-off for different reasons; and then also things like a fish house closed, a marina closed.

Think about kind of your normal annual pattern for fishing, so, for example, in the winter you target this and in the spring you switch to this, et cetera, and how these kind of big events that have happened have affected your regular pattern; and the fishery geography, so increase or decrease in the number of fishermen living in an area, community or a town, the number of dealers; if it has tourism, increase, decrease; infrastructure, maybe a new marina, dockage space, a new fish house; and then also where the fish are moving, if there used to be fish somewhere and now they're in another place.

And then keep in mind the big picture; this doesn't have to be your own personal experience. It can also be just what you know from other people and what you know is going on; and because we're talking about, you know, these overall landings kind of, it's important to think about how everybody kind of responded to different changes that have happened.

We kind of threw together some of these questions to start out for each of these different stocks; so with almaco jack – this is going to be really informal – who fishes for this and in what capacity. If you guys want to talk about it; is this a bycatch or is it targeted, so what else would you catch with almaco jack; where is it and is it sportfish or is a food fish?

MS. QUIGLEY: I was just going to say this is just four species that we're going to do, but Kari, what she intends to do is when the SSC needs more information on a particular species, the idea is to come to the AP and talk to fishermen, find out what the story is behind each of these species so that we know what is going on and can present that additional information to the SSC.

In many cases they have been taking a look at landings and then like, well, why did that happen, what did that happen, and we have no information and we don't know why almaco jack landings did this or did that. This is just four species, so just keep that mind. This is the beginning stages of a new type of process that Kari is spearheading to try and get information from the AP and from fishermen to incorporate into ACL determinations instead of just relying upon just the landings' information.

MR. FEX: I would like to make a comment. I think the amberjack landings have probably went up because of misrepresentation on when we land them. A lot of times –

MR. BOWEN: Kenny, excuse me for interrupting; you said amberjack; is that what you –

MR. FEX: Almaco jack, I apologize, but ever since I've been started fishing, we pretty much threw all the jacks in the same pile and they probably were misrepresented and labeled. Now that you're under a thousand pound quota of greater amberjack, now they're probably being separated out.

I think you might see some of that landings going up on the almaco because now they're being labeled as almaco. Like I said, historically I always wrote "jacks" down on my logbook and everything, so they were always sold as jacks, whether they both be almaco or greater. I just figured I'd put that out for information.

MR. BOWEN: Robert, maybe you give us some charterboat information.

MR. JOHNSON: Well, charterboat and commercial because I know guys that do specifically target almaco jacks especially this month because amberjacks are closed. How long is the amberjacks been under a thousand pound trip limit?

MR. BOWEN: It has been a couple of years. I'm recalling this from memory, but I think they just upped that at the last council meeting.

MR. JOHNSON: Right, but what I'm trying to say is there are boats especially in Florida that jack fish, and that's how they make their living. When they went to the thousand pound trip limit, the way they subsidized only being able to keep ten boxes was they targeted almacos also. It's a bycatch fish for me as a charterboat operator.

We don't target them; we do catch them; we do keep them if the charter wants them. There is a directed commercial fishery occurring for almaco jacks in Florida specifically the month that the greater amberjacks are closed to commercial harvest. That's all they've got, almaco jacks and gray triggerfish.

MR. FEX: And I'd like to make a comment. Almacos don't have a size limit. They get pretty big; I mean 50-60 pounds. Then you can keep one that's 12 inches limit, so I would request maybe put a size limit in effect, whatever, but that ought to be something that ought to be looked at. I've heard people say that, because you can an almaco that small, and that's pretty bad it grows 50-60 pounds.

MR. BOWEN: If that's the case and it sounds like a great idea, we'd probably want some information on when those fish reach sexual maturity and how often they spawn. That way we could come up with some reasonable size limits. I don't know if anyone here can give us that information or if we need to do the research. That's a good path to be going down.

MR. JOHNSON: Well, I know from personal experience that you catch some jacks that look like an almaco jack that are real small, but they're really not an almaco jack. I'm not a biologist and I couldn't tell you. They look different; they're a little bit darker. When you filet one of those, he has zero worms whereas an almaco jack is probably wormier than an amberjack in most cases. There is some work that needs to be done there. Are you asking for like recommendations for like trip limits or are you just asking for information?

MS. MacLAUCHLIN: I was actually going to start to bring you all back and maybe this is something that can go on the list for later. What we're talking about for this is we're going to take a look at some of these, and I have like some specific questions that you may be able to answer and maybe not.

But to kind of help, there are a million factors that affect changes in landings and fishing behavior and decisions, but it will be nice to kind of narrow those down and then we can really start to focus on something, and so that's what I'm looking for here. For example, just so you can see how we're going to do this, here are the commercial landings and this is Figure 1 in that handout. I just took those from that PDF.

One question is that sharp increase starting in 2006. When you look at this – there is a table in there and when you look at the state landings, most of those happened in South Carolina and North Carolina and so we're trying to focus a little more on how this changed. Also, I was able to get some price data, and between 2004-2006 the price per pound dropped 50 percent. These are some things that I'm thinking maybe affected effort in different areas. This is the first one; what happened in South Carolina and North Carolina in the past five or six years that have made these landings increase so much?

MR. CONKLIN: Well, being a dealer in South Carolina, I know for a fact that several years ago I started not grouping the jacks together. I started counting almacos as almacos and greater as greater, basically because there was more emphasis from the biologists that there is a difference and they're trying to determine this. That's my philosophy for this hundred thousand pound increase in three years there.

As far as that price goes, though, I've seen the price of jacks in the last three years go up slightly. I mean not a gracious amount but twenty-five cents here, twenty-five cents there, and it does increase because you're getting a smaller fish that is a lot easier to market than an 80-pound greater. You can market a 10-pound or 12-pound almaco much better.

As far as the size limit like Kenny wants, I would recommend that we go to a 16-inch fork length on an almaco jack. Give those smaller fish a chance to help the stock come back. There is not a market for small fish under three or four pounds. You're talking sixty cents or seventy cents a pound for the whole fish versus a dollar fifty for something you can put in a box and be sure that you're going to get your money for it. You're not going to hear somebody bitch about the size of what you send them.

MR. BOWEN: What I'm getting out of this is the reason that we might see the spike is because of we've actually started labeling the correct species correctly; is that the gist of it here? Is that the consensus of this panel? Terrell, did you have a comment?

MR. GOULD: In response to his 16-inch limit, we catch quite a few of them on the Princess. They average over 20 inches. If you're going to put a size limit on them, I'd be real comfortable with a 20-inch fork length on that size fish.

MR. BOWEN: Not meaning to cut you off, I think we're getting way ahead of ourselves here on trying to decide size limits and this, that and other without having some research behind us. I think we're just trying to figure why the spike and why not the spikes on these species; is that correct? We'll move on, but I think we have a consensus of why that spike began. Robert.

MR. JOHNSON: Just one more comment; I think the labeling is probably part of the spike and I think also effort. All these ACLs and there is more effort being put to those fish. There is no doubt in my mind there are more people targeting almaco jacks than before. I think it's an effort thing and it probably is a labeling thing so you're actually getting a better picture of how many jacks were labeled.

MS. QUIGLEY: I just have one question. I think, Robert, you mentioned that there is a directed fishery for jacks in Florida and for almaco jack; so in North Carolina and in South Carolina as well? Kenny, maybe you said that.

MR. FEX: No, I didn't make a comment on it, but there has been several center consoles that would strictly go out there and target the thousand pounds of jacks in my area. They've stopped it now pretty much because of the price of fuel, but, yes, the last three or four years it was a pretty targeted species because they were pretty easy to get.

MR. BOWEN: And off of Georgia it's a bycatch fish only for the charter/headboat operations. I think our commercial fleet is not real big, and I don't think it's a targeted specie. I think they're caught with the greater jacks, but I don't think it's targeted commercially off of Georgia.

MS. MacLAUCHLIN: Okay, the next one that is an interesting chart is this is the for-hire, so the obvious question is what happened there in 1999? Is this a normal thing to have a year that is just a lot of landings or did something happen in that year? Can anybody explain that one?

MR. BOWEN: I think there was a – again, just my opinion; I think you saw in the mid to late nineties an increase in the effort with the amount of charterboats trying to get into the business. I know I saw that off of Georgia and then since then it's drastically reduced. Things were great in the mid to late nineties and everybody could get a second mortgage on whatever they wanted and go buy a boat and anybody could buy a permit. Off of Georgia I just think there was an increase of people wanting to live the life of the fishing, and since then they've become more educated and realized it's not what it's cracked up to be. I wish I had been smart like they were and got out.

MS. MacLAUCHLIN: The other question I have about this one is in the last three years there has been a gradual increase in commercial and private, which is the next one, over time, but in the for-hire it has kind of gone down. Is that less charter?

MR. GOULD: Fishing for almaco jacks on my boat, the Princess, we do not directly target them. We catch them basically as a bycatch just for the main fact that you get in a school of them suckers with 40 or 50 people on the boat, you can imagine the mess that I'm in. It takes more time to untangle it than Carter makes liver pills. That's one of the reasons. Another one of the reasons is the vermilion snapper has been a lot better here the last few years.

We've had more of them and we've been targeting them a little bit heavier even though the limit is down on it, the per-person limit, plus there has been plenty of triggerfish and the bass population has been – so I haven't gone to as many places where we would normally catch a big amount of the almaco jack or the banded rudderfish, which used to be a bit of a filler that when you couldn't get anything else going you'd go catch you almacos and some banded rudderfish and stuff like that. On my boat that's the reason for the downslide the last couple of years is because there has been other stuff that we could catch, and it's a tackle buster so we try and leave them alone as much as possible.

MR. CARDIN: That spike is right there around December 1998, isn't it?

MR. JOHNSON: Is that a thermocline?

MR. CARDIN: Well, no, remember December 1998 they took a lot of people's grouper permits and you could still get a charterboat permit. Now Florida interpreted the law in Florida to sell the grouper or snapper you had to have the proper federal permit. Now, most of us bought that federal grouper snapper permit, but it also met a federal grouper snapper charterboat permit, so people actually got charterboat permits to allow them to sell groupers or snappers, so that might be a lot of that. It's right there when thousands of licenses were revoked.

MR. JOHNSON: On the decline – I guess that’s about 2008 – my business is down 50 percent since 2008. I think that is just a direct indication of the economy and the lack of the for-hire sector. I don’t know of any charterboats that are doing as well today as they were three years ago. So lack of effort means lack of landings.

MR. BOWEN: And, too, if I can add, bad publicity – you know, with all the closures and this, that and the other, reduction in bag limits, people sit away from the coast and they read this over the internet or in the newspaper and they don’t even try to come fishing anymore; so, definitely reduced effort in the last couple of years combined with the economy, fuel prices and bad publicity.

MR. HARRIS: Looking at the data and the way it trails out from 1986 to about 1999, what was the data source prior to the big jump and what was the data source after the big jump because that looks like you had a fairly consistent feed that then all of a sudden went over, so I would have to wonder where did the information come from.

MS. MacLAUHLIN: This one is from ACCSP, I think. Oh, no, it’s the ACL data base.

MR. HARRIS: My question is where did they derive it from because when we started using the MRFSS system; when did that go into effect and what was in place before that? That looks like it’s some sort of a new collection method to me because it’s all over the place whereas before it was just a straight line, solid trend.

MS. MacLAUHLIN: These are the private estimates for almaco and there is kind of a gradual increase over time and then there was a big jump between 2005-2007. This may just be population of people is growing so the recreational fishing is growing. I didn’t have state separations or anything like that, but any thoughts on this.

MR. FEX: A lot of it might be brought up a fishing license. I know that’s NMFS data; that’s how they figure out how many people are out there fishing. I know in Florida, I’m pretty sure they started making salt waters licenses back then. North Carolina I think waited until 2008 or something. Then they had a multiplier for the NMFS data; so when they surveyed they said, well, okay, this many salt water licenses are out there so that might have generated your spike there.

MR. ATACK: I’m not sure that many private people know what an almaco jack is versus a lesser or a greater. Yes, I’d be curious as to where did they get this information from.

MS. MacLAUHLIN: Okay, so to Atlantic spadefish; things to think about, again the same questions, who targets it, is it a bycatch, where is it caught, sportfish, food fish; how is it marketed, et cetera? I didn’t really have any specific questions about this. It’s kind of an increase over time until the mid-nineties and then it slowly started to decrease. Does anybody have any thoughts or input on this?

MR. DeMARIA: Again, this is where the Keys are different. This is something where we really don't even catch or even mess with in the Keys. There is a few of them but I don't see anybody catching these things; do you Richard, spadefish?

MR. STIGLITZ: I was just making sure it's what I think it is. I know what a spadefish is but I'm making sure –

MR. DeMARIA: Yes, they catch them up the coast in the Gulf, around Louisiana and up this way, but it's something – you never see landings in the Keys; very seldom.

MR. BOWEN: In the for-hire sector off of Georgia we do catch them. In the mid to late summer months we actually target them on some half a day trips when they come into the reefs and wrecks, but not a lot.

MR. OSBORNE: This includes Gulf landings, too, right? It's just Atlantic? Okay, there was pretty big cast net fleet that started catching these fish in the Gulf about those times, but if that didn't include that.

MR. CARDIN: That coincides with the Florida net ban, too.

MR. OSBORNE: Yes, it sure does.

MR. CARDIN: That's why the net fishermen got grouper permits is to try to start grouper fishing and spadefish fishing and stuff like that with some other things.

MR. ATACK: Why do you not have the individual state landings for commercial; is it a confidentiality thing?

MS. QUIGLEY: Yes, when I looked at least the logbook landings – this is ACCSP but when I looked at the logbook landings, the Atlantic spadefish has confidentiality issues as do a number of these other species, and that is one reason for grouping them together in the Comprehensive ACL Amendment, but, yes, there are confidentiality issues.

MS. MacLAUHLIN: This is Figure 7 in the PDF and it's the for-hire. Again, there is kind of a peak in 1996 and then it drops quickly over the next two years. It fluctuates over time but kind of moving stable. Any input on 1996-1998 for the for-hire?

MR. BOWEN: Again, I'd have to say that's where everybody could get a loan or a second mortgage of the house and everybody wanted to be charterboat captains. We saw an influx in Georgia mid to late nineties. I think it's just shown through the graph there.

MR. CARDIN: I think I might look to see if there was a spike in permits and if there was actually more charterboat permits issued during that time period.

MS. MacLAUHLIN: And the last one for spadefish is the private anglers. The obvious is that peak in 2001 and it was mostly South Carolina, and there were actually sharp decreases in every

other state. There is a table that shows this. And then also in 2008 and 2009 increases were mostly recreational so it kind of looks like everyone else is dropping off a bit but the private anglers are targeting this. I don't know if it's easy to catch.

MR. ATACK: What is the size limit; are there any bag limits and size limits on spadefish?

MR. BOWEN: Robert, do you know?

MR. JOHNSON: I do not believe there is a current bag or size limit on spadefish. I was just going to talk about the private. Just from observation at my marina, I noticed in the summer months several private boats that dove nearshore reefs six to eight miles off of our inlet that have huge schools of spadefish, and they were spearing them. Whether or not that was occurring up and down the coast, these guys were basically diving and shooting spadefish. I think they must be an easy target and they would come in with 30 or 40, and that would be their day.

MR. ATACK: I guess I answered my own question. I looked in the regulations here. Part of the reef complex species, spadefish is, and it looks like it's 20 per day with no size limit.

MS. MacLAUCHLIN: Blueline tilefish; same general questions; who is fishing for these; are they targeting them; where is caught; sportfish or food fish; marketing, et cetera. With the commercial we have the quick increase in 2007, and I would think is because other fisheries were closed, are limited, and so the target has been tilefish and this is mostly in North Carolina. Does anybody want to support me on that?

MR. FEX: I see a drop there in the nineties or whatever. Snowies got hit hard where you weren't allowed to catch them, and that's pretty much – they hang out together on ledges and everything – so that would show the decline; and the upline is, yes, we had to go target something because the regulations hit us hard. On that, the longliners, all they get is golden tile for three months out of the year so that spike definitely is shown by effort towards them because you can't longline for nothing else, but they went for blueline up there in North Carolina in the northern Hatteras area.

MS. MacLAUCHLIN: Okay, and the for-hire landings, a very quick increase 2004-2007 and then a sharp decrease. What happened there with that peak?

MR. HARRIS: I think that's definitely bad data. I even look at some of the numbers that you have for the Florida reported catches, and the numbers just don't make sense to me because I'm looking at them and I know just the guys that fish around me catch more than what you said were caught by the entire South Atlantic.

I think that is just a bad spike in there somehow, but I think all those numbers should be up higher. The drop-off I can understand just because from the Florida segment around me, because we do a lot of deep-drop tilefish, I don't whether or not possibly they were reported as being golden tiles instead of blueline tiles, but I think there was more effort.

The drop-off would have been because of fuel, economy, lack of people going out there. That will cross over into the recreational sector once you get to the private side, but even the private side numbers are way off, especially in the earlier years, because there is a lot more people out there catching blueline tilefish than are represented here.

MS. MacLAUCHLIN: So with these charts in here, they're standardized, and we asked Mike Errigo, who was here yesterday, because he is the one who made these charts, and it's standardized to the three-year average, so zero is actually the three-year average, and then the way it moves is how it's presented. It wasn't that the landings were zero. What we're focusing on are these peaks and these fast steps and everything so it's really all relative what we're looking at, but I think that's a valid thing to look into as to how it's reported and data issues.

MR. ATACK: A question about when you standardize these; is a 1 a 100 percent increase, is a 2 a 200 percent increase or what does that mean?

MS. QUIGLEY: I can answer that. I just spoke with Mike Errigo to clarify that. A 1 is a 100 percent increase over the mean that took place between 1986-2009. For example, that 8 is 8 times the mean landings that occurred 1986-2009.

MS. BROUWER: Another thing I wanted to point out is that the figures that Kari is showing up on the screen contain all of the information that is available. With the data base, that includes all the available landings. You also have in the attachment similar graphs that were created using only non-confidential information, so they're going to be a little bit different.

You see some of the graphs have the pounds on the axis, and we put those there so that you could get sort of an idea of the magnitude of the landings and not be confused by this standardization thing. But when you standardize it, it just helps you look at the trend a little bit better and you can also include the confidential information.

MR. FEX: Also, your decline towards the end might be the fact that the for-hire sector was limited at one snowy grouper per trip, so then less likely they're deep-dropping on them ledges where the blueline would coincide with them.

MR. JOHNSON: I just would like to make a point that's a very regionalized fishery. You have a large portions of the southeast Atlantic that are not participating in the blueline tile fishery. From listening to the people up in New Bern last year at the meeting, that big spike in commercial catch is a developing fishery that some of those guys have gotten into over the last four or five years I think up in North Carolina and the landings have just gone off the chart up there. Recreationally and for-hire, it's very regionalized.

MR. ATACK: But what you don't know is if that is a 10,000 pound median that went to 80,000 pounds or whether it was 500,000 pound that went 4 million. That's what you don't know when you standardize the numbers. The smaller landings like 10,000, it doesn't take big increase for it to jump up to eight times. Even at the end when it dropped back down, you're still 150 percent higher than the median. Maybe it looks like it dropped down, but it's still quite a bit higher than what it used to be.

MR. DeMARIA: I fished out of Southport years ago, it was like 1977, and we didn't even keep these things. They were used as bait, so I don't know when – and I left in 1978 and came down to the Keys, so I don't know when people started keeping them and selling them, so that may account for some of the low landings; I don't know. It was always amazing; it was such a good eating fish and we couldn't even sell it back then. We just cut it up for snowy bait.

MS. MacLAUHLIN: Okay, I think with the private angler estimates, this is similar and it does kind of bounce up and down.

MR. HARRIS: I was actually just sitting here and talking with Kate, and in that timeframe there you also had a change in the bag limit. Once it became part of the grouper aggregate bag, that will lower a lot of your recreational catches as well.

MS. MacLAUHLIN: Okay, and the last one we're going to focus on is gray triggerfish; the same thing, who is fishing for these, targeting them, where is it caught, sportfish or food fish, and how is it marketed. This is Figure 14 in the handout and it's kind of growing landings until about 1996 and then it drops off. I think we have been talking about the permits in '96; that this decline also happens with the for-hire. We have a peak in '96 and then it drops off for the next three or four years.

MR. DeMARIA: That's another one that's not really caught in the Keys. What we call gray triggerfish is really an ocean trigger. It's bigger but your gray triggerfish is different than what we have in the Keys. Again, it's not something that we really catch down there.

MR. FEX: What is the last dot; is that like 2009 or something? Well, okay, but it's usually been an avoidance fish. I mean historically we tried to stay away from it. It wasn't very valuable. Now that regulations have hit, we kind of target them a little bit harder now, because sometimes that's the only thing we can keep. I see the increase definitely at the end, but I don't know what happened in '96 or whatever.

MR. CARDIN: Kari, I don't know how accurate this is, but to take you back in time a bit, and like 1997 or '98 Pete Eldridge – he was the reef fish coordinator for the South Atlantic with the NMFS office, and he told me over the phone that Day 1 that Amendments – was it Amendment 8 took away a lot of grouper permits? He said that day there would be 2,800 less grouper permits. If you actually had 2,800 less – you know, if some of those people were people who had been catching these different species that we're looking at today, there were people that were pulled out of the fishery, so you would expect to see drops in commercial landings in that or I would expect to see drops in commercial landings during those time periods.

MR. ATACK: I know the local fish houses I've talked to, when the groupers closed from January through April, they were stockpiling triggerfish and freezing it in December and November, and triggerfish being caught after that to replace the missing grouper to sell. I know in the last two or three years that's part of the reason for the trigger in North Carolina going up. And the last year is 2010, I guess.

MR. GOULD: Looking at your for-hire here and everything, there has been a spike up and down here the last few years. We've had to start targeting them a lot more since the reduction in the bag limit for the vermilion snapper. The triggerfish in the past, before the reduction, was more of a filler to finish the trip out when you go get your limit with your vermilions, catch a few groupers and then finish it off with the triggerfish.

Now we're having to target the triggerfish quicker every trip than what we were previously. It's getting to be a job to avoid the fish a lot of times. From what I'm seeing, the triggerfish as far as for you people that don't do it, they're anywhere from 18 fathoms right on out to 60 fathoms off the Morehead coast. They're pretty prolific. I do see a little bit of a downward swing in the size but as far as the amount of them is concerned there are still quite a few of them. We'll see where this goes, but I just wanted to say it.

MR. ATACK: This is another species that doesn't have a minimum size. I think it would be good to get a minimum size set on them to help protect the species.

MR. BOWEN: Thanks for the recommendation, but again I think we're putting the cart ahead of the horse there. We'll just move on.

MS. MacLAUHLIN: Okay, this is the last chart. For-hire and commercial the trend was from 1986 it increases, but with the private angler – I'm sorry, the decrease is basically opposite of the increases in the for-hire and the charters, so in the late eighties and nineties these landings increased. For the private anglers it kind of decreased and then, of course, it's starting to increase again/. This is just I would say the recreational population growing.

MR. BOWEN: One thing that just come to mind there, back years ago I think the public had a false sense about the triggerfish, thinking they weren't any good to eat and they threw them back, and now the word has kind of gotten out – I've had lot of private anglers come up to me and say, "Man, I didn't realize them triggerfish were that good. They're hell to clean, but, boy, they taste good." I think that had the trickle-down effect and I think it's getting more known that the triggerfish is actually a pretty tasty fish.

MR. GOULD: Looking at that, I think this data here is not real accurate. You're taking it from one of the most unreliable sources, the MRFSS Survey. I said it there a while ago and I'll say it again over the last two years we've seen a big decrease in effort there in the private boats. It starts 50 percent or better. Looking at this data here, I would say that we're dealing with some fatally flawed data from what the economics have been the last two years and personal observations of fishing most everyday.

MR. JOHNSON: Terrell, I know in Florida when all these regulations started going into place, these reduced bag limits, your recreational angler is like everybody else. He wants to get the biggest bang for his buck. A lot of people that used to not catch triggerfish – all they would do is go red snapper and grouper fishing – now are catching triggerfish.

I hear them on the radio; you know, got my limit of B-liners; got my limit of triggers; ten per person which is probably a little excessive. I think that's pretty accurate as far as Florida is

concerned. From what I'm seeing in my neck of the woods, I would say, yes, there is an increase in the recreational fishery for gray triggerfish and it's because of regulations on all the other species. They're just trying to put more fish in their fishbox.

MR. ATACK: If you look at the table up where the recreational landings were, Florida is kind of flatlined from 2005-2010, really no real increase on the recreational landings. North Carolina has really increased. They were averaging probably maybe 40,000 the last few years and they're up to 200,000 or close to 200,000.

North Carolina is the biggest increase when you look at the recreational landings. I know the ones I've talked to, it's effort shift because the other fishes are not available, With the black sea bass closure or the B-liners or there are only three grouper, you know, you go 40 miles offshore for some bottom fishing, once your three grouper, if they do, then they've have got to catch something else. So between filling in the grouper and with the grouper being closed, I think effort shift – and there are not more trips being made. There are a lot less trips being made.

MR. FEX: I agree with what Zack had said; it has become more of a known fish. People are actually looking forward to buying triggerfish. I even see it at restaurants. It's up there with grouper. When you buy a dinner, it's the same price as grouper is, but it actually costs less for the restaurants. Yes, I would agree with Zack; it has just become more publicized.

MS. MacLAUHLIN: Thank you for your input. I'm going to put this together. If you think of anything else, feel free to e-mail me or call me and let me know about things. I want to continue doing this and getting information and talking to you or getting contacts to get more details because I think this is super-helpful.

MR. BOWEN: Okay, let's take five and then come back.

MR. BOWEN: Okay, we'll get started here. I've got one thing I'd like to bring up and then that will do it from my end and see if anybody else has got anything. I would like to bring up to the panel here about what you think about putting forth a proposal to the council for a moratorium on the charterboat permits? I'll leave that open for discussion if somebody has got some questions or comments. I'm kind of in favor for it. I'd like to hear some input from the panel.

MR. FEX: Actually one of the recreational charter fishermen had requested that. He had actually made a point that there was a control date set for that. I didn't want to bring it forward because I'm not one, but I'm glad you brought it forth, and, yes, I would totally support that because that is a concern by the charter industry.

MR. BOWEN: There is a control date, and I'm recalling from memory but I want to say it's like September 17th of 2010, but still doesn't – if somebody wanted to buy a boat today and get in the business – and why they would, I have no idea, but they could call NMFS and pay \$45 and get the permit today. I would like to put it before the council to have moratorium on the charter/headboat snapper grouper permits.

MR. CARDIN: I hear you saying moratorium and I hear control date; you're not talking about going back in time and doing away with any permits; you're just talking about not issuing any new ones from this day forward?

MR. BOWEN: That's correct. We had control date even prior to that and it was in 2006. Roy had mentioned to me that it could be several people since 2006 – from 2006-2010 that has a vested interest in the fishery, which I agree with; but a moratorium on stop issuing charter/headboat permits effective immediately. I'm waiting on a motion from somebody.

MR. FEX: I'd like to make a motion to put a moratorium on issuing the snapper grouper charter/headboat permits and using the control date of 2010.

MR. CARDIN: Excuse me, can we have discussion to the maker of this motion?

MR. BOWEN: Do we have a second.

MR. DeMARIA: I'll second it.

MR. BOWEN: Don seconds and now it's open for discussion.

MR. CARDIN: Can I ask the maker of this motion why do we got to use the word "control date" in here. We're just talking about any new permits from today forward or the date of making this moratorium; yes, just all new.

MR. FEX: I was just going by the control date that was already established. If you would like to change it, I'm fine with that.

MR. CARDIN: I'd like to remind the maker of the motion that the council made a control date in September and a control date is to warn people if you're getting into this fishery you might not make it. Well, there could have been and there probably has been a couple of charterboat permits issued since that control date of September. In all fairness then you're not giving anyone any warning by backing up and using a control date at this time. It should be – in my opinion I would like this to be on new permits. Can we try a friendly amendment on that – the way it is, new charterboat permits.

MR. CURRIN: Just something to remind everybody, it's human behavior – the reason the control dates are set is to do exactly what you just said, Bobby, notify people that there may be some changes and you have no guarantee that you'll be able to participate in a fishery after this control date. That's the intent of it. If your intent is to make the regulation effective the date that's published, keep in mind that it takes 12 to 18 months to get this in place, during which time the word gets out on the street and if somebody says they've been thinking about doing this, if I think I might want to do it, I better go get me one of those permits at \$45, and they're in.

It's not unusual to see spikes. When you issue a permit and give people plenty of warning, then more people speculate and you see the numbers of permits rise. Keep that in mind as you think about when you want to make something like this effective in your recommendation.

MR. BOWEN: So, Mac, what are you trying to say? What is the gist of that?

MR. CURRIN: Well, the gist of that is that if you refer back to the control date of September 2010, then you will have no – and assuming it goes through – you will have no more charterboat permits than were effective on that particular date.

If you say, according to your motion, we're going to have moratorium on issuing new charterboats, you better have some date certain that you're going to cut that off, whether that's today or if you just leave it open it becomes effective when the regulation passes, which is 18 months from now, during which everybody knows there is going to be on that date an end to the availability of charterboat permits, and anybody that thinks they might want one in the future has an opportunity to get one.

As an example, the same thing happened with North Carolina's licenses. We had a lifetime license and it was available for freshwater but they argued that it should be applied to saltwater. There was a big spike in the numbers of licenses because they could pay for a freshwater license; and then when it rolled over into saltwater, they got a saltwater license, too.

In fact some of them didn't go that far, and then they got mad about it, it became effective, they went to the legislature and said give us another year so we can go out and buy one for the old price, that kind of thing. So it's just natural human behavior that somebody might speculate and end up with a charterboat permit that they may or may not ever use, but you increase the number above what you said that might –

MR. BOWEN: So do you think that we need to include in this motion going back to the control date?

MR. CURRIN: It's entirely up to you guys; I'm not going to tell you how to act. You do what you feel like is important. I just want to make sure you were aware of the implications of leaving the date open from my perspective as opposed to setting a date certain. If you wanted to suggest a control date of today, that's fine; or if you want to go back to September of 2010, that's fine.

MR. BOWEN: So we need a date on this motion basically is the gist of it.

MR. CARDIN: Could I ask Mac for his expertise here. As a councilman what do you think the councilmen would support more of – I mean, the council doesn't normally go back in time from my observations.

MR. CURRIN: And I think you're probably right, Bobby, that are not many examples of where the council has reached back certainly too far. I don't know how the council would react. Personally I would react more to what the charterboat industry thought was appropriate; the for-hire sector thought was appropriate as far as a control date and what thought were reasonable numbers of people that should be included in that data base.

MR. CARDIN: Well, normally we give some sort of warning before control dates are issuing such things. How about if our motion went forward in time 45 days or let's say it went forward

in time to the date of your next council meeting; do you think that might help council. That would give some warning as far as a –

MR. BOWEN: Bobby, one thing to keep in mind, they've already set a control date, but even prior to that they had one set in 2006 so the time just kept moving on and moving on. I don't want to see another control date in two years. I want this to get implemented as quickly as possible.

MR. CARDIN: But starting a moratorium and having a control date are two different things. You can have a moratorium date like the day this going in effect could be the moratorium date. A control date and the date this goes in effect are two different things – or, excuse me, a moratorium date and a control date are two different things. You don't have to have the control date to do a moratorium.

MR. FEX: I like Bobby's friendly motion because that means I'm going to go get me a charter permit. The problem is people will hear this and then they will do exactly what Mac says. They will go out there and get a charter permit on their canoe. Once you put a moratorium in, then it's going to make a value of that permit just like my snapper grouper permit is valuable.

I would suggest going back to that control date of September 2010. That way it has already been out there. It isn't something new; it has been there. I would still go back to that control date because I don't really know too many people that have actually just jumped into the industry because you do have to get a captain's license.

MR. BOWEN: Okay, so what happens if we go back to 2010 and there is a permit issued in October of 2010; do you want to include where we make a recommendation that the National Marine Fisheries not renew that permit because he is after September 17th. I mean we need to put that in there if that's what you want.

MR. CARDIN: As co-author of whatever of this motion, I would like recognize that a September 17th control date did warn people that they're not guaranteed a future in the fishery; and after thinking about it I guess we did get fair warning that something like this might happen. I would also support using backing up the time.

MR. BOWEN: Do you want to include in the motion for a non-renewal of permits after that control date?

MR. CARDIN: No, sir, that would just be standard procedure at NMFS just not to issue –

MR. BOWEN: You might want to state it so it's very clear.

MR. CARDIN: I don't want to complicate the motion, no.

MR. GOULD: From a business standpoint, boy, this sounds good, stifle the competition. There are enough of us right now where we can go right on. I'm real, real torn about it for the simple

fact that this country was built on free enterprise and we're going to take away somebody that is wanting to get into this business the right to get into it.

Is there going to be a provision where they can buy a permit from somebody or it can be transferable to somebody else? I realize that the more there is in the business it's less for me and you and the other for-hires that we can get, but we're starting to trample on some of the cornerstones of what this country was built on is the way I look at it.

I'm all for competition but I'm not for turning something into a commodity that can be traded like if we go through with this I'm going to buy about 200 of these permits and dole them out. Okay, I might get some good money; 20,000 bucks apiece or so, something like that. For 45 bucks, look at the return on my money.

We need to look real, real close at what we think the fisheries are going to be down the line and whether we can handle anymore competition in this and still not trample the rights of our fellow citizens to get into a business, which is pretty well generally guaranteed there by constitutional rights, and that's my main concern about putting a lot of moratoriums on this stuff here.

MR. CARDIN: Part of that was transferability, too, on my motion, that the remaining permits be transferable.

MR. JOHNSON: I have to side with Terrell on this. Number one, in the southeast Atlantic are for hire and recreational are considered the same thing; so what are we going to do in the future, are we going to start regulating how many recreational anglers get to fish? We're under the same regulations, the same bag limits. I don't see this as anything other than just saying I want the right to be a charterboat.

I've been doing it for 30 years. I've got two charterboats, but I don't see in any way where that should give me the right to tell some young kid coming up that wants to bust his butt – now, you can say, well, he can buy your permit. Well, I didn't have to buy anybody's permit. If he wants to work his tail off and be in the business, then he ought to have the right to do that.

I mean, I understand where you're coming from, Zack, we all like to think there is less competition. I would be more in favor of seeing the tax code adjusted to penalize these people that are in our business that don't ever make a living doing it then to go this route, and that's a whole 'nother can of worms.

I don't see what we gain here and then you open up the door for sector separation, and I don't want to see that happen either. I don't want to get in the situation where the for-hire gets this much of the pie. I don't want to go there. I don't want to complicate things anymore, and I can't support it.

MR. HARRIS: There is no way that I would ever support anything like this because they have it up in the Gulf right now. It is painful, it is brutal, it excludes people from getting into the fishery. You've got people out there – and I'll use myself as an example. I retired from the navy so after I retired I got my license, I got my permits. What happens to the kid that is retiring

December 2010; he's not going to be able to get out and go chase his dream of being a charterboat captain because he was busy being in the navy and now you're going to make him go out and buy a permit.

I went down in an area where there is fierce competition amongst charterboats. We have some of the top guides in the world and they're struggling to make a living and doing everything they can to get out of it. There is nobody looking to get into it and by putting a moratorium on it is not going to stop anybody. I agree over here that you're going to see that big spike because people are going to see there is going to be money to be made in it and they're going to do it just so they can sell that at a later date.

MR. BOWEN: Well, Rob, with the notice of the control date already, we've probably already seen a spike. It has been published; people have been warned, if you will. Jim.

MR. ATACK: How many permits are issued and how many are in use would be my question?

MR. BOWEN: Off of Georgia there are 30 and of those 30 – and I know Georgia is a small piece of the pie, but of those 30 half a dozen are being used, and there are several of those permits that have just been renewed and renewed and renewed and people don't even – they're retired and don't fish at all anymore, but that's just off of Georgia. I don't know about the other states.

MR. DeMARIA: I think we need to be consistent here. We did it with the commercial fleet and that's a for-profit business. What is the difference with the for-hire business; why not require the same type deal there?

MR. FEX: I would like to comment it's only eight months so, so there ain't too many people you'd be shifting out of is. I'm just trying to help protect the guys that are vested into it. I don't think the permit is going to be worth like the snapper grouper permit. I don't think they're going to be able to charge \$12,000 for the permit.

I'm just looking at an option – and I don't have a charter permit. I don't want to get into the industry, but I just know that it's flooded right now and there will be commercial guys probably trying to get into it. I was just trying to protect the people that are vested in it and that's their livelihood. Just like the snapper grouper fishermen; anybody that gets into has got pay to get into it.

If the new young guy wants to get into it, if he has to pay a thousand or two thousand dollars for the permit, I'd be fine with that. The money he is going to make, he can make that back in a couple of trips. I'm supporting it because one of the recreational guys in my area wanted it and you brought it up so I'm going to support it.

MR. GOULD: Kenny, to address that, when you turn something like this into a commodity and you freeze it, the price is going to go up. That's a given. Look at the price of what you have to pay for a commercial snapper grouper permit, two for one. There are 1,200 permits, according to Eileen, out right now; a little bit over 1,200 snapper grouper for-hire permits out right now,

which looking up and down the coast that seems like a lot but it's not a lot because a lot of them ain't being used.

I've put up with competition in the business. I've been in it over 40 years now. I remember when it was dog eat dog, it's still dog eat dog, it's going to be like that. If we did anything, the requirements for a permit should be changed. We need to get it so economically hard for somebody to get their not-for-profit boat chartered for tax purposes, and that's what a good part of the problem is now.

Down in Morehead, of course, it doesn't affect me a whole lot, but the charterboats down there, there are about four of the guys on the waterfront now that depends on it for a living. They have to make money with their boats or they're going to lose them. The rest of them are owned by corporations, CPAs. Lawyers, they do it for the tax deduction.

That takes away from the people that really have to make a living out of it. If there was any changes going to be, it would have to be a for-profit, show a profit. As far as just cutting them off, I can't support it. For somebody that wants to get into it and really work hard, pay for their boat, but a tax deduction boat, no, and that's what we're seeing the trend in right now. I don't think that putting a moratorium on it is going to be a good thing because it takes – like if my son wanted to get into it, he wouldn't be able to get into it. Competition is competition but we need fair competition.

MR. DeMARIA: Well, a lot of fishermen and I suspect the charterboat guys also have no real retirement plan when they want to get out of the business, and this gives them – if you've got a license that is worth something attached to the boat, it gives you something when you want to get out of the business to see and have a bit of money coming in.

Now I agree with you about the requirements. With the snapper grouper permits, I know in the Gulf you have to show a certain percentage of your income is obtained from the sale of fish. If something like that was attached to it in order to be able to renew your permit you have to be able to show that a certain percentage of your income came from charter or whatever, then that would maybe keep some of the other people out of it.

But I think it's a good way to make your business worth something and be able to sell it at some point when you want to get out of the business. Otherwise, a guy that has had a wooden charterboat for 30 years or so and he is in his sixties, late sixties-early seventies, and he goes to sell his business, what has he got, an old wooden boat. If it has got a limited license, it makes the boat worth something. I think it's a retirement tool of sorts.

MR. BOWEN: I agree. Richard.

MR. STIGLITZ: I can't support this. I see three of our for-hire guys talking against it. I would hate to see happen to you guys what they've done to the commercial sector. I've got a son that actually just last week bought a South Atlantic snapper grouper permit and it's scary to tell you want he had to pay for a permit so he could get up and go to work and go fishing.

For a kid that was born in 1978 and has lived on a boat his whole life, he just spent a fortune just for the right to go catch snapper and groupers. And if you've got children coming up from behind you and they have to go through what my son just had to go through, it's a terrible thing. I don't think that the guys that are in the for-hire sector right now should have a monopoly in the for-hire sector. This is America and we have a right to get up everyday and go to work and make a living and feed our families.

I know they've reduced our commercial sector for less effort into the fishery because it was being overfished. This is not being overfished. I don't think this is a fisheries management tool. I think this is something that you're trying to just become a monopoly on it. This is America and I think we need to leave this open to people that are wanting to go to work.

MR. FEX: You guys talked about it cost a lot to get into the charter industry. I don't know what you guys paid for you boat, the charter guys; I mean you're talking about 50, 70 and \$100,000 for these vessels; so if somebody has to pay a thousand dollars to get a charter license, I'm fine with that. North Carolina has a moratorium on our land-and-sell licenses. They were up to \$2,500.

The federal permits have got a moratorium on them because to keep the effort from increasing. It's a business; you are buying into the business. Alcohol, you have to have an alcohol license. What is that, \$25,000? It's just helping the recreational charter industry maintain their business and keep too many people from getting into it. The control dates have been set.

There was one back in 2006; there is one in 2010. This idea has been brought around. It ain't something we just brought up. I'm just looking forward to keeping too many people from getting into it and the control date is an idea. It has already been established and I'm just trying to support it. Like I said, I don't want to become a charter/headboat guy, but I'm just supporting what I've heard from my fishermen in our area.

MR. BOWEN: And that's one reason I brought it up is because I've heard it a lot from the few charterboats off of Georgia. If there is no more discussion, we'll have a vote on this. **The motion says recommend a moratorium on issuing new charter permits using the control date of September 17, 2010. All in favor; all opposed; five to five. I voted for it, yes.**

MR. SMITH: I sustained.

MR. BOWEN: I can't say it failed; I can say it tied. The motion fails; the vote was five to five.

MR. ATACK: I abstained because I really want to spend more time thinking about it and looking at the data. I didn't realize we were going to talk about this today. It's a big issue. I understand the heartache and how hard it is to get a snapper grouper unlimited. Not knowing how many permits are really issued and fished versus what is out there versus how many new ones come out every year, so that's the reason I abstained.

MR. BOWEN: Would you like a motion for this to be revisited at a later time? Don.

MR. DeMARIA: What if we take the word “recommend” and “moratorium” out of it; that the council consider limiting participation in the charter for-hire business based on a control date. It takes the word “moratorium” out of it. We scared people.

MR. STIGLITZ: It’s the same motion.

MR. DeMARIA: Okay, it’s not going to change anybody’s mind?

MR. SMITH: I sustained but we were talking about looking at the next ten or twenty years of how this is going to be, and I believe this will probably be something that will be on the table and passed in the future. I kind of like the way Don was looking at it. I’d be supportive of that.

MR. JOHNSON: I’ll tell you, Zack, I was just scared of where it leads. I think you’re opening up the door for sector separation. Besides, I morally think it’s wrong to prohibit someone else from doing something that has been my life for 30 years and I truly love. I would like to see other people have that same opportunity. The other thing to consider is you get in a situation where only charterboats will get to fish because you hadn’t caught your ACL and the recreational guys have.

I mean, you’ve got a situation like over in the Gulf with the commercial guys are catching grouper but the recreational guys can’t. Boy, it’s such a divisive thing. Would it be good for me; heck, yes, I’ve two for-hire permits. I’ve had them for a long, long time. It would be a great thing, but I just have got a lot of problems with it.

MR. BOWEN: I respect your opinion. I just wanted to bring it up and see how the panel felt, and we’ll move on. Bobby.

MR. CARDIN: Like Jim was talking about, he’d like to see some analysis on this. Well, unless we make this motion and it goes to council, the council won’t have an analysis done on this. That’s the way to get it done is through the AP to make these kinds of motions and take it to council and let them make the decision.

MR. DeMARIA: I want to make a motion that the council consider limiting participation in the charter for-hire sector based on a control date; no specific date or anything; just recommending that they consider limiting participation, so the council consider limiting participation in the charter for-hire sector based on a control date.

MR. SMITH: I second that.

MR. GOULD: I would support this if there was some language put into it that would control further the types of entities that can get into this. Now, everybody knows how big companies manipulate the taxes, stifle the smaller competition and everything. General Electric is a good example if you have been keeping up with that.

For me to support this, I don’t want more NFPs in the business and coming in there and taking a tax deduction for seven years and stealing from me and stealing from you; you know,

competition and customers that you could be having. If you're going to be in it, you be in it to make money.

If you can change the wording of this a bit to be more conducive for people that want to making a living out of it, are serious about their fishing, I'll support it. Other than that, I'm going to vote against it again.

MR. DeMARIA: Well, Terrell, just add something to it. It's my motion but I'm agreeable to something being added to it. I don't want to see the doors opened for everybody to get in. If you can somehow limit it to some of these guys you're worried about and won't jumped into it, that's fine, but add something to it.

MR. CARDIN: Don, could you just take the based on a control date out and just get the council looking at limiting the participation?

MR. DeMARIA: Do you want to take that out? Can we strike that? Is that okay with you?

MR. GOULD: And also look at the possibility of income requirements for the issue of new permits; a requirement for permits.

MR. ATACK: The first time you get it; you ain't got none.

MR. GOULD: Well, that's true but for old permits; that might be the way to go with it.

MR. BOWEN: Terrell, would that be worded better if you put instead of now; for a renewal permit; for a renewal new permit.

MR. GOULD: Renewal permit; that would be great. I think that they could possibly require some kind of financial statement that would say, yes, we are trying to make a profit out of this instead of writing off 200 or \$300,000 a year. That's a side thought on it, but if you're going to do it, be in it to make the money out of it; don't take the money away from people like you and rest of us that have done this for decades.

MR. BOWEN: And it's like Bobby said, I think we're here to make recommendations to the council and the council is smart enough that they put the guidelines in when they get to it about the money end of it. Anymore discussion?

MR. DeMARIA: This is agreeable to me, the changes.

MR. BOWEN: One thing that we may want to do is add "fishing" before "income"; you know, look at the possibility of fishing income requirements to be eligible for permit renewal.

MR. SMITH: I rescind my second to that.

MR. BOWEN: Okay, we're open for a second on this motion.

MR. FEX: I second that.

MR. BOWEN: The motion has been seconded; any further discussion?

MR. DeMARIA: What is that you don't like in there?

MR. SMITH: I liked it when it was more simple. I think this is something they're going to start looking into, and I thought that pushed it that way. That doesn't surprise me if that is the way it is in the future.

MR. DeMARIA: Well, can we separate it out into two motions?

MR. SMITH: Well, we've already got a second for that so I feel confident on that. It's all right, Don.

MR. BOWEN: Okay, we'd like to vote on the motion. **It reads council consider limiting participation in the charter for-hire sector and to look at the possibility of income requirements to be eligible for permit renewal. All in favor of the motion; all opposed. The motion is approved by a vote of nine for and three against.**

MR. CARDIN: Just in case I'm talking to a councilman or something, what would income requirements be? Is that the company makes money or that the company makes money from fishing? What are we getting at there, Terrell?

MR. BOWEN: I think Terrell just wants to make sure that the people with the permits are fishing for a living instead of more of a tax deduction; is that correct, Terrell?

MR. GOULD: Yes, that's correct, I want somebody that's in this is in it to make a living out of it and not to take a big tax deduction and take a bunch of write-offs so that they can get their dose of ocean more or less and subsidize a plaything. The way I feel about it if you're going to get into it, get into it to make a living. That's all I've done all my life.

I've not played at it. I see so many people getting in it now that has made it big on the stock market, big companies and whatnot, so it's a plaything and I feel like a second class citizen when I'm confronted with this stuff. They've got more money, get a better boat, faster boat, which stifles what each one of you and my fellow for-hires is able to compete against.

MR. BOWEN: Terrell, one thing to keep in mind, up until this year I have never done anything for an income but fish, but with these closed seasons that are coming up and we're talking about start dates and end dates for snapper grouper fishing, this fall I'm probably going to have to go find some side work. We just don't want this with good intent to come back and bite us. I have never done anything but fished, but this year I may have to go –

MR. GOULD: I think with the historical participation in the fisheries that you have, that the permitting process will probably be taken into account any stumbles that you might have in the future. This is for basically the newer renewals is the way I look at it.

MR. STIGLITZ: I hope you all know what you just did because I've been commercial my whole life for over 40 years. I guess maybe I'm different than some. I have other businesses that I make money from. I have other investments I make money from. I've got rentals that I make money from. Sometimes my full income doesn't just come from my commercial fishing.

I mean, if you did to my snapper grouper permit what you just did to you guys on your for-hire, I'd lost my permit. I would lose my permit because I've worked hard my whole life. You're just going to penalize somebody like me that has worked very hard his whole life and didn't blow his money and I invested into other things and there are some years that my commercial fishing doesn't make as much money as I make doing other things, and now you're going to make me lose my permit.

MR. GOULD: I fully understand what you're saying. The intent of what I think this is right here is the prevention of somebody intentionally coming in and taking your livelihood away from you. As far as I'm concerned you're more than welcome to jump into it; but when you've got a business and you're pumping hundreds of thousands of dollars a year over what you're operating cost is in this business knowing it's not sustainable to support this charter operation and to do it just to avoid taxes and have a little bit of fun on the side, no, that's what I want to prevent in the future.

I want the people that is serious about this, wants to make a living out of it, provide a lot of pleasure to customers catching fish, it's not to stifle you, it is to stifle the people that want to jerk the system around more or less. I hope you understand that.

MR. HARRIS: Like I said before, I didn't support that, won't support it and won't support anything close to it going forward in the future either because of the simple fact when you start putting, like Richard said, that financial requirement on there, I heard Zack say that he wants to put from fishing.

There are a lot of people that operate their boats that have the permits that do very little fishing but have the permit when they do fish because they mostly do harbor cruises, sunset cruises and now you're going to force them to have to go out there and fish to make money fishing. You've got other charterboat captains, very popular, well-respected charterboat captains that work on private boats and then also have their charterboat on the side.

Well, their income from their private boat gig is a much larger part of their income than what it is from that charter boat. Now you're going to force him off the water with his private boat. You've got guys that live in areas like mine with the cost of living, there is no way that you could bring your boat down to Key West and park and make a living if you just did charter.

I had a talk with Terry last night. My slip for my big boat; it's twice what it is for his headboat and so you cannot generate those numbers; so when you say that you're going to have to go out and get a second job, most of us already live in that condition and have lived in that condition and you're going to find a lot of people falling by the wayside with this income requirement.

You're not going to have people trying to get into this business because right now most people, if they can get out it, are getting out of it. It's going to take care of itself, but now you're going to force people out that want to be in it because they won't be able to meet the financial requirements.

MR. FEX: I would just like to remind you that a snapper grouper permit actually had an income requirement back in the day and that's what kept the snapper grouper – that's what kept me having one. And, also, you have them doctors and lawyers and everything that has got them high-dollar center consoles and sportfish; they're parked in a slip and they're using it as a tax deduction, using the money that go out and play around as a tax deduction. Yes, there are people that utilize that as what that is, so I support it and I apologize.

MR. JOHNSON: I understand the intent better than probably anybody I know what this is really about. I've had boats in my town that are \$2 million boats that run an all-day charter for a thousand dollars. Do the math; there is no way they would ever make any money much less pay a captain or mate. I don't know if this is the way you address this is all I'm saying. I've my living solely on fishing. That's where all my income comes from; no other investments; dumb, dumb me. Zack, I'm with you because it chaps me, too, but I don't know if this is the way to address it, and I'm not sure how we address this.

MR. BOWEN: Well, just keep in mind we haven't put any specifics up here. We just want the council to start thinking and considering about this. We don't have any specifics up there about percentages or this, that and the other. It's just something for the council – that we feel like the council should address and look at.

MR. DeMARIA: It's very difficult for anyone to compete with someone that can afford to operate at a loss, and that's what I see happening in the charter business now is a lot of people that can afford to operate at a loss. People like you probably have difficulty competing with them. This is just the very beginning. It's just telling the council that there is concern and that they consider looking at this. That's really all this is doing. It has got to public hearings and be debated endlessly before anything comes out of it, so I think it's just a start.

MR. STIGLITZ: For starters, Terrell, I know the people that you're wanting to eliminate from it. If you think a guy that owns a \$2 million boat that is running a business that is going backwards, that you say, well, you don't have a permit, you can't go fishing anymore, he is going to go buy one. He is going to buy your permit or the guy next to you his permit.

He has got the money to waste. You're not going to run him out of the business. I'm sorry to tell you that I don't think that his going to run him out of the business because he is going to spend two or three thousand dollars, and he is going to go by the damned permit and the guy that is going to be working for a living is the one going to pay the price for it.

We can't put them people out of business just because we don't like them. This is America. If you want to run a business and lose money, you have the right to do it. And they've got enough money; they're going to do it, so you're just going to hurt the guy that goes to work everyday doing this.

MR. CARDIN: I didn't talk about this motion or vote for it to put anyone out of business. It was all about a fishery. We've had our stocks reduced, our ACLs reduced, the amount we're allowed to fish is reduced. We're all paying a price; everyone has been reduced. To me all this is, is to just keep the fishery in check and to keep the fishery from growing. I hope that's the way the council reads what this AP wanted is we just want to put this fishery in check and try to live within the boundaries we're been given through these ACLs and what have you.

MR. BOWEN: Good point, Bobby, and who is to say in ten years – talking where we want to be in ten years, who is to say in ten years that moratorium can't be lifted, but right now with the reduced fish, I like the idea.

MR. GOULD: Rob, to address some of your concerns, this permit does not have anything to do with somebody taking somebody for a harbor tour or a cruise around. North Carolina requires a for-hire permit and they also require a blanket license which covers us for fishing or whatnot and everything. My blanket license is \$350 and it covers any amount of people on my boat. The intention is not to put the small entrepreneur that depends on it for a living out of business.

What I want to see is somebody in this to be able to prove that they're making a good faith effort to make a living out of it instead of just playing at it. That is what it has turned into after all these years. There are not many of us left that was true charter/headboat people in this. You've got retirees. If they're making a good faith effort, let them have at it.

I'd welcome the competition. I'll talk to them on the radio as much as they want, if they want their own cruises, but all I want to see is it get to be a more professionally run organization or group people than a bunch of jacklegs getting in there and screwing up and giving everybody a bad name. I hope that clears a little bit of it up, anyway.

MR. BOWEN: Is there any other business that somebody would like to bring up; we're going to move on.

MR. FEX: I just want to make a comment about what I had handed out earlier, which I would like you guys to look at that. I brought that to the council's attention at the last meeting. I'm a commercial fisherman, I own my own boat and everything and done it for a while. The last two years; I mean, it has been a struggle. This is no longer a targeted fishery; it's most like an avoidance fishery.

Certain fish are in season I catch them; and certain ones are out, I avoid them. I know we're going to be set with these new ACLs on unassessed stocks. Triggerfish is one. I mean, we're going to be stopped before the end of the year on triggerfish. I see this one already coming. I know we're already – the grouper closure is going to stay there; the red pogy closure is going to stay there.

We as an advisory panel requested that we look for spawning closures. If we could start everything in May and pretty much leave the fishery alone from January to April, you would coincide spawning closures for every fish that is in the overfishing status except for vermilion

snapper, so right there you're going to do a great effort in increasing the spawning biomass for each year.

I have learned that in the last couple of years when we are in season on one fish and out of season on the other, the supply-and-demand effect hits us. We get less money for our triggerfish when the B-liners are closed. I know when everything was open last year, I got good money for everything because I had a diversified catch. I did not flood the market.

My dealer had something to barter with with the other fish buyers. I wish you guys would look at this as an idea. Believe me, I don't want to be out of work for four months; but like Zack had made a point yesterday, at least I'd have a business plan. I don't know how your fishery acts. When it's rough weather, I know January through April pretty much is the roughest time of year. We've got cold water; I have to fish in deeper water.

I almost rolled my boat over the last time I was out fishing, out there trying to catch a vermilion snapper when they ain't even around in my area. I wish you guys would take a look at this as an idea; because like I said, I've dealt with it for the last two years and it has gotten harder. I've lost a couple of good crew members just because it's really not financially feasible sometimes because we can't keep B-liners. The vermilion snapper is a big fish for me just like your red snapper was for you guys down south.

I wish we could catch them when they're in season more than when I can't find them in the cold times. You guys have the idea in front of you. I've wrote some pros and cons on it. Believe me, I do not want to be out of work for four months out of the year, but I know financially it's going to hurt me to keep on going the way it is.

Again, with the ACLs on all these unassessed stocks, we are going to be getting slammed on more and more fish. If we were to keep it in an eight-month area from May all the way until the end of December, we would eliminate a lot of bycatch issues. I mean, that's part of our accountability measures that are going to come forth.

I would just like you guys to take a look at that. The council did bounce around the idea of where do we see the fishery in ten years. I'm involved with stock assessments. I'm going to be involved with every one I can because I know that the stock is going to rebuild because we have a good fishery out there. It's just when they're going to rebuild, when the assessment is going to show bigger numbers, but I know what is going on with our stocks and all the ACLs and accountability measures because I attend every council meeting.

I wish you guys would take a good look at this as an idea; because like I said, it incorporates every fish that we want to make a spawning closure for. It will help rebuild the stock and it will keep away from all this bycatch. It will keep away from people cutting up B-liners just to catch a grouper. In my area that's a problem.

I hear people talk about it and it really offends me because I come to these meetings to try to rebuild the stock and there are guys out there destroying the stock. I would like you guys to

make comments on it whatever. I'm open for ideas. I've been involved with it for a while and I've had to deal with it.

MR. BOWEN: Kenny, I'm looking at this paper that you handed out. What you're asking us to do is for the commercial snapper grouper complex, it appears to me you're asking for a start date and an end date as well?

MR. FEX: No, under the present time our vermilion season – because we're under two waves, under the present time they've only lasted three months at the most, 2-1/2 months. With the new trip limits imposed, they might last three months. I'm just going off of what we are rationally doing right now. The same thing with black sea bass; they've only lasted four months, which only gives – two waves would be a two-month season.

I'm just looking at how we've dealt with these, what our quotas have made is two, and so I'm looking at trying to keep fishing season pretty much in an eight-month thing. Like I say, it might go past there with the new assessments, but I know we're not getting rid of that grouper closure. We're not getting rid of the red pogy closure. I know the ACLs on all these unassessed stocks are going to hit the fan soon.

If we're going to start everything in January like we're presently doing, come the end of the year the only fish we will be able to catch will be a grouper and a red pogy because the triggerfish, grunts and all them will be met at the present time. I know that will not be feasible because then you're going to be involved with the bycatch issue.

MR. BOWEN: But, again, so you're wanting a commercial start date it appears by this paper on all snapper grouper species of May 1st.

MR. FEX: That is correct.

MR. BOWEN: And an end date it appears December 31st, basically.

MR. FEX: No, that's not correct. That's how I foresee the quotas going; whereas presently we're fishing under a 2-1/2 or maybe three-month vermilion 50 percent quota. That is how it has happened the last year. That is how it happened just in January 1st until March 11th. That's 2-12 months. I'm just going with what we've presently went through and that's how our numbers would end up.

I'm just looking at it, okay, if we're going to do one wave, start it in May for the vermilion and the black sea bass and then open another wave in September or October so it coincides with also when the fish are around. I'm not saying – there is no end date. I don't mark an end date. It might flow through – if you read the rationale it might flow into January. I just know that at the present time the quotas have met to this point that amount of months. I'm not making an end date; there is no end date to it. I just know the quota is going to last that long until the new assessments come and show bigger numbers.

MR. BOWEN: Well, there would be an end date of December 31st because it's a year – Rodney, do you have a comment?

MR. SMITH: Well, first, I'd like to comment Ken for attending all the meetings. I know how many you're going to. This foresight and vision, I think this goes back to us looking at the way it's going to be and the way the things that we're going to do to make it the way we see it. Good job here and I think this is a – now, of course, this also brings up the things about regional areas, too, with the closing dates – well, opening dates, too. I'm sure this will be discussed at length.

MR. STIGLITZ: I commend you for the work you've done, Kenny, but down in South Florida we're hoping to see these groupers open up after the first of the year. Our tourist season is in the winter when everything up north is being closed. Now if that line goes through that we talked about yesterday and you separate us out of this, I don't have a problem with it. But when it comes to starting all snappers, we yellowtail fish year round, and we make a lot of money January, February and March. My son is yellowtailing today. It would be devastating to us in the Keys to start our fisheries the 1st of May and lose January, February, March and April.

MR. FEX: Yellowtail is not on that thing. I mean, if you specifically can go out and target yellowtail, I understand that. I'm just going from – I've listened to public scoping at every meeting. I've listened to the problems. Like I said, the bycatch issue is going to come up. I'm just bringing forth ideas. I'm just a thinker trying to figure out what we can logically do.

This is strictly commercial. I mean, I'm strictly speaking on behalf of federal permit holders commercially. If you guys can yellowtail fish in January, it's not on this thing. I just know that the bycatch issue and accountability measures, they're all going to hit the fan. I'm just looking to alleviate a lot of those issues. I'm just throwing up ideas. That's all I'm trying to do because it has hurt the last two years.

I mean to strictly trying to avoid one fish to catch another one, it's very complicated for me, so I'm just looking to try to keep a diversified catch. I get really good money for my fish. On the back of this thing is what I get paid for my fish when I get a diversified catch. When I don't, I get a dollar fifty for my triggerfish. So that's what I'm looking at is an idea. I just brought it forth to you guys. I hate to do it; believe me, I don't want to be out of work for four months, but just like Zack says at least I have a business plan.

MR. DeMARIA: Richard is right; it would be devastating for us to have it start sometime around May because winter is our season; but if you're going to make a motion, just include that line in there above a certain latitude or line, and I think that would be reasonable. Again, it's one of those situations where I don't think we should be penalized for what is going on in your area and you shouldn't be penalized for the way we fish. Again, I really think we do need a line somewhere separating it.

MR. BOWEN: Kenny, just to keep in mind if you want to make this motion and kind of keep it where that line was at yesterday; I think we said somewhere between Monroe and Dade County; does that sound familiar; Jupiter or somewhere. So if you have a motion that you'd like to make and want to use that line, I think you have some backing here.

MR. FEX: I would like to make a motion for the council to consider these ideas above the Monroe County Line –

MR. BOWEN: Start date May 1st or something.

MR. FEX: Start May 1st as discussed for these species.

MR. JOHNSON: You going to include amberjacks in that; just all reef fish?

MR. BOWEN: Kenny, do you want to put in there for all snapper grouper complex species?

MR. FEX: Just for these species that are under these quotas. Yes, there is a problem with that because I'm not addressing the unassessed stocks like the triggerfish and everything, so I would actually go with the start date of snapper grouper species because that was one part of my point was because of the triggerfish and the grunts that's being closed.

MS. BROUWER: Kenny, would you please make sure I got that correct?

MR. FEX: Yes, that's correct.

MR. DeMARIA: I'll second it.

MR. BOWEN: Okay, we've got a motion and a second and got some discussion. Robert.

MR. JOHNSON: I'm just looking at this. Again, the guys in my area, I know a lot of them amberjack fish January and February and March, so you're basically going to eliminate that fishery because you just put – I understand the intent of the motion and it's a good intent because you're thinking, okay, you wouldn't lose that 30,000 pounds of gags that are counted against the commercial sector by the time the fishery opens for discard mortality.

You could use that as an argument and say, hey, we're not discarding a bunch of fish, but you're going to run into some problems. I don't think the commercial fishery as a whole is going to support this because there are a lot of guys that jack fish and do other things at the times of the year that you can't. I understand you're not able, but you're talking about a large area of the southeast Atlantic.

MR. FEX: Yes, I'd like to make sure that's made commercial on there. But also to his point, the amberjacks have not met their quota, they have never been shut down, so we were not doing nothing to them. They've always been shut down in April and we just upped the trip limit to them, so they must not be in an overfished problem. I don't think you're really going to shut them down. I'm just trying to keep them from –

MR. BOWEN: Well, Kenny, would you like to clarify in your motion for fish that are overfished? I'm just asking and trying to work out you and Robert's –

MR. FEX: Well, I just wanted to get everything started at the same time so when these ACLs hit the fan, they're not stopping me from catching one and catching another. I understand his point with the amberjack, but also we're not shutting the amberjack down. We've never shut them down. What is your point, Jim?

MR. ATACK: Yes, I think what he is saying is just the start of the year is May 1st, so your ACL would run from May 1st to May 1st, so he is really not saying closing things on a certain day. I mean, if the ACL for amberjack is never met, you can fish all year. If it's never met for the other species, you can fish all year except for the spawning season closures. He is just saying have them start on the same date.

MR. BOWEN: That's a good point. Robert, not to interrupt but did you hear Jim's point; it was pretty good to your concern.

MR. JOHNSON: I didn't listen to it, but if you're talking about amberjack, the only reason I'm mentioning that is Kenny's intent – and it's an honorable intent – is to limit discard mortality and to get the start dates to all sort of start at the same time so you don't have this discard mortality issue. I just know some fishermen that are not going to support it because you have commercial amberjack fishermen and they're going to catch some groupers.

MR. ATACK: What I was saying was his intent I think is May 1st is when the year starts, so you're fishing May 1st to May 1st. If your ACL is never met, that fishery doesn't shut down; so the amberjacks, if they don't catch the ACL, there is no shut down of amberjacks or almacos or whatever. The grouper are being closed anyway because it's the spawning season.

He is trying to get them all started on the same date. Like black sea bass right now, if it was May 1st, they'd be starting May 1st instead of June 1st or something, so that they all kind of start out the same time. If the right limits are in and the right amount is caught, the fish would be able to be caught all year. He's not really doing a closure other than if the ACL is met.

MR. BOWEN: So what he's saying is your jack fishermen – if this goes through your jack fishermen would still be able to jack fish as long as the ACL is not met. I noticed you had some concerns. That's a great valid point; thanks, Jim.

MR. JOHNSON: So the B-liners would still be open if they never met their quota. I'm, again, optimistically looking forward to rebuilt stocks of fish, increasing ACLs, hopefully people fishing back like we – maybe not like we used to, but more of a year-round thing.

MR. BOWEN: And we're all for that.

MR. JOHNSON: And I'm sure that's going to be probably more obtainable in the commercial sector than in the recreational sector because the commercial sector is not going to grow whereas the general population is.

MR. BOWEN: Well, we hope the recreational for-hire sector doesn't grow as well. Okay, we've got a motion and we had a second. Anymore discussion?

MR. ATACK: The only comment is I guess if that is the way it's works, I don't understand why there is an advantage to put a line in there. I mean, you're just talking about the fishing start of the year and not closing anything unless the ACL is met. What are you going to do for areas below there? I don't understand why –

MR. BOWEN: We're trying to get that managed not by a different council but a separate regional management for the Keys, anyway, and that's the reason the line is in there. Is that what you all feel like, too?

MR. CARDIN: Kenny, is this a start date, a fishing year date?

MR. FEX: Yes, that's correct. Yes, it's a start date so that way all of our fishing quotas start then and keep going hopefully until the end of the year and maybe into January. I'm just trying to make sure that we're not doing all this catch one and throw this one back. That's all I'm trying to do and make it easier for me and easier for the fish stock to rebuild itself.

MR. CONKLIN: Where you've got this line between Dade, Monroe and Jupiter, there is a 50-mile geographic boundary in there. You need to go with a northern point.

MR. DeMARIA: Yes, I looked at that, too, the wording is kind of – how about a line somewhere between Dade, Monroe and Jupiter?

MR. BOWEN: Well, again, just keep in mind we're not getting too specific too here. We just want to bring this to the council's attention, and it's their job to get specific with it.

MR. DeMARIA: Yes, exactly.

MR. BOWEN: We just want them to bring it up.

MR. ATACK: I still don't understand why we have to draw a line if we're just saying the start date is going to be a certain day.

MR. BOWEN: Because the Keys, their wintertime is their prime time and we're trying to get it regionally managed differently than north of that line. We want it managed differently because our bycatch – like Don said, our bycatch is what they're targeting and their target catch is our bycatch, and we're trying to get away from that.

MR. CARDIN: Richard, when is your spawn on the yellowtails?

MR. STIGLITZ: It will start in May and June and July. Along with the gray snappers, they'll start in June and July and August.

MR. CARDIN: And once again your black groupers is quite often in May, correct?

MR. STIGLITZ: What was that?

MR. CARDIN: When is your black grouper, April or May to spawn?

MR. STIGLITZ: I think February and March; we think they're a little earlier.

MR. CARDIN: So geographically there is some differences in the major spawns in the species.

MR. STIGLITZ: Yes, I think the red groupers are in February and then your blacks the end of February and March.

MR. BOWEN: Okay, are we ready for a vote on the motion? Anymore discussion?

MR. HARRIS: This is running on the assumption that the council is going to do something with the earlier proposal to do some sort of regional management down in the Keys area. What if that doesn't happen; then what happens with this?

MR. BOWEN: I think the council – and I don't want to speak for them, but I think they could still move forward with the first half of the motion; and if the earlier motion doesn't go through, they might would have to take out the geographical location of this motion.

MR. FEX: I have a question. I don't know if the yellowtail has a quota and have they ever been shut down because of a quota? Then this should be no problem to be in effect, I would think.

MR. STIGLITZ: If it's going to.

MR. FEX: Well, I know but I'm just saying at the present time with no quota on them and no closure on them, it's just like his point with the amberjack. It's null and void to the yellowtails, so I just wanted to make that point.

MR. BOWEN: So with that being said, do you want to take out the geographical location of the motion?

MR. FEX: Well, I'd be fine with taking it out, and I understand our fishery is different; and like I said the bycatch is, but I was just looking at it from my talks with people in North Carolina and people in Florida and some in Georgia. I'm just looking at this because I know what is going on with these ACLs on these unassessed stocks, so I was trying to look out how it would be easier and more financially feasible for me to deal with. That's my point; I don't want to cut the yellowtails out or the jacks, but them fish have never been shut down. I was just looking at this as an idea.

MR. OSBORNE: This is way simpler than I think the way everybody is looking at it. This doesn't change anything except for when you look at this – grouper already starts in May. I'm not sure about red porgies.

MR. FEX: They start in May.

MR. OSBORNE: They start in May. Vermilion snapper has a two-part quota and the black bass has a two-part quota, too, right. So, you're going grouper fishing and you can't catch vermilions or bass; and then you go bass fishing and you can't catch grouper or porgies. All this is doing is starting all those fisheries on the same date and you're catching them until the quota is full. One may drop out; if you catch the quota, you'll still be able to catch the other three. It's not affecting any fisheries that don't have – it's really only affecting these fisheries that are on this paper.

MR. BOWEN: What Kenny is trying to do is get rid of the discard mortality.

MR. OSBORNE: Exactly, and I've never seen anything that would accomplish that any better than this right here. It's not going to make you be able to catch or not catch any fish that you're fishing for. It's just starting the quota on all three of these at the same date or all four of these on the same date instead of this one starts this date and this one starts this date and you're having to zigzag in between the fish.

MR. BOWEN: I mean, I'm for the same thing on the recreational side. I mentioned it yesterday, a single start date for the snapper grouper species.

MR. OSBORNE: You're not going to catch anymore or any less fish.

MR. BOWEN: That's correct.

MR. OSBORNE: You're going to catch more fish on this plan.

MR. BOWEN: And get paid more for them.

MR. OSBORNE: I think so because you're going to have a more diverse catch. You're not going to be able to come in with just – and it's going to give you much more fishing options.

MR. BOWEN: Okay, guys, we're kind of running short on time. If there is not anymore discussion, I'd like to take a vote.

MR. ATACK: I just want to agree that simpler is better. I mean, all these regulations, if you did that, it would be much simpler for everybody. I could see recreational and commercial, just making them all May 1st in that fishery. It makes sense to me.

MR. BOWEN: Whoa, whoa now; we can talk about that at later date. I'm going to read the motion, guys: **Recommendation for council to consider a fishing year start date of May 1st for the commercial sector for snapper grouper species north of a line somewhere between the Dade/Monroe County Line and Jupiter. All in favor of the motion; any opposed; abstain. The motion carries 11 for; zero against; and 1 abstain.**

All right, guys, if there is no further business, does somebody want to make a motion we adjourn. We are adjourned and come back at 1:00 for a workshop.

(Whereupon, the meeting was adjourned at 11:50 o'clock a.m., April 14, 2011.)

Certified By: _____ Date: _____

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April, 2011

INDEX OF MOTIONS

PAGE 12: Motion to amend the previous motion to add queen snapper. Motion carried on Page 12.

PAGE 12: Original motion as amended would be to recommend retention of mutton snapper and queen snapper in the Snapper Grouper FMP. Motion carried on Page 12.

PAGE 24: Motion for the AP to support the council's preferred alternative for commercial accountability measures. Motion carried on Page 24.

PAGE 30: Motion that the AP supports the modified mean approach for recreational accountability measures. Motion carried on Page 30 and Page 86.

PAGE 39: Motion that the AP recommends considering a jurisdictional allocation of 70 percent South Atlantic and 30 percent Gulf for yellowtail snapper. Motion carried on Page 39.

PAGE 48: Motion that the AP recommends that the council revisit the deepwater closure established through Amendment 17B and consider closures of spawning aggregations. Motion carried on Page 48.

PAGE 51: Motion to recommend that the council revisit the recreational bag limit for snowy grouper and increase it to one per person. Motion carried on Page 51.

PAGE 52: Motion that the AP support Steve Amick returning back to the advisory panel. Motion carried on Page 52.

PAGE 72: Motion that the AP recommends adopting Alternative 4 under the MSST action in Amendment 24. Motion carried on Page 72.

PAGE 72: Motion that the AP supports the council's preferred rebuilding schedule alternative in Amendment 24. Motion carried on Page 72.

PAGE 75: Motion that the AP recommends considering a 50/50 allocation for red grouper. Motion was defeated on Page 75.

PAGE 77: Motion to base the allocation for red grouper on historical landings from 1986-2008. Motion carried on Page 77.

PAGE 80: Motion that the AP recommends that the council adopt Alternatives 5 and 6 (that is the removal of the aggregate red, black and gag ACL from both sectors) as preferred under the new ACL action in Amendment 24. Motion carried on Page 80.

PAGE 86: Motion to reconsider supporting the modified mean approach for recreational accountability measures. Motion carried on Page 86.

PAGE 92: Motion that the AP recommends that the council consider additional research on spawning times of snapper grouper species between North Carolina and Florida by region. Motion carried on Page 92.

PAGE 97: Motion that the AP recommends that the council investigate the possibility of separate management for Florida south of somewhere between the Dade/Monroe County Line and Jupiter. Motion carried on Page 97.

PAGE 100: Motion that the council consider a single start and end date for recreational and for-hire sectors for all snapper grouper species by region. Motion carried on Page 100.

PAGE 109: Motion to request that the council look at raising the bag limit for gag from one per person per trip to two gags per person per trip and increasing the aggregate bag limit from three to four. Motion carried on Page 109.

PAGE 109: Motion that the council consider bringing the commercial and recreational accountability measurers in 17B in line with those in the Comprehensive ACL Amendment. Motion carried on Page 109.

PAGE 122: Motion to recommend a moratorium on issuing new charter permits using the control date of September 17, 2010. Motion defeated on Page 128.

PAGE 131: Motion for the council consider limiting participation in the charter for-hire sector and to look at the possibility of income requirements to be eligible for permit renewal. Motion carried on Page 131.

PAGE 142: Recommendation for council to consider a fishing year start date of May 1st for the commercial sector for snapper grouper species north of a line somewhere between the Dade/Monroe County Line and Jupiter. Motion carried on Page 142.

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Charleston, SC
Wednesday April 13, 2011

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Charleston, SC
Thursday April 14, 2011

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