

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **SNAPPER GROUPER ADVISORY PANEL**

**Hilton Garden Inn  
North Charleston, South Carolina**

**APRIL 23 – 25, 2013**

**April 23, 2013**

**TUESDAY AFTERNOON SESSION**

### **SUMMARY MINUTES**

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Robert Johnson, Chairman  
Zack Bowen  
Bill Cole  
Don DeMaria  
Terrell Gould  
Mark Marhefka  
Scott Osborne  
Richard Stiglitz  
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#### **Council Members:**

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Tom Burgess  
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Dr. Kari MacLauchlin  
John Carmichael

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

Dr. Luiz Barbieri  
Scott Baker

Dr. Marcel Reichert  
Pat O'Shaughnessy

Additional observers attached

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The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council convened in the Hilton Garden Inn, North Charleston, South Carolina, Tuesday afternoon, April 23, 2012, and was called to order at 1:30 o'clock p.m. by Chairman Robert Johnson.

MR. JOHNSON: We'll go ahead and get started. First we need a motion for the approval of the agenda. Actually we don't need a motion. Does anybody have any changes they want to make to the minutes? No changes; the minutes are approved.

MS. BROUWER: The next item on our agenda is an update on the SSC meeting. The SSC met here in Charleston in April, at the beginning of the month. Dr. Luiz Barbieri, who is chair of the SSC, is here to update you on the discussions that took place; in particular this new methodology for only reliable catch species, as well as the black sea bass stock assessment update.

DR. BARBIERI: Again, my name is Luiz Barbieri; I am Chair of the SSC. If you look at your agenda, you will see that recently the SSC has met with a few council members and a few industry representatives. We had the chairs of three of the APs meeting with the SSC members and forming a workshop to go through a new methodology that was recently developed to get us into an ABC recommendation for unassessed stocks.

Those are by and large the data-poor stocks that haven't had a stock assessment, and for which we don't have quantitative real metrics to go and set OFLs and ABCs based on MSY and some of the other reference points that we usually get as outputs of the actual assessments. We had to work through this catch-only species using these new methods.

One of them is the ORCS approach. Let me just remind you here of how our ABC Control Rule is structured, just to refresh your mind. This is the control rule. It is a set of criteria that we use to generate that buffer between OFL, the overfishing limit which is usually equal to MSY, and generate a buffer for ABC. We use this control rule for that purpose.

The rule is structured in tiers, depending on the types of stocks, the types of assessment information, all the analytical information that might be available for some of those stocks. Tier 1, which is our Cadillac tier, is for the assessed stocks. In that case we use the P-star approach that I am sure you have heard about. For Tier 2; if we don't have an actual quantitative stock assessment, we move then to Tier 2.

There is another method called DB-SRA, the depletion-based stock reduction analysis. This method is not as good as a full quantitative assessment, but provides some information. If we don't have the information to conduct this type of analysis, we go to Tier 3, which is DC-AC, the depletion-corrected average catch.

Still if we don't have the information to use Tier 3, we go down to Tier 4 and catch-only stocks, which right now the SSC and the council have adopted the ORCS approach. ORCS stands for only reliable catch series. Those are stocks for which we have very little quantitative information other than landings and some information about the biology.

This method that we developed actually works through a process to go from those catch statistics, the average landings into an ABC recommendation. I'll walk you through that process.

Recently, actually, we realized that some of our catch-only stocks in South Atlantic don't even have a reliable catch series.

The landings series are not really that reliable in terms of the informational content. They may not capture in the landings the actual productivity of the stock or there are problems with species ID or problems with sampling. For those stocks, even the ORCS approach cannot be applied. For those – and there are about 20 or so of those – we are proposing to the council development of this fifth tier in the ABC Control Rule that is going to continue using that decision table approach that the SSC used to apply to all the catch-only stocks.

Now we broke down the catch-only stocks into two tiers. If we have enough information to have reliable landings, we usually apply the ORCS approach. If not, those stocks would have to go to Tier 5 and be applied that other method. What I am going to walk you through this afternoon is the ORCS approach that we just finished applying to 20-plus stocks.

The method actually is focused on generating a catch level recommendation based on the exploitation level – that is the level of fishing that species undergo – the stock status, where is that stock relative to healthy sustainability states; and the vulnerability of those species. Some species are more productive, and they can actually withstand higher rates of fishing because they just renew themselves.

They are like rabbits that are always reproducing and growing fast. They have higher productivity. Other stocks are less productive and therefore are more vulnerable to fishing, because they don't have the capacity to replenish themselves as efficiently as the more productive stocks. This method tries to integrate all of that type of information, and you are going to see how it actually works to go through that process.

The idea behind it is to look at the stocks and come up with these sorts of outcomes for the analysis. If a stock is lightly exploited, if we have some indication that this stock is lightly exploited, we don't want to constrain the catch too much; because the stock is lightly exploited and the probability or likelihood that stock is actually being overfished is relatively small.

For stocks that have higher productivity and are lightly exploited, what we want to do is either to maintain the current catch levels – we don't have an assessment yet. We would like to have an assessment at some point, but in the meantime to prevent overfishing we are going to just cap the catch levels where they are right now; or, in some cases allow for some increase in catch if the stock is really lightly fished and is really highly productive.

For stocks that are moderately exploited, that have a little higher level of harvest and fishing mortality, we don't know where the stock is in terms of sustainability levels, but if we have a good idea they are moderately exploited, we basically just maintain current catch levels. Because if they are just moderately exploited, again the likelihood that overfishing is occurring is not very high.

The method actually works at not reducing the catch of those stocks, but keeping them capped at this level until we can have a quantitative assessment. For the heavy exploited stocks that might be possibly overfished; in that case we would have to reduce catches to end overfishing. There will be a buffer built between OFL and ABC to reduce overfishing.

Basically to explain conceptually what we are trying to do; catches of some of these the stocks that are what we consider to be relatively minor stocks; they don't occur as often in the catches; their abundance is not as high as some of our more productive stocks that support most of our high end fisheries; so the catches are occasional in terms of high and low landings.

You went up in a situation where you have these high fluctuations in landings, because it is like hit or miss in terms of when and where you find them. We are not talking about the red snappers, the black sea bass, the groupers, the gags and the red groupers that actually are supporting high-end species and therefore have constant landings information that is more standardized.

These are stocks that have lower landings and are not as well monitored; so you end up with these high fluctuations in landings, which may or may not reflect but unlikely to reflect overfishing or a period of time when this stock is actually being overfished. What the method is trying to do is create a band here, a zone up here where we can set catch levels above this band of variability.

You identify the band of variability, you create your buffers and scalars, and you set catch levels at a point where you don't allow those catches to increase, but you don't have to reduce them either. These peaks here that you see occasionally are simply most likely due to random variations, sampling error, environmental events; something that doesn't really have anything to do with the health of the stocks.

You try to set a limit without creating a situation where you have this choke species that are going to constrain the landings of the other species that we value the most. The method works in three steps. The SSC requested the council to set up a workshop to work this out, and we had our first workshop last August here in Charleston. Again, the workshops involved council members, AP members and SSC members.

We went through this process. We didn't get finished by the end of those couple days so we had a second workshop that was just a few weeks back, two or three weeks ago, for us to finish, and we did finish going through this process. The first step then is to assign stocks to one of the three exploitation categories using an evidence-based scoring procedure. If we go back here, you want to come up with something that would give you some criteria to put stocks in these three categories here; lightly exploited, moderately exploited or heavily exploited. We did that; and then after you have the stocks in those bins, so to speak, the lightly, moderately and heavily exploited; you obtain an OFL by multiplying a statistical measure of historical catch by a scalar that depends on the exploitation category.

Again, if you will look here, if a stock is lightly exploited, you try to set a catch level that is above this band of variability here; so the council doesn't have to take action on some of these fisheries when what is really happening is just this up and down sort of random variability in landings, right, if you put the catch levels up here.

If it is moderately exploited and you don't have any indication of overfishing or if this is a species that actually has higher productivity levels; you also try to set your catch levels above

this band. You allow the landings to fluctuate around that band, not to increase but not to cut down, either.

If the stock is heavily exploited or the species has higher vulnerability to overfishing, then you constrain the catches some and you come up with some level of landings that is within this band that reduces a little bit from that maximum value there. A couple weeks ago we did this step – this is an SSC basically step where we choose a catch statistic, we apply a scalar to see where we put those values, and then we got to step number three.

Step Number 3 gets the values that come out of that Step Number 2 and apply a buffer, apply a scalar that is set by the council itself to generate the buffer between OFL and ABC. The council has its risk policy set, and they will make some choices on how to manage these stocks that can be risk prone.

If they feel this is highly productive stock that can actually support higher landings, then we can take a little more risk and it will allow catches to increase; or they can be risk averse if they feel; well, this stock has already a heavy level of exploitation or the productivity level of the stock is actually low, so we better constrain a little bit.

Those are the basic three steps and I am going to walk you through those. For the risk of exploitation categories, we actually came up with four categories instead of three. If you will remember up here we had three, lightly, moderately or heavily exploited; but at the end we came up with four. Low; bar jack fell into that bin; moderately low for dolphin; and then we had a number of moderate risk of exploitation for a number of these species, and you can see the list right here; and then a few that qualified as moderately high, either because those species are undergoing heavier levels of fishing or their productivity is not as high as the other ones.

The risk of those species undergoing exploitation is already moderately high. That was Step Number 1 of the ORCS process. Then we went to Step Number 2; we had to choose a catch statistic and multiply that by a scalar to generate something similar to OFL. During the workshop, the group actually decided we don't want to call that metric an OFL.

It was a long discussion; but we decided not to call that metric an OFL, because that would imply that we know more about the stock status than we do; because in this case we don't really know where the overfishing level is; I mean, setting catch levels to maintain stocks within a sustainable level, but we don't know where the overfishing level actually is., so that is why OFL up here is in between quotes.

After a whole bunch of discussion – and I am going to spare you the details because we have a tendency to kind of wrap ourselves around the axle at times – we chose the maximum catch as our catch statistic; so the maximum catch during a specific period for the landings. If I go back up here, you are going to see that there is like a maximum catch; and if we are trying to put that catch statistic at a place that encompasses this range of variability, we had to have some statistic that would be accommodating of that criterion.

It shows the period 1999 to 2007 as our landings' period, just like in the example here. This is 1999 to 2007, and the idea was okay, number one, we are consistent with the council's choice for

what time period they are using in their Comprehensive ACL Amendment; number one. Number two; we felt that this period actually was well informed.

Landings information, species ID, the quality of the landings' information is reliable after 1999, and we felt that we needed to stop it at 2007, because a lot of this decline here after 2007 could be due to two things; one, increased regulations that the council started implementing; and, two, the downturn in the economy that reduced fishing levels.

After 2007 reduction in landings would not be really proportional to the productivity of the stock, but would be the result of these two constraints. We tried to stay outside of that zone and chose this period here, 1999 through 2007. We applied this to those stocks, that list that you saw there, and then we had to come up with a scalar scheme to where we were going to put the catch statistic.

According to this table here, we have four categories, one, two, three and four; and here they are. If the risk of exploitation is low, we are going to multiply the catch statistic by two. This is just to set the, quote-unquote, OFL; just to make sure that we put things way up here so when we go from OFL to ABC, we can still stay outside of this band of variability.

If it was moderately low, we are going to use a scalar of 1.75 and multiply the catch statistic by 1.75; 1.5 it is moderate, and 1.25 it is moderate high. After this step, we came to a catch metric that is equivalent to what would be an OFL. We are not considering that to be an OFL, but it is similar to what an OFL would be if we had an actual assessment.

Now the next step is to apply the council's risk policy and come up with that buffer between OFL and ABC. After much discussion, the group decided to go with this alternative here of using scalars. The ORCS method was developed by a group of folks, and they published a report that provides some suggestions on different schemes; different alternative schemes for how to apply the council's risk policy.

You can see here that you can use different scalars to multiply by that, quote-unquote, OFL metric for different levels of productivity stocks; low, medium and high. We decided at the workshop and we had consensus from the group to go with Alternative A here and multiply all of those by 0.75, but this has not been reviewed by the council yet. We had some council members attend the workshop, and they provided some input, but the full council has not really evaluated this.

The council will see this in June and they may agree with this suggestion or they may suggest something else because this step is really up to them to decide which one of those alternatives or any other alternatives they can think of. After all of that, for these stocks – and I'm not going to count them, but it is something like 20 or thereabouts – we came up with four levels of overexploitation.

Here is the maximum catch and I think this is standardized to the mean. Here are the scalars, so we apply the maximum scalar value to the low productivity or low risk of overexploitation stock. We apply a little higher to the medium low or the moderate lower, a little higher to the moderate – I mean lower, sorry, and then even lower to the moderate high.

Now, John Carmichael, help me out here; I think these are the current ABC values that we have now standing. Also standardized – this is the part that I didn't remember, because I got this from one of those spreadsheets and I was hoping that this – okay, so this is the current ABC for those stocks, and here is how the ORCS ABC turned out for those stocks.

In a graphic way – and you are going to understand now how the process works – here in the dark blue for low, moderate low, moderate and moderate high stocks, you have the maximum catch over time. In light blue you have what the ORCS ABC turned out to be. In this orange, reddish color is where the current ABC that is on the books now is.

You are going to notice that for most stocks – I mean, if a stock is low risk of exploitation, the ORCS ABC actually allows increase in landings from where we used to be. If it is moderate low also, some level of increase in landings, and even so for the moderate, but not as much as you would get up here, and you will notice that right around there where you go from moderate to moderate high that the ORCS ABC is actually lower than the maximum catch for those stocks; meaning for stocks that we feel are low, moderate low and moderate levels of risk of exploitation, we want to put the catch levels up here, because we don't want this noise, the ups and downs in landings to constrain the fishery when there is a low probability of overfishing.

For stocks that are moderately high, have a higher probability of overfishing, we actually have the ABC set here below where the maximum catch is because the probability that those stocks may already be undergoing overfishing is higher. The idea behind this method is really to generate catch level recommendations for those data-poor, unassessed stocks that undergo a lot of noise in the landings' information, and allow the council to put a cap on those landings without creating that choke species effect that would constrain the landings to the point that would impact the landings of the higher catch species. I think that, Mr. Chairman, concludes my presentation.

MR. JOHNSON: Thank you, Luiz. Does anybody have any questions? Now would be the time to ask Luiz.

MR. DeBRANGO: This is basically for the unassessed stocks, right?

DR. BARBIERI: Yes; all of these stocks are unassessed now.

MR. DeBRANGO: Now is anything – this looks good. Is the ORCS going to be applied also to assessed stocks or anything? No.

DR. BARBIERI: No, because this method is sort of a placeholder, so to speak. When you don't have all the information that you can have – if you can have a quantitative assessment, you really have a much better idea of the dynamics of the stock, the productivity of the stock, and you have a better understanding of the biology and how they interact with the fishery.

We want for those stocks that have stock assessments to make our catch level recommendations based on MSY and our Tier 1 of the ABC Control Rule. We think that is the most informative and best reflects the information that we have in front of us now. For these stocks we don't have those assessments, so we are coming up with this method to sort of serve as a placeholder that will allow the council to have a catch level recommendation, but not necessarily constrain too



much the landings, cap the fisheries of those stocks at a certain level that is reasonable, and wait until we can get those stocks assessed.

Now keep in mind there is about the same number of stocks, 20 or so, that during that workshop process we actually found that they were not even suitable for application of this approach. For those we are going to be most likely applying, -- after we hear from the council in June, applying the decision rule approach. Actually, I think that the decision rule approach has already been applied, but those ABCs will probably stand. They are not going to be changed to the ORCS ABC values, because those stocks don't qualify for that.

MR. JOHNSON: Ben can correct me if I'm wrong -- I see him standing back here -- but some of these stocks like gray triggerfish we just did a stock assessment on and some of them are scheduled for stock assessments, like scamp, white grunt. This is like what Luiz said a placeholder just to do something until an actual stock assessment occurs.

MR. HARTIG: Gregg, your question is very good, because we did actually talk about that. We talked about comparing assessed stocks and running them through the ORCS process and see what kind of results you get. That is going to be carried forward. The SSCs actually, I think on a national level, are going to do that. We'll have some comparisons of that and I think maybe that gets at what you were getting at.

MR. DeBRANGO: I think it is a good approach. I think what you're actually doing is also talking about maybe a buffering system to the assessed stock, which would also give in turn more value to less uncertainty, and that is what you're looking for. I know this is basically a control because right now we don't know when these stock assessments -- and they could be pushed back further because of higher priorities like snowies or something coming up, to give more back to the fishermen. I think it is a good thing and I think they will appreciate that.

MR. HARRIS: What about the species that are not on this list that we are seeing a trend in the commercialization of them. Off of Key West it has become very big business now to shoot barracudas and sell them. There was over 15,000 pounds sent out last week from just one fish house. Where do you have room for this to grow and to get some of those other species that have never been looked at before figured into it?

DR. BARBIERI: Ideally, yes, it just depends on whether those landings qualify, if they are reliable enough. We are going to have to go through this same process again for some of those stocks that we haven't looked at. I don't remember if we actually had barracuda in that first --

(Remark made off the record)

DR. BARBIERI: Yes, but there were about 20 or so stocks that don't show up here, because they didn't even qualify for this approach.

MR. DeMARIA: I guess while we are on the subject of barracuda I could say something. I remember years ago there were just a lot of them in the Keys and nobody really messed with them then. People caught them off Palm Beach for years and they were okay to eat up there, and in the northern Gulf they are okay.

But people started spearing them in the Keys, and there are a few groups in Miami that are coming down, spearing them, and they end up being brought up and mixed in with the good barracudas. Ours do have ciguatera at times. I saw Billy Wickers stick his head in the door; he must be at the mackerel meeting; he could tell you about his experience in the Keys with ciguatera, but it is a problem.

Somebody is going to get extremely sick or die from the ones that are being taken out of the Keys, and they are being mixed in with the good ones up the coast. I think the council should look into that. If they did ship 15,000 pounds out last week, the probability is probably pretty high that several of them are toxic.

MR. ATTACK: I guess one concern I have looking at it is we only see one example, and it is really not a name species on how the landings were versus the variation versus where we're drawing the box. We're setting a limit way above where the maximum historical catch was. What methods' or what will we have in place if now one of these species becomes targeted and those landings are high every year versus the variation.

As long as history stays the way it is, I mean those limits are probably fine. But if we start targeting some of those species and now you're hitting the high end every year; I think you have got a high risk of overfishing that species. If we're not doing stock assessments on the species, then how are we allowing – or how are we looking at that?

Do we need to then change? How often will we change it from a low to a moderate to a moderate high? I guess if the stock is then targeted more, it wouldn't be in the low, so the scalar would go from a two to something else, but how often will that be looked at or changed, or is that set in stone? How will that work?

DR. BARBIERI: That is an excellent point, because it is a concern with application of these catch-only methods. You are not really capturing all the information that you could capture to set catch level recommendations that are really well informed. In this case you run that risk. There are two points however that kind of help in terms of perspective.

Number one, we can actually monitor landing trends. We have the ability either through the SAFE report or some of the other processes that exist right now to monitor landing trends. I think that as part of this process we actually had identified some of the species that we have to keep an eye on. Because, if there is a change like you mentioned, which is possible, and folks start targeting more some of these lesser species, yes, that might impact the stock and it is something that we need to keep an eye on, number one.

But number two is keep in mind that the vast majority of stocks; not all of them but the vast majority of them have never had catch limits before because they are unassessed. Usually because these stocks do not support high-end landings, they don't really warrant a whole lot of targeting; not all of them, because here we have some that are actually a little more desirable, and we have to keep an eye on those.

But for several of them, to imagine that a new fishery would develop, I think it is a lower likelihood. That is a little bit of peace of mind, but I take your point and I agree that keeping an

eye on those stocks is a good idea, so we don't risk potentially getting in a bad situation with them.

MR. HARRIS: Two questions; are these numbers that you put up there for the different species group – and those are based on real world numbers, correct? Therefore, the dolphin that you've got, and you put it as a moderate low, I believe it was, considering that you're using those numbers that stop at 2007; back during that timeframe a lot of your catch data came from the commercial guys and from the recreational charter guys that were selling fish.

Since we've now outlawed the selling of the fish by the charterboats for the dolphin fish, well, those numbers are to become hugely skewed after, say, 2012 and beyond? Are we going to see that and use it as a number to say the landings are down so the fish must not be there. Since it is a pelagic species and I don't think you can go out there and do a fish count; are you going to just look at the lack of landings since now the primary source being the charterboats is removed from the equation, and now start lowering the restrictions or increases the restrictions and lowering the landings that we're allowed to get.

DR. BARBIERI: Ideally, no. This process is trying to evaluate – and this is why as we looked at that time period that we are using now, we stopped in 2007 to prevent either those regulatory or economic issues from sort of confounding the informational content that is in the landings. Ideally, no, we would not go that way, but it is something that we are going to have to revisit.

I think his point is well taken. We are going to have to look at this from time to time every few years and keep an eye on what is going on, and have those same types of workshops and discuss and get input from stakeholders and you all here in the AP to help us inform this process properly.

MR. DeBRANGO: It is just kind of a thing for Don over there. Don, I know you are wondering what the increased catch of like the barracuda is coming from your area and everything; but there is buffered set aside. This is not with the management, but if anything like that happens going through the industry and sales, they go into massive recalls of the fish. It does come back down on you.

It is almost like something that the fishermen down there need to manage and watch out for, because it will come back down on the fish dealers and everything. Last year they had a major recall on I believe it was salmon from China. It all comes back; there is a lot of money lost and everything. It is almost something you guys have got to watch out for. It comes from the health departments.

MR. JOHNSON: Are there any other questions? I guess we are going to move on to the black sea bass.

DR. BARBIERI: Mr. Chairman, I have to apologize because I actually did not put a PowerPoint presentation for the black sea bass presentation. I didn't think that we were going to get too much into the weeds there. We have the assessment document here and I can kind of give you the highlights.

We can go back as you ask questions, go through the main portion of the figures and tables, and kind of walk you through and help inform some of this discussion. I want to show them some of these tables. Well, yes, there is plenty of good news. Here is the good news. The SSC accepted the assessment update as representing best available science and considered it appropriate for the council to generate management recommendations.

The outcome of the assessment was very positive that this stock is not overfished and not undergoing overfishing. Anyway, when you look at this ratio here of the fishing mortality rate, the terminal fishing mortality rate or the current fishing mortality rate estimated by the assessment to the fishing mortality rate that you get at MSY; we end up with a good outcome here that the fishing mortality rate that we have currently is actually lower than the fishing mortality at Fmsy.

We are not overfishing the stock. The biomass status of the stock, if you look at the biomass, the spawning stock biomass in 2012, which is the terminal year for the assessment relative to the minimum stock size threshold, that threshold that the council doesn't want to cross, it doesn't want to get below that level of biomass, because below that level you don't consider the stock to be in a sustainable state; and it shows here that it is not much, much higher than that level but it is above it.

For the stock status determination, here it shows that the outcome of the assessment is in what we call the happy zone. The fishing mortality rate is lower. This is the fishing mortality rate at FMSY. Here is where the stock is. This is a whole bunch – this is what we call phase plot. Some people call it banana plot, because you end up always with that banana shape kind of series of points there.

These represent a whole bunch of different runs that are done using this process to measure the uncertainty in the assessment. If you change a little bit the data and you have changed a little bit the parameters, where would you actually end up? You can see that the vast majority of the runs actually ended up here in the happy zone.

The happy zone is below the fishing mortality rate at Fmsy and it is above here where you would be for that minimal stock size threshold, so the stock is in a good place. There are very few runs, relatively speaking to the vast majority here, where you end up in an overfishing state, and even some where you are going to end up slightly overfished.

But when you look at the majority of the runs here, it is very unlikely that this stock is undergoing overfishing or is being overfished. That is good news. The SSC, because this assessment was a quantitative assessment that allowed us to have an estimate of MSY and allowed us to have a good measure of the uncertainty in the assessment; the SSC was able to apply its Tier 1. Remember the previous presentation showed it at Tier 1 that we applied the control rule for the P-star method.

After going through that process, we came up with a P-star value of 40 percent, so the probability of overfishing that would give us – that we can set ABCs at a 40 percent probability of overfishing. That gave us then two outcomes here for the assessment. We could set up the OFL, the overfishing level at this P-star of 50 percent – that is the standard where MSY would be and this is the value of OFL that is coming out of those runs.

Here are the ABC values coming out of that 40 percent P-star application of the control rule. These are projections that based on the results of the assessment they can produce projections here for '13, '14 and '15; three years of projections that at this level of probability of overfishing will give you ABC values of this magnitude here. I guess, yes, this is in thousand pounds.

MR. JOHNSON: Does that about double what we have now?

DR. BARBIERI: Pretty much, yes.

MR. JOHNSON: Does anybody have any questions for Luiz? I don't know if you heard what I said; that is about double the ACL at present, so you are going to have twice as many sea bass. Does anybody have any questions?

DR. BARBIERI: Before we get into more questions, just a few clarifications here just so you keep this in mind. You are going to see that's these values here of ABC – actually the values down here for OFL are very high relative to what we used to see. This has to do with changes over time in the productivity of the stock.

In 2010 there was a year class of sea bass that was born; large numbers of fish were born that year that have survived. Those fish would be hitting age 3, turning to be 3 year olds, of course, in 2013. All that productivity, all that biomass that was born in 2010 is now hitting the fishery in 2013. Of course, that pushes the catch limits.

The MSY gets higher because the stock is more productive. All that biomass is getting into the fishery. Your ABC is much, much higher than you would have expected otherwise. Just a word of warning is that those ABC values here, as you can see they decrease over time as you work through the mortality of that strong cohort.

They also send us an indication that we need to be careful and keep an eye on this fishery, because as that year class works its way through the fishery and starts dying off, if there isn't any other coming behind or several other year classes coming behind that can support the same high level here; we might end up getting into an overfishing and overfished state. Do you know what I mean?

Right now the productivity of the stock is high, so we are setting catch levels that reflect that productivity; but as that year class kind of works its way through the fishery and starts dying, the next cohorts coming through may not be able to support the same level of fishing. We don't know, but just a word of warning regarding the magnitude of these ABC values and how they relate to the demographics and the productivity of this stock.

MR. BOWEN: Doctor, when were you made aware – when did you become aware of the strong year class of sea bass that appeared in 2010? I guess how long did it take you to become aware of it?

DR. BARBIERI: Myself personally or the assessment team?

MR. BOWEN: Both.

DR. BARBIERI: Both. Well, it was really during this assessment update. Usually this is why we conduct the assessments so we can look at all that information, all that data, and summarize the data in a way and insert into the models and see how the different moving pieces actually fall altogether. Remember that we had a benchmark assessment that was in 2011. At that point this cohort was actually – the 2010 cohort was too small really to be properly appearing in that assessment. It took this long for us to actually be able to find out that that cohort was there.

MR. BOWEN: Somewhat; so you won't see them at one years old, you will see them at two to three years old, and know that the strong year class is there; two to three years after the fact, as long as updated assessments continue.

DR. BARBIERI: Marcel may be able to pipe in in terms of the actual juvenile – if we have a juvenile recruitment index that would index for age one or younger, something younger than age three as they fully recruit into the fishery. Do we, Marcel?

(Answer was given off the record.)

DR. BARBIERI: To your point; this is one of the things that all of us keep talking about in terms of expanding and developing a broader fishery-independent monitoring program for Southeast U.S., if we have surveys that actually can focus on those different life stages. In a lot of situations, we want to have a juvenile index of abundance that will give us that information about good recruitment pulses before they actually recruit into the fishery, so we can actually take that productivity into account. In this case here, because we don't have a good index of juvenile abundance, we have to wait until the fish actually recruit into the fishery for us to know that they are there.

MR. BOWEN: That is exactly what I wanted to know. Thank you.

MR. ATACK: The 2014 and 2015, if we don't know what the juvenile recruitment is for 2011 and 2012, then what are we basing those numbers on?

DR. BARBIERI: Well, we are basing those on the pattern that has existed before. We cannot predict the future, and this is why we say that projections in general have a lot of uncertainty in them. We are actually projecting forward, and you can think about that as we look at like the stock market. We buy stock thinking – I mean, I bought a bunch of Apple stock a couple years ago at a very good price. It hit 700, I didn't sell it then. Now it is at 390 something.

You can make some projections and think things are going to go well. They may eventually, but in this case you will look at a past history of recruitment and you apply the pattern of recruitment that has existed in the past. It is the only information that you have to apply towards the future. If things don't turn out the same way, of course, you are going to be off.

MR. ATACK: You don't know what the 2011 class is yet. You know what 2010 was. That is why the 2013 is where it is.

DR. BARBIERI: Exactly.

MR. DeBRANGO: Is there any sort of incentive plans or anything to reach out like for some juvenile sampling; for some samples to come in like with the charterboats, the headboats that are going to see more of those juveniles; just to bring them in so you can get some kind of indicator on the next class?

MR. JOHNSON: There are some things being talked about. I know of guys in Florida that are going to I think use some traps on Thursday to try to do some juvenile sampling on black sea bass, so, yes.

MR. FEX: Luiz, I heard you talk about the year class. I guess it would be caught and seen in the bubble index; is that what they call that? Would you consider that the driver on this; is MARMAP still running indices of abundance; do you have that graph? I know because that was a conflict with me, because all the other indices were showing high and MARMAP was showing low on that 2010 assessment, so I was just curious if that had changed, or if MARMAP had seen more or what.

DR. BARBIERI: Well, I guess Marcel can speak in more detail about MARMAP; but let me show you the age comp, if you will bear with me for a second, just a plot that shows here – it is interesting right there. This is the contribution scaled to the mean, so it is comparable, contribution to the landings by age classes. You can see here what we call year class strength. You can see here how the numbers of three year olds and four year olds are really, really high, and how strong this year class is. Now this year class here is not really fully recruited.

DR. REICHERT: Can you move the plot up a little bit; you can see the legend. This is the scaled contribution to the landings by age. If you look at this, this is that indication that – if you now move up the graph a little bit – here this is an indication that it is the three year olds that first actually show up in the landings, so this is not an indication of year class strength.

Here you can see the zero, the one and the two years olds. You only occasionally catch those in the landings. That is why it takes about three years for those fish to actually show up. Now some of the MARMAP landings or our catches, because we use a smaller mesh size, and we are not subject to legal size limits; we see them show up in our catches a little earlier than you guys on the water. In general we have maybe a one-year advance notice of potential strong year classes. However, it takes a while for us to age all the fish. That is where that additional year of delay is coming from. That is what this picture shows. I did not quite understand your question, Kenny.

MR. FEX: Well, when I was involved with assessment, it seemed like MARMAP was the driver of indices of abundance. We made that discussion about headboats using hook-and-line, traps, whatever and every one reflected an upswing whereas MARMAP saw a downswing. Just my curiosity being within two years something had changed the assessment; if you are going to tell me that just that one age group had changed the assessment to double the numbers, then I would have an understanding. But if MARMAP is still driving this indices of abundance and it is still headed down, then that kind of conflicts what I am seeing or seeing on the graph. I'm just trying to figure out in two years how things had changed.

DR. REICHERT: I don't think MARMAP; the indexes were down. The index in MARMAP was up considerably, and I presented that information at the council meeting last year. I think

that was part of the reason why there was a call for this update assessment. We have seen that upswing consistently, so I am not sure what downturn you were referring to.

MR. FEX: Well, we had had a discussion and we asked during the stock assessment which indices of abundance we were going to use and MARMAP was the driver. Every other one was really driving up forward, upswing; indices of abundance. MARMAP was going down so MARMAP was chosen dominant over it. The assessment came out low so that is what I am saying. If from the waters perspective we saw an increase, there was none shown in the assessment. Now two years later we have double the assessment. That is what I am trying to grasp.

DR. REICHERT: No, I think the MARMAP index is there. Yes, this is the relative abundance, and there you see the MARMAP index actually going up.

DR. BARBIERI: But I think Marcel what he was saying is that the last assessment, if you think about that, this is probably the last year of data; it was either 2009 or 2010 that went; so you didn't have really this point there yet. Yes, MARMAP has shown that the stock abundance has increased since the last –

(Remark made off the record)

DR. BARBIERI: Yes, and it has. As you can see here, these are much, much higher than they were over here; and over here they kind of came across as sort of like flat, leveled off, but not increasing and you can see right here.

MR. JOHNSON: Do we have any other questions?

MR. MUNDEN: Refresh my memory here; since 2010 hasn't the black sea bass size limit changed for both commercial and recreational fishery, and seasonal closures? That would contribute to the increased number of fish that are recruiting into the fishery.

ROBERT JOHNSON: Okay; if there are no more questions, we are going to move into Regulatory Amendment 19. It is not on there, but it is probably appropriate, because it is concerning black sea bass; if the group has no objections; seeing none.

MS. BROUWER: I'm quickly going to give you an overview of what is in this amendment. This is an amendment that the council asked us to put together at the March meeting, actually before we even had the results of the assessment. We knew that there was going to have to be an adjustment to the ACL and that we were going to have to make that change through a regulatory amendment.

We started putting this together right before the March meeting and then the assessment results came out and we were able to develop the alternatives. The council is actually scheduled to meet via webinar on May 13 to look at this document and approve it for submission to the secretary. The idea is to get it through as fast as we can so that the changes can take place this year.

What I am going to do is basically just walk you through the alternatives; and keep in mind that the council hasn't yet seen this. This document is currently being reviewed and will be available



to the public and to the council this Friday. What I am showing on the screen is the no action alternative.

Here we have attempted to capture everything that is in place for black sea bass. You can see the commercial ACL, the recreational ACL, the recreational ACT, what ABC is currently; the allocations, 43 percent commercial; 57 percent recreational – the other way around, I'm sorry. that is a typo sorry – 57 percent recreational; that is what it should say over there.

That is the no action alternative. There are two other alternatives. This one is similar; it is the same table basically that you just saw. It is the exact projection from the assessment. This one would put the commercial ACL at 917,190 for 2013. The recreational ACL would be 1.2 million pounds.

Then in 2014 that ACL would go down. The commercial would be 856,560 pounds; the recreational ACL would go down to 1.1 million pounds; and the same thing for 2015. This table here, if the council chooses to go with it, would put in place the exact recommendation of the SSC based on that P-star of 40 percent.

Then there is Alternative 3, and this one would put the ACL at the OY level, which is the equilibrium level, the MSY. It is a little bit lower; it is 1.7 million pounds. That would stay in place until modified. The advantage of this one or the difference, I should say, from the previous one is that the ACLs aren't bouncing around. You have the same ACL until there is a new assessment and then it changes.

It's a little bit more conservative, but it still allows for quite a significant increase over the no action; over what is currently in place. I'm not going to go over the effects of the alternatives. It is pretty evident that if you have a whole lot more fish, then you are going to have significant economic benefits. As far as the biological; because the council is only looking at options that have been recommended by the SSC, then the biological impacts would not be negative as long as the landings, the harvest, remains within the ACL. Are there any questions?

MR. MARHEFKA: As we're going along through these years and when there are some overages or underage; are there paybacks on this towards the next year?

MS. BROUWER: The current accountability measure does call for a payback for both sectors if there are overages. The council would have to actually make a change to that accountability measure to take that away.

MR. BROWN: Did the SSC determine that black sea bass was completely rebuilt? If that is the case; are we looking at a peak ACL under current fishing conditions? I mean is this the best that it could get?

MS. BROUWER: What we're looking at is the recommendation that the SSC gave based on their application of the control rule and their recommendation of that P-star of 0.4. That would be the highest yield that the SSC thinks is biologically sustainable. Does that answer your question?

MR. ATACK: I've got a question for the SSC that maybe they can answer. I have kind of thought about this and talked about it. Black sea bass I think are all females up to a certain size, right? When you are looking at minimum sizes, 10 inches, 12 inches, 13 inches; just hypothetically if we went with like a 13-inch minimum size across the board, would we not leave all the females out there every year.

Would we also not leave males out there every year for breeding? If we did that, would we really need an ACL? Would we not be able to harvest everything above a certain size? Can you run the numbers? I mean, the only thing you would have would be some discard mortality below a certain size; but other than that, why would we need an ACL?

MR. CARMICHAEL: You are required by law to have an ACL. Then the counter to harvesting everything above a certain size is basically you end up harvesting all the males. Even if you have every female that was ever born, if you don't have males, you don't have reproduction. It takes two to tango so there is always going to be that.

What we know in those sex-changing fish is that they respond to different cues in the environment to decide when to change sex. That is why in black sea bass there was documented as the population was heavily exploited that they began becoming males at younger ages. As the exploitation dropped off a little bit, you see that start shifting the other way.

The fish themselves are going to respond to that. If you start harvesting above a certain size and taking out all the males and leaving all the females; then they are, oh, there is a shortage of males. They are going to start changing when they respond and when they change their sex to maintain their proper ratios of males and females. That is what they are striving to do.

It is just not as simple especially in a sex-changing fish to say set a specific size limit and harvest everything above that. You might be far more successful in doing that with a fish that isn't a sex changer; but in most cases you are probably going to have to set that size limit so high that people aren't going to find it favorable. Then you also have to worry about what discard mortality is doing to all the fish that you are encountering below that size limit and throwing back, which depends obviously on the stock itself and how much discard mortality there is.

MR. ATACK: True, I understand that; and I didn't say remove all the males.

MR. CARMICHAEL: Yes, but you said remove.

MR. ATACK: I asked for a size.

MR. DeBRANGO: If we increase the size limit, are we using all this up here? Okay, we're looking at the high amount of poundage at a three-year class. My question is, is that like our indicator? We keep an eye on that to make sure that we have good recruitment coming in, so we're looking at that number every year. Do we have updates to watch that number on that three- year class, whether or not it goes up or down?

If it starts in a downward trend, is that kind of like a flag that, hey, maybe something is going on here that the recruitment class might not be as big. Do they take into effect – if we raise the

minimum size limit of the black sea bass to one more inch, that class is automatically going to jump down? Is that going to jump a bunch of red flags?

MR. CARMICHAEL: There is a lot going on in there and part of it is something Ben wanted me to come up here and explain. It was first part that, which goes back to the earlier question is about the difference between these alternatives and, say, the one that shows the F 75 percent of FMSY and why the current yields are much higher than the MSY; and you think about what Luiz was saying about the strong recruitment. The stock is above the BMSY level.

MSY is an average, and the biomass at MSY is the biomass that you expect at an average when you are at that condition of the stock. It is at equilibrium; it is a flat line. We know the stock goes up and down over time. Where we are now is at a biomass that is higher than the biomass necessary to sustain MSY type yields; that means the yield that you can take at a given exploitation rate is a little higher than what we would expect long term.

It also means that we could be at a time when biomass is a little below MSY and the projections show we could get there in a few years; and then our yield is going to be a little below the long-term equilibrium MSY. The point about that good year class is that is really instrumental in giving us that high biomass and declaring that the stock is now no longer overfished so it has recovered. Also in giving us that high yield, but that high yield is of a short-term nature.

You know the equilibrium of MSY is on the 1.7 million pounds, 1.8 million pounds, I guess, so you are looking at a yield that is maybe 400,000 pounds higher than declines over a couple years down to that MSY. Whether or not your high yields stay or not really depends on what the next few year classes do.

We've talked a lot about that; do we have a good handle on how many fish were born once they reach about age 3, because that is when they show up in the fishery, and that is when we are seeing them in all their data sources. We've seen them in MARMAP. When they hit that fishery, you get a good handle. If the next couple year classes are high also, and we find that out maybe in three years when we do another assessment; we might say, yes, these higher yields, they are going to continue.

What might also happen is we get a better handle on stock productivity, and we decide that overall MSY is a little bit higher; and that has happened in other stocks in the past. As you get a stock and you fish it at the sustainable exploitation rate, and you let that biomass be high and you get a handle on what the type of natural variability is; you know, how often does a really good year class come along? Well, we don't know until we hold that stock at sort of an MSY level for a while and get a sense of that.

We could find out, like I think Mark had asked that about what is our sort of long-term potential? We may find out that overall yield from this stock may be higher than the 1.7 that we're estimating at. Think that estimate comes out of a period when the stock was pretty heavily exploited; so maybe the stock can do better.

Maybe things change in the environment over time that the stock can do better. Each time you do an assessment, you sort of get another chance to look and see how things are going, see what you feel like the overall productivity is. It wouldn't be out of the question to see that number

vary. One thing encouraging about these results, though, is that the MSY estimate for sea bass has been pretty consistent over the last couple of assessments. That tends to give us some confidence at least that it is a pretty robust number.

MR. DeBRANGO: Actually, optimally, if we did not raise the size limit and we started to see an increase in the four – if we saw levels at the three-year age stay the same; that could also indicate that we have a good recruitment coming up. But if we start seeing a raise in the fours and the fives, that would be the most positive thing we could see on the growth.

MR. CARMICHAEL: Yes, absolutely; and what I would anticipate given keeping mortality rates down is you will see more fours and fives in the coming years than you have in the past; because what you're seeing now is really, as we said, being born be that one year class. But you hope that those year classes fill out over time and you do see substantially more fours and fives.

If you raise the size limit to where your fishery is starting to get fours, then as you mentioned, you will have to sort of wait until age four to really have a good handle on year class strength. Now MARMAP does pretty well on threes; so you may still have a good handle on them coming through the MARMAP; or, if some other method were derived that lets you get a good juvenile index; we may be able to find out more information on year class strength, say, at age one or two.

That would be very good for our predictive capabilities, because if there were a really bad year class, we would like to know it. If catches suddenly dropped, we would like to know that it is due to perhaps a bad year class and know that maybe we need to respond accordingly; as well as knowing when there is a really good one. We've got to consider both possibilities.

MR. JOHNSON: Are there any more questions for John?

MR. HARRIS: We're basing this current uprising on one year class, correct?

MR. CARMICHAEL: Well, not exactly, but a lot of it is that good year class. What you're seeing is 2000 – I think it was the '10, I think '09 and '08; there were a number of year classes that were above the predicted average; so better than expected recruitment. That is the kind of thing that I think could change. You get enough years of that, then your expectation will change. But right now it is showing a couple of year classes with better than expected recruitment; so that has given us this increase, and a lot of it is the threes that are threes now.

But a lot of it is looking back; you know the recovering the fishery and the high catch rates didn't just show up last year. They have been going on for a couple of years. As I said, maybe there is another good one coming behind it which we'll kind of know next year.

MR. HARRIS: It is actually based on more than one year; because I just remember about two years ago we sat here talking about this recruitment class. It was with regard to the red snapper, and you totally dismissed a really good recruitment class. I just wanted to make sure we weren't in that situation here.

MR. CARMICHAEL: No, this seems to be more robust than the one of red snapper. The question has been kind of out as to whether or not what has come behind that one of red snapper.

We've seen good year classes at time in black sea bass that maybe supported short-term catches for a little while, but didn't come with a number of others supporting it so that you can actually get the increase in biomass. I think the reason is the council's efforts to bring fishing mortality down over the last five years of this rebuilding plan is starting to pay some benefits.

MR. THOMPSON: Refresh my memory; when was the first winter that we took the traps out of the water; the first winter that went from the January closing. That is generally when they spawn; that's why I'm saying look at our recruitment.

MR. JOHNSON: The recreational fishery has been closed during that same time period.

MS. BROUWER: Okay, so let me finish telling you about Regulatory Amendment 19. The language that I have highlighted up on the screen is part of both of the alternatives. It reads retention, possession and fishing for black sea bass is prohibited using black sea bass pot gear annually from November 1 through April 30.

This is something that we had to put in there to address concerns over large whales, over right whale calving season and entanglement of large migratory whales. Both of these alternatives include this closure, because the ACL is going to go up so much that there is a very good chance that the season is going to extend past November 1. That is why we had to put that in there and actually I can show you some projections. The region did some projections so we could sort of see under different scenarios how long the season would last. Let me just find that for you real quick.

MR. BOWEN: Myra; and you're speaking specifically of commercial?

MS. BROUWER: Yes; it would be just for pots. Recall the Amendment 13A, which went into effect last year, reduced the number of endorsements. There are only 32 vessels that have endorsements to use pot gear in the South Atlantic. If you look at this table, under Alternatives 2 and 3, using various methods, using the 2012 catch-only to make sure that we capture only the effort that took place after the endorsement program went into place; using 2011 catch, using in-season projections, and then using a method called the SA-RIMA, which I am not going to go into because it is complicated, and I don't fully understand it, but there are several scenarios that are being here to the council.

Actually both Alternative 2 and Alternative 3; some of them take the season into December; some of them take it into February. All the ones from the SA-RIMA projection take it – well, only two of them actually would extend the season. The season would end before the November 1<sup>st</sup> cutoff. This is another thing the council will have to take into consideration when they discuss this on the 13th. At this point what the AP can do is recommend to the council whether Alternative 2 or Alternative 3 would be the one that you recommend that they select as a preferred.

MR. MUNDEN: Myra; what were those closure dates for the pot fishery once again?

MS. BROUWER: It would be closed from November 1<sup>st</sup> through April the 30th. Then keep in mind also that Regulatory Amendment 14 has in it an action to change the start date of the fishing year. That again is going to bring up issues of protected resources and it will likely

trigger a biological opinion, which will have to be done to evaluate the impacts of fishing gear, pots and whatnot for protected resources.

MR. JOHNSON: Okay, guys, does anybody have any thoughts on giving the council a preferred?

MR. BOWEN: Mr. Chairman, can we have the alternatives maybe up on the screen so we could study them.

MR. JOHNSON: Yes; she is going to put them there.

AP MEMBER: We're taking the Alternatives 2 or 3 as is with no changes; we're not recommending a change of dates or anything at this time? Okay.

MR. JOHNSON: It is my understanding that Alternative 3 – and, John, can correct me if I am wrong – it in their opinion is a more sustainable long term. I guess the fear is that if we max it out that in four or five years we might be right back in danger of overfishing. I'm not doing a good job explaining that but maybe John can help me a little.

MR. CARMICHAEL: Alternative 3 just reflects the assessment's best estimate of what the long- term sustainable landings level is. The Alternative 2, which is just applying the control rule straight out; that is an alternative where you would be taking advantage of that good year class; a couple of better than expected year classes and essentially ratcheting down from year to year you would be catching a little bit less.

It kind of comes back to do you take advantage of the short-term windfall or do you leave some of those fish out of the water and fish something like this, or do you do something kind of in between? Given the turnaround time on the council, there is not a lot of time to come up with a myriad of alternatives, which possibly could exist. It really comes down to your philosophy of what do you want to do with it?

It has been a lot of things are under a lot of restrictions, and this fishery has faced a lot of restrictions. I can understand people saying, hey, the fish are out there; let's take advantage of them and catch them while they are there. In five years maybe we get less than average recruitment, and we end up below this number.

I think that is something people have to bear in mind. If you take advantage of the really good years, then you have got to understand that you might be below this number if we end up with a couple of bad years. If you leave those fish out there and continue to fish lightly, you have a buffer, exactly, Jim, that maybe two bad years you weather and you can still catch 1.7 million pounds. It just kind of comes to how close you want to cut it. That is really a choice that seems to me appropriate to really have the advisors weigh in on.

MS. BROUWER: Yes; and just a little bit more for your consideration, a little bit of background; the council has chosen both methodologies for specifying the ACLs. In the Comprehensive ACL Amendment, they went with ABC is equal to ACL is equal to OY. They have gone that route, not just in the Comp ACL but for other species as well.

However, they have also felt that for some species they wanted to go below that and be a little bit more conservative and pick the 75 percent of Fmsy. They did that more recently with golden tilefish; where as if you recall we had projections similar to these where the ABCs were going to go down over time because we have the same situation; there is a big biomass and we needed to fish it down to that level. For golden tilefish the council decided they were going to go with the more constant, more sustainable long-term level.

MR. JOHNSON: Okay, Myra, I am going to ask a question. Do you have projections based on these alternatives for the recreational sector, what kind of season, what kind of effect they would have? There is none for the recreational sector?

MR. BOWEN: This is strictly commercial here.

MR. JOHNSON: My point is what would you rather have; a five-month season from now on or maybe a six-month season this year and three years from now a three-month season? That is sort of the gist of it.

MR. MARHEFKA: When is the new start date for black sea bass? You were saying that there is going to be a new start date?

MS. BROUWER: There is. There is an action in Regulatory Amendment 14 to consider changing it. The council is going to discuss that in June, and we'll have public hearings on that amendment in August.

MR. THOMPSON: Zack and I have discussed this. Amendment 2 and 3 are both commercial and recreational.

MR. JOHNSON: John, maybe you can correct me here. There really is no guarantee though that the productivity of this stock is not so high that even if we did take the fish that are in the water now that in four years we might not see that we're overfishing.

MR. CARMICHAEL: That is exactly right; there is no guarantee. We are not sure what future recruitment holds for us.

**MR. COLE: Mr. Chairman, I am going to move we recommend Alternative 3 to the council.**

**MR. JOHNSON: Second by you, Rob. Is there any discussion? We have no discussion on this? All right, we'll go ahead and vote. All in favor; all opposed. It carries**

MR. MARHEFKA: I would just like to go and give the opportunity to the guys that did oppose to go and bring it to the table why they oppose this motion. If you want to go and stick it out there, I think you guys should be able to go and discuss that.

MR. FEX: I opposed it because you have got to figure right in the first year you are losing 170 some thousand pounds; the next year you are going to lose another 106,000 pounds. Then in 2015 you are going to lose 30,000 pounds. Just from the fact that we have kept ourselves

constrained for so long and the fish are out there; I would rather see more fish at this time. You are going to be reassessed in three years, anyways. They are jack rabbits of the sea.

That is my opinion and I didn't want to get in bad discussion, because I understand keeping the fish open most of the time; but most of the commercial fishery has gotten hurt because of this, especially the trappers. I mean take advantage of it. Just like we talk about optimum yield, getting the best out of every year that we get the fish. That is my rationale.

MR. THOMPSON: I kind of second the same thing; give us the fish that we have out there. The fish are there, let's go catch them. I mean this is something like a forest. If the trees are there, you need to cut them down sometimes before they burn down. The fish are there; everybody knows they're there. If you go past your trap date, you're going to be hook and line.

That is a good thing actually I think, slow it down. In fact, there should be more hook and line trapping commercial, anyway – as opposed to trapping, excuse me. I don't see why you would restrict yourself more now when we have been restricted for so long on such an important economic fish for us in this region; not only the recreational, charter and commercially.

MR. STIGLITZ: Can we revote on that again? I wish these guys would have said that. I wish they would have said that. I don't catch them and I had no idea. I voted the wrong way and I would like to redo that vote.

MR. JOHNSON: That is why I asked is there a discussion twice. I was hoping we would have some discussion.

MR. COLE: Mr. Chairman, I think if we look back in history we find that when we have situations like this, we go in there and we are trying to capture this abundance that we didn't know we had until now, that it does impact market. When you flood the market, the price goes down for everybody.

What I am trying to do here is to spread this out evenly and slowly and keep the market up. Now if we want to sell these things at a tremendous discount, that is what will happen under Alternative 2. I am convinced of it, because I have seen it happen in too many other situations. John is nodding his head with me, because we have been involved together in some of those. I think it is good to be able to get them, but let's be careful what we wish for here. We may wind up disappointed.

MR. STIGLITZ: I don't think you will see a decline in the price of them because there is so little fish getting put in the markets anymore; people need to have stuff to eat. I will just disagree with you there, Bill.

MR. THOMPSON: Well, with a trip limit already in place on them at 10 boxes, they are not coming in as much as they did before. When there was not trip limit, the average boat would come in with 30 or 35 boxes a trip. Yes, that was a terrible thing, but sea bass are sea bass. The charter industry and the headboat industry needs those sea bass for the extended season, because it doesn't matter how many – when you're only down to five, it is tough enough to get people to pay to go fishing to keep five fish.



MR. JOHNSON: Yes, I agree, and that is something I am sure we'll discuss at some point is do we want to do something\, or recommend the council do something with recreational bag limits to try to prolong that recreational season. What can we live with? Is five the minimum; can we live with four?

That is why I was asking if they had any runs on what this additional increase would do as far as lengthening the season. The only way we can revote on this motion is if the maker of the motion moved to reconsider or someone can offer up an alternative motion. Anybody in favor, Richard, anybody that voted in favor can offer can move to reconsider.

**MR. STIGLITZ: I would like to make a motion to reconsider the vote and revote on that motion again.**

MR. JOHNSON: **Is there a second? It has to be somebody that was in favor. Scotty, did you second it? Okay; now we can have some more discussion. That was the whole purpose of the discussion. I'm sorry; we have to approve the motion to reconsider the above motion. Let's take a vote on this. All in favor of reconsidering; the motion fails.** Now we're going to take a break.

(Whereupon, a recess was taken.)

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MR. JOHNSON: Okay we're going to listen to a presentation by Scott Baker. Actually Myra is going to do her thing first.

MS. BROUWER: Real quick before we get into the whole VMS and Electronic Monitoring discussion; just to give you an update of the various amendments and things that we are working on and those that are coming down the line. You have an overview that was included in your briefing book that basically contains all this information.

I just wanted to make sure that everybody has a chance to ask questions. The first one on the list is Regulatory Amendment 13. This is the one that adjusted ACLs in order to incorporate the landings that were generated through the MRIP program; because if we didn't do that, then we were going to be comparing limits that were set using MRFSS landings to landings that were being obtained under MRIP; and that wasn't going to jive. That was the impetus behind that amendment. That one, I believe the comment period ended today or yesterday.

Regulatory Amendment 15 is one that is still under review in the regional office. I haven't heard anything about whether it has moved out of there yet. This is the one that contains an action to increase the ACL for yellowtail snapper. Right now that ACL has been increased only for the commercial sector, and it is being done through a temporary rule which is going to expire on May 6.

What the council did in March is they requested that NMFS consider extending that temporary rule to give us time to prepare this amendment to make sure that those regulations will be put in place more permanently. Regulatory Amendment 15 will be doing that. It is also the amendment that contains an action to modify the accountability measure for gag.

Currently when the commercial ACL is met or projected to be met, you have a closure of all the shallow water groupers. What this amendment would do is it would be to remove that shallow water grouper closure and adjust downwards the gag ACL to account for post quota bycatch mortality.

Then Regulatory Amendment 16 is one that we have sort of a skeleton of a document right now. Currently there is only one action in there, and that would be to try to extend the season for the longline sector of the golden tilefish fishery. The endorsement program is going to go into place; or actually the final rule I believe publishes today for Amendment 18B.

There are going to be 23 vessels, I believe, that have endorsements to fish for golden tile using longlines. Regulatory Amendment 16 would contain an action to try to minimize the derby conditions that still exist in that fishery and to try to extend the season. So far the only thing that fishermen have suggested is maybe fishing one week off, one week on or two weeks on, two weeks off, so that is basically all that is in that amendment.

We are going to analyze it and bring it to the council in June and have public hearings in August. Are there any questions so far? I'm talking kind of fast so stop me or slow me down. Regulatory Amendment 17 is one that actually hasn't come to life yet. It is the one that is going to have, if the council chooses to proceed with this, the MPAs for protecting speckled hind and Warsaw grouper.

The AP talked about all this last time they met. The council has been talking about the MPAs. They had two meetings of an MPA Expert Workgroup. The experts, which included representatives of the industry, both commercial and recreational, produced reports that the council considered.

What they want to do now is to actually reconsider their purpose and need and be more focused as far as what exactly is it that they intend to do with these MPAs. In September they are going to reconsider this and give us guidance on whether they want us to proceed with Regulatory Amendment 17.

Regulatory Amendment 18 was just submitted to the regional office. This one is the one that is going to adjust the vermilion snapper ACL and the red porgy ACL in response to the recent updates to those stock assessments. It also would remove the recreational closed season for vermilion snapper.

I already did Regulatory Amendment 19. Amendment 27 is one that is going to be submitted to the regional office in May. This one would increase the crew size limit to four for vessels that are dually permitted. That is a safety-at-sea issue. It would eliminate the restriction on retention of bag limit quantities of certain snapper grouper species. Currently you can't retain the tilefish, the grouper, and vermilion snapper.

That was put in place when the council was trying to end overfishing for vermilion snapper when they did Amendment 16. They determined that was no longer needed and they are going to propose taking that away so that you can retain all snapper grouper species, your bag limit; captain and crew, you know what I'm talking about.

This amendment also revises the framework procedure, which is basically the series of steps that the council follows in order to make an adjustment to a catch limit or sometimes a season or a trip limit and would make it so that it can be done a lot faster. When an amendment is done and the results are out, the council can move a lot faster than they can now to make adjustments to ACLs. The other thing this amendment will do is take blue runner out of the snapper grouper FMP. Questions? Okay Amendment 28 – somebody had a question?

MR. ATACK: Yes, how would it make it quicker; what actually changes which allows them to make it quicker?

MS. BROUWER: Well, the current framework is kind of lengthy, but basically what we did is shorten the period of commenting and developing a regulatory amendment and going through the entire NEPA process. You still have to respond to the requirements of NEPA, but we've sort of consolidated it.

What would happen is the council would be able to take public comment at the meeting, and then the actual adjustment of the ACL would take place via a notice in the Federal Register. That is sort of in a nutshell what it would do. There are some caveats in there that I can't recall at the moment; but if you're interested, I can pull up that amendment maybe tomorrow and give you more details on that.

MR. JOHNSON: We discussed that at the last AP meeting, if you guys recall, what she is talking about.

MS. BROUWER: Amendment 28 is the one that is going to establish the way that the council opens red snapper like they did last year. This one is still under review. The hope was that it would be in place by July. What is currently missing is information from the Science Center on the level of dead discards so that we can compare that to the projections from the amendment and determine whether there is going to be fish out there that can be caught, basically.

We're going to be waiting for those numbers. We are sending a memo to the Science Center. We've requested landings by sector for 2012, discards both alive and dead by sector for 2012, and the total 2012 mortality; so that we can compare that to what the rebuilding plan projected. Once the council has those numbers, then they can determine whether there is going to be a red snapper season. Are there any questions on that one?

MR. BOWEN: It has been seven months on that season. Do we know why it is taking so long? Does anybody in the room know why it is taking so long? Seven months just seems a little outrageous to me for six days of fishing.

MS. BROUWER: We all agree. Other amendments that are out there; we have a generic dealer amendment that has an action that is going to modify the current permitting and reporting requirements for seafood dealers. That one was approved for formal review at the March meeting. I am not exactly sure where that is. I think it has been submitted.

Then there is a generic headboat reporting amendment that is going to change the frequency of reporting for headboats. That will affect the Snapper Grouper and the Dolphin Wahoo FMP.

The generic logbook amendment is another one that would change the way that logbook information is reported.

This one is not as far along as the other two, so the council is going to continue to discuss this and work with the Gulf Council to develop this amendment. You can read more of the details on these various amendments in the overview. I am not going to go into all the details, because I don't know them. Are there any other questions on amendments?

MR. JOHNSON: Okay, we're ready for Scott now.

MR. BAKER: Thank you, Mr. Chairman and Myra, for inviting me to present here. My name is Scott Baker. I am a Sea Grant fisheries extension specialist with North Carolina Sea Grant program at the University of North Carolina, Wilmington. Sea Grant is a non-advocacy program that is part of each state with the coastal resource.

I deal with fisheries, but we're basically a free advice service, and I work with recreational and commercial of the industry. I am going to talk today about a hodgepodge of three separate but very related projects related to electronic monitoring. Then I am going to talk about looking at some potential for the VMS use.

Although I don't really have VMS data, I was able to kind of simulate some VMS data from our electronic monitoring data, and I will get into more of that. I don't have Amber VonHarten on here. She was integral to this project. She used to be with Sea Grant and now she works obviously with the council.

Also there are some other people that are involved with Archipelago Marine Research. That is the company that does electronic monitoring, and, of course, NOAA Fisheries provided the funding for this project, the Cooperative Research Program. Briefly I am going to talk about three separate components; updated results from the 2010 EM pilot project.

Many of you were on this committee a couple of years ago when we did an outreach workshop as part of your regular meeting. I'm going to talk about a 2012 survey that we did with the grader industry related to cooperative research in general, but electronic monitoring specifically for a few questions. I'm just going to talk about those results.

Finally, I'm going to talk about some opportunities and challenges for electronic data, and that means like a catch-all term for electronic monitoring, which is basically not electronic reporting, but that is basically cameras and sensors as an alternative or replacement for observers; vessel monitoring systems, et cetera, and how that data might be able to enhance specifically fishing effort documentation in the snapper grouper fishery.

The main objective of our EM pilot study a few years ago was an extended pilot study, but had several components, but the principal component was to compare EM, electronic monitoring, basic catch counts and species identification success to that collected by an at-sea observer on five trips, four vessels and 26 sea days.

As you well know, the fishery is composed of primarily small vessels with three to four bandit reels typically, although it is more or less depending where you are. That was the principal part.

We actually did some fishermen based data collection, too, but I am not going to speak about that on this presentation.

Mainly this is kind of the acid test for electronic monitoring, because observers are considered the gold standard for at-sea data collection. In most cases when you have observer data, you don't have any other type of data to compare it to. Observer data is typically considered without fault, which, of course, everybody knows that everyone makes mistakes sometimes or another; but in terms of this analysis we have to assume that observer data is collected without fault.

We compare that to the EM data. The main methods of the study, we had one camera installed per reel. That is the view of the reel was within view of the camera. The system that we used only allowed four cameras. The observer recorded fishing activity at the hook level. Every time a typical two-hook bottom rig came up, the observer would observe the time and what was on that particular hook. The observer data was used to define fishing events.

Then that data was processed by Archipelago, the company, and then that dataset was handed over to an EM viewer, like the person seen in this picture. He actually went through the video footage at a generally more rapid rate and was able to identify or try to identify all the hooks that he saw within that piece of footage he was given.

Typically he was able to go through – for every hour of video that he was given, he could go through that video in about 20 minutes. The study area for this project was North Carolina, South Carolina and Georgia off the coast. Because of logistical reasons, money and having to actually be able to visit the sites to periodically maintain the equipment, we were not able to sample off Florida.

I know that obviously Florida is a different beast than North Carolina, South Carolina and Georgia. The fleet that we sampled for the purposes of this presentation at least we are going to assume that those vessels are representative of the fleet in the northern portion of the range. When you look at the catch characterization of our study fleet versus the greater fleet of 150 or 190 vessels, whatever it was for 2010, there were very similar proportions of species landed during that same time period.

In general the observer recorded 17 families, 47 species, approximately 2,700 fish; 86 percent of those which were retained and about 14 percent discarded. Now, the EM viewer looking at the same data saw approximately 7 percent less fish; around 2,500 and change. This is kind of a busy slide; you don't need to look at the details.

The figure on the left is a count bias plot. What that shows is for every count category; so, for example, if you look at Observer Count Category Number 10; that means for every fishing event, when the observer said there were ten fish, the EM viewer on average said there were slightly less than 10. If you look at this you will see there is a slight trend for the EM viewer to see less than the observer did.

Now this plot here is just for events that had less than 20 fish, which is the majority of what the fishing events look like in this fishery; at least with our study fleet. When you look at all the inset on the left, you look at all the fishing events; there was a very tight correlation between both methods.

Now, of course, the acid test for electronic monitoring is can you see discards at the same rate that you can for retained catch. What we can see is that although very few discards were obtained in the fishery, it was much harder for the EM viewer to get a really accurate count of the discards. There is a little bit more variability.

Again, if this study were to be continued or looked at more information, we need to look at how to have better accountability for discards. Of those 7 percent of the hooks that were missed by the EM viewer, we wanted to find out why. I went back and looked at the video from those. About 45 percent were because the fish was there but the EM viewer just didn't see it.

He probably just fast forwarded through it or something like that. Another 40 percent or so was because the fishermen – we assumed that the fish was in the video, but that the fisherman was actually in between the camera and the hook. Again, this is a relatively small – this is 40 percent of 7 percent so a small number. A few of those were indeterminate.

I couldn't determine why the viewer did not see it. Then a very small segment was because of observer or EM processing error. For species identification, again it is kind of a mixed bag. Some of the species that are highly prevalent were very easy for the viewer to identify, like vermilion snapper and gray triggerfish, while other prominent species like red porgy were very difficult for the EM viewer for reasons we don't know.

Likewise some of the groupers were pretty difficult for the EM viewer. Now, the EM viewer was actually based in Canada. Although he had done a similar project in the Gulf of Mexico with the longline study that Jack McGovern did; he did have experience and he was actually fairly good particularly at getting species to family, but much less so to species.

Again, there is always room for improvement. Principal challenges for EM use; one of the things that even I suffered from prior to this study was that fishermen incorrectly assumed that multiple cameras on the back deck would capture all activity, and that is simply not the case. Lack of incentive in pilot projects for fishermen; it is difficult to get them to try to adopt fish-handling procedures to improve the EM review process.

In fact, another part is that there needs to be clear management objectives for the particular fishery in relation to monitoring. Just because you have a system that is capable of doing many things at one particular time; you must decide which thing you want to focus on; you can't really just do everything. You have to prioritize what those things are.

Conclusions for this component; we need to improve discard counts by the EM viewer. The camera positions were capable of recording most fish's fish. There were a few that were not seen. The EM viewer indicated that the largest impediment to successful catch documentation was a poor view of the fish and not necessarily image quality. We should probably explore incentives and disincentives; again that is beyond the scope of the study.

If EM were ever to be used as an audit-based approach; that is, where the paper logbook is considered the record and EM is used to audit a portion of that; the current logbook would need to be redesigned to allow for that level of higher level reporting. Moving on to the next component, the 2012 survey results; at the completion of our field work, Amber and I did a

survey to approximately 800 snapper grouper permit holders in South Atlantic, so that included snapper grouper dealers, 225 permits and unlimited permits.

We asked them a pretty lengthy questionnaire about cooperative research in general related to funding, in terms of topics, the interest in participating, as well as some specific questions about electronic monitoring and their perspectives and attitudes on those types of things. Unfortunately, this was pre-VMS discussions, so we don't have any questions related to VMS.

This graph shows the breakdown of the response and the potential response by area. The white bars indicate the number of permits within the database. As we know, most of the permits reside in Florida followed by North Carolina, South Carolina and then Georgia. If we would look at our response; it is very similar to the proportions in the database.

That gives us confidence that response that we see is representative of a demographic. Going into the specific questions, you will see a noticeable trend here; pretty negative, which is not unexpected. Would you like to see additional cooperative research done, testing and evaluating at sea EM systems? Again, about two-thirds of the industry responded no.

When we look at some of those answers in detail, people left a lot of open-ended responses. The primary criticism was that EM was simply too expensive; it is not necessary. In other words, we already do logbooks, why do we need to do this? Only if voluntary; not practical in small boats; data hurts fishermen; yes, we need data; need incentive; invasion of privacy; and it should be based on results.

Another question is do you support the concept of using a third party data review like EM to validate logbook records, and that is to provide more legitimacy to this self-reported data, which is often criticized. Again, about three-quarters of the industry responded they were not supportive of that.

Likewise, the company that we used following the completion of the report suggested that the industry try to adopt standardized handling procedures to make video review quicker and ultimately more cost effective, depending on who is paying for it. The question would be would you support adoption of standardized handling practices to improve the video review process; again, pretty similar response, mostly negative.

The last couple questions here are related to fishing practices related to power requirements. We had some vessels in our study that had a hard time keeping the EM system operational on a 24 hour basis. While we saw that trend with a relatively small number of boats, we also wanted to see what the greater industry was like compared to their fishing practices. As we know, if the engine is turned off and it is not operating, the alternator is not charging and it is not charging the batteries; and if you are using your bandits or if you have an electric bandit, it is going to draw power from the system at a rapid rate.

What we found was kind of interesting I thought was that about 50 percent said they keep their engine on for a majority of the time while about the other 40 percent or so either turned the engine off or turned the engine on and off, depending on what they're doing. This ultimately may affect whatever types of additional loads you are going to put on your system, whether that is EM or VMS or anything like that.

I know there are a lot of small boats out there and with small cabins, small battery banks, et cetera. The other question was on your vessel what type of batteries do you use for your house bank, with the house bank of batteries that would power auxiliary equipment, like electric bandits, plotters, radios, lights, et cetera.

The vast majority of the industry that responded said the traditional led-acid 8D battery banks. We did have one vessel in our study that used the lighter, newer, higher capacity gel batteries. He did the math and said that his EM system could run a lot longer on these smaller, lighter, but more expensive batteries.

He actually commented that the only time he would ever touch another led-acid battery was to help somebody take it off his boat. I think he replaced like five 8Ds with three of these small gel batteries. Conclusions for this component; greater industry is not supportive of additional EM research let alone EM implementation in the fishery.

Again, this is really no surprise. Unfortunately, we could not ask questions about VMS; but from what I've heard, that has kind of been similar, if not more profound dislike for VMS at least from the public comment. Fishing styles and battery configurations on some boats may not be well suited for additional electronic loads like electronic monitoring or VMS.

Again, with the gel batteries, I think it would be nice to see some official documentation on how much better those types of batteries could handle additional loads or maintain these types of auxiliary equipment like EM and VMS. The last part of the presentation is going to be about some data we have been looking at.

The benefit of this project is so much information was generated that it was kind of insane looking at all this. You kind of have some ideas after the fact about what to do with some of this. I wanted to show looking at kind of verification of logbook effort; this is kind of a busy graph, too, but the question is can EM data validate logbook effort?

What we have here are six different vessels on the screen. On the far left is the logbook account of fishing in the NMFS grid. On the right is the actual fishing effort that happened, percent effort that occurred within the grid. Now, this is a bunch of trips pulled per vessel, anywhere from 10 to 30 trips within a vessel.

I will say that this is not an apples-to-apples comparison, because as you know in the NMFS logbook the rule is please indicate the NMFS grid where you spent the majority of your time fishing or you can visit several grids in a particular day. But what you can see is that when you look at the grid that was indicated and then the grid that was fished; you are going to see quite a bit of variability.

It just happened to be that the three on the left, for all their trips it was always the same grid no matter what. It always had the same grid; but when you look at the distribution, you see quite a bit of difference. But the one boat I can remember is Kenny, so I'll point Kenny out; Kenny was a really good data collector. Kenny always has 33/77 in his logbook grid.

And you will see up here on the left; you can see that 95 percent of his fishing did occur within 33/77, and he was probably on the borders of these, somewhere on the borders within these



grids. This automated type of data collection is really good. You don't really have to think about where you were. It really points a good picture.

If you look at this boat on the right here, you can see that majority of the effort was here inshore; but when you look at the actual effort that was expended; they were all up and down the coast, a pretty wide range of activity. That becomes important when you're trying to use this effort to apply against the landings to go into stock assessments.

It is very important that we get effort right to the best extent possible. Part of the reason the differences between some of these – you see these big differences – is because the logbook grid is so big. A 1 degree by 1 degree logbook grid is huge. The benefit of having high frequency or high specific location data is you can look at how to demarcate more productive or more visited fishing locations.

On the left here you can see the NMFS grids that were in the previous slide, but these now have been segmented into sixteenths or 1/16th grids; still a very large grid, and probably too small for the industry to report on a related basis. But what this does is it greatly reduces the amount of location that is available for reporting that is never fished.

Again, for this study we are assuming that these six boats or so were representative of the fleet; and that may not be the case. The other thing is that I've got it covered up on this graph, but this other graph here; there are all the data points of all the fishing that occurred. When you look at North Carolina, South Carolina and Georgia range just for these five or six boats; there is not a lot of open space that is not covered.

The question becomes how many boats do you need to get the majority of fishing locations; probably not very many. If you've got a system on every boat, if your objective is to find fishing locations, it is only going to take a very small fraction to determine where the industry is going. Also for the figure on the right, vessel range; that is something that you can do with the GIS applications.

Again, that becomes important when it comes down to management measures. You can look at where the vessels tend to go, which specific vessel it is going to impact when you are talking about closing a specific area or things like that; which I think is kind of cool. There could be some socio-economic implications to some of that type of data.

The last part of this talk is kind of briefly about VMS type data collection and how that data could be used beyond enforcement in terms of how can that be used to benefit management and specifically effort management in the fishery. A lot of the literature looking at VMS in other fisheries throughout the world has been able to correlate VMS points with specific fishing activity.

That is really easy when you are dealing with fisheries that are trawlers and things like that, when you have a constant speed where you're moving; so basically you can eliminate all the points when they are not trawling a certain speed or RPM. The problem, of course, with snapper grouper is that you are more or less stationary when you're fishing.

There are a lot of other times when you're stationary when you're not fishing. If you look at this plot here with percent activity and speed, you see speed on the X axis; you see that – and I should say that for this graph, all of the points when the vessel was docking or in port; those were all removed.

Once they left the dock and came back for five trips here, these are the points that are shown. You see that at vessel speed zero, there is quite a bit of not fishing activity. Most of the fishing activity occurs at 0.1 knots, 0.2. There is a little bit at 0.3 and 0.4; some of that is probably some noise with the observer data being recorded in a non-consistent timeframe at the EM. The vast majority of the fishing is occurring at 0.1 and 0.2.

We want to be able to try – for VMS to be useful in the context of effort management, we want to try to get rid of all those points when they are not fishing; and that is what is kind of difficult for this fishery. I will talk more about that in a second. This graph shows how the VMS poling interval; in other words, how frequently a VMS ping happens, what percent of unique fishing location is captured; so if you think about it, up here on the top of the screen, 100 percent of fishing locations; so the EM system we used recorded a data line every 10 seconds, so that is 360 pings per hour, a crazy number.

Because most fishing events were around 30 minutes, you are going to see every single fishing event, but, of course, nobody wants to collect data at every 10 seconds. But if you come all the way down here to every two hours, you are only going to see about 20 percent of the fishing events that happened.

Now, I'll say unique fishing events, because that is the distinction. Unique events would be every day there might be 20 or 30 events. As that progression through time, the ping rate affects the capture of those unique events. As you increase the ping rate, you are going to capture more of those unique events.

At one ping per hour, which is pretty standard in U.S. fisheries outside of like the closed area and things like that; you are going to see about a 42 percent capture of unique fishing locations. If you wanted to get to 100 percent in this type of fishery, you would have to get up to around four minutes, every four minutes or something like that.

Again, that is assuming that all these vessels would be operating in different areas and things like that. In reality if you have a lot of different vessels with VMS, and they are all fishing kind of similar areas; you could probably get by with a much lower rate, because eventually these boats are going to hit some of the same areas and things like that; if your goal was to characterize some of these locations.

Another thing is that in terms of effort; what this graft shows is on the Y axis we have the VMS points. Remember VMS would be say once per hour so over a 24 hour day you would have 24 points. For the five trips we have, the observer recorded how many hours were fished on that trip. If you take that 24-hour record and you plot it against observer hour, you get a very tight correlation here.

But, again, the goal being you would have, according to observer on these trips, about 75 percent of the trip you were not fishing; 25 percent of the trip you were fishing. You consider guys are

on anchor, they are sleeping at night, they are transiting to and from different fishing locations. On average they were fishing about eight hours a day, so 25 percent of the time they were fishing; 75 percent of the time they were not fishing.

If you are able to filter that VMS data – and we did this based on speed and time of day – you end up with about the same level of agreement, but you have a lot fewer points that you can plot on the map so it would be more useful for management. If somebody is anchored over a reef for eight hours and they're sleeping but they're not fishing, you don't really want to show that.

You want to be able to remove that if some day down the road you go to apply landings against the active fishing locations. The last slide is some other things. One of the things that struck me as I was doing some of these analyses is that in terms of cost and in terms of the capability and the data that is collected; simple electronic data loggers like that used in the Gulf of Mexico shrimp industry currently can capture almost the identical level of information; but instead of transmitting that data in real time, it gets stored locally.

It is an effective way of capturing that type of data. It has some benefits as that of VMS, but, of course, it cannot be transmitted in real time; it is stored locally. The other benefits in an electronic data logger is if you wanted to increase that ping rate above once per hour, you could easily do that.

Storage wouldn't be a problem, power draw wouldn't be a problem, and you would get more fine-scale resolution data. If you would attempt to do that on VMS, cost would go up quite dramatically. But again it is not really an apples-to-apples comparison, but I just wanted to put that out that EDL may be a good way to look at this.

That is simply a GPS, a little solid state memory that is hardwired into the vessel, kind of like the black boxes that you see now with the car insurance companies and those types of things. It is not an interactive system; it is something that just records information. Briefly, I am just looking at a monitoring – as opposed to these types of EM systems and VMS; you kind of have to throw out drones in terms of flyovers of MPAs.

I had a discussion with a few AP members about some of this stuff, some of which has been discussed, some of it has not. But a good thing about drones and/or satellite imagery is that opposed to an EM system or VMS system on every vessel; that type of data collection would only impact the people who are actually breaking the law. That is a good benefit of that as opposed to – you are assuming basically that everybody is innocent prior to doing that.

Jim Attack was telling me about listening buoys, about being able to put listening buoys on top of MPA locations, and it can actually record sounds. When it hears an engine within a range, it can record that or report that. Anyway, there is lots of technology out there to try to protect MPAs, in addition to the EM and VMS data collection. But that is it; thank you.

MR. JOHNSON: Thank you, Scott. Have we got some questions?

MR. DeMARIA: I have quite a bit to say about this VMS and electronic monitoring thing, but I will break it up into different questions. I have talked with a lot of fishermen in my area, especially the Cuban Americans about this. They are 100 percent opposed to anything like this.

The answer I usually get is, you know, my family and I fled Cuba to get away from this type of intervention in our lives, government spying on us, and now we're going to go out to sea with a camera on our boat?

I think it is bad. Fisheries management ought to be about building bridges with the fishermen and not burning them. This burns a bridge. I think when you get to the point where you are 50 to 100 miles offshore or so and you can't even relieve yourself over the side of the boat without the government watching, then you have gone too far.

You are not going to get the support of the fishermen. There have got to be other ways of doing it. I think the drones are an excellent way; but all this other stuff, it is going to backfire on you. You are not going to get the support of the fishermen if they are forced to put VMS on their boat and these electronic monitoring things. You have really got to have their support. I've got a VMS on my boat and I have had a lot of problems with it. I can get into that later, but that is all I have to say right now.

MR. GOULD: I apologize for being late. I got my time on the meeting discombobulated. Anyway, just a few areas of concern about what is being proposed here. This is one question in about seven different parts, by the way. I take it all the commercial boats would be monitored with the camera systems; is that a correct assumption?

MR. BAKER: Again, this was a research project that was initiated by the industry that I led.

MR. GOULD: Basically what you did, you are just doing the research and doing the groundwork for the fisheries, for the managers; okay.

MR. JOHNSON: We're going to see a VMS presentation as well. This was just his research.

MR. GOULD: I'll just hold this for later then. Thank you.

MR. STIGLITZ: Did you just say this was initiated by the industry? I commercial fish in the Florida Keys, and I don't know of anybody in the commercial fishing industry that wants this. You just said that the industry initiated it. I would like to know who.

MR. BAKER: This was an outgrowth of the Limited Access Privilege Program Study Workgroup that looked at catch shares for snapper grouper. Within that – I don't know how long a process that was – 18 months, we focused extensively on data collection and things like that. The industry had an opportunity to see how some of these systems work and compare it to the data collection that is ongoing in the South Atlantic. They wanted to see if that form of data collection would be a viable alternative. Again, what are the costs, what are deliverables? They wanted to see how that would work in relation to what is currently ongoing.

MR. STIGLITZ: You still didn't tell me who. I don't know of anybody – I went to a meeting last week; there were 30 people in there. Not one person wants it, not one person wants limited access. I don't know of anybody in the industry; that you said the industry is pushing it, initiated it. I don't know of anybody; please tell me somebody.

MR. BAKER: Like I said, it is a small fraction of people that wanted to see what the potential was for this type of technology. It was not an endorsement of the technology. In other words, how do we know if it is going to work if we don't try to see what it can do?

MR. FEX: I had this on my boat. One thing different than observer coverage, you can take an observer out. I could take any one of you guys out and I could manipulate the science. But to do it out through a whole year, it is hard to do. The discard rate would be different from one trip versus a whole year. It was neat for me to learn how. I mean, maybe it helped the scientists.

Our discard reports were 14 percent versus 40 or 50 percent that the general public thinks we kill. I saw it as a positive thing. It showed how much catch per effort I had, because a lot of times I report on me that I caught so many fish at so many hours or whatever, and then the scientists don't believe it.

It was fine with me to have it on my boat. The camera there; it didn't catch me peeing overboard. That didn't bother me at all. But it was just a way for people that wanted to cooperate to say, hey, I don't mind you doing this, try this on me. Because it was neat, it showed me a lot of things I didn't know. I didn't have any problem with it. I might have been one of the flaws in the industry.

MR. BAKER: I will say that there have been a bunch of pilot studies in the United States, and currently there is no operational EM system where they are using the catch data for management purposes right now. They have some EM systems, but they are mainly for compliance like what was the crew doing, were they actually working when they should have been working type things. It is kind of like a big brother thing, but the data that they have been collecting, they have not been using that in stock assessments and things like that at this point.

MR. DeBRANGO: I think if they are going to be mandatory, if it comes down to it, that they are going to mandatory a VMS system on all the boats, and I'm not saying they are, I don't know, we don't know; but I think this is a viable option to give you this alternative and the costs are substantially less.

MR. JOHNSON: Are you talking about the EDLs?

MR. DeBRANGO: Yes, for going to the electronic; you either have the choice to have the VMS or go into a camera system. If I'm out there fishing and I'm doing everything, I've got the camera sitting over top of me; it is not going to bother me.

MR. BAKER: I'm not a salesman for the camera company, but I can tell you that it is expensive. The systems that we used were around \$10,000. Yes, but you have to take into consideration, too; it is kind of like having a Smartphone. You get a Smartphone for cheap, relatively, but if you don't have a data plan, you are not going to be using it. The other thing is that in the South Atlantic there is no current observer program. When they have placed observers on boats, the going rate that the government pays for those individuals is around \$1,300 per day.

MR. DeBRANGO: I mean, I'm looking up stuff from my iPad and I'm looking at \$250, and I've got an EMS and a camera and I can shoot everything I want. I am waiting on that application, Myra.

MR. JOHNSON: Kenny, I have a question. In the study you participated in; that was at no cost to you and were you actually reimbursed somehow?

(Answered off the record)

MR. JOHNSON: Okay, I just wanted to find that out. Thanks.

MR. GOULD: Have we done any cost to benefit ratios on this as far as the – you just said that these cameras are around ten grand. That is very cost prohibitive for a commercial fisherman, and who is going to have to bear the cost? Are the fishermen going to have to bear the cost? Who is going to go over all the video?

MR. JOHNSON: Terrell, this is not being even considered. This was just to give you guys an overview of what is out there.

MR. GOULD: Okay, I'm just trying to get it in my mind. This is for something later is what this is? Okay, good enough.

MR. STIGLITZ: I have been to some of the meetings, and I have been told about how confidential all this data is supposed to be. I just saw Kenny's stuff get put on public record to the whole world of where he has been fishing. I just saw you do it, and I've been told that this VMS and all this stuff was supposed to be extremely confidential.

Nobody could ever know nothing, and I just seen you put his stuff on public record that anybody that gets on a computer can just see where he goes fishing now. I know if you can do it; it can happen right on down the line. That is something else we need to think about. They tell you that this is confidential, but I don't believe it.

MR. BAKER: I agree; and that is why I didn't show any of the specific locations. I mean it is a 1 degree by 1 degree. It is a pretty big area. That is why I refrained from showing individual locations, because I know how protective fishermen are, and I wouldn't want people having my specific information.

MR. WAUGH: Just to clarify, because I think what Richard asked has some large ramifications and I don't want the answer to be misconstrued; that was not VMS data. That is from a cooperative study. That data was not handled through the VMS system. That is not a part of the VMS system. You can't say that you just saw VMS data being projected; you did not.

MR. JOHNSON: Thank you, Scott. Now we're going to have Pat O'Shaughnessy come up and we are going to look at VMS.

MR. O'SHAUGHNESSY: Good Afternoon; my name is Pat O'Shaughnessy. I am the Southeast VMS Program Manager. I was asked to give a VMS brief. It is pretty much the same brief that was given at the last South Atlantic Council meeting, so I apologize for those that have seen it before. But, certainly, I think my value here is to answer any questions that anyone may have, so feel free to ask at will.

The presentation intentions, real quick; to provide a brief overview of the current VMS program as it is being used across the country; address some of those security concerns and limitations on the VMS data and its confidentiality; provide an overview of existing VMS units in use today, and the similar regulations to the Gulf reef fish fishery that are being looked at, and possibly propose for the South Atlantic' discuss some of the benefits; provide examples of recent VMS uses by OLE; and, most importantly, answer any questions concerning the VMS program overall.

In the Northeast Region they have just over 1,000 vessels right now. It was first required in 1996, and it is required on the surf clam, scallop, groundfish and herring permitted vessels. On the Gulf region, population 1,067, first required in 2007; and that is initially with red snapper and then the entire grouper complex, so the Gulf reef fish complex as it is addressed now.

Alaska Region VMS requirements, they have 586 vessels; first required in 2002. The VMS units are on crab, rockfish dredge and trawler vessels, pollock, Pacific cod, and mackerel vessels near sea lion restricted areas. In the Northwest Region they have a population just over 1,000 and first required in 2003.

Theirs are required on Pacific Coast groundfish, limited entry, and open access vessels. Finally, the Pacific Islands region VMS requirements; they have 229 vessels; first required in 1994. That is the longest-running VMS program. They are required on Hawaiian and American Samoan longline albacore trollers and purse seine vessels.

The one overlaying that is not regulated by council; at the Atlantic highly migratory species population, there are over 200 permits, but there are about 143 vessels that actively use those permits; first required in 2002. Those are required on tuna, swordfish, pelagic longline, shark gill net vessels, and shark bottom longline vessels. That is kind of a snapshot of VMS across the United States.

MR. MARHEFKA: Pat; I want to know why these regions are considered to have VMSs on board for the most part, going region by region; why are they required to have VMS on board?

MR. O'SHAUGHNESSY: I couldn't answer that off the top of my head. A lot of those regulations were done at different times for different reasons; so I couldn't address by each fishery by each region. That is something I can certainly research and get back to you, but I could not give an honest answer to that.

MR. MARHEFKA: Okay, I was just wondering if it is closures, marine protected areas and so on and so forth, if that is the reason why.

MR. O'SHAUGHNESSY: I could go out to the VMS program managers like myself and ask that question and provide that back. A major concern by a lot of the fishermen is the confidentiality of the data. The vessel monitoring system is designated as protected critical infrastructure, meaning the data that it collects is outside of the public domain.

It is treated as for official use only and law enforcement sensitive. That requires special precautions by all those that have access within the state and federal government. An unauthorized use to release VMS information is subject to criminal and civil penalties; those two

US Codes right there. There has been one instance of a federal employee who was charged and convicted of misuse of federal VMS data.

It is actively pursued and we ensure that the confidentiality is maintained. Continuing on that line of thought, the Magnuson Act requirements regarding access to VMS; Any officer who is authorized by the Secretary, the Secretary of the department in which the Coast Guard is operating or the head of any federal or state agency, which has entered into an agreement with such Secretary shall under Subsection A.

Have access directly or indirectly for enforcement purposes any data or information required to be provided under this title or regulations under this title, including data from vessel monitoring systems.” The Magnuson Act requires the federal government to share that with both the Coast Guard and our state partners.

For the state partners, the Attorney General or highest ranking legal officer of the state provides a written opinion or certificate. That state law allows the state to maintain the confidentiality of information required by federal law to be kept confidential. What that basically is stating is a lot of states have open access laws or Florida the Sunshine Law where pretty much any government correspondence is releasable.

However, the Attorney General for Florida, for instance, had to sign a statement that VMS data is exempt from state requirements to release that data. It is outside of the releasable information that they would provide to the Freedom of Information Act request of any other proceedings.

MR. ATTACK: Who typically actually gets access granted to the data?

MR. O’SHAUGHNESSY: Well, obviously, the Coast Guard – I should say the NOAA special agents, enforcement officers, and certain science centers have access. The Coast Guard, the operations centers and some of the operational units have access for real-time VMS monitoring, and our state law enforcement partners. Any of the state fisheries enforcement agencies that have entered into these agreements have access to it.

MR. DeMARIA: Just a quick comment; I talked to an attorney friend of mine. You can’t believe everything attorneys tell you, but I asked him about this, if he could get access to it. He said, “You know, if it is not a matter of national security, you give me a month and I could get the information.” I don’t know if that is true or not; but that is just from an attorney I talked with. That is a little bit troubling.

MR. O’SHAUGHNESSY: I guess it depends on what data he is referring to. You can get aggregate data that does not show any particular fishing area, has all vessel names stripped if it is for scientific purposes. I have not seen it released under any FOIA or lawyer request for anything other than scientific purposes.

That is what is released. It has everything stripped from it so you basically get dots on the screen without courses and speeds. I have not seen it other than for scientific purposes. As you all see as the aggregate data, they group it into squares. It is a 10 by 10 or 5 by 5 area that shows an aggregate of those VMS positions in side it; but I don’t know what he is basing that on so I will let it lie there.



Each user completes both an account activation form and a nondisclosure agreement that tells them what they can and cannot do. That gets maintained at our OLE headquarters. They have to sign those and acknowledge that they know what they can and cannot do, and they are strongly worded, before they ever get access to the VMS program.

In the southeast every state has access to VMS data with the exception of North Carolina, which does not have a Joint Enforcement Agreement currently signed with NOAA. By law, as defined in the Magnuson Act, they are not able to receive VMS data, but every other state does have access.

Current approved units; type-approved regulations require all new VMS units to be enhanced mobile transmitting units. The enhanced portion enables them to send forms or e-mails over the unit. There are five currently approved VMS vendors, and their units range from \$3,100 all the way up to \$3,800 depending upon what extra things that you purchase.

That costs; the \$3,100 cost is the antennae down to the unit down to the cabling between the two, so it is a complete system. Monthly usage fees, depending on the unit and how you use it, 45 to \$60, and that is for hourly reporting. In the southeast all of our vessels report hourly. There are some northeast vessels that report every 30 minutes; but the current ones in the southeast all report on an hourly basis.

Obviously, if that would change or a more stringent requirement, that cost would go up accordingly. Again, there is additional cost for e-mail usage and other features that an owner may elect to do. There are considerable limitations you can put on the unit to enable – like e-mail, for instance, you could limit who the senders are, what e-mail address that they can go to.

An owner can set up that the only e-mails that can leave the VMS unit are ones that are addressed to him and nobody else, to keep the crew on board from sending numerous e-mails to friends, family, relatives or whatever to keep the cost down. The owner gets to set that up with the vendor and how they would like that VMS unit to be programmed. The five vendors are Boatracs, Thrane & Thrane, Faria, CLS and Skymate.

MR. HARRIS: You said that the monthly usage fees could go up from what they say they are right there, and that you've got the one-hour time requirement for the transmitting; when can that be adjusted? I ask just because I live down in the Keys and fish in the Keys. Let's say we've got our commercial boats and are operating somewhere around the Dry Tortugas. Does it automatically start pinging them more often or how does that work?

MR. O'SHAUGHNESSY: It is sort of a misnomer. The Oculina Bank is in the rock shrimp vessels' units. That is programmed in there; but the other MPAs from New England all the way down to Mexico are not programmed into the units. Some of the units don't have that capability to update those. They have to be done at the factory before they go out, and then updating them as one changes.

The only one that actually changes now is Oculina for the rock shrimp vessels. There is no change to your vessel's hourly pinging if you get near or even inside a closed area. Now when my VMS technicians see your vessel inside a closed area, we can send a polling command to

change it from hourly to every five minutes, ten minutes; but those pings other than the hourly are charged to NOAA.

I pay those fees on a monthly basis for any ping change that I do on your vessel should you be inside a closed area. The owner doesn't pay any of those costs. Some examples of the VMS benefits; again the new units all have the capability to send e-mails, provide this capability to the owners, operators, as well as NOAA officers.

We do correspond with vessels. We have passed messages upon request from family members. Again, if it comes from @NOAA.gov we pay for that cost. It does not get charged to the owner. It enables NOAA to send critical fishery information to vessels at sea such as fishery closures or area closures. We have done that on occasion for things that were unexpected or unanticipated.

It enables NOAA OLE to send warning e-mails to vessels observed near closed areas. We sometimes see a vessel that is in a closed area for a short time and not sure exactly what we're doing; we'll send them just a warning e-mail reminding them of the closed area, the coordinates and what they can and cannot do in there.

Sometimes we see them move right out; another time they were just transiting or doing something else that they were allowed to do in there; but we try to get that e-mail out there to alert them, to prevent them from doing something that is going to bring law enforcement on board their vessel.

MR. MARHEFKA: In other words, we could go and respond back to you that we are just transiting through or whatever, whether we're trolling at the time and we had to slow down and boat a fish or something like that; we can do that also then.

MR. O'SHAUGHNESSY: Yes, sir, my VMS techs usually talk to me and we'll say let's send them an e-mail just letting them know the coordinates. Sometimes you get back, hey, we lost a buoy, we're trying to chase it down and bring it on board, or having an engine problem, and we're adrift right now changing racor filters. We have gotten e-mails back.

The only limitation is when we send that e-mail, the operator has to see the e-mail on the unit. If they're not checking it, it may be in their inbox but they don't see it. But we do try to send those to give them an opportunity to either tell us what they're doing or some people say was not aware of that closed area, moving out.

MR. BROWN: Yes, but according to what I heard from that Q&A is that if you were a dually permitted boat and you had to log out, and you logged out that you were snapper grouper fishing or targeting snapper grouper and trolling fish; that you wouldn't even be allowed in those areas.

MR. O'SHAUGHNESSY: I'm not sure I understand the question.

MR. BROWN: Well, in other words, if you are a charter headboat and you carry people for-hire and you have a commercial permit; okay, which would require you to have the VMS on board; during the VMS Q&A there was a question asked about people trolling in those areas and then later going somewhere else and bottom fishing outside of the area; and NOAA law enforcement came on with a comment and said that there would be a login or a logout protocol and that

whenever you logged out, that you would have to declare what target species that you were going after; and if you were going after snapper grouper species at any point during your trip, that you would not be allowed to even enter those areas.

MR. O'SHAUGHNESSY: Yes; that was probably answered by one of the agents. Some of the closed areas it depends. We have closed areas in the Gulf of Mexico where you can't be inside trolling or not if you have Gulf reef fish species on board your vessel. There are limitations in what can and cannot be done inside that closed area.

Certainly, if you are loaded up with Gulf reef fish and then you decide to go trolling and the MPA or closed area does not allow you to have reef fish on board; you can't be in there any way. If you go out first to troll and troll through there for a day and then go snapper grouper fishing and you didn't have them on board, that would be fine.

It has the ability to send a declaration is what you're referring to. It is where you declare the fish you are targeting and the gear you use. That can be sent underway or however the regulations are written that allows that.

MR. BROWN: That wasn't the way I understood it whenever it was – it said that you had to declare the target species before you got underway.

MR. O'SHAUGHNESSY: The Gulf reef fish regulations, as they are currently written, require you to declare prior to leaving port; but that is how the Gulf reef fish regulations are written. The South Atlantic VMS is not even approved so regulations are not even finalized. It would depend on what was authorized to do by the vessel.

Certainly, you couldn't use the call-in system if you were offshore to do that. You would have to do something by your unit to change your declaration. Again, looking at the screen, we can see like trolling a vessel is going back and forth or bandit fishing; it is pretty obvious the activity that a vessel is doing. If they're sitting on top of itself – positioning on top of itself; we can tell what they're likely doing as compared to trolling or bottom longlining.

MR. BROWN: Yes, but what about on the weekend, in other words, when it is not being monitored.

MR. O'SHAUGHNESSY: It is not monitored at night or the weekends. However, at seven o'clock when my first VMS technician comes to the office; the first thing we do is roll back for 12 hours and we look at all the activity that took place the last 12 hours; or Monday morning it is the last 48 hours. The only thing that is not happening is the real time monitoring. We'll still see whether a vessel fished inside a closed area for 12 hours or 24 hours.

We just would not have seen it right at the inception of when they went inside the area; but we still take activity. If the vessel is still in the closed area; we are taking activity first thing Monday morning to get an asset out there or notify the owner or the vessel is being met upon its arrival to the pier by FWC or other state agencies or a NOAA special agent.

The fact that we are not there the evenings or the weekends; that activity is still recorded and we can still see where the vessel was at. We do have some instances – I have them on the back –

where people went out on a Saturday morning, dropped anchor right in the middle of a closed area, fished Saturday and Sunday. Then Monday morning we come in and see they're still there, and we send assets out there to get them at that time. Yes, we don't monitor at night or the weekends, but we do still look back and see what activity took place nights and weekends.

MR. DeBRANGO: Yes, definitely language would have to be written for over here. I used it. I didn't have a problem with it. I had my own e-mail account and everything. I'm already familiar with it, which I swordfished and I would also wreckfish, and then I would come in when it would get rough. I would leave the grounds and I would go in and either snowy, which you can't really anymore; but I would come any time and grouper and snapper fish until whatever blew over, and then shoot back out. I never had any instances, but I am hearing now where people –

MR. HARRIS: You are not there on nights and weekends. I leave out of Key West at, let's say, 1300 on Friday. I go fish in the park out at the Fort; but I don't get there until 1800, 1900. I leave there Sunday morning at 0400, run outside the park go anchor up, fish. You come in on Monday and you see that I was in the park, now I'm outside the park; what happens to me?

MR. O'SHAUGHNESSY: If we see activity that looks like it was fishing, we will be notifying the special agents in the Keys as well as the Peter Gladding down there in the Keys, and you are likely going to get visited and boarded so they can try to ascertain what you were doing inside the closed area.

You have declared what you were doing prior to getting underway. If you declared you were bottom bandit fishing for snapper grouper and you were inside the Tortugas closed area or just anchoring in some of the Tortugas closed area is not allowed – and we see that quite often. Somebody will anchor two miles inside and we'll see that come Monday morning that they were anchoring inside.

We'll still notify the authorities; and if they've got a vessel underway, they will go over there and try to discuss it with the owner and try to work backwards to see what they can determine truly took place.

MR. HARRIS: So essentially you come on board my boat and I've got all kinds of snapper grouper in there; you can't prove where I got those, because by the time you saw me I was outside; and by the time you came to me, I was still outside. Now it is a matter of he said/she said.

MR. O'SHAUGHNESSY: Yes; if you want to take those chances – I mean, law enforcement, they have your on-board GPS, they have the VMS, they have statements, and they have drones, they have a lot of other things; so I strongly recommend you don't go down that route, but, yes, that is a chance you take.

We don't just not go on board because we did not catch you in the closed area. We have many successful cases that we have prosecuted on VMS data alone. I testified last week at a hearing. A vessel was boarded back when it got back to the dock, and I just testified at the hearing using VMS data. It is not that nothing is going to be done because we didn't catch you real time.

There are limitations right now with underway assets, Coast Guard, state agencies with budget reductions.

We do the best we can to try to catch you inside the area; those people that are choosing to disregard the closed areas. But Monday morning we'll be determining what we can do. Somebody may not visit your vessel, but you may be met when you come back into port, and they will want to talk to you and discuss it with you and go over it at that time. I can't say exactly what would happen, sir.

MR. HARRIS: Okay, I'm not a commercial guy. I'm just trying to get a gist of where the whole VMS thing goes. Because it seems like it is not really a law enforcement tool, it is a deterrent. It is really just as an added cost to the commercial guys just to be able to go out and a burden on them that really doesn't have a lot of law enforcement or fisheries management tool; just from what I see based on that statement. That is why I was just trying to clarify that part of it; but thank you that did answer my question.

MR. O'SHAUGHNESSY: I disagree on not being a law enforcement tool. It is an invaluable law enforcement tool and it is use routinely. Just in the last three months, you will see at the end slides on the number of VMS cases that we have of people; whether through ignorance fished inside a closed area or intent, or a variety of different things; I think we've had 11 VMS type cases in the last three to six months where through no other detection it would not have been detected.

However, with VMS units on board we were able to see where the vessel was at and get assets, whether it be aircraft or vessels, to document the violation while it was taking place. Unfortunately, it is still a valuable tool. It is a very valuable deterrent, but it also is a very valuable detection tool as well.

(Question asked off the record)

MR. O'SHAUGHNESSY: In that particular – if you are inside the area, VMS is going to show that and more than likely someone is going to be at the dock to meet you when you come back in. What happens from there is the investigation side of law enforcement and FWC and our state partners. I can't speak to that; but certainly the fact that you are inside a closed area – well, I shouldn't say closed area.

If you are in the areas legally and you are allowed, I don't think any attention would be brought to the vessel. It is when you're in a closed area that you bring attention. If you had divers on board, you wouldn't be in an area necessarily that would be closed. I don't see how it would bring that attention to you.

MR. DeMARIA: It is my understanding that it is only monitored from 7:00 a.m. to 6:00 p.m. on the weekdays and not at all on the weekends. I know how fishermen are; they are pretty crafty. If they want to get around it, they can. There is all kind of excuses. Now if you do have drones, that is a whole separate issue there.

But you go into one of those – you know exactly when it is not being monitored real time now. You go in on the weekend and; I got a rope caught in my wheel; there is not much that can be

done unless you send a vessel out or an aircraft to verify what the guy is doing. It seems to me if you are going to have to send out an aircraft or a drone or something; let's just take care of it like that and not have this VMS thing. IT is just so costly and so many problems, especially for the small boats. Gregg has a couple of – I don't know if you can put them up now or not d—those photos that I asked you about.

MR. WAUGH: Do you want to wait until his presentation is over.

MR. DeMARIA: Well, we could do that, too. In the Keys, a lot of them are small boats; and what we are dealing with in Alaska, those are big and enclosed wheelhouses. I've had several guys tell me that they just can't – it is just not going to work. One guy has got a 17 foot boat we have a photo of. He has to have a VMS because he has a Gulf reef fish permit.

All he is doing is spearing mangrove snappers in the mangroves north of U.S. 1, so he has got to have that VMS to be able to maintain the permit to sell the fish. The VMS when you see it, it is splattered with mud from his craw-fishing operation. I can't believe it even works. It is out in the open. Another is a picture of a boat that is maybe 20 foot long, a friend of mine.

He's got a limited snapper grouper permit; but he wants to know from you or anybody where he can put a VMS on it, because I don't see anywhere to do it. A lot of guys are downsizing their boats because of the price of fuel and whatnot; and then they are being forced to put all this other expensive electronics on it. It is difficult. I think there ought to be another way of monitoring these closed areas other than this, especially in our area with small boats.

MR. O'SHAUGHNESSY: The 24 by 7 monitoring. I think it is somewhat of a miscommunication. I have four VMS technicians that do nothing but VMS monitoring; and they are only there Monday to Friday, 7:00 to 6:00. However, we have 3,000 accounts with state enforcement officers from all of our states with the exception of North Carolina and the Coast Guard.

The Coast Guard Operation Centers are manned 24 hours a day, seven days a week. The state officers always have officers that are on duty 24 hours a day, seven days a week. I know for instance, Florida, they are sitting in their vehicles with their laptop, with VMS V-trac, pulled up, watching the vessels that are coming to the dock and also looking at the closed areas.

There have been a number of times I've come in Monday morning and they are notifying us about what they are bringing to the dock for a seizure from Sunday afternoon that our four VMS techs were not monitoring; but by expanding the capability to all state law enforcement officers that have the joint JA agreement, as well as the Coast Guard, which has an operations center in every sector in the United States; they are real-time monitoring it in the operations center.

The 24 by 7, where we only do it during the week, those are the four full-time VMS techs. However, there are literally hundreds and hundreds of other folks that are using that tool for law enforcement purposes. My four people are not there nights and weekends, but there are a lot of other people that are.

MR. DeMARIA: Okay, thanks for clearing that up; that is a real misunderstanding with a lot of us.

MR. O'SHAUGHNESSY: I would say my four VMS techs are the VMS experts, and they certainly answer a lot of questions for the officers and the Coast Guard personnel. But seeing a square on the VMS and seeing a boat inside it whose declaration is bandit fishing, and they know Madison-Swanson can't have anybody in there; it doesn't take a rocket scientist to know that there is something going on.

For the Coast Guard, for instance, when they monitor it, they have the boats and the planes. They send an 87 foot patrol boat out there. They will find them inside fishing; bring them into the dock and Monday morning that is when we're finding out of a VMS detection that resulted in a seizure. It is my four folks and myself that are only there Monday through Friday.

Current vessel monitoring systems, again the main concern is the smaller vessels and the smallest unit that currently exists is the Faria; most people call it a Faria unit 7 by 5. Actually I brought the one from my office in my bag so I will bring it out. That is certainly the smallest unit, and really in my opinion the only option that is available for some of those smaller boats.

The larger monitors are more like computers, The Skymate unit is a Dell laptop. Then the CLS America and Thrane and Thrane are a keyboard and a monitor. Those obviously would not work on those small open fishermen or center console type. But the Faria unit; again I have it so people can look at it. Unfortunately, it is not operational; I could just bring the screen. That would be the main part that is monitored or mounted; but it is the smallest at 7 by 5 inches.

MR. STIGLITZ: With the Faria, there is a big box that goes along with it, that your antennas and all that stuff go into.

MR. O'SHAUGHNESSY: You have the antennae and then you have the power box, which is a brick.

MR. STIGLITZ: You have the big power box. Your screen is a little small screen, but you've still got to place the power box about that big, about that wide, about that high. Did you bring that with you, too?

MR. O'SHAUGHNESSY: No, I have what is going to be monitored.

MR. STIGLITZ: All you brought was the screen that comes up. That little boat; he's got to find a place to put a box about like that. I don't know the exact dimensions on it, because I had one on my boat. In about six days it will draw an 8D battery stone dead.

MR. O' SHAUGHNESSY: Some VMS units have an in-harbor mode to report every four hours, which reduce the costs for those vessels that are in port. The VMS airtime does vary based on the vendor, the type of service you get and the usage. If you are sending a bunch of e-mails and using that as an alternative means of communication, it certainly would increase your cost.

We strongly recommend the prospective owners review the capabilities of each unit and see how they are going to use it based on those pricing, because there are better systems for individual fishing activity. Search and rescue tool – and I said secondary purpose – certain models can send distress messages, including positional data from their VMS units.

That picture there is from the Thrane & Thrane unit. It is a distress button. It does not replace the EPIRB, a long-established Coast Guard rescue coordination center tool. There have been some questions whether if they had to go to VMS, if they could stop renewing their EPIRB. The EPIRB is the standard. This is only a secondary.

However, the Coast Guard does use it quite regularly. Last known positions of the vessel provides other vessels that are located in the immediate area that they may be able to try to contact through other means to try to go over and assist a vessel that is broken down or lost power. Proper position reporting confirms vessels not in distress.

We get a number of calls to our office from family members, hey, our boat was supposed to be in three days ago, we haven't seen it, I haven't heard from it. We can easily look in our VMS monitor and see not only have they been positioning 24 hours a day, but we've seen them move a couple times and change places, so it is obvious for whatever reason they have just stayed out longer. We can let a family member know that everything does appear to be normal.

(Remarks made off the record)

MR. GOULD: Here we go; we'll start back. Sharing the data; you have already told us that you shared it with the state, the federal, Coast Guard and like that. I believe one of the perks of having this is if you are the owner of a vessel; the owner of the vessel can also access that data also as far as where he is pinging at, position of his boat. Am I correct on that?

MR. O'SHAUGHNESSY: Yes, all of the vendors have the capability where the owner can log in and see their vessels. We have a number of owners that do that the first thing up in the morning to check where their vessel is. They will call us and tell us "I see my boat is getting close to Madison-Swanson; I am calling him on the sat phone. I just want to let you know I'm already working it before you send something out there." There are a number of owners that take advantage of that capability to see where their vessels are continually.

MR. GOULD: Okay, sharing of the data outside of the law enforcement and the owner/vendor or whatever you want to call them; does the scientist have access to the data, the pings that we're providing, and the position of our vessels?

Sometimes you sit on a place three or four, five hours. A lot of times it is not over a couple hours. But is this data shared where the vessel is at with the scientists for any kind of scientific purpose or is it just straight for rescue, law enforcement or just knowing where the vessel is at?

MR. O'SHAUGHNESSY: The data is shared with the science centers. They have access to aggregate data. I have a couple of slides to show some examples of how that data has been used to go into some council decisions. I'll cover that in just a second. This is a case you probably have seen if you've seen any of my slides, the fishing vessel Pete's Dream as an example of a search and rescue case.

They were coming back, came through the Yucatan Pass trying to outrun the storm. The hurricane eye caught up to them. They had an EPIRB that was in their rigging above their pilot house, but they went dead in the water taking 60, 70 degree rolls. Nobody could get up there to actually turn the EPIRB on and activate it.



They hit their distress button. It was the only notice that the Coast Guard received. They sent a Coast Guard Falcon jet out there that dropped two pumps on top of the vessel in the hurricane. They were able to dewater the vessel, keep it afloat until the storm passed, and then they limped into shore. There are some pretty telling photos of the pilot house being crushed in on top from some of the waves they took.

But in the article, his quote and not mine, to the St. Petersburg Times on October 5<sup>th</sup>; “VMS literally saved our lives.” That was the only tool that they had to use to notify the Coast Guard. The EPIRB certainly would have worked, but it would have worked when it was activated by breaking loose and floating free when the vessel went down.

There are instances where it has been used as a successful search and rescue tool. Some examples for the South Atlantic Council itself; the South Atlantic Coral Amendment Number 8, they analyzed the rock shrimp VMS points to see how they can expand Oculina Bank. In this case they were looking to see where all the activity took place so they had the least amount of impact on the fishermen.

It helped determine the effort and location to gauge impact of all of their proposed areas. This is just one slide, but there was a series of six slides that had the overlay rock shrimp VMS data onto the chart so they could see which closed area they picked, what the negative impact would be on the fishermen and areas that they would lose to actual trawling.

The second case; Gulf Amendment 32, gag and red grouper, they were looking for an increased area to close where the red and gag grouper reproduce. They looked at the VMS data and linked it with logbook data. It was a pretty detailed analysis, because they discounted all of the transit positions and the non-fishing type positions to make sure they are using the correct data.

They used that from vessel speed and distance from shore where they would not be fishing for those types of species. When they came up with all the different options, by looking at the different close area based on where the VMS showed the fishing activity took place; they could choose which closed area they wanted with the level of percentage reduction of fishing, using the VMS data as the main tool.

Again, another area where the VMS area helped the fisheries managers determine where they should or should not expand a closed area. This is a recent one we had just two months ago, a vessel came out of Apalachicola, struck an unlit Air Force tower. The vessel promptly for him; he pinged; he was alongside of it, turned around and went back.

When he tried to get some restitution from the government, they wanted some proof. He thought of his VMS unit, contacted us and that is actually one of the charts that we provided that shows his track going out of Apalachicola through Government Cut, right to the unlit Air Force tower, and promptly turned around and went back with some considerable damage to his vessel.

It is another example where we recently used VMS data to assist a fisherman. Lastly, this is an HMS pelagic vessel that was on its way back in. It broke down, was boarded by the Bahamian authorities, and brought into the Bahamas where they spent five days in jail. They finally remembered their VMS data. They were brought in for fishing inside Bahamian waters, because they were loaded with tuna. They contacted us on the fourth day.

The owner contacted us and we were able to provide detailed chart lists. There is an example that showed all of their fishing activity took place in the U.S. part of the Atlantic Ocean and not the Bahamian. All of their activity in Bahamian waters was transit only. They were released on the fifth day after we provided those chart lists to the Bahamian Attorney General; so another example where VMS data was used for other purposes.

MR. MARHEFKA: Do large motor vessels like ships and traffic like that; do they have some sort of pinging apparatus on board as they are transiting our waters, also?

MR. O'SHAUGHNESSY: They have AIS, which is recorded but it is different from VMS.

MR. MARHEFKA: I mean we've had a couple incidents where we've had commercial vessels at anchor and have been struck by ships and stuff like that, and I was just kind of wondering. They would get hit and then they would just go on. The ship doesn't even realize they hit them or whatever may be the case. I am kind of wondering if that is something that could go and be used also in a case.

MR. O'SHAUGHNESSY: Yes; the AIS data is regularly used in fisheries cases. The right whale speed reduction areas along the east coast; that AIS data is analyzed to show which vessels are exceeding the mandatory speed limitations, so AIS data is used for law enforcement purposes. I am sure it could certainly be used for some of the examples that you're referring to, whether they struck a vessel or not.

This goes back to the question earlier; VMS tracking for vessel owners. This is an example of the VMS shot. The owner can log in; you are given a user name and account. If you own ten vessels, you are able to see your ten boats; if you own one boat, you are only able to see your one vessel. As long as you have the VMS on board your unit, you can see the track of your vessel.

A lot of our fishermen, the owners, will go in the morning and check on their boat and see where they are at, where they are fishing by logging in from their home computer. But they are only able to see – they have a user name and password, they are only able to see the vessels that they are paying the bill for, not any other type of vessels.

MR. MARHEFKA: Can you see that vessel during nights and weekends, also?

MR. O'SHAUGHNESSY: That is 24 hours. Whenever you log in, you are able to see their vessel. Again, I know a number of vessel owners use this, because they call us and talk to us about it. Sometimes before we can even detect a vessel stopped reporting, the owner is calling us to say, "Hey, I saw my boat hasn't pinged in two hours. I'm working it. I called them on a sat phone; we're trying to figure out what is up." That tells me that the owners are taking advantage of some of the tools that the vendors provide them.

MR. DeMARIA: I'm sure there are some safety benefits with the VMS, but years ago when I first started fishing we didn't have the EPIRBS and I'm not even sure we had to have radios. Now we've got all kinds of safety gear on the boats. I'm sure there are some benefits, but at what cost?

It is almost like saying we could reduce highway mortality on the interstates if we reduced the speed limit to 30 miles an hour. Certainly it would, but it is just not practical. I think putting these things on the smaller boats we have in the Keys – and I'll show you some photos – it is just not practical. For Alaska and those places, that is fine, but for us in the Keys and maybe some up in this area too; it is not going to be practical.

MR. O'SHAUGHNESSY: I'm just asked to brief on the VMS program. That is some outstanding input that you should provide to your council members. I'm sticking with what I am asked to provide. Reimbursement; there has been a lot of discussion on the reimbursement. The government currently provides up to \$3,100 to reimburse to the vessel owner for that initial purchase.

There is approximately \$6 million in the reimbursement account. Of that six million, though, \$4 million has been earmarked for other activities. It used to be the VMS reimbursement fund. It is now the electronic monitoring fund. For example, the Gulf shrimp fleet is getting some logbook equipment out of that fund.

There are some cameras going on some northwest vessels out of that fund. There is a draw on the existing funds and that is a grant that is replenished by congress as they so see fit. It is uncertain whether more money would be added or whether more money would be added. I can't address that. But right now there is \$6 million, two million of which is available for any other fisheries.

MR. STIGLITZ: I had the government reimburse me for a VMS for my Gulf reef fish permit. Since then, I have given the permit to my son. I gave him the VMS and everything with the permit. If they go with this, will I be entitled to get another one? No, I don't have it no more.

MR. O'SHAUGHNESSY: OLE Headquarters runs our program. They look at the owner of the vessel and the permit. If say, for instance, I was to buy your vessel; I have never been reimbursed on that permit. I would be eligible. I would have to look at your particular circumstances to see. If you had the South Atlantic permit and you were already reimbursed once; if you sold it – are you talking about a different vessel?

MR. STIGLITZ: I gave my son my Gulf reef fish permit. He didn't have a VMS and I didn't need it anymore. When he got the Gulf reef fish, he has to have the VMS. I gave him the VMS all at the same time. Now, if the South Atlantic goes with this and all I have on my boat now is a South Atlantic permit; would I be entitled to get another one?

MR. SHAUGHNESSY: This is a different vessel then?

MR. STIGLITZ: I still have the same boat. I gave the permit to my son on his boat, on a different boat; not my boat, his boat. I gave him the VMS. The government paid for the VMS so why wouldn't I give him – when I gave him the permit I gave him the VMS.

MR. O'SHAUGHNESSY: I understand, sir. I think that in that instance it would be looked as if you had sold it to your son. He has taken that permit and that VMS unit somewhere else; you would be applying with your vessel and a South Atlantic permit. Again, not looking at the specifics, I would think you would be eligible for the reimbursement. It is a completely different

permit and a new requirement by a separate council. I would believe you would be eligible for that \$3,100.

Again, same thing, northwest electronic logbooks, the Gulf of Mexico is using some logbooks out of that account; but currently there is money that exists in the VMS reimbursement account. Whether money is available in the future, that is to be determined. Notes on the Gulf reef fishery; since the talk is if there was any proposed regulation, would it somewhat mirror the Gulf reef fish fishery.

It is a 24 by 7 requirement that the VMS unit reports if they possess a Gulf reef fish permit. Again, that is no matter where they operate. We have some vessels in North Carolina that have Gulf reef fish permits that still have to report every time they get underway, 24 hours a day, seven days a week, because it is a permit requirement for the Gulf reef fish.

The same if you get underway for a recreational trip; you are taking your family out fishing; you still have to report while you are underway away from the dock. There is a provision for a power-down approval if you are going to be in port for 72 hours or greater. You have to get a power-down letter from our office and keep that on board while the vessel is in port, and then send an e-mail to say the dates and times that you are going to have that unit off.

Then when you get back underway, you have to make a proper declaration. Vessels in the Gulf reef fish; vessels must make a declaration prior to departing port. They declare what the targeted species is and the gear being used or they can use an integrated voice. It is just a call-in system where they can do the same thing over the phone if they want to save their cost for their unit.

The other requirements; VMS units installed by a qualified marine electrician to avoid a lot of the problems that were experienced in other fisheries with some unique power installations that caused units to turn off for a variety of different reasons. This is an example of the forms that are on the current units.

If you are making a trip declaration, you would press the trip declaration, and then you would declare which region that you would be using. In this instance it is Gulf. Then you select reef fish, and then you select what type of permit you would be using, and then the gear that is available for that permit.

This is just one screen shot, but those are the things that are involved with the declaration; you declare the fishery you are going to, your targeted species, your permit and then your type of gear. Then on our screens, the bottom thing there, it shows up as a code. When we see the vessel's unit, we can see exactly what the vessel declared at that particular time. We know where and when they can fish.

Again, despite VMS being on board, everyone would think everybody is avoiding all incidences, but they are still detected. In the last three months, the top one is a well-known closed area from January 1 to April 30. Vessel fishing inside the edges; that was a Monday; we came in but the Coast Guard actually responded on a Sunday.

Another vessel fishing inside the longline buoy closed area; he is supposed to be outside the red line but he was doing his sets three miles inside the closed line. Then there is the vessel inside

the Tortugas closed area where VMS was the only thing that detected. Although you would think that would prevent all illegal activity, but through ignorance or intent, vessels still complete violations and VMS is a valuable law enforcement tool in detecting those.

In the last six months, those stars are VMS type detections where VMS was the only notification that OLE had or Coast Guard or state partners that a vessel was inside a closed area or fishing where they were not supposed to be. It is still a valuable tool. Certainly, a deterrent is its most valuable use; but unfortunately it still detects violators, which makes it a valuable tool because it levels the playing field for all those legitimate fishermen that are complying with the law.

Lastly, this is the staff; this is the five of us that are only there Monday through Friday, 7:00 to 6:00, a variety of us are there. Any questions the fishermen have, these are the four individuals that they talk to on a regular basis. We're getting close to the public hearing time, but I will open up to any questions anyone has.

MR. MARHEFKA: This is totally off the grid here. When is NOAA going to go and put these marine protected areas and areas on our chart plotters that we have that are available? A lot of the vessels have chart plotters on it already. If we have these MapQuest or whatever it may be, or I mean Map Tec; if they are available to us, sea maps and things like that; where these are actually there, it would also kind of help out to keep us out of these areas.

MR. O'SHAUGHNESSY: I can't answer that question. I know there are a lot of fishermen that enter them in themselves. At the Regional Office all of the MPAs have their geographic coordinates on the website. I know there are a fair amount of fishermen that pull those positions and enter them into their GPS units.

It is somewhat of a limitation on your GPS unit, what it can do, but most of them can take inputted closed areas. They exist. The GIS person at the Regional Office has all of those on the website; so you just pull them off of there and then go through the steps on your GPS to plug them in, and then they appear on your chart plotter.

MR. JOHNSON: Thank you, Pat. Don, you had one more question?

MR. DeMARIA: Yes Myra is going to put those photos up I was telling you about with the small boats. Like I said, the problem we have in our area are the small boats with the VMS as it stands today with the keyboard and all the open wires and whatnot. If it were just some type of a box with its own power supply that you didn't have to call in and didn't have to mess with, just bolt it on your boat; I think a lot of fishermen would say, yes, I can live with that.

But the way it is now, right here is a friend of mine's boat that has a limited South Atlantic permit. He would like to know where he could possibly put this on there with the open keyboard. I don't see anywhere. He pulls traps and there is mud everywhere. I think there are a couple of other photos Myra should pull up.

This is my friend with; it is like an 18 foot boat. He has a Gulf reef fish permit and he has to have a VMS on it. You can see there is another photo that shows it a little better. That is it there; it is a mess. I can't believe this thing works, but yet he has got to have it just to go out in

the mangroves and spear snapper. It is in an area where if he gets in trouble he can just stand up or walk to a flat and wave his arms.

It is not Alaska is I guess what I'm saying. Every place is different. If we could wait a little bit until the technology is there where we just have a small unit that you can bolt onto the boat with its own power supply, maybe run through the alternator or something that didn't take away from the boat, didn't have to call in; that would be acceptable, but this is just not acceptable. It is not working. It puts a bad taste in people's mouth. I think, like I said before, it burns bridges with fishermen when you force this on them. Anyhow, I'll conclude.

MR. O'SHAUGHNESSY: Again, I deal with a lot of those Gulf reef fish fishermen. A couple things I'll point out; one, the first picture that you showed that had the pilot house; I see a GPS plotter right there properly displayed. The Faria unit that I have is no bigger than that type unit, and the brick that we discussed goes underneath the center console.

If they are mounting a GPS plotter in the same location that has the same waterproof integrity as the VMS unit, it can be mounted. I have some people that have their VMS units on their 18 foot center console T-top. They have them up forward in their storage area. They are out of the way in the dry area up forward; so it can be done. I know it is difficult.

I am not here to propose it either way, and I certainly recommend that you give those opinions to the council. But as far as the future technology, I know the vendors are working on those types of things. I think the largest part of the fishing fleet is the larger vessels, so the smaller vessels I don't think there is as much work being done to try to get something that small. But I hear you; that is stuff that should be passed to the council.

MR. DeMARIA: Can I say one more thing, Robert. That plotter or whatever it is on Mike's boat is some kind of cheap little fathometer, whatever, he replaces about every year it goes out on him. He couldn't do that with a VMS. It would run him out of business. Anyhow, thanks.

MR. JOHNSON: Okay, thanks, Pat. Guys, there is going to be a public comment at 5:30. We are going to knock it off for today; but I encourage everyone on this AP to sit and listen to people from the industry and what they really think about VMS. We need to remind ourselves that we are here to represent them. We need to really listen to some of these comments. If you haven't been in one of these public comment periods, you need to stay for this and listen to what they have to say, because we are supposedly representing them.

(Whereupon, the meeting was recessed on April 23, 2013, to reconvene on April 24, 2013.)

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APRIL 24, 2013

WEDNESDAY MORNING SESSION

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The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Hilton Garden Inn, North Charleston, South Carolina, Wednesday morning, April 24, 2013, and was called to order at 8:30 o'clock a.m. by Chairman Robert Johnson.

MR. JOHNSON: If everybody could find a seat, we'll get started. Okay, Rodney, welcome; we're glad you could make it on the second day. We are going to be talking about Amendment 30 this morning, and it would be nice if someone would make a motion so we can give the council some direction on what the AP's feelings are on this.

It has been suggested to me that we do a roll call type of vote on this motion that someone is going to make, just to give everyone a chance to explain their position briefly; why they are opposed or in favor. We need someone to make a motion.

**MR. BROWN: Yes; I would like to make a motion that the Snapper Grouper AP opposes Amendment 30 and any requirement for VMS in the snapper grouper fishery; and strongly urges the South Atlantic Fishery Management Council to vote no to the approval of Amendment 30.**

MR. JOHNSON: We've got a second by Greg. Okay; do we need any discussion on this?

MR. COLE: I intend to abstain on this vote for the following reasons. The technology is not ripe. This technology, I think we all saw it yesterday, is rather ancient. I am a little surprised that NOAA has not rebid the contract and gotten this stuff updated. I mean if State Farm insurance investigators can ride around in their pickups with something that is almost indestructible; I would think that we could find similar equipment for our vessels.

But beyond that, I am still a little bit unclear exactly why we're doing it. If the council is doing this in order to capture what is left of that fund, and we're rushing to judgment on this just to capture that; I think that is the wrong reason to do it. It certainly needs additional discussion. I can find negatives, but I can also find positives.

It would appear to me right now, from reading the material, that the biggest reason we're doing this is for law enforcement reasons for MPAs. That seems to be the primary reason. I am not ready to vote yes or no on that issue. I think the time is not right, and I would certainly urge everybody – you know, we are all going to talk and vote today, but in the future something similar to this is probably going to be universal in the United States, but maybe this is not the time for it with this technology. Thank you, Mr. Chairman.

MR. MUNDEN: Some of you may know that I represented the North Carolina Division of Marine Fisheries on the Mid-Atlantic Fisheries Management Council for 14 years. In that capacity, I was exposed to a lot of discussion about VMS. VMS systems have been required for a number of New England fisheries. They are required for some Mid-Atlantic fisheries.

I intend to vote against this motion. If you go back to Gregg Waugh's presentation yesterday, he indicated it would improve data, improve management, it can be used by enforcement; but the one thing that sticks out in my mind is the safety to vessels. In the event that there is a problem on the vessel, they can hit that panic switch and at least the Coast Guard and the VMS people can determine where the last known location of the vessel was.

In my years of fisheries management, I've lost two good friends due to sinking of vessels. This was before VMS came along; but you still have some conditions out there where you don't have time to place a call to the Coast Guard. I am opposed to this motion primarily because of the fact that it removes one option for the fishermen to conduct their business in a more safe manner.

MR. STIGLITZ: Red, just because we vote against it or for it; there is nothing saying that you as a boat owner can't buy one of them units and put it on your boat without the federal government forcing it down our throats. Anybody can purchase one of these, and anybody can hook up to it.

The only difference is if we force it on you, the government is going to pay to put it on your boat. If you want that safety stuff on your boat, you are more than welcome to go to the store and buy one and you can put it on your boat yourself. You don't even have to pay somebody to do it. Thank you.

MR. BOWEN: Just to Richard's point; I've actually taken this one step further and actually done some calls and inquired about VMS. If the council does not require it, we or you or anybody that wants a VMS will not be reimbursed; just to that point. You can get it, but if the council doesn't require it, you will not be reimbursed for your money.

MR. DeBRANGO: Like I said yesterday; I think we should create some sort of exploratory committee on this. There are less expensive options, less intrusive options. The VMS is old technology. It is great, you can e-mail out there, but I can go get something for \$100 that I can do the same thing with.

We were actually just kind of joking around talking last night and like even a transponder, some sort of a transponder on a boat, just like when you go under a toll road; if there is an MPA with a pinger on there that it picks up the signal, something that you go pay \$25 for; something like that. If it is a law enforcement tool, there are a lot more viable, cheaper options to go than having to put \$3,000 worth of equipment on your boat and then have to maintain it and do all that.

MR. HARRIS: I intend to support this and vote no against the VMS pretty much because of the fact the comments that have been made so far. When I take boats up and down the east coast, and wherever I go, I've got a GPS Spot that costs me \$100. It integrates with Google Maps. It has three little batteries that it carries in it, and anybody that I give the address to can track me wherever I am, and it updates every 15 minutes.

I know that last night we were here for the public hearing. A gentleman here from South Carolina, he said something that cued something in my mind when he said that it was another tool to be used for spatial planning. The last time that I heard spatial planning and wind fields was in the New England fishery, and they used that to develop catch shares and shut people out of the business.

I also heard Gregg talk about how it can help with the fisheries as far as developing where the fishermen are; so if they are planning on putting in MPAs, that they can use it to; one, target areas where fishermen are fishing so that they are not affected by the MPAs. But the other side of that coin is we know that they can correlate that catch data with where those positions are and



use that information also to target MPAs. I don't see the benefit of having a VMS, because our fishermen aren't criminals and they shouldn't be treated like them.

MR. DeMARIA: Although I am opposed to forcing VMS on anybody; I think we should do a follow-up motion on this that although the AP is opposed to Amendment 30, we are not opposed to some type of better data collection system or better method of enforcing rules in MPAs like drones or even a transponder of some sort that is less expensive and less maintenance and whatever.

I'm not completely against better data or enforcing the rules in a more efficient way in these MPAs. It is just this VMS thing is just too much. Like I said, the one I've got on my boat is probably going to have to be replaced at some point. Then when 2015 comes along and I've got to get a life raft, too; what is that, \$5,000 or something; and another \$3,000 to replace the VMS? It is too much. In saltwater, you saw the pictures yesterday; it just doesn't hold up. The technology is not there. Someday when the technology is there and it is smaller and less expensive, maybe that is the time but not right now.

MR. JOHNSON: I remind everyone what the council is looking for is just a clear position from the AP of support or non-support. This motion is basically a motion of non-support of Amendment 30. If you don't support VMS, obviously you would support this motion. Is there any further discussion? I want to make sure everyone has a chance to get on the record of why they support or don't support.

MR. STIGLITZ: Before we vote; I've been to two of the public comment meetings, the one here last night and the one in Key Largo last week. I have talked with Ben Hartig. He went to one in Jacksonville and one in Cape Canaveral, I believe. Out of all the public comment, there is not one of our constituents that stood up that I know of that has said we need these VMSs on our boat.

We have the whole state of South Carolina doing something against NOAA saying that they don't want their fishermen to have to have this on their boat. We need to vote for what our constituents want. I just want to put that on the record that we all know of these meetings that I've attended, that nobody I know of wants them.

MR. BOWEN: In my opinion if you vote no to Amendment 30; then that loses your right to complain about data and the data collection. I'm for VMS. It took me two days to work up the courage to say that on record. My point is if you go against VMS, then don't come here in November and complain about data collection. I hear everybody talk about safety this and safety that; there is more to it than that. I think it would help with data collection. I know it would help with effort. You have all these MRIP numbers that are so out of touch with reality about the effort.

MR. JOHNSON: It would have nothing to do with MRIP; that is the recreational sector.

MR. BOWEN: I understand. With me saying yes, I am for VMS; I am also for – if they are going to require it for the commercial permit holders, I am for requiring it for anybody with a snapper grouper permit. I just think that going against VMS halts some data collection. That is the point I wanted to make.

MR. JOHNSON: Okay, that is the road we went down last time, and we are not going to go down that road again. The council wants to know do we support VMS for the commercial sector. That is what Amendment 30 is. It has nothing to do with anyone else. To say that you support it for everybody, this is not for everybody. This is for the commercial industry. I've been to a lot of public comments as well. Just make sure we are clear on what we are voting on.

MR. ATACK: Voting no against VMS is not really saying no for more data or better data collection. You are just saying no to this approach or method of collecting that data. You could be saying instead of I don't want more data; I just want maybe good data but through a different source. There are alternatives. There are more cost-effective alternatives.

We heard about a presentation yesterday about the electronic data loggers. Instead of paying \$4,000, \$3,000 and then \$700 a year for your service, it is going to be 3 to \$500. That could be paid for with the same funding. If somebody wants a VMS, yes, they can go buy a VMS. They won't be reimbursed unless it is required.

However, when you lose your first one that you got reimbursed for, you won't be reimbursed for your second one, so you will be buying the second one. From a safety standpoint, there are all kinds of safety devices you can buy and put on your boat. If these fishermen feel like they need an SAR button to push, then maybe they should buy one.

They should not be waiting on a VMS if it is really a safety concern for their operation or for their boat. They can probably get it for a lot cheaper than \$3,000. I am all for data collection, law enforcement, but there has got to be better ways. There are better ways; there are more cost-effective ways. Really, this does not address the law enforcement for all the sectors.

It is just a small piece of the pie. I would rather have the solution that handles all of it. There have got to be better solutions than the VMS. That is what I am hearing from all the people I talked to. It is just going to be a big burden. It is going to be onerous, it is costly. You guys that think you are going to push this in and we're going to eliminate some competition; well, I don't think that is really going to happen either.

You've got these people that may not be fishing much right now, and they are going to be required to put this on their boat. And they say, "I'm going to get out of it. I'm going to sell my permit." Well, what is going to happen when they sell that permit? Somebody is going to spend \$20,000 or whatever it is going to be to get that permit.

Now that won't be a latent permit, because whoever makes that investment, they are going to go out there and fish. If anything, when you pass this VMS, I think you are going to actually increase the competition and put more boats out on the water, because people are going to be forced to either sell their permit and somebody is going to buy it and they are going to have to fish that permit, make a return on their investment they just made versus somebody sitting there holding a permit.

MR. BROWN: One of the things that got me when they were discussing this on the Q&A, when Gregg had the Q&A, I wrote a second written comment about this – was the comment from I guess it was a NOAA law enforcement agent that said that the vessel would have to declare their target species and gear on board prior to getting underway.

For me being a dual-permitted boat, where I can carry people for-hire or commercial fish' obviously, when you are carrying people out in the ocean, you are going to try to catch them whatever is biting. The Edisto MPA is a fairly large area that a lot of times we end up trolling through it just because of the location.

According to this person that made the comment – and I don't know if it was Otha or somebody else – they said that if we went to sea and declared that we were fishing for snapper grouper fish and trolling, which you would probably have to declare, because like I said you are going to target whatever you can do the best with; we wouldn't even be allowed to go into those areas.

That would impact me personally, because if I am out there trolling and they are not biting and we happen to troll through the edge or through that area; I would be breaking the law. That is only with that one MPA, too. What happens if we end up in the future with multiple MPAs that are covering a lot broader of an area, and you have to worry about how you are going to zigzag through there to keep from breaking the law?

MR. MARHEFKA: I would just like to ask you, well, what would happen if a drone was flying over you and you were doing the same thing? Because that is sort of kind of like if you had a VMS or if you had a drone flying over you; it wouldn't matter. I support VMS. I support VMS, because sitting around an MPA table for years; in the very beginning of the MPAs, we were talking about VMS. They didn't come on board.

I support them because of accountability of people who are going to go and be in these things, who are going to be able to go and sort of fish around them. I just think it is one of those tools that need to be available. We just got done pulling away from a 240 closure for speckled hind and Warsaw. We're now looking at more MPAs put in for these things.

I think it would be beneficial for us to go and have some sort of data of where certain fishermen are fishing or whatever may be the case so we can go and have smaller MPAs. Maybe we don't need this huge swath of MPAs. If we were able to put this up on the screen here and be able to show where the proposed MPAs are; it basically takes the whole shelf break from North Carolina all the way down to Key West for speckled hind and Warsaw.

Now, if we want that, I think we need to go and have a little more forward thinking instead of just saying that, oh, I don't want it because it is going to go and be cost prohibitive to my business, or whatever may be the case. Speckled hind and Warsaw are not the only two fish that we're going to go and be banging on again.

There is something else going to be coming down the line, too. I think you need to go and sort of kind don't just think for the right now, and think for the future a little bit here about why. All the added features that come with the VMS, whether it be e-mails or the panic button or whatever may be the case; I think those are just added features and you don't have to have them. You don't have to pay for that. That is added stuff.

For everybody who is up and down the coast who is not wanting this to happen, here is one guy who does, and I fish for a living. I've been doing it for over 35 years now. I see more stuff happening to us. I don't want the 240 closed. I want to see snowy grouper open up more. I want to see more snowy, because we are getting screwed on snowy right now. I want to see that

happen to where we can go and actually harvest more of those and if we can go and have the MPAs for the speckled hind and Warsaw. But, anyway, that is my take on it.

MR. DeMARIA: I think you have to look at the gains and the losses in this. What is going to be gained as far as data from the VMS compared to what you are going to lose with cooperation from fishermen. I know in our area, if you force VMS on these guys, especially with the small boats, you are going to lose so much cooperation with them.

In this case in our area, especially in our area, I think the losses outweigh any gain. Maybe in the future when these things come way down in price and they are more reliable, they don't stop working when you splash saltwater on them, like a keyboard' that might be the time. But right now, no; it is not there yet and I think the losses just outweigh any gains from this.

MR. BROWN: I think that the overwhelming support with opposition to this clearly states the way the permit holders feel. I just don't see that there is an advantage to voting anything but no against this amendment. Like I said, it is going to impact me in a real bad way, and I'm just looking at it from my viewpoint, too.

I think that if it were required for everybody, private and everybody. that would be a different situation; but to punish just the commercial fishermen I think is wrong. I don't think that is a way to do it. If you were looking at doing this for the overall industry, maybe that is a consideration or something similar. But I am not voting for something that I think it is just singling out specific people.

MR. JOHNSON: Just real quickly, just for my own curiosity; can I just see a show of hands of who would have to have a VMS in this AP if it was – okay, I just wanted that to be seen.

MR. WAUGH: To clarify one point that Mark Brown made; this question has come up several times about trolling in MPAs, and when you declare. At the start of the trip you have to declare. You can declare – and this was clarified last night – you can't declare initially for trolling for like mackerel, pelagics and bottom fishing.

But if you want to troll in an MPA, you can declare ahead of time that you are trolling for pelagic species and go and troll in an MPA. On that same trip, as long as you have a way of notifying law enforcement that you are changing your target and/or your gear, then you can change how you fish.

We clarified last night, too. I misspoke initially and said that you can't transit the MPA if you have snapper grouper, but you can. You can go out and make a multi-gear trip. You can troll through the MPAs, and then bottom fish outside the MPA as long as you have a mechanism, either through the VMS or call in, to change your notification. I just wanted to make sure that was clear.

MR. STIGLITZ: You have to either have e-mail on your VMS or you have to have phone service to be able to do that, Gregg. There is another thing; if you have got to have that VMS on your boat and you show up to your boat in the morning and it doesn't work; you are tied to the dock until you get it fixed.

You just don't go home and pick one up off your shelf, like a radio and put a new radio in your boat. You take it off your boat, you send it off and your boat is tied to the dock for two or three weeks, or a month, or however long it takes the electronics place to either fix your VMS or you have got to purchase another one.

You just don't go to the store and buy another one. Your business is shut down for weeks. If you show up, Mark, to go to work in the morning and you have a charter, whether you are commercial fishing or not; you are not going fishing that day because you are breaking the law. That is another thing we all have to think about.

When that thing breaks, and it is a piece of electronics and every one of us have showed up and turned something on and it don't work; but when you go to your boat and you declare and your VMS don't light up; shut the boat off and go on home, because you are done for the day or weeks.

MR. HARRIS: I would like to piggyback on Rob's question. For those of you that are going to have to have this; how many of you have it on board right now? Just Don, so we have two advocates for it. It has been around for a long time. Why don't you have it already?

MR. BOWEN: That was the reason I raised my hand. I wanted to go ahead and put it on record. If the council mandates that we have VMS, I will go immediately and put one on my boat. I have done the investigation. The only reason I haven't put one on my boat now to this point is because I was waiting to see if the council mandates it.

Then I can get reimbursed. Again, like I said, I have already done the investigation. If the council doesn't mandate it, then I don't get reimbursed. If they mandate it, I will put it on record, I'll go get a VMS immediately. Yes, I do, because I don't have a snapper grouper commercial permit. I have a snapper grouper for-hire permit. I would put it on record; I will go get a VMS if the council mandates it. I am all for it.

MR. BROWN: Just to add to what he said about the VMS not working; I talked to Bob Zales about a month or so ago, and he sits on the Gulf of Mexico Council. He said that there is a requirement for some of the fishermen in the Gulf to have it; I guess that they use it over there. He said the same thing as what he just said is; if it is not working and even if you have left the dock and it is not working; you have to turn around and come back.

That is a requirement right there or you are breaking the law. He said some of the guys that their VMS wasn't working; they would have to sit there for sometimes a week or two waiting on a technician to come and fix it, because you only have a very small amount of technicians that can work on those things. You've got to wait for a long period of time to get it fixed, and that costs you money.

MR. STIGLITZ: Zack, I don't think you are going to get reimbursed for your VMS if you don't have to have it; if you don't have the commercial snapper grouper permit. That is the only people they are going to reimburse. I'm not for positive on that. But Pat is back here in the back of the room, and I would like him to come up and clarify that. I don't think you are going to get reimbursed for it. When you put a VMS on your boat, it is going to cost you \$3,500. Pat is right here. I would like to get an answer from Pat on that.

MR. BOWEN: Pat's assistant, I actually talked with her, and she told me I would be eligible for reimbursement as long as the council mandates it. That is what she told me.

MR. O'SHAUGHNESSY: The reimbursement program reimburses for any council-required regulations. If you do not have a permit that requires the VMS, then you would not be eligible for reimbursement.

MR. BOWEN: I would still put it on record that if the council mandates it for commercial snapper grouper species, and I don't own a snapper grouper commercial permit, I will still put it on record that I will go get a VMS.

MR. JOHNSON: Okay, guys, we also need to not just sort of argue back and forth. This is great discussion, but the purpose of the discussion was really just to state why you opposed VMS or why you were in favor of it. We could probably go all day arguing backwards and forwards about it.

MR. MARHEFKA: To that point; maybe we can free it up. Come on, guys, we're the AP. We are supposed to be telling the council what we want and how we want it. We can set maybe our own guidelines on how we want a VMS to go and work, or our own criteria. Each region probably has different ways of how a VMS works or how it doesn't work.

The breakdowns and those scenarios; hey, I don't like the thought of having a broke down VMS and say I can't go fishing. If there is something we can go and put in for a provision of something that this VMS has been sent off certified to be repaired, and it gets to the electronics shop and it is certified that it is broke and it is coming back and we're going to go and get it back on; they are going to put it back on; I mean, these are things that I'm thinking that think out of the box. Maybe Pat can go and tell me if I am thinking wrong; but can we go and set the criteria and the guidelines of how we want our VMS system to work in the South Atlantic?

MR. JOHNSON: I don't get a vote unless it is a tie, but I am going to go on the record and state my position on VMS. I am a dually permitted vessel like Mark Brown. This would be really tough on my charterboat for the obvious reasons. I could just see me telling my charter, yes, the boat is running, everything is working great, it is a beautiful day but my VMS quit working and I've got to go back to the dock.

I just see it as the technology is not there yet. It is very cost prohibitive, very expensive. There has got to be cheaper alternatives like has been mentioned. More importantly, we are here to represent the industry and their voice. With the few exceptions of a few people, the industry, the guys that I am talking to, the public comment periods that I've been to are opposed to this. They can't afford it. You are really going to hurt people financially. That is just my personal opinion. Again, I don't have a vote in this, but that is how I see it. It is just not the right time. As Bill mentioned, they need to get some of the problems hashed out of this thing and make some improvements. Somewhere down the road maybe they will come up with a better system, but this one is not it.

MR. GOULD: I just wanted to go on the record as being opposed to it. I think it is an overly discriminatory proposal; it discriminates against one sector of the triad of this fisheries. The

technology, like it has been discussed, is not where it should be. The units are heavy, bulky, not been miniaturized or updated in years. It is cost prohibitive.

You can get commercially available units that do the exact same thing for a fraction of the cost. I've seen a lot of the private boats have it now where their owners can access where their boat is at; look at real-time video on the boat. But the way this is right now, I cannot support it as long as it discriminates against just one part of the sector, and with the lack of technology involved in this. It just needs to be improved. We could revisit this later and then I would support it.

MR. MUNDEN: The first presentation that I heard on VMS at the Mid-Atlantic Council, there was one approved unit and that was Boatracs. You look at the information that was presented yesterday, there are at least five. Technology is coming along with these new units, I'm sure.

MR. DeBRANGO: My question is for Pat. Pat, what do the law enforcement units, ships and all that use for tracking on their vessels; do you know? Do they use a VMS?

MR. O'SHAUGHNESSY: No, they do not use VMS. They use satellite trackers, though. Part of the reason for the cost and the size are the security requirements that go on it. A lot of things that are going to be purchased off the shelf don't meet the requirements to use it as a law enforcement tool to stand up to dissecting it in a court proceeding.

That is what causes the price to go up and the size to go up to meet those type approval requirements. Yes, there are some things that are off the shelf, but the type approval standards are pretty stringent to ensure that they can't be changed or modified in any way, and what goes in stays in, and goes up to the satellite and comes back down. That is the added additional cost to those items.

MR. DeBRANGO: Yes; because they've got to ensure that there is no hacking or anything like that that gets into the signal and their data.

MR. CONKLIN: This is a tough, tough vote to vote on. I know everybody cannot afford this right now. I couldn't; and I know that I would have to fund 12 boats and they want their money up front. I don't have \$35,000 to put out right now. I've got to keep the business running, but I will have to borrow money to keep the business running, and I don't want to have to do that. This is totally the wrong time to be voting on something like this.

We are just coming off of a five-month vacation, basically. We have been shut down for five months out of the last seven. What are we going to do? People don't have that kind of money. If there was funding for this up front, okay, but this is totally the wrong time for it. I am not against it, and I am not for it right now. I am just going to have to abstain from a vote on this, because it is totally the wrong time to be voting on it.

MR. OSBORNE: I like the concept of it for my fishery. I don't like the reality of it. The way we were just talking about it, if that thing is broke and you can't go – you know, look at this winter. There are a lot of people in here probably banked on one trip. What if that one trip you are out? That can make or break you. I like the concept of it. I like the data that we're going to get from it.

I like the law enforcement issues of it. I think it is going to take a lot of the questionability out of the fishery for things that are going on, but it has got to be improved. You can't put out that kind of money for a VMS and then miss one fishing trip that might make or break you for the month, you know. It has got to work better is what I'm saying. I like it. I think that it would really help the commercial sector take a lot of questionability, accountability measures out of the sector and give us some more options, open up some more fishing. But the reality of the way the thing works at this time, I don't like it.

MR. DeBRANGO: Yes; just a quick comment; I did have it on two of the boats I ran. Both of them, the antennas went out and it did put me down. I had to wait. We were sitting at the dock, which we weren't doing anything, I mean, we were wreck fishing on the one boat, which absolutely has no requirement of VMS.

The antenna went out and I had the one technician like he was talking about. He had to order a brand new one. It had to come. If any of you have been wreck fishing or swordfishing out there; you know that you are very contingent on the weather. Instead of leaving and getting three good days to start out with, we got our ass handed to us.

MR. BOWEN: We're not in the arguing phase, as the chairman has so told us, but I don't buy the mechanical breakdowns. Every one of us that run boats has motors. They are mechanical. They have starters, electronics. If your motor breaks, you are not going anywhere either. If your starter breaks or break a shaft, you ain't going anywhere. I don't buy the mechanical breakdown. I think that is a cop out. I just wanted to put that on record.

MR. JOHNSON: Zack, I think the point these guys are trying to make is if my starter goes out on my engine, I can go get another starter and put it on. I don't have to wait for a certified starter guy to show up, and him look at it and say yup, your starter is not working, and then him order one and then wait for it to show up. I think that is the point that I am hearing.

MR. BOWEN: I understand that. If my shaft breaks, I've got another spare shaft in the garage, you know. You can buy two VMSs if you are that worried about missing a trip. I buy spare everything so I don't miss them.

MR. JOHNSON: That is a good point about the two VMSs, and Pat is here and he can answer that question; I think when you buy one of these things; you have to put it on something and turn it on and pay for it. I don't think you can just keep it as a spare on a shelf. Can you explain that, Pat, for us.

MR. O'SHAUGHNESSY: To meet the requirements, one VMS unit has to be registered and reporting. Particularly in the pelagic fishery that goes 500 to 1,000 miles offshore; we do have a number of those vessels that have one operational VMS unit and a second VMS unit on board that can be turned on. We do have some of those boats that also have two VMS units reporting at all time so if one goes down the other one still reports and meets the requirements.

MR. BOWEN: While Pat is speaking, how much mechanical failure percentage-wise do you see on these VMSs?



MR. O'SHAUGHNESSY: I'm not prepared to give a percentage. We do have problems. Antennas do go out. Most of the vendors will – you FedEx yours off or it is identified, they will have it FedExed or UPSed the next day. There are those instances where the unit itself has to go back in, and we usually work with those fishermen.

The ones that contact me and talk to my office, we try to set up some alternative means to call and give their positions or some other means to get the vessel underway. Unfortunately, sometimes I hear about these complaints where the vessel has been tied up for a week or two weeks, and I hear about it the second or third week.

The regulations in the Gulf reef fish fishery says they are to notify law enforcement and take whatever actions law enforcement says. We try to work with the vessels. Certainly if someone has repeated failures over and over again, we are less likely to work with someone, because it doesn't necessarily appear like they are fixing the problem. But if you get a marine electrician down there and they work and they identify that there is a unit problem, we work with the vendor to try to get that rectified as quickly as possible.

MR. BOWEN: If I had a VMS on my boat and I got down there at seven o'clock that morning – and I understand your office isn't available on the weekends, but let's just say I got down there at seven o'clock on a Wednesday and my VMS for some reason or another was not working; I could call your office and still have the chance of not missing that trip; is that what you're saying, as long as we were talking to you or one of your VMS technicians?

MR. O'SHAUGHNESSY: The first step we always like to have is a marine electrician come out to see if there is something that can be readily fixed. If someone calls and says my VMS unit is not working, I want to go fishing; it is usually not that simple. We want to get someone else to look at that unit to make sure there is a problem and it is not something that is easily rectifiable. Sometimes it is a power issue; or if it is a short in a cable and a cable needs to be replaced, that the marine electrician can do. But in that instance just calling us and saying it is not working; usually we want an electrician to take a look at it at that time.

MR. BOWEN: Thank you. That kind of alters my opinion now a little more then.

MR. BROWN: Pat, how many technicians are available in South Carolina?

MR. O'SHAUGHNESSY: I don't have information on technicians at my fingertips here, sir.

MR. DeBRANGO: This is just a question for Pat. Basically, say, I have like my cell phone, it is a piece of junk, I hate it, I am stuck with it, because I have got to wait to buy another one. If you go buy a dud as a VMS and you have constant problems with it as to no fault of your own, it is a repeated action and that is going to be a big problem, because you are going to be losing more than just a little bit of time fishing; you're going to be losing a lot.

In order to have a spare on there, you are looking at \$6,000 and \$7,000 investment to keep a whole spare 'nother unit on there. But if you buy a dud, you are really in trouble, basically, which everybody knows with electronics, there is no guarantee you are getting something good.

MR. BROWN: After that initial investment, if it goes bad, it is coming out of your pocket again. They may reimburse you at some point, maybe, but you pay for it the next time.

MR. JOHNSON: Okay; if there is no further discussion, I will have Myra read this motion and we can take a vote on it.

MS. BROUWER: The motion reads the Snapper Grouper AP opposes Amendment 30 and any requirement for VMS on the snapper grouper fishery, and strongly urges the council to vote no on Amendment 30.

**MR. JOHNSON: All in favor of the motion; all opposed; abstained – three abstained – thanks a whole bunch, guys. The motion carries, but I’m thanking you for giving the council some clear direction this time around.**

DR. DUVAL: I want to echo what Robert said; I think it was really important that you all had such a thorough, articulate, rational discussion on this issue. There are seven council members here. I think you all know how important of an issue this is for us right now. We very much appreciate you all taking the time to have this discussion. I thank you, Mr. Chairman, for your leadership in guiding that.

MR. JOHNSON: Okay, Marcel, we’re ready for your magic.

DR. REICHERT: My name is Marcel Reichert; I am the manager of the MARMAP and SEAMAP Fishery-Independent Monitoring Program for South Carolina DNR. I am also the Vice-Chair at the South Atlantic SSC. I want to thank the panel for providing me an opportunity to update you on the fishery-independent monitoring on the snapper grouper.

On the snapper grouper monitoring efforts last year, I updated the panel in 2011 so some of what I am telling you today may be familiar. This is an overview of the combined MARMAP, SEAMAP, South Atlantic and SEFIS efforts. As you may remember, MARMAP is a long-term monitoring program. We’ve been in existence since 1972. We celebrated our 40th anniversary last year. We sampled reef fish since the late 1970s.

We targeted live bottom habitat with the fish traps since the late seventies. Due to stagnating funding and the call for a more regional coverage, SEAMAP South Atlantic provided some additional funding. SEAMAP has been in existence since 1986, but we started the reef fish sampling since 2009.

Then to reply to a further call of increased fishery-independent sampling, the Southeast Fisheries Independent Survey housed out of the Southeast Fisheries Science Center, under the guidance of Dr. Todd Kelison, started in 2010. It also was the year that we started introducing video cameras on all of our traps. The primary tasks of the three programs are to monitor the relative abundance of reef fishes using a variety of gears, most importantly currently traps and video. We conduct life history studies, and that means that we can provide the SEDAR process, the council, and the stock assessors with the length compositions, age compositions, reproductive parameters, and other information essential to stock assessments. We also conduct the research to provide the data and the analysis in support of those stock assessments.

Currently we are doing dive studies. We do genetic studies to study the stock structure of important stocks in the region. Also, we investigate and map bottom habitat, and the latter is mostly done currently by the SEFIS Program using multi-beam and other technology. These are some of the species that we are targeting.

As I mentioned, the most used fishing gear is the chevron trap. We've used this consistently since 1988. We used it in a standardized method since 1990. The upper left panel is a video shown from inside the trap. In the lower right is an overview of how we sample the traps. We deploy traps generally to a depth of about 120 meters, although normally we don't go much deeper than 90 meters.

We soak the traps for about 90 minutes and they are baited traps. We deploy them over the back of the research vessel and then we haul them back over the side using a pot hauler. As I mentioned, we are currently using video and still cameras on the traps. In the nineties MARMAP did some camera investigations in using still cameras on the traps. We stopped that but we started putting digital cameras back on the traps in 2008.

They took a picture every five minutes. With the start of SEFIS – and this should be 2010, the 200s; that is a typo – we started adding video cameras on the traps, and currently we have two video cameras on the traps; one facing the opening off the trap and the other one on the nose of the trap facing the other way.

We have a high definition Canon camera with a metal housing, and the other camera is a GoPro. Currently we are using two vessels, the RV Palmetto, which is owned by the state of South Carolina. That is the vessel that is used by MARMAP and SEAMAP, and the SEFIS group is using the RV Savannah out of the Skidaway Institute.

Each vessel completes currently about 50, I would say, 45 to 60 days at sea. We conduct our research in 5- to 12-day cruises. Our sampling design is we select a number of stations from a sampling universe of close to 2,700 stations. On the map you will see the current universe of our sampling stations. Please note that some of the dots overlap other dots.

If you would count the number of dots; that would be considerably under the 2,700, but we have a lot of overlapping dots there due to the size of the map. We randomly select our stations from that universe. They are generally selected 200 meters apart, a minimum distance of 200 meters, but more often than not the minimum distance is about 400 meters to avoid some interaction between trap locations.

MARMAP and SEAMAP and SEFIS are using identical methodology. For logistical reasons, currently the MARMAP and SEAMAP program samples over North Carolina, South Carolina and the SEFIS programs generally sample over Georgia and Florida.

AP MEMBER: You said earlier that the SEFIS had video on all the traps.

DR. REICHERT: We all have; every single trap. We are using identical methodology. Both MARMAP/SEAMAP and SEFIS have the videos on the traps. CPUE analysis; we collaborate with the SEFIS group and others. Again, for logistical reasons and because of our historic activities in that area, we process all the life history samples, the otoliths and the reproductive tissues collected by MARMAP/SEAMAP and SEFIS.

The SEFIS group is examining and analyzing all the video information. Then currently we're working on establishing one comprehensive dataset. That dataset is managed in collaboration with the colleagues at the Southeast Fisheries Science Center. Just to give you a brief overview' before the SEFIS program came into existence, generally we sampled between about 400 and 700 stations annually. With SEFIS coming on board, we were able to more than double the number of stations that are sampled.

Currently we sample between 1,000 and 1,500 trap stations each year. One of the things I wanted to mention is that you probably are aware that MARMAP sustained a 40 percent budget cut in 2012, and it affected the sampling somewhat. We had a reduction in sea days and a reduction in processing stuff; but, more importantly, we had to halt the short bottom longline and the long bottom longline surveys, and that affected the data collection for species such as snowy grouper, amberjack and golden tilefish.

AP MEMBER: How big is the budget for MARMAP?

DR. REICHERT: The MARMAP budget by itself used to be \$850,000 a year, which is the same amount of money we got in the early nineties. The funding level, with the exception of I think two or three years, has been the same since the early nineties or mid-nineties. Currently the MARMAP funding is a little under \$450,000. That is with the 40 percent budget cut.

We have had a lot of support and we are still waiting to hear what our funding level is for the upcoming sampling year, which starts May 1. Our funding year is May 1 through the end of April. I hope to hear soon what our funding levels for the summer are going to be. Then as I said, we have some additional funding through the SEAMAP program and then SEFIS is providing some funding. We are providing some field staff for the RV Savannah. As I mentioned earlier, we are processing all the life history samples so that is some funding provided through SEFIS.

MR. CONKLIN: Marcel, when was the last longline survey done?

DR. REICHERT: 2011.

MR. CONKLIN: 9/11?

DR. REICHERT: In 2011; the first year that we halted that was in 2012. That is where we sustained at 40 percent budget cut.

MR. CONKLIN: Is there any way you could do a bottom longline survey?

DR. REICHERT: Under the current budget situation?

MR. CONKLIN: Yes.

DR. REICHERT: The tilefish survey; that is not possible. Short bottom longline; doing the short bottom longline survey at the level that we did that in 2011, which had a relatively restricted geographical range; that is not possible either.

MR. CONKLIN: When they set the bottom longline; is it a regular longline spool with cable on it?

DR. REICHERT: The long bottom longline is a one-mile steel cable so that is more the longline deployment, as you would probably know or recognize, with 100 hooks. The short bottom longline is specifically designed to sample high-relief areas that we cannot deploy traps. That is called a short bottom longline, because it is relatively short and it has 20 hooks.

I think the distance between the hooks is between 1.5 to 2 yards. We can't use those long lines over the live bottom habitat, because we either snag the line or we do a lot of damage to the environment. Those two bottom longlines have a different survey design and a different survey purpose.

The long bottom longline, the one-mile steel cable is predominantly deployed over the soft mud bottom habitat to target tilefish, golden tilefish. The other longline is targeting the live bottom habitat for snowy grouper. We get a lot of black belly rose fish, and we catch amberjack and other species on those.

MR. CONKLIN: Have they ever tried the float gear where they deploy 10, 12 or 15 hooks and they spread it out? It just buoy fishes.

DR. REICHERT: I am not sure if the MARMAP program has ever tried that in the past. I know we have used Kelly pole gear, which ended up very complicated to use. It got tangled a lot. That is from the Kelly pole gear, the short bottom longline was developed. I'm not familiar if that type of gear was ever tried in our survey.

MR. BROWN: Cost-wise, which is more expensive, the trap or the longline?

DR. REICHERT: I think per gear deployment; I think the costs are about the same for the short bottom longline and the trap. The short bottom longline currently we cannot collect any video information. We have been thinking about ways to potentially do that. Long bottom longline is different, because the deployment obviously is entirely different. If I remember correctly, but don't hold me on those numbers; I think the long bottom longline had an annual cost of about \$50,000.

MR. BROWN: Have you lost any of the traps?

DR. REICHERT: We occasionally lose traps as we occasionally lose short bottom longlines. In particular in areas close to the shelf edge with high relief, with higher current speeds, we occasionally lose traps. I would say one or two a year. We have had years where we lost no traps. We have panels in them that open after a while so they are not ghost fishing. Sometimes we try to retrieve them, because obviously we know where we lose them, but generally we are not that successful.

MR. HARRIS: I noticed that your dots end, it looks like right about West Palm, is that correct?

DR. REICHERT: Yes, I think generally the St. Lucie Area Inlet. That is where the shelf edge gets really narrow and current starts affecting our sampling.

MR. HARRIS: It is safe to say that there is no sampling in South Florida, the Keys or out to the Dry Tortugas and the rest of the range?

DR. REICHERT: MARMAP, SEAMAP and SEFIS do not sample in that area; that is correct. There are other surveys in that area.

MR. FEX: Could cooperation with the industry kind of help offset some of that cost for the bottom longlining? I know there are longliners now getting endorsements and I think that would be good to try to utilize them to try to help them, because it is their stock they are trying to protect or whatever. I think maybe trying to get them to be volunteers and do something like that might do that. If you are losing that data stream, then you are losing that availability to assess that stock.

DR. REICHERT: I absolutely agree; I think that is a good idea. We have actually talked about that. When we discussed the cut in funding and the effect it had or could have on the fishery-independent sampling; we discussed the potential for collaboration with the industry, especially for the tilefish survey.

I think that is a good idea. We as MARMAP haven't pursued that but that may be an option to collect some data, and particularly for golden tilefish. In 2012 we deployed just under 1,400 traps, all with video cameras, and we made over 450 other gear deployments including CTD, and that is used to collect oceanographic information such as temperature and salinity.

We also deployed some hook and line for diet studies and to collect additional life history information. In the entire year, all programs combined, we collected, identified, weighed and measured over 40,000 fish representing 74 species. Of those, we kept 9,359 fish, representing 40 species. Those are our priority species for life history studies.

As I said earlier, that is mostly age, growth and reproduction. I mentioned the diet studies, and we are collecting that information to ultimately support the ecosystem-based fisheries management and to look at the connections between various groups of predator and prey items. We completed sampling the red porgy, vermilion snapper and gray triggerfish, and currently we are collecting diet information on the groupers, the red snapper, and squirrel fish.

This is a brief overview of the catches in our chevron trap. As you can see, the vast majority of our fish is black sea bass. You can see that in the bold are the ten most abundant species in our traps. A lot of those are species in the snapper grouper management complex. I want to point out that red snapper currently is in the top ten of our most abundant species. That has not been the case in a long time, and that is partially because of our increased efforts off of Florida and Georgia.

This is an overview of the life history samples we take. As you can see again, black sea bass is the vast majority of the samples we take, close to 5,000. Late last year we aged all of those to provide the data for the black sea bass update that you heard about yesterday. You see that some of those numbers may not add up with the previous slides, because we do collect information from the fishery-dependent sources to get additional information.

As an example, we aged the red snapper that were collected during the short opening last year to provide that data to the National Marine Fisheries Service. The overviews I will provide in the next couple of slides are only chevron trap monitoring data, so we have not included any reconnaissance information.

We have considered doing that but currently we have not done that. Time series is 1990 to 2012, and please note that 1990 was the year after Hugo, so that sampling year may have been affected by Hugo. Yes.

MR. HARRIS: Could you go back to that last slide?

DR. REICHERT: Sure.

MR. HARRIS: I couldn't help but notice here on this for 2012 that you did your snowy grouper life study and you collected 167 snowies.

DR. REICHERT: Total, yes.

MR. HARRIS: That is a quarter of the entire recreational allocation. I'm just saying for one year. I think maybe we should look at adjusting the recreational allocation for snowy grouper, since you are collecting a quarter of it to study life samples.

DR. REICHERT: Some of the 123 were from fishery-dependent sources. They were not all from the fishery-independent sources; 44 were in the traps.

MR. BOWEN: Rob, if you want to look at that, they sampled 430 times the recreational allocation for red snapper.

MR. HARRIS: No; that was just one of the things that stand out to me is that we've got all these things that we're protecting and you're catching more than what we can to study them. That just raises a flag for me, but please go on.

MR. BROWN: On some of the migratory fish that are in there, do you do any DNA stuff like they do for the cobia?

DR. REICHERT: Which species?

MR. BROWN: Like amberjack or some of the other fish that might move.

DR. REICHERT: Currently I do not believe we take DNA from amberjack. I can double check that.

(Remarks made off the record)

DR. REICHERT: It is. Okay, thank you for that good news. For each species that I selected in this overview, we selected a specific size range over which about 95 to 100 percent of that species is collected in our traps, and that is to eliminate some zero values in our analysis. The

data I will present are normalized to a long-term average. It is a CPUE in fish per trap per hour, and I'll provide two analyses.

One is the nominal CPUE and the other is called delta-GLM standardized CPUE. The nominal CPUE is simply the geometric mean of all traps. In that method, all older trap data can be used or the data from old traps can be used; but there is no correction for potential variability in sampling, such as depth of sampling location.

Delta-GLM is a technique that is commonly used in fisheries research and other research to model CPUE. It has the ability to correct a CPUE for variability in sampling such as location. That was important because of the significant increase in the number of stations when SEFIS came on board.

The caveat there is that if you are missing any temperature data or depth data, for instance, for a particular trap; you cannot use the data from that trap in the analysis, so you are forced to exclude some of the data from the analysis. There are other methods available and in development, such as what is called zero-inflated models.

We are currently continuing to work with researchers at the Southeast Fisheries Science Center and the stock assessment teams to see if there are better or improved ways to express CPUE. I do need to point out some caveats in terms of interpreting the data I will show. This is just a summary overview, and you have to realize that many of the species or much of the data that I am going to show here; species have not been assessed through SEDAR; and the trends or the analyses were obviously not discussed in the data workshop framework, et cetera.

Also, it is important to realize that the constraints and stratification that I used or that we used in our CPUE, such as a depth range or the type of CPUE standardization may be different from those that are used in SEDAR stock assessments. It is also not an update on stock status. If you want an update on stock status, obviously you would need more data such as an update of all the indices and not just the fishery-independent indices.

You need an update on age compositions and length compositions for all the data streams, including fishery-independent sources. Also, if you are thinking about a straight-up update of stock status, you have to make certain assumptions about parameters that remain the same since the last benchmark assessment.

I have 18 species available; so if you're interested in some other species, let me know and I can pull up those slides. All the graphs that I'm going to show you are structured the same way. The nominal CPUE is in blue; the delta-GLM CPUE is in black. Please note that the overall patterns are more important than the absolute numbers in the graphs.

Also, I forgot to mention all the pictures that you see in this presentation are pictures taken by our underwater cameras. If you're, interested maybe at a break, I showed a video at the council meeting and at the SSC meeting. It is kind of a "best of" from our videos on the traps. If you're interested, I can show you that during one of the breaks. It has some interesting stuff; among other things speckled hind, great white shark. There are some rays and a red snapper that was tagged.



We actually now started seeing some red snapper that were tagged in other studies. This is red porgy. Remember the terminal year for the most recent SEDAR update was 2011, and we are currently updating and analyzing the life history information and CPUE to prepare for the benchmark that is scheduled for next year.

This is red snapper. This is one of the species that you have to be careful interpreting what you see, because that significant uptick in the nominal CPUE is most likely due to the increase in sampling off of Florida and Georgia. You have to be careful interpreting that. Again, we are working on updating that information for the red snapper assessment for next year. This is a vermilion snapper; you may remember that is another species that was updated last year with a terminal year of 2011. This is white grunt.

MR. BOWEN: Excuse me, can you go back to the vermilions. please.

DR. REICHERT: Absolutely.

MR. FEX: I'm looking at it and it looks like the CPUEs went down, but yet our assessment just showed that we get an increase. What would be the rationale or understanding for that?

DR. REICHERT: That is why I said this is not a stock status update. For a stock status update you need a stock assessment; either an update, a standard or a benchmark. This is white grunt. This is scamp. Also I want to remind you some of these species you've seen in the list that Dr. Barbieri showed yesterday; they are part of the ORCS procedure that the SSC discussed recently.

This is knob porgy. Again, I wanted to point out that you have to look at these 1990 data with a little bit of caution, because that was the year after Hugo. Here is tomtate. I know that the vast majority of the fish in the picture aren't tomtate, but there is a tomtate in there somewhere.

MR. MARHEFKA: What year did MARMAP change to the chevron trap?

DR. REICHERT: We started using it in '88, and then in 1990 was the first year that we used it in a consistent and standardized manner. The first couple of years I think we tied the chevron traps up to the vessel and then we developed a more standardized method, and 1990 was the first year that we did that. That is the overview of the species I have here. I have a couple of others if you are interested.

MR. ATACK: Now this CPU is fish per trap per hour.

DR. REICHERT: Yes.

MR. ATACK: So if other species are more abundant, then would that be reasoning for the fish per trap per hour to be dropping on some of them, kind of like a crowding out?

DR. REICHERT: You mean in the environment or in the trap?

DR. ATACK: This is in the trap, right?

DR. REICHERT: Yes, both happen – if species composition in abundances is in the natural environment changes, then obviously that may have effect on the abundance of other species. Sometimes you see those interactions; one species gets more abundant and other species get less abundant within the trap. That may play a role, also.

We have recently done some research to look at what is called saturation to see how full the trap is, if that affects species composition and the CPUE. We now have some information that we can use to potentially correct some of the CPUEs for the species where that plays a role. We are also currently looking at what is called species/species interactions, whether the presence of one species in the trap affects the presence of another species in the trap. Those are some of the methods that we are currently looking at that we could potentially use to standardize CPUE.

(Question asked off the record)

DR. REICHERT: No, but I have that if you are interested.

MR. ATACK: I know you made the comment that there was no reconnaissance data in here. What did you mean by that?

DR. REICHERT: While we were out there, we spent a limited amount of time looking for a live bottom habitat that we currently have not included in our universe. Generally we have not used the first year of those deployments. We have not used that in our CPUE, but we are currently looking at whether that would make a difference in our CPUE.

MR. ATACK: Do you use the videos as data for any kind of accounting?

DR. REICHERT: Yes; that type of analysis is currently done by Todd Kellison, Dr. Kellison's group at the Southeast Fisheries Science Center, and that is some of the new information that will become available for future stock assessments. That is currently being worked on.

MR. ATACK: That is kind of being counted and tabulated, so there will be kind of charts like this based on the video data alone for different species?

DR. REICHERT: Yes; that will be an independent index that can be used in stock assessments. That was partly done – we started using still cameras on the traps, because we knew there were species such as lionfish and others that generally are not attracted to the trap. The video survey will provide some additional information to address those concerns.

MR. BROWN: Just to touch on that, too, what you just said; we catch lionfish on a regular basis now, too. It used to be that we didn't ever see any, but it seems like now every summer you see more and more. It is getting more regular, and sometimes we get multiple ones.

DR. REICHERT: To that point; we started actually catching lionfish in the traps now. We haven't caught them. On the "best of" video, the opening of the video is a shot with four lionfish circling the trap.

MR. BROWN: The question I had, Marcel, was I talked to Jack McGovern a few years ago about the process that MARMAP uses with the traps and the longline and everything. When the

whole thing came up with red snapper, there was a big worry that the chevron traps weren't really producing what they should for red snapper, showing what the actual population was and whether or not they even worked very well for catching red snapper.

Jack was explaining to me that – because I had mentioned using other ways to try to fish for these species, do different things, maybe you would have a lot better luck. But he started telling me that it had to do more with the consistency over a period of time doing the same thing over and over again for a long period of time, and then you look back at the results, and then you came up with some sort of an analysis.

Well, with this budget cut that you just mentioned, and it is cutting into the amount of days you are able to use your gear; how does that play into the overall perspective on what you are providing to the analysis of these different species? Is that taking something away from not being able to do that on that consistent basis?

DR. REICHERT: You are absolutely right; that consistency is important and that is why the SEFIS group – we collaborated very closely with Todd Kellison and his colleagues to make sure that they are using the exact same methods that we are using. That was also the reason why we decided in collaboration with the Southeast Fisheries Science Center to halt the longline survey, so we could continue to collect the data on the chevron traps; so we did not have to impact the long-term chevron trap series. I don't believe we have compromised any of our current chevron trap index.

MR. BROWN: Well, do the species of fish that the chevron trap is catching; are they the high important species, or would it be more advantageous to use the longline to target species that we seem to have issues with management?

DR. REICHERT: Well, I showed you the list of the species that we collect in our chevron traps, and I also showed you the species that we collect a lot of information for in our longline survey. The longline survey, the halting affected mostly species such as snowy grouper, golden tilefish and amberjack and some others.

But if you look at the species that we collect in our chevron trap; the top 10, I think with the exception of one or two are all managed species; and species I would consider important such as black sea bass, red porgy, vermilion snapper, scamp, and red snapper. To address the red snapper, that was a concern initially, because we were not catching large numbers of red snapper in our traps. However, the chevron trap in the Gulf of Mexico does collect a lot of red snapper. In recent years, as you see currently red snapper is in the top ten of our most abundant species in the traps. We do catch them in the traps.

MR. BROWN: Do you ever consider building different style traps?

DR. REICHERT: We have. In the past we have used Florida traps – I think they are called Florida snapper traps or Antillean Florida traps, and blackfish traps. We are looking into potentially other designs. The problem is – and that goes back to something you said earlier; if you start to change the design of your trap, you start a new gear index.

It is very important that you realize if you put that effort in a new gear or in a new survey, that may compromise your current survey. At the moment we've chosen to continue that long-term dataset for the chevron trap, knowing that there may be gears out there that may target specific species better in a different way. But it also means that other gear may not collect the species that we are currently collecting in high numbers as efficiently. That is always the tradeoff between those two.

MR. MARHEFKA: In all your slides here from 1990 to 2011; when you had the red snapper slide up there, you were indicating that you are now sampling in a different area, and that is why you are possibly seeing the spike. Are all these years the same place that you go back to every single time to go and get that sample survey?

Because if not, then what you are saying about the trap situation doesn't really make a whole lot of sense either, because you are going to different places to go and find different species. But the point is that to do it and be consistent, you need to go back to the same spot, the same place every time in every trap.

As a fisherman there is no way that I could go and say I can go and do that and see the species from that timeframe to that timeframe and see the amount and the type, because of what might have happened on the bottom and just water quality or whatever may be the case. I am just trying to go and figure this all out here; why you are not getting all these numbers that you were getting.

DR. REICHERT: We do both. We have our 2,700 stations and there are stations or areas that we return to pretty much every single year. Then there are other stations that we have added over time. There are different sub-datasets in our database, the stations that we have pretty much consistently sampled.

That was one of the recommendations of a review that we went through I believe year and a half ago to combine that to have a number of what is called permanent stations, and to go back there; and then in addition to that, survey randomly the rest of the area. You have both an idea of what is happening in places that you have sampled over time, plus get a picture of what is happening in the entire region.

That is why we started using the delta-GLM or some of the other standardized methods that take into account the variability and location and depth of those sampling areas. Dr. Joe Ballenger in my group has actually looked at the analysis of some of these sub-datasets and see whether you see different trends. In general you see the same overall trend in CPUE. Does that answer your question, Mark?

MR. DeBRANGO: Just a quick thing; is your research and everything given a weight to the council like a percent of error or anything like that? When they go to look at your information, because I know what he's asking, different places and different times; is there like an efficiency level put on you like an accountability sort of thing? Because if you're going to different places and you're seeing these things, like Mark being a fisherman and everybody else, nobody goes to the same spots all the time. You leave them alone, you know what I mean? Is it weighted, basically?

DR. REICHERT: Well, that is why we provide an error around our estimates, and that is taken in to account in the stock assessments. That is being taken into account in stock assessments. But I think that is also one of the essential differences between fishing for a living or going out as a recreational angler and catching fish.

A scientific fishery-independent design is designed in such a way that you do the same thing consistently time after time, year after year, so you can compare what you're doing and the results that you're getting over a long period of time. I think if we would chase fish, knowing that they're moving around; I think that we are compromising that scientific fishery-independent sampling design.

We are sampling areas where historically we may not have found high densities. For instance, in the case of black sea bass; you see an increase in densities. You may not see that in a core area of your reef, but you may start seeing increases in the fringes of that reef. That is very important information in terms of estimating the relative abundance of black sea bass in this case.

MR. DeBRANGO: Well, do you take into account times of year, spawning habits and all that stuff, and tend to try and be in those areas where there is more activity in the areas live?

DR. REICHERT: That goes back to the standardized sampling design. Our sampling season is from May 1 through the end of September, and that is when we collect our samples. We know what the spawning seasons are, we know what migrations are, but we are not specifically designing our sampling to react to species behavior; again, because you want to standardize the way you're sampling; you are collecting your data.

But, for instance, for the life history information; that is why we rely in some instances on fishery-dependent sources, especially if we are to provide, for instance, reproductive information from species that are spawning outside our sampling season.

MR. BROWN: When you were talking a few minutes ago about changing the system, as far as changing traps or whatever, and it not being consistent with what you're doing, is it –

DR. REICHERT: What do you mean not being consistent with what we're doing?

MR. BROWN: As far as the information, if you change your longline gear or used a – so is it too cost prohibitive to run another program parallel to that? Do you know what I'm saying is to get some traps or maybe different longline or rods and reels or something and run them parallel to the same program.

DR. REICHERT: That is one of our main issues. As I said earlier, the MARMAP funding, although we got some additional funding through SEAMAP and SEFIS; our funding has basically been level since the early nineties. As you all know, costs went up since then. It is mostly a cost issue in terms of starting new monitoring, new indices using a different type of gear.

MR. JOHNSON: Mark, the stuff that we're doing in the state of Florida, it is standardized and it is a different kind of gear type. We use rod and reels; that the hook size is standardized, the bait is standard, the timing – two-minute drops. They've been real careful. We did do some short

bottom longline surveying last year as well. We did put cameras on our gear. There is a way to attach a camera on that longline gear. There are other people doing work that they can sort of parallel and look at.

DR. REICHERT: To that point; there are other state initiatives, other initiatives to look at other gear. For us, for the three programs, to add a gear that would obviously come with a cost in terms of sea days and analysis. For this year, we just started our sampling season. The Palmetto left last night; we had a bit of a delay because of weather.

Sampling season is, as other years, May through September. This week was our shakedown cruise. We currently continue to use chevron traps, but with two video cameras as I mentioned earlier. We will continue collecting other information, including diets. Although I just saw that we may have some restoration in funding, the current plan is still not to resume the long and short bottom longline; but perhaps we can revisit that and see if we can resume that to collect information on tilefish and snowy grouper.

With that; obviously, this is a large program. I would like to acknowledge the MARMAP, SEAMAP and SEFIS staff and students, in particular Dr. Kellison at the Southeast Fisheries Science Center, who is heading up SEFIS, and Joey Ballenger and Dr. Tracy Smart who is sitting behind me, who have been largely responsible for the analysis of the CPUE data. With that, I will open the floor to any additional questions you may have.

MR. BOWEN: You said your cruises were from May through September; was that correct?

DR. REICHERT: Yes.

MR. BOWEN: I have witnessed some of your research boats off of Savannah just over the last 24 days; why would they –

DR. REICHERT: Was that the Savannah or was that the Palmetto?

MR. BOWEN: I didn't get close enough to get the name of the vessel, but, of course, I recognized it was a research vessel. I am just curious why they were sailing in April.

DR. REICHERT: There are other programs and other projects that use the same vessel. It is not just us that are using the vessel. You may very well have seen – especially the Savannah; there is a lot of Skidaway and University of Georgia scientists and others that are using that vessel for their surveys. That may have been what you have seen. Any other questions?

MR. ATACK: Can you show the black sea bass plot there?

DR. REICHERT: Certainly. Again, the discrepancy between the nominal and delta-GLM is probably due to the increase in sampling over Georgia and Florida. Again, this may not be the CPUE that you have seen in the updates, because they are using different constraints as to how they calculate CPUE.

MR. MARHEFKA: Marcel, that is my point, because you have changed your pattern or your sightings or where you're going and what you're looking for; this black sea bass looks amazing.

Red porgy, for instance, which is more of a colder water fish is going to go and look amazing in January through April.

We're not seeing that and because we didn't see the recruits is one of the drivers of why we're not going to go and see anything happen to red porgy this year. It is frustrating for me, because at one point I was doing 9.5 percent of all the red porgy in the South Atlantic. We've been shut down on these fish for so long. I'm seeing so many more sizes, year classes and so on.

If we're not – and I'm not beating you up about it. It is just what I am seeing and what you guys are seeing just doesn't look right to me. I think because of the sample times that you are trying to go and do certain species; they may be more abundant during different times of the year and fish and size-wise also.

We're just seeing huge amounts of them out there from all different ranges. The thing is we're not even tapping all the areas where these fish are. They go all the way out to 600 foot of water. It shows a big increase, but we're not going to get anything out of that because it is not big enough for what they want. I don't think it is representative of what we're really seeing as fishermen offshore, I really don't, or divers.

MR. BROWN: Marcel, I'm also seeing a lot of them in shallower water, too, in depths 60, 70 feet, good-sized red porgies; whereas, we didn't really see as many of those that size years ago. We're seeing pretty good many, a good abundance of them.

DR. REICHERT: I think the update assessment next year will tell what the status of the stock is currently. All I can say is that this is the data that we've collected that we are seeing in our traps. Given the constraints of how this index is calculated, I think there may be value to sample year round, but again it is amazing to see what type of data we were able to provide given what we are working with.

MR. MARHEFKA: I would like to go and see – I know NMFS is listening here; that we need to go and possibly go and put some LOAs out there to start bringing in these recruits. Because if you're not seeing this and we are, then we need to go and sort of kind of have a snapshot of what the fishermen are seeing. Of course, they are going to slow down once the water starts warming back up, but come January through April again next year we're going to go and be right back in the same scenario. Possibly we can go and get some good data off of the fishing boats that go offshore.

MR. DeBRANGO: Just a funny story, I was diving in, like he's talking about, shallower water, just a ledge, party ground stuff off our house in 70 foot of water. I am cruising over the ledge, I think I see a couple of muttons; I like about a 5, 7 pound mutton. I'm hanging out over the top waiting for them to come out. They come out and I shoot it.

It wasn't a fricken mutton; it was a damned 7 pound porgy is what it was. There are big porgy. You're not getting those in the traps. There are some monsters even up inshore. It is not just sea bass anymore that meet you outside the reefs as you're swimming up to them. It's the porgies, too, and they are out there. Like I said, the research I don't think is conducive to what we're actually seeing. Like he said, time of year is everything, too, migrations.

MR. HARRIS: I've just got a question for you. Because of the fact that we've identified that your research doesn't go down to the Keys and like for where I fish; my fishing starts at the greatest extent of where you put your traps. Is there some way that we, the fishermen, that are down there that are involved in the fisheries that you're studying, that we can help you out by sending you carcasses, anything, collecting data for you.

I can give you – because I do a lot of dolphin tagging, and I sent all that stuff to Don Hammond. I'm more than willing to sign up to give you lat and longs, water temp, depth, and send you the carcasses with the bellies still in them, whatever it is you need if it helps you get better data.

DR. REICHERT: Absolutely. Sometimes those additional fishery-dependent samples are very important for us to characterize reproductive parameters, size and age at maturity, size and age at transition in hermaphroditic species. Yes; we can set something up. Perhaps it may be possible to collaborate with port samplers.

We're always open to collaborate with anyone who can provide us samples. There are some constraints obviously in terms of the volume of samples and such; but we have collaborated with Mark and with others in collecting those samples that can be quite valuable for a stock assessment. If you're thinking about specific species, then we can certainly discuss that.

MR. HARRIS: I'm thinking about species where you're not doing anything that is already on your list that I know that we can provide. I mean, you're talking about reproductive cycles. My last roe sacs that I got out of my blueline tiles and snowies, I fed to my pilchards. If that is something that you could use, tell me where to send it.

I get that stuff all the time, and to me that is just bait. I literally use it to feed my baitfish. I've got it all ready and whenever you say, hey, can you go get me – I can go get it and send it to you. Right now my blueline tiles and my snowies both have roe in them. You're not even sampling that area, and I'm fishing out in 6 to 800 feet of water. That is all information that is not even being tapped into. Let me know what I can do to help.

DR. REICHERT: We can talk.

MR. JOHNSON: Thank you, Marcel. If there are no other question, guys, we'll take a real short break. He's going to show some slides if anybody cares to see them while you're breaking.

(Whereupon, a recess was taken.)

MR. JOHNSON: All right, folks, gather around. Okay, Myra is going to walk us through Regulatory Amendment 14.

MS. BROUWER: This is an amendment that you all have seen before. The council made some changes to the list of actions and alternatives when they met in December. The timing is for us to have something for the council to approve for public hearings at their June meeting. Right now the analyses for all the actions are being conducted, so I don't have analyses to show you.

What I am going to walk you through are the actions and the alternatives. Feel free to at this point give the council your recommendation for what you think should be a preferred or if you



think they should consider something different or maybe a modification of the existing alternatives.

Action Number 1 currently reads modify the fishing year for greater amberjack. We're going to ask the council whether their intent is to modify the commercial fishing year for greater amberjack, and I believe that was the intent. We are going to suggest that change to the wording of the action and the alternatives.

The two alternatives to the no action are to change the fishing year to begin on January 1, so change it to a calendar year – it currently begins on May 1 – or modify it so that it begins on March 1 and ends the following February. If the AP would like to recommend either one of these two alternatives or provide the council with any background information that you think might be helpful for them to make a decision on which alternative should be their preferred.

MR. JOHNSON: Myra, I have a question. This doesn't do anything with the month spawning closure; it is still in effect, correct?

MS. BROUWER: The answer is yes.

MR. ATACK: Well, shouldn't that be worded then differently, because that is showing a 365-day season versus 335?

MS. BROUWER: Well, I don't think the council's intent is to modify the spawning season closure, so just the start date and the end date of the fishing year. Certainly if you think it is going to create some confusion, then we'll propose that the council in their discussion for this action specify that this would not change the length of the spawning season closure that is already in place.

MR. JOHNSON: Okay; does anybody have a preferred option here to give the council some direction? You have three alternatives.

**MR. MARHEFKA: I prefer Alternative 1, no action.**

MR. JOHNSON: Second by Greg. Is there any discussion?

MR. DeBRANGO: I just feel that right now that we're rebuilding and things are going in the right direction; and if we alter that to like a January 1, well, we're actually going to be hitting some of the spawning stock that comes in for the closure of May 1. Like everything else, it has already taken a hit on it. Maybe give it another year or two to see things getting into better shape and then adjust in the future.

I know the only thing to positive would be positive like changing to January 1, would be that is another fish you can actually catch in January. Right now you don't have that many options, you can't catch grouper, you can't catch this, that, but it could be another fish on your boat.

MR. JOHNSON: Well, to clarify, you can still catch amberjack in January. The only month it is closed, unless the ACL is met, but I guess your point is if they meet the ACL it might give them some protection in March, as well as April. Okay.

MR. HARRIS: I have a question; didn't we a couple of meetings ago go through and we saw a spike in the landings for greater amberjack that had some correlation to the grouper closure to where there was effort shift in between the grouper and the greater amberjack? I remember bringing this up at one meeting.

MR. JOHNSON: There was a decrease in the commercial ACL because of Boyles' Law last year. They still did not reach it, but they came closer this year because of that decrease in the ACL. As far as a spike, yes, there is probably more effort in January and February because of grouper being closed.

But those guys are also catching B-liners at that time of year as well, and they are going to have an increase in that ACL. I guess what I'm trying to say is they haven't met the ACLs and they have even reduced it some. **Okay, we can go ahead and take a vote on this. All in favor of the motion. It is unanimous. Motion carries.**

MS. BROUWER: Action 2 reads change the measurement method for gray triggerfish to have consistency between state and federal waters. The no action is the minimum size for gray triggerfish is specified in inches total length in federal waters off of Florida only. In Florida state waters the minimum size is specified in inches fork length.

The minimum size limit is 12 inches total length in federal waters off of Florida and 12 inches total length in Florida state waters. The alternatives to the current that I just read is to specify a minimum size limit for gray triggerfish of 12 inches fork length in federal waters off East Florida. This would address the inconsistency there of the total length versus fork length measurement.

Alternative 3 would specify a minimum size limit for gray triggerfish of 12 inches fork length in federal waters off North Carolina, South Carolina, Georgia and Florida. The folks that are putting this amendment together, the team, we are going to bring up to the council that Alternative 3 is really a different kind of an action, because the action is just to make a consistent measurement. It is not to do anything to modify the size limit off the other South Atlantic states. My feeling is that we're going to have to modify that alternative.

MR. COLE: My memory is failing me here; but I thought that the Gulf Statistics Program and the ACCSP operated on total length, and that the stock assessment people had asked that all the data we were supposed to try to be consistent in both areas. I think that total length is the requirement.

MR. JOHNSON: That is a good point; we can offer another alternative, right? I mean 12 inches fork length or 14 inches total length is the same thing; but I don't know if we can offer another alternative.

MS. BROUWER: No.

MR. JOHNSON: We can't.

MS. BROUWER: I believe the reason that we can't have another alternative that would accomplish the same thing is that you would then be requesting that the state of Florida change

the method of measurement, and the council can't really do that. That has to come from the state. The council can only change their regulations. The only way they can change it is to go from total length to fork length. In order for Florida to take action, then the council would have to leave things as they are, and then Florida would have to change their regulation.

**MR. MARHEFKA:** Is there any triggerfish being caught in state waters off of Georgia, South Carolina and North Carolina, any landings known of that? If that being the case, I would just like to go and the AP adopt Alternative 3; specify a minimum size limit of gray triggerfish at 12 inch fork length in federal waters off North Carolina, South Carolina, Georgia and Florida.

MR. JOHNSON: Okay, I have several seconds. Don seconded. Is there any discussion?

MR. MUNDEN: Without looking at the size charts, are most of the snapper grouper species sizes specified in fork length or total length?

MR. MARHEFKA: Most of them are total length, but because of the – I've got a picture of one right here – because of the wispieness of the fish, it is very, very simple to go and take it at the fork length. If you were going to go and do a total length, there is going to have to be an analysis, and that fish is going to go and you are going to be looking at a lot. It is pretty solid.

A 12 inch triggerfish is 1.5 pounds. You go to a 14 inch, he is 2.25, and, of course, at 16 he is 3.5 pounds. The fork length is very simple to go and sort of kind and tell it. Depending on the fish and certain times when they're feeding and they are all chewing on each other's tail at the time; you could go and have a few of them at the total length that are going to be a lot smaller.

MR. ATTACK; Red, I believe hogfish are measured fork length, also, because of the same issue.

MS. BROUWER: Just for the record, I wanted to clarify that if you're recommending Alternative 3, what you are doing is requesting that the council consider putting in a minimum size limit for gray triggerfish off the states that currently don't have one. Just for the record; I just want to make sure that is what the AP intends.

MR. JOHNSON: I think the AP has made that recommendation before. **We'll go ahead and vote on this. All in favor of this motion; the motion is approved.**

MS. BROUWER: Action 3 deals with increasing the minimum size limit for hogfish. Currently it is 12 inches fork length in federal waters off the South Atlantic Region and state waters of South Carolina, North Carolina and Florida. There is no minimum size limit for hogfish in state waters off of Georgia. Alternative 2 would increase it in federal waters to 13 inches fork length; Alternative 3 would increase it to 14 inches fork length. Here what we are going to ask from the council is whether this would apply to both the commercial and the recreational sectors.

MR. JOHNSON: Does anybody have a preferred on this one? **Is that a motion to select Alternative 3?** Seconded by Jim. All right, how about some discussion.

MR. DeMARIA: Most of the hogfish we have in the Keys are smaller, so people are going to complain about that; but, really, a 12-inch hogfish is small. It might be a good-sized speckled

perch or a bream or something like that. But for a fish that gets 25, 26 pounds or so – I got one up here that was 26 pound or bigger one year – that is really small, and raising it up to 13 or even 14 I think is justified.

MR. SMITH: I have never seen a spotted seatrout ever in my life over 15 pounds, but the size limit in Florida is 15 inches. I think this will go through. This motion will be approved, but I agree; I still think 14 is a little small.

MR. JOHNSON: I have a question for the Florida guys and for Myra as well. This is not going to change the law in state waters, is that correct, in Florida, unless Florida gets consistency? How many of those smaller hogfish are being taken in federal waters versus state waters?

MR. DeMARIA: In the Keys quite a few. The line is not drawn three miles like from U.S. 1; it is drawn three miles from any exposed rock. Some of the reef is state, some of it is federal; but a lot of it is taken in federal waters. I made a dive day before yesterday to 100 feet, and I saw one hogfish. It was about six inches long.

The fish really need some help. I'm not saying that they're gone from there. I just happened to hit a spot where there were none there; but they are tiny in the Keys now. Raising the size limit to 14 inches I think would help, but for both recreational and commercial. I think the biggest take in the Keys is recreationally.

MR. JOHNSON: Okay, is there anymore discussion? Can we vote on this motion? **All in favor of Alternative 3; motion carries.**

MS. BROUWER: Just to clarify for the council; would the AP like to recommend that be done for both commercial and recreational?

MR. JOHNSON: Just for clarification to the council; we do intend for that to be for all sectors, commercial and recreational.

MS. BROUWER: The next action would modify the fishing year for the black sea bass recreational sector. Here we have four alternatives to the no action. The no action is that the recreational fishing year begins on June 1 and ends on May 31. Alternative 2 would change it to begin on January 1. Alternative 3 would change it to begin on April 1. Alternative 4 would change it to begin on October 1, and Alternative 5 would put that start date on May 1.

MR. JOHNSON: Zack, do you have a preferred alternative?

**MR. BOWEN: I'd like to make a motion we select Alternative 3; begin the sea bass fishing year April 1.**

MR. JOHNSON: I have a second by Terrell. Is there any discussion on this motion?

MR. DeMARIA: We don't even catch black sea bass, but I would like to know what you think.

MR. JOHNSON: I know the guys in my area want to get back to a longer season. I am not sure an April 1 start date is going to shorten up the fall season; probably. But I understand the

discard concerns; that when you have an April 1 start date on vermilion snapper and you're running a partyboat or any kind of charterboat; that you are going to be discarding black sea bass.

That is an issue. I understand the logic behind the start date. I don't really have a problem with it, but I would like to see management personally go in a direction that allows for a longer season for the recreational sector. Now is this alternative for both sectors? This is just for recreational; okay.

MR. BOWEN: Just to note that, Robert, talking about the longer seasons, our ACL – and I'm speaking rough numbers – is almost, maybe even more than double than it was last year. The recreational sector, I think we fished on them 93, 94, 96 days or whatever that case may be. With the doubling of the ACL, of course, we're going to have a longer season.

But if this gets passed and we can start April 1, that really gives us 60 days earlier on the start date and hopefully 30 days longer than we fished on them in 2012. This may accomplish both of your concerns and mine with an April 1 start date and the doubling of the ACL.

MR. JOHNSON: I agree, and I would have liked to have seen some analysis done on what the new ACL would do based on past landing histories, what projections of the closure dates would be for the recreational sector. I'm not going to ask that be done, because I'm not going to create work for people. We'll just have to see how it works out. I guess if council approves this, we can always revisit it somewhere down the road if it ends up closing a sea bass fishery in July or August.

MR. BOWEN: We have historical landings for those months. I just got an e-mail. I don't know how to put it up on the screen or if Myra has got it, but historical landings for the certain waves. I just received it this past week from somebody. To that note; east coast of Florida, historically their catch did come in July and August.

MR. ATACK: I guess what kind of affects my decision on this is kind of what is the subject or topic? When we go to commercial, what are the thoughts on commercial? Are you guys thinking – because I like to kind of look at when is recreational open, when is commercial open and kind of make – because they impact each other in a decision there.

The next action item is the one about the commercial. Commercial opens now June 1, right? We're talking about this moving to April 1, and we're talking about moving maybe the commercial. Are you commercial guys wanting to stick with status quo on commercial or are you moving?

(Remark made off the record)

MR. ATACK: I know, but if we can get some thoughts on that; that can affect how some people may think we should do the recreational.

MR. JOHNSON: Okay; there are the ways up on the screen if people want to look at them; and it is in your briefing book, Attachment 8.

MR. BOWEN: Myra, do we have this broken down by states as well? That is the e-mail that I received. Yes, there we go. Thank you.

MR. FEX: To Jim's question; I feel what the recreational guys would want to do, when they would like to start it, I don't think it should affect what I feel our start dates should be. I mean, I will express my opinion when that comes up, but I am fine with what they chose.

MR. JOHNSON: Is there any further discussion on this motion?

MR. MARHEFKA: I guess we're going to go and discuss it when we get there, but I kind of want to go and both openings and closings – well, I don't know, you can't do closings. Nope, I'm fine, leave it.

MS. BROUWER: Also just so you are aware, Item 10 on your agenda deals with discussing your input on regional allocations for black sea bass and looking at regional start dates. This is going to get revisited, and you can come up with different recommendations for the council during that discussion as well.

MR. JOHNSON: Thank you, Myra, that is a good point. The motion is to recommend to the council that they consider Alternative 3 as the preferred start date. That is an April 1 start date to coincide with the vermilion snapper opening. **All in favor of this motion.**

**MR. BOWEN: Robert, vermilions are going to be open year round.**

**MR. JOHNSON: The motion is approved.** Yes, vermilions will start – they will be open year round, but if we start busting that ACL it will change.

MS. BROUWER: The next action looks at modifying the fishing year for black sea bass for the commercial sector. Again, the no action is beginning the fishing year on June 1. Alternative 2 would put that start date on July 1. Alternative 3 would open the black sea bass commercial season only to the hook-and-line sector on January 1 with a trip limit of 50 pounds, and then that trip limit would end with the opening of the pot season.

Alternative 4 would open the black sea bass commercial season only to the hook-and-line sector on May 1 with a trip limit of 50 pounds. Then that again would end when the pot season opened. Alternative 5 would consider a closed season for the black sea bass pot fishery from November 15 through April 15.

This alternative was put in this regulatory amendment to address concerns from protected resources folks about the right whale. As you know, Regulatory Amendment 19 already contains in the alternatives that the council is going to consider a closure for the pots from actually November 1 through April 30 to address that concern. Alternative 6 then would modify the fishing year to begin on May 1 and end on April 30.

MR. JOHNSON: Just to clarify, Myra, the trip limit ends but not the hook-and-line fishery. In other words, when the pot season opens, then the hook-and-line fishery would be the same 1,000 pound trip limit as the pot fishery.

MR. FEX: Yes, to make a point, at our last AP meeting we had all agreed on maybe separating allocations between trap and hook and line. Well, at the last council meeting I was there and I reiterated my point to the council, and Tom Burgess, as a matter of fact, had done the same thing; the point being that the trappers can trap when they are not involved with the right whale take.

My hopes would be the commercial sector could get their own piece of pie, whatever the percent cut might be, and we could start it in January 1 and let the season open with whatever kind of trip limit. I will vote on something here, but I hope that we go forth with the separation of the allocation between hook and line and pot. That way we're not flooding the market all in one time, and we're spreading out more throughout the year to help the market.

MR. CONKLIN: I would recommend that we keep it on June 1 for the simple reason that the Mid-Atlantic closes and that the market is exceptionally strong. That way we're not wasting a resource by giving it away and then flooding the market. We keep it down and it will fluctuate some, but it won't fluctuate as much as it would if you flooded the market with different areas. If the Mid-Atlantic and the South Atlantic open at the same time, it would be a disaster.

(Question asked off the record)

MR. CONKLIN: January, but they close in May, I believe.

MR. MUNDEN: To that point; the Mid-Atlantic council manages black sea bass from New York through Cape Hatteras by allocating the quota on a state-by-state basis on historical landings. North Carolina normally uses its allocation to address black sea bass bycatch in the summer trawl fishery. That fishery usually is over by April.

Generally you would not have any large quantities of black sea bass coming in after April, but then our fishery wouldn't crank back up until usually about November. Now you can still pot for them year round, but the majority of our fish are taken by the summer flounder trawl fishery. Then from Virginia all up they operate their season differently according to whatever the state regulations are.

MR. BROWN: I'm a little confused. Aren't we looking at like multiple things here to vote on rather than one specific thing? I mean, it just seems like there is more than one thing in these alternatives that you would vote on rather than just one.

MR. JOHNSON: Well, it is looking at one fishery, but you have that pot allocation and that gear endorsement. I guess the intent of the January 1 opening, which is Alternative 3, would be allow boats when the vermilion season opens up commercially, that if they have a little bit of sea bass bycatch they can retain those fish and they are not wasted. I am assuming that is the intent of that motion. I can see that now. It is up to us to give them some guidance here. We can have some more discussion definitely. Tom, do you have anything to add to this from a commercial point of view?

MR. BURGESS: As Kenny had mentioned, there was discussion at the last council meeting to pursue the request of the AP and other fishermen in the commercial black sea bass fishery for an allocation between hook and line and pots. The justification for that was, as Kenny had

mentioned, to give the hook-and-line sector control of their allocation and they can handle it as they see fit.

It is pretty much up to you guys how you would like to handle this motion. But as far as the trap fishery goes, just to give you a little insight on that; what we're facing now with this increased ACL in black sea bass in Amendment 19 is there will be no trap fishing between November and April due to the possible interaction with right whales.

That is going to try to be addressed in this amendment and will be discussed in June. But as it stands now at this time, which will possibly go through when Amendment 19 goes through is that until something changes, there is the possibility that there will be no more trap fishing between November and April. I'm just telling you a little bit about it.

MR. JOHNSON: Thank you Tom. I have a question for staff. On Alternative 3, should that read when the black sea bass pot season opens? It doesn't have a start date there. We're assuming that is June 1? We are assuming it is June 1; okay. Any more discussion; does anybody have a preferred? We don't have to choose a preferred.

**MR. MARHEFKA: I would just like to; AP goes and prefers Alternative 3 as their preferred option.** My rationale to this is that if a 50-pound trip limit, once again in January when our vermilion snapper open up, the little bit of interaction that we have, we've got that 50 pounds.

Also, in the March and April months it adds a little bit more for us to go and possibly harvest during that time to pay our fuel bill or groceries or whatever, depending on how much we can go and get for the fish. But it would go and a little bit more for us as an incentive, because I'll tell you what, March and April from what I am hearing from you guys around the table are crushing you; just something to think about.

MR. JOHNSON: Okay, that motion was second by Kenny. Any discussion on the motion?

MR. ATTACK: I guess I was landing a different way, because I was thinking the black sea bass quota, the ACL is going to double. If you went with Alternative 1 and the pots start June 1 and November 1 the pots come out, and you've got this double quota, and the Mid-Atlantic can't be selling – they won't be open; our black sea bass will have a good price come June 1.

The ACL won't probably be met, so you will be fishing I think in January, February, March next year with the bigger ACL, and you wouldn't be limited to your 50 pounds hook and line in the January, February, and March. I'm wondering if you're better off just leaving it the way it is and let that play out with the larger quotas. I think you'll have black sea bass that you can sell in the spring.

MR. BROWN: Mark, don't you think that the 50 pounds is too small?

MR. MARHEFKA: I certainly think it is too small; but depending on when they go and they decide to put the pots back in the water, which with what Tom is saying that could change – what were you saying Tom; you were saying April, possibly? May, okay. That is a whole 'nother scenario. If that happens in May, then we're just looking at a short timeframe of the 50 pounds.



Then we go to 1,000 pounds once they put their pots in. We're kind of coddling it out, but also it is a little bit of something that we can live off.

MR. BROWN: I must have misunderstood. I thought this was annual. I thought this was for the whole year.

(Remark made off the record)

MR. BROWN: It is, so it would be 1,000 pounds.

MR. JOHNSON: Once the pot fishery opens, then the hook-and-line guys can have ten boxes, because they can have 1,000 pounds then. This is just to allow for some bycatch of 50 pounds per trip when you are interacting with those species starting January 1, vermilion start date. To Jim's point, I think he is assuming that the quota is not going to be met when the pot fishery starts, and I guess that is what you have to think about. Are they going to be able to catch those fish in the pot fishery; is it going to close before they have to take them out of the water?

MR. ATTACK: Are you going back to 50 pounds come November 1, this trip limit for November and December. The pot season will be closed.

MR. MARHEFKA: I think the ACL will be caught up by then, because if it was caught up in 45 days and if we're doubling it, we're only looking at 90 days. It is going to get caught.

MR. BOWEN: That was my point, Jim. January, February, I doubt you'll be fishing if it historically is like it has been. You doubled the ACL, but, okay, so you go from 45 to 90 days; the thought of fishing in January and February is –

MR. BROWN: Didn't black sea bass start later this year or last year; didn't it start July 1?

MR. MARHEFKA: That's because it was held up in regulatory. It was being held up because something wasn't passed yet. The endorsement wasn't passed yet.

MS. BROUWER: I just want to remind you that if Regulatory Amendment 19 goes through and the ACL doubles, as you said, that also carries with it the closure from November 1 through April 30 for the pot.

MR. FEX: Correction; I think last year the pot fishery lasted three months. Back to the January start date, what happens to the stock assessment if you get samplings, and what happened is our sampling is now in a three-month wave. If you start it in January you get more samplings throughout the year for the stock assessors and the sampling port agents. That will help, because originally our fishery has more black sea bass in the winter months. I think it will help the sampling to help show that the larger black sea bass are out there instead of trying to catch them all in three months. I support this motion.

MR. JOHNSON: Okay, if there is no further discussion, we can vote on this motion. Is there any other discussion?

MR. STIGLITZ: I am not in the fishery, but I would think a May 1 opening; and if they are going to double the ACL, it sounded to me like the Mid-Atlantic would be closed by then, right? It took three months to catch it last year, and now you are looking at doubling the ACL, which is going to take you six months now to catch it.

That would give the guys from May to November to catch their quota. Unless I'm wrong, I would think a May 1 opening would be better, but I would like to hear from some of the guys, like from Tom or something, because it would make more sense to me to be able to start the first of May and catch what I could catch, especially since you are not going to be flooding the market with the Mid-Atlantic's.

MR. JOHNSON: I think their concern is this fishery has a gear allocation. The pot fishery traditionally catches the bulk of the catch. The hook-and-line guys feel like they have been left out. The January 1 start at least gives them a little bit of that ACL; because even with 1,000 pound trip limit last year, the season lasted 45 days when the pot fishery started. If you even double that – Kenny can speak to it more than me, probably, but I think that is the intent of this.

MR. FEX: You said something about the pot fishermen are left out. When the pot trappers are done, they can take their gear off and put bandit reels and catch all the other species we catch. Also if you think about it, in January we are cut out of grouper and red porgies. Having a little alternative to help fill the void is just a plus. That's all it is, is trying to keep the fish in the market and get better sampling, too. I deal with samplers all the time and they want it year round. I actually tried to get a permit to get samples throughout the year just because of that fact.

MR. MARHEFKA: The one thing is that, number one, I don't think they are just going to go and disrupt the market, because we don't have any fish right now, local fish. People want local fish in the community. Mid-Atlantic is not sending their fish down here; and if they are, they are not being called local fish or shouldn't be.

Secondly, the longer we go into the year of opening it, the closer we are going to bump up to the November shut-down for the pot fishery. We could very well go and get to a place – how does this read, I think Jim was saying; is there more poundage if it shuts down at the pot fishery; we're still going to be able to go and continue the 50 pound. Will it then step down to the 50 pound trip limit or it will continue to stay the 1,000 pound trip limit of the overall?

(Answer given off the record)

MR. MARHEFKA: So it steps back down to the 50. I think that is a fair way to go and go about doing it. But the thing is as we have more fish, the pot fishery could go and get shut down quicker the later we open it up in the season.

MR. THOMPSON: My question is if the ACL is met before the right whale closure, so to speak, everybody is done. The hook-and-line fishery would just have 50 pounds until the pot season opens. Okay.

MR. ATTACK: Yes; and I think 50 pounds is kind of low for the guys. You're talking \$200 worth of fish on a trip is what you're talking about. Didn't some of the regulations change on the pots to where we have less participants and all those regulations, so shouldn't that affect the pot landings this year?

MR. JOHNSON: That is 45 days. That was in effect last year.

MR. BURGESS: Well, what happened last year was we had a three-month season or three months and a week; and did the endorsements change affect that? Well, we can assume that it did as far as participation. Then it was also lined up with vermilion snapper. This year we'll tell about how it lengthens the season as far as another year of the endorsements. It was just a three-months season last year, but less participants, and all that did take place last year.

MR. JOHNSON: Richard, do you have a question for Tom?

MR. STIGLITZ: Yes. If we do Alternative 3 and they start your pot season on June 1 and they double the ACL; will you be able to catch your ACL before November?

MR. BURGESS: Well, I don't know. It is so many variables that are involved in that; how many people go fishing and things of that nature, how hard they fish and all that. I don't know, but I would rather not comment on that as far as affecting your decision on what you would think is appropriate steps to take. I'm not really sure how it would be, to tell you the truth.

MR. STIGLITZ: I'm not in the fishery and you are. What alternative suits you; that is what I want to know. That is how I am going to vote, because you are the man in the fishery, not me.

MR. BURGESS: Well, that is true, but this is the advisory panel, and I want to be very careful not to influence your decision, because I am a commercial fisherman and I pot black sea bass. I think this is a good time for all of you to discuss this amongst yourselves and do what is suitable for the people at the table, and I sure do support that.

MR. BROWN: Is it possible that we could add another alternative or anything? Is there any change that can be made? There is? My question is if we wanted to change it from 50 pounds to 100 pounds; would that be possible? I'm just asking the guys that commercial fish all the time would it be better to have a box of fish or half a box; does it make any difference?

MR. MARHEFKA: Yes, it totally makes a difference. The more fish we're allowed to put on the boat, the better of we're going to be. But also are we going to go and shut the fishery down any earlier to the pot fishery, the historic pot fishery?

MR. JOHNSON: The maker of the motion could modify this alternative or a substitute motion.

MR. MARHEFKA: Can't we just go and make another recommendation to the council also?

MR. JOHNSON: We need to vote on this one; either approve it or change it.

MR. MARHEFKA: I guess the question then is to go and change it. What we're asking is what we want to change is do we want to change it to go and have 100 pounds instead of 50 pounds for the time? **Well, let's just do a friendly and just change the trip limit to 100 pounds.**

(Discussion off the record)

MR. BROWN: The only reason I said that, Mark, is just to give you a little more flexibility. Also, I don't think that little bit of a change is going to affect the ACL.

MR. JOHNSON: Okay we need a second on this; second by Kenny. Do we have anymore discussion? Then Myra will clean this up for us, I'm sure.

MR. STIGLITZ: **I'd like to add to make that a May 1 opening and not the June 1 opening to that, too. That way the pot season, instead of a June 1 opening, that way they have the time to catch their limit. I'm not in the fishery but –**

MR. ATACK: If you go with this alternative, that is basically – the hook and line will start January 1, and the pot guys will start May 1.

MR. STIGLITZ: No, they're going to start June 1.

MR. ATACK: They're going to start May 1.

MR. JOHNSON: Only if they haven't caught their ACL.

MR. STIGLITZ: That's what I just said; I would like to add to there a May 1 opening for the pot season and not a June 1.

MR. ATACK: All right, but they won't catch the ACL; because if they open January 1, it wouldn't be able to have caught their ACL yet then, right?

MR. JOHNSON: Okay; we really need to do away with this. We need to vote on this one and then, Richard, if you want to make a substitute motion, you can, but that is how we'll handle that. **All in favor of this motion; approved.** If nothing further on sea bass, we're going to move on to Action 6.

MS. BROUWER: Action 6 would modify the commercial fishing seasons for vermilion snapper. This is an action that was originally included in Regulatory Amendment 18, which is the one that adjusted the ACL for vermilion snapper and red porgy. What happened was there was concern – the council was concerned that having this action in there was going to delay approval of that amendment.

What they did was they chose no action under Regulatory Amendment 18, but they asked us to put it in this amendment so they could then consider it later and there wouldn't be a delay in adjusting the ACL for vermilion. The no action explains how the commercial fishing year is split in two seasons of equal length.

Then the table that you have on the screen has the ACLs as they are currently. Alternative 2 would split it again into two seasons, each with its own ACL. However, 100 percent of the new ACL implemented through Regulatory Amendment 18 would be applied to the second season. Then there are subalternatives that would change the start date of that second season.

Subalternative 2A would leave it at July 1; 2B would change it to June 1; and 2C would change it to May 1. Then the table under Alternative 2 shows you what the ACLs would be for the two

seasons. Alternative 3 would put 25 percent of the new ACL on the first season – and this should say 75 percent to the second season; and again with the same subalternatives that would change the start date for the second season. The table shows you what the ACLs would be. Currently those are the three alternatives that the council is going to be considering for vermilion.

MR. MARHEFKA: When was the second quarter shut down this last year? When was that; September? Does anybody know? September 16<sup>th</sup>, and that was 300 and some odd thousand, and we're looking at what increase here overall?

(Discussion off the record)

MR. MARHEFKA: So another 200,000 pounds.

(More discussion off the record)

MR. MARHEFKA: Well no, no, no, on the overall, how much more over – so 326 a season, so it is 600 something thousand and we are going to what?

(More discussion off the record)

MR. MARHEFKA: What is it? Nine, so another 300,000 – it's not another 150 yet, Robert. It is 300,000 so we're looking at a split of 300,000. How do we want that to go and split out? Do we want a 75-25; do we want 100 percent one side or the other side? This is nuts and bolts to everybody understanding. You may and everybody else may not. Okay, does everybody understand what is going on up here? You've got another 200,000 pounds – Jim's idea; 300,000 are going to go and be split up between the seasons. Open that up.

MR. BROWN: Price-wise, I mean thinking about the annual, as far as what you're getting price-wise through a different part of the year; would that impact you as far as what you're thinking, on what timeframe you would rather have the more fish? Are you thinking about it in that aspect?

MR. JOHNSON: I just want to bring one point up. There are some other actions that look at reducing the trip limit on vermilion snapper to 1,000 pounds a trip. There are also some actions that say that when 75 percent of the quota is projected to be met, that trip limit will be reduced to 500 pounds.

That is going to extend these seasons either way. Now maybe Phil and Mark can elaborate on when the fish are more valuable or if it is the same, but that is going to help with that glut of fish that does drive the price down some; just those two actions.

MR. CONKLIN: You would get a better price for your fish around two holidays mainly, Easter and Christmas. You want a lot of fish especially for Christmas, but you can't send them to New York. New York is closed so you are going to have just a Canadian market to deal with and a few U.S. markets that are open up north. But I would – I hate to say it, but I would consider opening up vermilion snapper in April instead of January so we have fish longer.

MR. ATACK: Depending on what year it is; if you do April, you may or not hit Easter.

MR. JOHNSON: Okay, this is a fishery that I do participate in. In Florida, especially Jacksonville, St. Augustine area, vermilion are very important January 1 start opening. That keeps those guys alive. The question we have to deal with is do we want to do an equal split, and do we want 25 percent added to the front end?

Is that going to get you to the Easter holiday? Do you want 75 percent on the back end coupled with the trip limits and the other management decisions? Is that going to get you into that Christmas? That I don't know the answer to, but that is what we're talking about.

MR. ATACK: The other option is could we actually front load it, which I guess isn't an option right here on this. Would you really want the extra ACL in the first season, which is January through – because we've shut down, what, mid-February this year, B-liners? Would you really want that big load in January, February, March and April when you can't get grouper and other things, and then leave the second season at the existing 326?

MR. FEX: To that point; if you know it from history, our vermilion are around more in the fall. March and April right now, the water is cold so you are less likely to catch as many. Whereas in the fall they are more abundant, so I'm thinking more towards the end of the year or the second wave would be better because they are more abundant.

If you are trying to go catch them and target them, it would be better when they are a little bit more around and active. I would project to at least have an even split or at least if you are going to split it more towards the end of the year versus the beginning.

MR. HARRIS: I have two questions; one is for Kenny. When you say the vermilions are not around, which area are you talking about, because we're talking about from the Carolinas down to southern Florida; so when you say they're not around, what area is it you're talking about?

MR. FEX: Well, point being in the summer time I can catch vermilions up inshore in 70, 80, 90 foot of water. Wintertime comes around, when the water is cold, there are no vermilion up in there. It is sharks, black sea bass and red porgy, so that is being around.

MR. HARRIS: In North Carolina, South Carolina, Georgia or Florida?

MR. FEX: North and South Carolina. The water is cold up inshore so they are not there. They migrate offshore from my perspective.

MR. HARRIS: Okay, my second question is – and this is for Phil and Mark – now you are wholesale fish houses, and, Mark, you are located up here in South Carolina. Phil, you're in South Carolina. For me being a recreational charter guy from down in the Keys, I see that what we do here on the council, we make a lot of recommendations, but we are doing recommendations based on commercial fishermen that are fishing off the Carolinas. We have the input from two fish houses that are both in the Carolinas. Is there a way – and this may be better for staff – is there a way to get another fish house that is located in Florida?

Obviously, listening to Robert, he is saying that vermilion is very important to that Florida market in January, which you all may not agree with, because it is not important to your market. I think it would be nice to have some input from somebody down there that buys these fish and does something with them, so we have a better rounded aspect of what goes on with the fishery as a whole.

MR. BOWEN: Rob, my response to that is that we're talking about two fish houses, but we are also talking about two AP members, the ones that are getting involved. There are AP seats open and available. If you know some fish house guys down there and they feel like they are not getting whatever they need to get justified, I would encourage them to fill out an AP application membership form and get involved in the process. It is not that we're showing favoritism to Mark or whoever. They are just vocal and here on the panel and looking after their interests.

MR. HARRIS: I understand; I'm not looking to say that they are stacking the deck. It's just me not being in the commercial fishery, not being in the wholesale fishery, the only information I have about the market itself comes from this table, which I think is probably fairly representative. I don't know if there is another seat on the AP that would be open to a wholesale Florida guy or to a fish house. That would be my question for staff.

MR. JOHNSON: Well, we have Charlie Phillips here who is a council member who is a fish house owner from the state of Georgia. He can tell us.

MR. PHILLIPS: Those guys; they depend on that little bit of B-liners to keep them going for a couple of months, because once the B-liners are gone they tie up. My boats tie up, have been tied up, kind of like Mark, and Phil knows the same. They might go scrap but it is really scrapping. They need a little bit of fish to fish for.

The other thing that I would like to hear some discussion on is I've heard a lot of discussion at times on having grouper and vermilion and maybe sea bass opening at the same time so you don't have issues of discard mortality, so that when you are fishing you are keeping more of your stuff.

You may get more money, like Phil says at Easter, but you're doing a tradeoff because you're leaving a lot of fish in the water and putting some discards out there. I would like to kind of hear that discussion. Yes, they need to fish for a little while. How much of it you want to put on the back end or how you want to split it up, you need to keep – the price I don't think is going to change that much. Fish prices have just been up.

I have been surprised that in spite of the "derby fishery" I didn't see prices fall as bad as I thought. It has held up. You've still got trip limits you are going to talk about in a little bit, and you can decide whether you think it is actually going to help or not. They put the 1,500 pound trip limits and it didn't slow it up at all. That is another issue, but, yes, they need something to work on for whatever two-month season that happens to be, give or take. But, yes, the prices are about the same, but I would like to hear some discussion on what the discards would be on the other species.

MR. JOHNSON: Okay, we could do one or two things. We can try to go ahead and put this one behind us or we can all break for lunch and chew on it a little bit and see if we can – it's up to you; what do you all want to do?

MR. MARHEFKA: Just a real quick discussion before if we're going to decide after lunch is just understand that vermilion are temperate water fish and Kenny is saying that they're in abundance, more so in the fall. They are still there during the winter months, but they go and they start slowing down their eating process so they become very picky and not wanting to go and eat.

These fish want to go and eat as the water starts to cool down instead of the water wanting to warm back up. The reason of possibly thinking about doing a 50/50 split would be the guys up north off of Morehead City and up that way, that there are a huge amount of B-liners. We used to have Jack Cox around here also who would go and pipe in on this.

He is a fish house dealer also, and I'll speak for him. He has cut out of it because the product is not available for him on that first biannual part of it, because they can't get offshore because the weather is so terrible up there. We have the same situation right here. I don't know if anybody has been offshore lately, but it has been pretty bad and we haven't been able to get out there and really do what we need to do.

I would go and suggest possibly at this point just go and throw a 50/50 split on it and see where it shakes out. We are going to go to trip limits and the 75 cut back and so on and so forth. Phil and I both talked to fish houses up and down the coast of Florida, fish houses and stuff like that. January through whatever; a lot of the guys down south, they are not going after vermilion; they are going after golden tile – that is their gig – or king mackerel or whatever. It is more of a St. Augustine/Jacksonville; the North Florida guys who are really nailing the vermilion snapper.

MR. DeBRANGO: Yes, I kind of have the same feeling exactly as Mark, a 50/50 split. Once again you start bringing up regional management issues; you know, because like summertime the grays might be gone down off of Canaveral or something, and they're catching them up in North Carolina; so how do you manage that one?

An equal 50/50 split gets the Jacksonville and the St. Augustine guys and those fish houses a chance to get a little bit more of the fish, too. Then when the fall comes, they're not going to be catching as many maybe down here as those guys are going to start busting them up there and selling them.

MR. MARHEFKA: My only one fear is that in that first biannual part of the season; if we for some reason did not catch our ACL; is there any way that it would be able to be rolled to the second part of the biannual part of the season? Because, if we're going to go to the reduced trip limits and 75 percent and so on and so forth for what we're trying to do to manage the market and manage the stability of the fish coming in; I don't know if it is there or not. Does it roll over if we don't use all our ACL, I'm all for it; 50/50 is fine with me.

DR. DUVAL: I just wanted to say a couple of things about sort of the bigger picture of some of these actions on vermilion snapper and black sea bass that are in this regulatory amendment. Charlie mentioned one of those points which was that the council is considering a lot of these,



because we hear a lot of complaints about discards and trying to align some of these season openings so that people are able to keep more of their fish.

As Robert mentioned, there are several other actions dealing with trip limits, changes to those trip limits to try to draw out the season as well. I think the other thing I wanted to go back to was black seas bass. There was mention made of having a specific allocation for the commercial hook-and-line fishery.

That is something that the council is very interested in as well. It is just that would require a full plan amendment, so we couldn't put an action like that in this particular regulatory amendment. I don't want anyone around this table to think that the council was ignoring that as a particular request. I just wanted to make sure folks were aware of that. Thank you.

MR. JOHNSON: Okay; do we have someone that wants to make a motion on a preferred here?

**MR. ATACK: I guess Alternative 1 is no action – is the one that splits it 50/50 and leaves the seasons the way it is, right? I guess I make a motion to go with Alternative 1 as a preferred alternative.**

MR. FEX: I second.

MR. JOHNSON: Seconded by Kenny. Do we need any further discussion? Does everyone understand the motion? **Okay, all in favor; motion is approved.** We'll take about an hour and a half lunch.

(Whereupon, a recess was taken.)

#### WEDNESDAY AFTERNOON SESSION

- - -The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Hilton Garden Inn, North Charleston, South Carolina, Wednesday afternoon, April 24, 2013, and was called to order by Chairman Robert Johnson.

MR. JOHNSON: Okay, we're going to move on to Action 7; modify the aggregate grouper bag limit.

MS. BROUWER: Action 7 would modify the aggregate grouper limit. The no action; what is currently in the books is the aggregate is three fish per person per day and within that limit only one fish can be a gag or a black grouper. Alternative 2 has two subalternatives. One would increase the aggregate limit from three to four fish; and within that limit two could be gag. Then the limit for black grouper would remain at one fish.

Subalternative 2B would increase the aggregate grouper bag limit to four fish and then within that limit only one fish could be a gag. The same thing for blacks; it would still remain at one fish. Alternative 3 would not increase the aggregate but allow retention of two gags and then maintain black grouper at one fish within the aggregate.

Alternative 4 would again not increase the aggregate but allow for retention of two gags. If at the end of any season it is determined that the recreational sector has exceeded its gag ACL, then the bag limit would revert back to just one. As Jim pointed out, these are a little bit different than what the AP had recommended.

I was trying to remember what the discussion was; but without going back to the Snapper Grouper Committee minutes, I can't quite recall. There were some issues that were brought up as far as species identification between blacks and gags. That played into that discussion.

MR. HARRIS: I've researched this. This is something that was particularly troubling for me, because of the fact that last April Jim Attack and I co-authored the original motion. Obviously, because of Hurricane Sandy I wasn't able to be here in November. I went through the minutes. If you've got a minute, do you want to pull up – they are on Page 152, 153, and 154 of the November minutes.

I went back and I scoured through them to find out how this got so discombobulated from what we originally talked about in April to where – as the discussion went last April, we talked about increasing the gags to two and the blacks to two. In the northern sectors they catch gags; southern sectors we catch blacks.

Between the three species, red grouper and black grouper are the only two that are not overfished. I don't know how it came that the black grouper got dropped off of this completely. As I understand it, it was made at council level somewhere. I would like to know how that did get dropped considering they are not an overfished species. They are very important to South Florida.

How we got so far away from what the original motion was that it doesn't even look like the original motion anymore. There are the minutes if you want to review them. In November this particular conversation happened at the end of the meeting. I know that people – because there is a place in there where the chairman even mentioned that people had to catch flights.

I don't know if it was an oversight; that it was just rushed through and not thought through. But what was discussed and what was finalized in November completely contradicted what we did in April. What was the thought process there? Since I didn't make the November meeting because of the hurricane, what was the thought process that changed everybody's mind in a matter of six months, and why does the recommendation that you came up with for that meeting not look like the one that we're looking at here that we're voting on? It has already gone out to public comment and scoping. As I understand it, this is the last time that we get a chance to comment on this. It is so different from what we originally started with.

MR. JOHNSON: Rob, I don't have an answer for you. If it was an oversight of this group that when we met last time that we were just focusing on gags, because most of us don't catch blacks; that could be a possibility. I am not sure how we need to proceed with that. But you can definitely make a motion or recommendation that the council consider that the original intent was to have the black grouper bag limit increased to two as well. They used to read black or gag because of misidentification problems. Some people, recreational guys don't know if they've got a black or a gag. That is how the law used to read.

MR. HARRIS: Well, is it possible, since we do have so many council members here so that we're not trying to reinvent the wheel or just going through the pains of putting together the original motion again to find out – is there a reason why the black was left out and why the decision was made to present this motion to the AP the way that it is now?

DR. DUVAL: Rob, I have a rough draft of the committee minutes from March. If I can have a few minutes, I can run through there and try to find the discussion at the council level when we were discussing this amendment. I do recall that there was some – we did bring back up at full council the fact that, well, do we want to keep the black limit within the aggregate at one fish or would that change.

Everyone around the table felt that leaving black at one fish but increasing the potential limit of gag to two within that aggregate was fine. There wasn't necessarily a need to change black from one to two. There was some discussion of the species identification issues that people sometimes confuse the two species, gags and blacks. But if I can have a few minutes to just kind of run back and search through those minutes, I might be able to provide you a little bit cleaner of an answer if that is okay.

MR. HARRIS: Yes; I would love to just hold off on this until we can get that. Because if it is a matter of species identification; is that going to be my claim to fame when FWC pulls me over and I've got two blacks on board? Can I say, oh, no, one is a gag?

DR. DUVAL: I think that is valid. I'm just trying to tell you that I think from the council's perspective, I don't think there was any intent to try to do something underhanded. We felt like we were responding to the APs request. Let me just go back and look at the minutes.

MR. HARRIS: Okay I'll stand by.

MR. DeMARIA: This species identification thing with blacks and gags has always come up. Even at the old Marine Fish Commission meeting, I remember that came up years ago. I just don't buy it. If you look at the way duck hunting is done, it is on a point system with a lot of them.

You are expected to be able to identify a duck in low visibility, a lot of times in the rain early morning or late in the evening, flying at, what, 40 miles an hour, before you pull the trigger. You ought to be able to identify a fish when you've got it in your hand whether to let it go or not. I don't buy this misidentification thing.

MR. JOHNSON: I agree with that, Don. To be honest with you, Rob, I think it was an oversight on the AP's last meeting. I hate that you weren't here, because obviously our intent was not to exclude any part of the region. That is what it appears looking at the last meeting's notes. Myra is going to read that into the record. It wasn't intentionally done. It was just an oversight, and the council acted on what came out of that meeting.

MS. BROUWER: I'm going to read you the motions that were made at the November, 2012 AP meeting regarding this action. The motion reads, "The AP supports Subalternative 2A." Subalternative 2A reads, "Increase the aggregate grouper bag limit from 3 to 4 fish. Within this

limit, two fish can be gag grouper.” That motion failed. The next motion says keep the bag limit for gag at one fish, and that motion was approved.

MR. JOHNSON: Actually we did not approve an increase at the last AP after a lot of discussion, because we were sort of waiting to see what this gag assessment says. A lot of us were concerned, myself included even though I didn’t vote on the amendments or the motions, that we might get into a situation where we shut down a recreational fishery in the fall because the ACL gets lowered in light of what the assessment says. But I assure you I don’t think it was intentionally done. It was an oversight, and how to proceed from here I’m not sure.

MR. HARRIS: One of the things that we looked at when we came up with that original proposal is we looked at the ACLs and we looked at the fact that we weren’t even getting close to 50 percent in some of the species for those ACLs based on the four-month closure. We even had some discussion back in April about looking to adjust the closure dates so that we could actually utilize some of those species.

For us down in the Keys, unless you’re fishing up on the Gulf side, you are not going to see a lot of gags. We’ll get a few here and there. Primarily what we get is the blacks, and I start seeing the blacks in November. Well, because of the fact that we’re not even getting close to the – I mean we catch the blacks year round, but I start trolling for them over the reef in November, as do a lot of the recreational guys and the charterboat guys.

Since we are so far from even getting close to the ACL, raising that black grouper by one per fish was not even going to come close to jeopardizing the ACL as it was standing. The same thing for the gags in the north, if they hit their limit with the closure, it still doesn’t do anything to the gags or to the blacks in my region.

The blacks and the reds are probably the most important of the shallow water grouper species to those of us in South Florida. I understand that there are a lot of folks here that are from that Central Florida northward that the gags are more important, so I don’t know if there is a way that we could go back and look at it to add the blacks in here for the council to consider or if this is what we’ve got.

Because we don’t have the gag assessment coming up until 2014, so we’re making a decision to raise a bag limit or not raise a bag limit on a stock that is not going to be assessed for another year. Meanwhile we have a current assessment that says the stocks are in great shape, but yet we’re not going to raise that species by one fish.

MR. SMITH: Can we make a motion under new business afterwards? Once we get this done, can we make a motion under new business?

MR. JOHNSON: You can make a motion now; you don’t have to wait until new business.

MR. SMITH: What I mean is concerning the two, the bag limit of two on black grouper, so that would be a way to take care of this and move forward there.

MS. BROUWER: Are you suggesting that you would like to recommend to the council to add an action to consider increasing the bag limit for black grouper?

MR. SMITH: Correct.

MR. JOHNSON: Do you want to put that in the form of a motion, you or Rob?

MR. SMITH: I think it would be Rob's motion, but a suggestion is that we would make that motion.

MR. HARRIS: I'm sorry; I didn't hear what you said. I was having a sidebar. But before I made any motion, I would like to see what Dr. Duval comes up with from her notes to see if there is a reason why it got dropped that maybe we don't even know about.

MR. DeBRANGO: I just want to hear from some of the other South Florida fishermen, too. I mean I know down in the Keys you are primary blacks, too, but they also catch – well, Ben is up here now. I would like to hear from Ben on what is going on with the blacks up off Jupiter and Hobe Sound and all that and Scotty. I would like to hear a little bit more about all that, too.

MR. SMITH: I agree; however, we are not going to meet the ACL. I think that was the point that Rob is making here. Florida's habitat and the fishery vary so much over 100 miles, as you all know. Up in our area, yes, you will catch the blacks but gag is usually the primary target.

MR. HARTIG: I just think something that could bolster your argument is if you look at the assessment of black and if you look at the catches of black over time, black in particular specific to black – and I think, Myra, we actually had the Southeast Fisheries Science Center at one time do that thing where it showed CPUE, where the lines were for – where the ACL was, where the catches were.

The catches are so far below on black grouper, even farther below than gag. If you could inform – if we could somehow get you that information and look at it on the screen just to add to your argument on blacks in particular; I think it would help. From our perspective, I live in the area where we have probably more pressure than anywhere else on the entire Florida coast, and we have the most compressed shelf. Black, we have some localized depletion problems.

But the major part of the stock is still down there in that western Key West or Keys area, western Key West on down around to areas where it doesn't get a lot of pressure. In the assessment itself, which was interesting on blacks, was that what drove the results in the assessment was the longline catches of these great big blacks that showed up – these older big fish that didn't show up in most of the rest of the samples.

They were there; they were in the population. The age structure actually filled out pretty well based on those samples. That was what really saved the gag assessment was having that information that that age structure was still in the population from the longline fishery. We don't have that for a lot of fish on our side, but you guys did in the Keys because you still had that longline fishery occurring in that western part in that Gulf area.

MR. JOHNSON: Rob, I think if you look on the screen; I think this is what Dr. Duval based that decision – well, not her, but that is what the council looked at. They are looking at 92 percent of the ACL was filled in 2012. I think that is how this came about for black grouper. That is recreational catch.

MR. DeMARIA: I understand that the gags are caught more in the northern region and you've got to travel a little further offshore to get them. I can see the recreational anglers up around Georgia and the Carolinas and whatnot, if they have to go 30, 40 miles offshore, they probably want to catch more than one fish. But blacks are caught so close to shore.

Do recreational anglers really need to catch more than one if they are only going out six, eight miles or so to catch these fish? We've got headboats that operate out of Key West with 40 or 50 people on it. Do they need to catch 80 or 100 blacks a day? I don't think so. Again, it is different in our area. I mean, the blacks, I don't see them like they used to. I am not a big fan of a lot of these stock assessments, and I think they are off on blacks, too. They're smaller and they are not as numerous as they were years ago. That is my observation.

MR. ATACK: I was co-author on this. I tend to try to be conservative and leave money in the bank. If I felt like we were going to exceed the ACL or overfish the stock, I wouldn't be proposing this. All the data that I looked at for the three years prior for gags was – even if we doubled the take on gags, which won't happen when you change it from one to two; you still would be well within the recreational ACL.

The red grouper and the scamp and the others were even further below that. Black is not really up in our area. I'm looking at the other grouper. We're talking an aggregate of three. I was proposing it to go back to two and five, and we agreed on two and four. We're traveling 20, 40 miles offshore to catch grouper.

People come down from the mountains maybe once or twice a year and they want to take some grouper back with them. The whole idea of setting up the bag limits was to stay within the ACL, and we could give something back to these people in the recreational sector and not exceed the ACL. It is analogous to the black sea bass.

We're taking the ACL up on the black sea bass to get a longer season. If we don't do this on grouper, we're keeping the landings way down. Sure, it will help the fishery, but we're not taking advantage of the resource and allowing commerce and charterboats to use this resource that is there.

And then what will happen down the road if it doesn't happen; then the split is going to change, because – well, the recreational is only landing 25 percent so we're going to give 75 percent to commercial. You know, down the road that will happen. If I felt like this was not good for the fishery, I wouldn't be recommending it. I think it is a win-win for the fishery and also it is for the people.

MR. HARRIS: The information that Jim and I were looking at didn't look anything like that; not even close. I have no idea where all of a sudden we went from 15 percent to a 92 percent on black grouper in a matter of six months. That is a little suspect there. At that point we had time to do the research and looked at all the other documents. This is just one slide, which I'm not doubting the validity of the slide; I'm doubting the validity of the information contained therein. I just don't see where it could jump up that high.

MS. BROUWER: The presentation that is up on the screen is the briefing that the Southeast Fisheries Science Center gave to the council at the March meeting. This presentation was put

together by the Center. If I understand it correctly, I suspect that perhaps the numbers are different from what you guys saw, because this includes the expanded totals. The Center actually modifies the landings to account for late reporting, for one. That may be one of the reasons that the percentages are different. Also, MRFSS versus MRIP could also have something to do with it; I'm not sure.

MR. HARRIS: Those numbers are largely varied, so to speak, especially for an area that MRFSS doesn't really come down and do any sampling, which is in the Keys.

MR. FEX: I was just looking at the bottom of the screen. It says headboat landings are not included. I'm just saying to look at that.

MR. JOHNSON: She is going to pull up the website and just see what they have currently.

DR. DUVAL: Rob, just to add a little bit to when we discussed this at the council meeting in March; as Robert stated, we did note that, oh, look, the black ACL was close to being caught for 2012. That kind of squelched any discussion about raising the limits on black from one to two, or have it be an either/or thing; either two gag or two black.

We discussed the fact that the AP had recommended an increase in gag from one to two based on the fact that half or less of the ACL had been caught in previous years. There was some concern in the discussion at the council level that three groupers were a lot and couldn't we just go ahead and have an option, which Myra has presented to you, I believe, to just increase the gag limit from one to two fish within the existing three-fish aggregate.

That is why you've got two options there, a four-fish aggregate and a three-fish aggregate, and having up to two gags as well as one black and those sets of options. I know that doesn't explain away your concern that there has been some miscommunication in between the April 2012 motion from the AP to have two gags or two blacks and the intervening conversation. But just to let you know the conversation that happened at the council in March.

MR. DeMARIA: If you dive anywhere along the outside edge of the reef in the Keys right now before the season opens – I was out the day before yesterday in 90 or 100 feet – you'll see a fair number of blacks, a fair number. Go back in about a week after it opens and it will be a noticeable decrease. Towards the end of the season, it will be very, very noticeable. I think they do get hit heavy and the 92 percent in this case is probably fairly accurate.

MR. HARRIS: Thank you for that update. I don't know what to say to that because I am going to have to go back and start pulling some numbers, because that is so grossly out of whack for what we were looking at when we were looking at it; and for it to change that much over that timeframe, I would like to know where those numbers are generated from. I've got guys that are out there right now fishing down near the Fort off of Rebecca Shoal that are catching 70 pounders and having to throw them back.

MR. ATACK: Since we've had a lot of discussion; I guess can we make a motion maybe on this or are you guys going to wait on the action?

MR. DeBRANGO: Because of all of the regional management issues with this and everything still – and we don't know the stocks. You've got North Carolina, you've got Key West and blacks are great down here; the gags are good up here; the blacks are good up here. In between you don't have a bunch. **If anybody is for it, I will make a motion for Alternative 1, no action.** I mean it is not going to be popular, but right now we don't know.

MR. JOHNSON: I have a second by Kenny. Is there any discussion on this motion?

MR. THOMPSON: Can I make a motion on Subalternative 2A afterwards, to vote on either one or the other? I mean we've got one.

MR. JOHNSON: Yes, you may.

MR. THOMPSON: I can make a motion afterwards to vote on 2A?

MR. JOHNSON: Afterwards; we have to do something with this one first. Okay, the motion is Alternative 1; no action. **All in favor; opposed. The motion carries.** Okay Rob.

**MR. THOMPSON: Well, obviously we can't make two motions on the same one; can we? Well then I make a motion to act on 2A, to increase three to four and add two gags.**

MR. JOHNSON: Do we have a second on that one? All right, Jim. Okay, let's vote on this one. The motion is; select Subalternative 2A as a preferred. **All in favor; all opposed. It fails.**

MR. DeBRANGO: I don't know if we can make another motion on this. Like I said, we're talking gags and blacks here. Gags aren't in great shape and I know that you do catch your blacks good down there. Maybe looking to the council for pulling these two apart – I don't know how we could do that, pulling the blacks and the gags separately.

I don't know if we could do anything like that or make any kind of motion for them to look at it for the quotas or whatever. I don't know how to make the motions, but the idea is separating the blacks and the gags.

MR. JOHNSON: Are you suggesting removing blacks from the grouper aggregate?

MR. DeBRANGO: No; not suggesting it, but looking at the catches and everything; and maybe like consider them separate, because up our way we don't catch any blacks. If we do, it is lost. I don't know how to make this motion is what I'm saying, but the idea is to almost separate these two, the blacks and the gags.

MR. JOHNSON: Well, they are separate. They have separate ACLs, separate stock assessments. They are separate, so I'm not sure what your intent is. If you want to remove them from the aggregate bag limit, then the council would have to look at making an adjustment to the aggregate bag limit that would allow for – I don't know.

MR. DeBRANGO: Maybe moving them from that and giving them their own aggregate, black grouper. I don't know how you do something like that; I really don't.



MR. HARRIS: Although I like your idea just as a concept, I don't think that really accomplishes anything for us, because you are just creating a separate species to keep track of, so keeping it in the bag limit just makes more sense. If you are not going to raise the limit, there is no reason to separate it, because then you would end up having to shift another grouper into that already bag limit or lowering it. I don't know that it accomplishes what you're trying to do.

MR. DeBRANGO: Basically thinking of South Florida and North Carolina; because like I said, the majority of the area, this is a regional issue. This is not a southeast ocean issue. This is Key West, and you guys get a lot of black grouper up off North Carolina. No? Well, mainly Key West, so this is something that is a real local issue to you and not to the rest of us. That is what makes this whole thing right here so hard.

MR. HARRIS: Greg, I know that you missed out on a lot of the conversation over the past years, but this is one of the reasons why we have been pushing so hard to get a special management area specifically for South Florida and the Keys, because we are so much different than the rest of the South Atlantic. This is just another one of those cases.

**MR. BOWEN: I would like to make a motion that the council considers leaving the bag limits of grouper status quo – I'm not finished – and instead of having a four-month closure on grouper, go with a three-month closure, and so the fishing date for grouper would start April 1, but leave the bag limits status quo.**

Some of my reasoning is because the groupers south of the South Carolina/Georgia line; in April they have already spawned. I don't think the landings would go up drastically if we had an April 1 start date; but if we can't seem to agree on raising the bag limit, maybe we can agree on an extra month of fishing on them.

MR. JOHNSON: Can I just make a suggestion? You could say just change the start date for the recreational grouper season to April 1. It would do the same exact thing; correct?

MR. BOWEN: That is correct.

MR. JOHNSON: It just makes it a little clearer here.

MR. BOWEN: That is correct; change the start date to April 1 and leave the bag limit status quo. That is correct.

MR. JOHNSON: Is that a second, Rob?

MR. HARRIS: Yes, I'll second it, because that will help us stay in line with what the Gulf does.

MR. JOHNSON: Can you read to Myra exactly how you want that to read?

MR. BOWEN: That's it; spawning closure from January 1 to March 31. The season would start April 1; is that right. Cool.

MR. JOHNSON: Okay, we had a second on this motion. Do we have any discussion on it?

MR. FEX: Yes, I've got a question. Has the gag bag limit got a trigger mechanism like our gag did last year in the commercial sector where if the black grouper got caught, that they would shut down their aggregate bag limit? I am just questioning, because that might be affected in that.

MR. DeBRANGO: I don't see where so far with the amount coming in where it is even needed a trigger. But I think this is a good motion and that by adding another month, it could possibly give you a little bit more idea how much more the stock is going to go up or being caught just by giving that extra month, if you know what I'm saying. It is saying that the recreationals haven't caught near that amount of the AC; well, let's see what happens with another month. If there is a dramatic increase, it could be some sort of an indicator of stock.

MS. MARTIN: I think I would like to hear maybe from the South Carolina and North Carolina guys about what you are seeing in terms of spawning, because it was closed because there are ingressing gag larvae in South Carolina and North Carolina continuing into May, I guess in April. That was justifying the actual closure.

MR. JOHNSON: Ben, can you speak to that about the spawning times of these grouper? Does anybody from the council have any idea?

MR. HARTIG: I read her paper and it was very well done. She is one of the co-authors; I can't remember how many authors of it. It was looking at gags that had come into the estuary during post spawning times and when they were settling out in the grass beds, to my recollection.

Your work actually did identify April as a month when spawning was occurring, and that those fish were coming into the estuaries after that date, and that you had looked at the otoliths in particular on a daily basis. Is that how that study was done? I'd like to hear – I mean, you know more about it than I do. I read it, but I can't remember all the details.

MS. MARTIN: Well, that was more for, I guess, specific to South Carolina and North Carolina. That is where the collections were made. Ingressing larvae, we were still seeing them in May coming in through to the inlets so a 30-day year old gag in April and May, indicating they were still spawning offshore. But the samples were not made in Georgia and Florida.

MR. JOHNSON: Gretchen, how about February?

MS. MARTIN: I would have to look at the data. I'm thinking it was more of a range over more than a decade between March – so a 30-day year old fish coming in March through mid-May.

MR. BOWEN: Our point is that we catch spawning biomass of certain species probably year round; but if we're not reaching the ACL, then we're leaving a resource out there that I don't guess we're getting the most benefit.

That is the reason I wanted just to give us 30 days earlier so we don't take the whole spawning time, but give us a little something that we can see. For 30 days, I don't think it's going to be that big of a landings increase, but it would sure help us in selling some trips, recreational fishermen. That's my point.

MR. ATACK: I don't agree with this motion, I guess. The spawning season, if you want to take a little more of the ACL, I would be taking the fish when they are not spawning, because really the spawning is tomorrow's crop, you know. If you want a little more ACL, that is the idea of the motion for bag limit changes versus cutting into a spawning season. I don't think you want to be cutting into a spawning season. This has been in for about three or four years now, the January through April. We should leave it stay the way it is, I think.

MR. BROWN: I have mixed emotions about this, thinking about it, because we did lift the vermilion closure, which was a spawning closure from November until – that was a spawning closure; wasn't it? It wasn't?

MR. JOHNSON: Vermilions were in a rebuilding plan. Gag grouper, Myra just told me, the last assessment was in '06, and they were undergoing overfishing but they were not overfished.

MR. BROWN: I thought Amendment 16 made –

MR. JOHNSON: But they were approaching being overfished, and I think the MARMAP data is a little iffy on gag.

MR. DeMARIA: The spearfishing sector has really changed a lot in recent years. When I first started spearfishing in the Keys in the late seventies commercially, the fish we targeted was black grouper. When I go west of Key West around Marquesas, I wouldn't even put up a dive flap flag, because people just didn't know what it was, especially the Cuban Americans.

They came racing over to see if I was in trouble, and we were using hookahs and they would run over a hose and whatnot. It has really changed. Now there are so many people out there diving as a result mainly of these different spearfishing websites and whatnot. But there are a tremendous amount of people on the reef, mainly free diving, and their target species is black grouper. What I've seen over the years, less and less fish and smaller and smaller, and I would urge the council just to be cautious with this one, black grouper. It is not in as great shape as what people think it may be.

MR. JOHNSON: Okay, do we have anymore discussion on this motion?

MR. STIGLITZ: Down our way, I would think January would be a better month to leave in there. February, the red groupers are full of roe; March and April the black groupers are full of roe; the month of January the red groupers are just starting into their roe. We don't have black groupers with roe in them in January. April, we do.

I would think leaving it at a May and go through January would be better, and then January our charterboat guys and stuff have a lot of – you know, there are a lot of people down south trying to avoid the cold weather and stuff. I know the springtime is great down there. But I would think – to go along with that I would think instead of January to March, make it February through April.

MR. JOHNSON: I can't speak for Zack, but I think his intent was April 1 is B-liner opening. We've changed the sea bass in April 1. He is trying to get some consistency on start dates on these species.

MR. BOWEN: That is exactly, exactly what I am trying to do, so we don't have discards, we're not discarding certain fish two or three months out of the year. If we have a single start date on all of our snapper grouper species, we basically eliminate the discard mortality or a big percentage of it. That is right on the money, Mr. Chairman.

MR. DeMARIA: Just something I need clarified; this would be for black grouper, too, this three-month season or just gags? Grouper?

MR. JOHNSON: Grouper, all the shallow water grouper. That would include black.

MR. MARHEFKA: Zack, I can go along with this if you go and open up April for the commercial sector, also.

MR. BOWEN: We'll get to that next. I have no problem with that.

MR. JOHNSON: **Okay, is there anymore discussion? If not, let's vote on this motion. All in favor; all opposed. The motion fails.** Does anybody have anything else on the recreational grouper?

DR. ERRIGO: Okay, I was doing some digging. You guys had seen recreational landings of gag and black grouper and they were fairly well below the ACLs. That is because the data that you were looking at was not post-stratified for Monroe County. The Science Center gave us landings data; but all the landings that came from Monroe County all went to the Gulf.

For species like black grouper and gag, there is a significant amount of landings that come out of that area, so that is why the landings look so low. I am still in the middle of trying to put together graphs with the corrected data, but they are much closer to the ACL than what you guys had all seen. D

(Remark made off the record)

DR. ERRIGO: Yes, the data on the website are correct, because the regional office post-stratifies; the Science Center does not. When the data came in from the Science Center, it was not post-stratified.

MR. JOHNSON: We're going to move on to Action 8, modify the accountability measure for the commercial sector for gag.

MS. BROUWER: This would modify the AM for gag. Alternative 2 would reduce the trip limit to 300 pounds when 75 percent of the gag commercial ACL was landed. I believe this was a recommendation from the AP. Then Alternative 3 is one that we're still in the process of developing. Basically we're going to do an analysis to arrive at an appropriate date to trigger the trip limit step-down. The regional office is conducting those analyses so I don't have anything to show you right now. That's it.

MR. ATACK: It looks like Alternative 3, depending on how far into the season you're hitting the 75 percent; that trip limit could be higher or lower is basically what they're looking at doing, right? In other words, if right now the season ends January 1, so if you hit 75 percent December

1, they are going to say you might have a 300 pound trip limit. If 75 percent is met in September, then they might say you have a 50 pound trip limit. That is what Alternative 3 is, right?

MS. BROUWER: No, I don't believe it has anything to do with changing the trip limit, the poundage. It would only change the date; the date that would trigger the change in the trip limit amount.

MR. MARHEFKA: It's either a date or a percentage?

MR. JOHNSON: I think Alternative 3 is just explaining it is going to be an ongoing deal. It will depend on landings, on the landing streams and what – I think that is the intent.

MR. ATACK: Well, the very bottom thing says, "And the trip limit would allow gag to remain open for the rest of the year." It is like a trip limit analysis will be conducted so when 75 percent is met, then the limit would allow gag to be open the rest of the year. That sounds like they are coming up with a trip limit to spread it out through the rest of the year. That is for Alternative 3.

MS. BROUWER: Yes, I misspoke; I'm sorry, you are correct, Jim.

MR. JOHNSON: Okay; is everybody clear on what Alternative 3 means? Okay; does anybody have a preferred here?

MR. BROWN: How close did the ACL get met; was the ACL met last year?

(Answer given off the record)

MR. BROWN: What month?

MR. JOHNSON: It was met and then when they ran the final projections, if I remember right, it wasn't quite high enough. Didn't they reopen the fishery for 10 days, I think? They had a real short season and really terrible weather. A few boats did fish, though. All right; does anybody have a preferred here on these alternatives?

**MR. MARHEFKA: I make a preferred for Alternative 2.**

MR. JOHNSON: Seconded by Kenny. Do we need anymore discussion on this? Seeing no discussion; **all in favor. It is unanimous.**

MS. BROUWER: Action 9 would modify the recreational AM for vermilion snapper. This action needs to be taken at this time, because the council has proposed removing the recreational closure. Therefore, there needs to be a change in the accountability measure to account for in-season changes.

Alternative 1; the status quo, is when the vermilion snapper ACL is projected to be met or met and vermilion snapper are overfished, then the recreational fishery would close for the remainder of the year. Then without regard to overfished status and the vermilion snapper recreational

landings go over the ACL, then there is a reduction in the ACL the following year in the amount of the overage. That is status quo.

We have three alternatives. Alternative 2 would just simply close it in season. Then if you go over the ACL, then you have the payback. Alternative 3 would simply close it in season when the ACL was met or projected to be met, and there would not be a payback. Then Alternative 4 is kind of a combination of the two; but the payback would only happen if vermilion snapper are overfished and the total ACL is exceeded; meaning commercial and recreational together.

MR. JOHNSON: Has everybody absorbed that. Does anybody have a preferred?

MR. COLE: **I'll move Alternative 1 as the preferred.**

MR. JOHNSON: Do we have a second? Seconded by Mark.

(Remarks made off the record)

MR. JOHNSON: I'm not sure we can do that, to be honest with you, because the ACL is being adjusted and the recreational closure is going away. They are not overfished. I think the only choices we really have are Alternatives 2, 3 and 4. Can we get that motion withdrawn?

MR. COLE: Well, I'll try moving Alternative 2.

MR. JOHNSON: Is that a new motion?

**&&MR. COLE: Let me retract my original motion and substitute Alternative 2 as the preferred.**

MR. JOHNSON: Do we have a second on that motion? Mark. That has a payback in it, just so everyone understands. Is there any further discussion on this motion?

MR. THOMPSON: I prefer Number 3, because I don't like the payback provisions, because I don't really like the way sometime they're counted. I don't agree with it. I'll see what we do with Number 2 first.

MR. JOHNSON: Okay, we have a motion. Let's go ahead and vote on it. All in favor of Alternative 2; **that motion carries.** All opposed. I'm just going to say this. I'm not sure why we chose to have payback for a fishery that is not overfished and not undergoing overfishing. I am just curious as to why you all decided that. I am not trying to dictate here, but I'm just curious.

MR. BOWEN: Just to keep in mind – I know that vote has already taken place, but I think if I'm not mistaken the commercial went over this year by 160 percent – I'm sorry.

(Remark made off the record)

MR. BOWEN: Okay, last year 160 percent, but there was no payback there because the ACL wasn't met. It sure would be nice if the recreational could get on the same page.

MR. ATACK: That was Alternative 4.

MR. BOWEN: Well, I voted against the alternative that was brought up. I just wanted to put that on record.

MR. HARTIG: This is a tough one; because the way I looked at this at the beginning – and I made this statement to the council; if you continue to go over, you are going to be continuing to press the assessment into an overfished or overfishing status. However, having said that, do you want to be held hostage by an agency that can't count?

That is the key. The key is that unless the accountability from the agency is there, we're going to be continuing to pay the price. You said the commercial fishery went 160 percent over. It was not the fishery; it was the accounting of the fishery that went over, not the fishery itself. The accounting of the fishery was what caused the overage and not the commercial fishermen.

That is a distinction that needs to be made, because I have that problem from time to time, too. thinking about in the longline industry, well, they went over and they shut down the hook-and-line fishery – well, it was the accounting that did it. It wasn't the fishery itself. Those are hard things to separate out.

Until NMFS becomes accountable in their accounting, I am not willing to go to that extreme to shut fisheries down and have paybacks. That to me is over and above. That is something – I don't know where it's going to come from in this discussion with the NMFS hierarchy, how we're going to get there; but somehow NMFS has to become accountable for this, because we are. All of us are accountable with ACLs, and they are not in counting the fish.

MR. JOHNSON: Someone could make a motion to reconsider, if they so please.

MR. BROWN: I thought it was only the maker of the motion.

MR. JOHNSON: Anybody on the prevailing side; anyone that voted for can make a motion.

**MR. HARRIS: Mr. Chairman I'll make a motion to reconsider the last vote.**

MR. JOHNSON: Do we have a second? Seconded by Mark.

AP MEMBER: Can Mark?

MR. JOHNSON: All right; seconded by Kenny. Okay, so we have to approve this motion to reconsider the above motion. **All in favor of reconsidering the above motion; that is approved.** Okay, now you can choose another alternative.

**&&MR. BOWEN: We would like an alternative with no payback measures –**

**AP MEMBER: That would be Number 3.**

**MR. BOWEN: Okay, Number 3.**

MR. JOHNSON: Do I have a second; by Robert. Do we need further discussion on this motion?

MR. ATACK: If we go this route and we exceed the ACL every year, then what is going to happen? I mean, what is the next step? I guess we've got to go back to a regulatory amendment to change – we can't change seasons, we can't change –

MR. BOWEN: We put pressure on National Marine Fisheries to tell us where they got the numbers from.

MR. JOHNSON: Well, this alternative does have an in-season closure; so when they get the MRIP estimates and if it is projected to bust the ACL, they can close the season without a payback.

**MR. COLE: This is getting more difficult the longer we mess with it. I'm going to make a substitute motion for Alternative 4.**

MR. JOHNSON: Do we have a second? Gretchen.

MR. COLE: Mr. Chairman, if I may continue; the problem with the data and NMFS handling of it is unfortunate at this time and on this particular species. I appreciate deeply what the previous council member; Ben, had to say about that; but I do believe that we need to keep some sort of payback provision in these measures.

I think that the way that Alternative 4 is written provides ample protection for the stock at this time, given the fluctuating numbers, but yet will not cause undue harm. Because, basically what is going to have to happen is that if the stock is overfished, we've got to take action, anyway. I think Alternative 4 provides an acceptable measure to meet the provisions of Alternative 3, but provides the safety net that I think the stock would require with the payback.

MR. BOWEN: If we reach the ACL then we would just shorten the season so we wouldn't have to pay it back; correct?

MR. ATACK: Well, you're actually shortening the season. It is projected to be met and you close it. Once all the numbers are in, you could still be over because it is a projected overage closure, right?

MR. BOWEN: Yes, but, again, you would just shorten a season instead of paying it back the following year.

MR. ATACK: But if you shorten the season and you still went over, you are not paying anything back. You're not hitting the MSY.

MR. BOWEN: Yes, but I think they would close it when it is projected to be met. I don't think that National Marine Fisheries closes after it has already been exceeded.

MR. ATACK: No, but the way recreational landings are, we find out in March what we landed in December, so therefore it is projected and you could be way over by the time the numbers finally come in.



MR. BOWEN: That's not the way it happened with sea bass. No, they projected it and it would close at such and such date.

MR. SMITH: Did anyone really answer Zack's question a couple of comments ago about what would happen? Well, what's going to happen is you're going to come back with a little bit grayer hair in the future. You're going to say, man, there was nobody at that table talking about the fish. They were all talking about the anglers and the fishermen and the process and all of this. Where did all the fish go and why did they keep getting smaller and why were there fewer; that is my prediction.

MR. DeBRANGO: Once again here is a fine example of where we need better recreational reporting, because what we're doing is how do you pay back a guess? This is their best guess is what it is. There are not hard numbers. Like the commercial guys have to turn in a ticket; every day they have to go through that and everything is fax reported.

All right, let's guess how much we're going to pay back. Let's do a model here, you know what I mean? It's like, okay, they're saying we're over, but how do they know we're over? I mean, the whole thing is we've got to come up with something – an application or something. We've got to require reporting so we get away from this whole thing.

You know, what, if it is \$100 sticker on the boat, there is your money to pay for it, whatever. Somebody is going to have to put their foot down here. The recreational industry is definitely hurt, fuel prices, they are going out there for one gag, going 50 miles and all that stuff and they catch what; 35 red eyes. Well, they need to know how many they caught. With all their model runs and everything, it is still a guess.

MR. JOHNSON: Well, under other business we can talk about some of that.

MR MUNDEN: I am concerned about fisheries that do not have a provision for payback for exceeding the ACL. I support the motion, because this holds the fishery responsible if you require a payback.

**MR. JOHNSON: Okay, we need to vote on this substitute motion as a preferred, and then we have to vote on it. We have to approve it as the main motion, excuse me. If there is no further discussion; all in favor.**

MR. BOWEN: Mr. Chairman, we had a motion and a second to go with preferred and we never had a vote.

(Remarks made off the record)

MR. BOWEN: No, we didn't.

MS. BROUWER: Let me try to clarify. The motion that the AP recommends Alternative 3 was then substituted by this motion; however, you have not yet approved that substitution. First you have to approve that and then you can vote on the motion itself.

MR. BOWEN: Okay, if that's the case, then I would make a motion that we have a second substitute motion for Alternative 3, We can keep going and going and going.

MR. JOHNSON: Hang on just a second, Zack. We have to approve the substitute. We have to vote on this substitute motion. If it fails, then we fall back on the other motion; do you understand now? Okay, let's vote on this substitute motion. **All in favor; nine; all opposed. Okay that takes care of that.** Now we need to vote on Alternative 4 as the main motion. All in favor of Alternative 4 –

(Remark made off the record)

MR. JOHNSON: Okay we can have some discussion.

MR. STIGLITZ: If on that if there is a payback for overages, then there ought to be a payback for underage. If you don't meet it, then the next year they ought to add to your –

(Remark made off the record)

MR. STIGLITZ: Well, if they're going to make you pay it back, it ought to go both ways.

MR. JOHNSON: Richard, you would find a lot of agreement at the table, but that is not how things work. I'm not a smart enough guy to explain to you why they don't work that way. **Okay, let's take care of this motion, Alternative 4. Is there any more discussion? All in favor; opposed. Okay, Alternative 4 carries.** Actually that is it for this, so do we all want to take a real short break?

(Whereupon, a recess was taken.)

MR. JOHNSON: Okay, everybody find a seat.

MS. BROUWER: Okay, we are to the point where we go back to talking about black sea bass. In your overview, which is what I have projected up on the screen, it explains a little bit of what it is the council is looking for as far as input from the AP. On the agenda, I realized that I put AP input on regional allocations for black sea bass.

That's been part of the discussion at the council level, but what surfaced in March was regional start dates for fishing years. Specifically, the council made a motion to ask the AP to provide input on possible regional recreational fishing year start dates for black sea bass. I think that if you guys want to engage in a discussion about regional allocations, that is also a possibility. It sounds like you may need to have both of them at the same time. You probably can't have one without the other. Attachment 8, for your reference, is what we put together as far as landings for black sea bass. I'll bring that up on the screen.

MR. BOWEN: It seems like we just voted just a few minutes ago or a little while ago to have an April 1 start – to change the fishing year to April 1 and it passed.

MR. JOHNSON: That is correct, and I think what the council is looking for is just some other ideas. I think they are trying to get a handle on when is this fish important to which region at

which time. But as Myra said, the only way you could have some kind of different start dates would be to have some allocations.

If Florida wanted to start January 1 and we caught all the ACL; Georgia, South Carolina and North Carolina wouldn't be happy with us. We just need to discuss it. Does anybody have any ideas about – Terrell, would you like to comment on when would be the best optimum time for you to have a black sea bass season.

MR. GOULD: The best time for me to start with it would be the 1st of April when we get started. What we've encountered in my business here since the seasons have come in is the people are waiting later and later and later as the seasons open up to go fishing. You take like with just vermilion snapper fishing right now, it doesn't give us a whole lot, triggerfish, when we can get to it, the grunts, tomtates, jacks and stuff like that.

You don't know how discouraging it is to folks when they are sitting there and not throwing back just their limit, but several times their limit on a day's fishing and not being able to retain anything. We've seen a big increase in the size of the fish that we have to throw back. They are saying why are we doing this, why not just wait?

That cuts my revenue down every year, because they're waiting until later and later and later. The 1st of June off of Morehead City is about the time of the year when the bass start disappearing. They're going out in the sand, moving out, spreading out over the place. We don't see them as much on the rocks.

But in April and May; it is Katie bar the door. Last year, for instance, we had the pleasure of having one of the council members on the boat. I don't think they really believed what we were telling them until they got up there and saw it. It just puts such a bad taste in people's mouths. If you would consolidate the openings all into one thing and then properly manage the ACLs, the data as it comes in. I think it would be a win-win situation for everybody.

It is something that I've pushed in the past was regionalizing or sectoring each state with their traditional landings, divvying it up; if this state reaches it, you're out of it. Another state might have enough of it. But that would be very, very hard to divvy up, I think, because everybody thinks that they got more than what they're getting. That is what I would like to see. I would like to see it done up state by state and have everything open up at one time. That way you could cut down on your discards and I think it would be a win-win situation for all the states that are involved.

MR. MUNDEN: The North Carolina black sea bass fishery north of Hatteras, the recreational fishery and the other states all the way up through Maine are managed on a state-by-state allocation for the commercial fishery. It is based on historical landings for time periods that the council has identified.

Whatever percentage of landings you had during that time period is how much fish you get out of the total quota. Working with ASMFC, the states set up a system several years ago whereby they allocated the black sea bass recreational portion of the quota into regions. Each state gets a certain number of pounds of fish or a certain percentage based on historical landings, but also they looked at fairness and equity when they started allocating them.

North Carolina has a stand-alone share. I believe Maryland, New Jersey, and Virginia are combined into one region. I know we're breaking new ground here, but it has already been done for black sea bass at the Mid-Atlantic and New England and ASMFC working together. That is just a starting point that I would recommend we look at.

MR. FEX: Red, I've got a question for you. You said, okay, the state by state for the commercial vessels. In the Mid-Atlantic is it a Mid-Atlantic commercial license, a federal permit?

MR. MUNDEN: For black sea bass, yes.

MR. FEX: Okay, one of the concerns I would have doing state-by-state commercial is nothing keeps me from going off of Florida with my South Atlantic federal permit. Say we did a grouper closure in one state, then I could go in another state and fish in that state. Have you guys addressed that?

MR. MUNDEN: Yes, if you have a black sea bass federal permit, you can fish in federal waters off of any state, and in many cases the fishermen also have a state permit if one is required to fish in state waters. Commercially, we'll have guys that will fish off North Carolina, Virginia and New Jersey all up and down the coast if they have the permits.

MR. FEX: To that point; that is a lot of problem what people's assumption is, because people from North Carolina commercially say, you know, what; I would like our state to have our own little quota and be able to manage it and fish it ourselves. Well, all of a sudden we open it up, and we've got ten boats out of Florida or a couple out of Georgia. We did not manage our fish ourselves. That is one of the points. I'm glad you said that, because that has always been my opposite of what is believed.

MR. ATACK: Yes; and I think flounder kind of works the same way, right? I think North Carolina – and the last thing I heard was our boats were up catching flounder off of Virginia and further north, because they've moved that way. When the North Carolina boats are getting their flounder quota and they're not even fishing in North Carolina waters; does anybody know how all that works?

MR. MUNDEN: Yes, I can answer that. Now we're talking commercial. With summer flounder, the landings are counted against the quota for whichever state they are landed in. Michelle and I spent a whole lot of time, when I was with the division, transferring quota from North Carolina to other states so that we wouldn't disenfranchise the other states' quota.

If we had a vessel that wanted to land in Virginia, as an example, we have an agreement with Virginia whereby we would get authorization from them, and they will land the North Carolina commercial flounder in Virginia. Then we have to transfer quota to cover that landing, so you're not eating up Virginia's quota. We also have done that for other states.

For the recreational fishery, for summer flounder we've been working on a coast-wide quota. All the states have one pot of fish. States manage that through size limits and bag limits so they don't exceed their projected allocation.

MR. ATACK: Right; so the way I understand that is they are up there catching these flounder, and they actually land them in Virginia, and it is the North Carolina quota.

MR. JOHNSON: Mark, do you want to comment on South Carolina, when you think it would be the best start date; or anybody else from South Carolina.

MR. BROWN: I agree with Terrell, April 1 would be good, because we've gone through a long winter, suffering through the winter and we're anxious to get back to fishing again, the start of the season. It gives us the opportunity. Also, with all the regulations and the limits and stuff over the past few years; it has shortened our seasons. People are just not going as late into the season or during the months when everything is closed, and so we're having a longer time that we're not able to fish. April 1, I agree with.

MR. JOHNSON: Zack, do I even need to ask?

MR. BOWEN: Sure, ask so I can answer.

MR. JOHNSON: When would you prefer black sea bass to open?

MR. BOWEN: I would prefer every snapper grouper species open recreationally April 1.

MR. ATACK: I had a question about the sector allocations. Where I am, I am not sure if I would be in North Carolina or South Carolina when I'm fishing. Does the Riparian Line run out straight; how would that work?

MR. COLE: The key to any sort of regional or state allocation system is where is the fish landed? The bean counters on shore don't really care where you got it. What they care about is where you land it. It is like Red said, you have to have transferability between the regions or the states or however you break it down, because you may catch it somewhere three states removed because that is where it is; but when you bring it in, you are going to probably bring it in to your home port unless you have a permit to bring it in somewhere else.

It gets counted in your home port. Now we may have to transfer some allocation to cover you, but that is fairly simple to do if you have regional or state – you know, some sort of breakdown. The system works, folks. It works in other countries and it works from Hatteras north on many species.

DR. DUVAL: I just wanted to say a couple things regarding quota transfers. Our transfers, as Red knows, a vessel decides they want to land in some other state and we just say, oh, yes, no problem, we'll go ahead and do that; I mean, it has got to be for a specific reason. A storm has blown up, there is a safety issue, the inlet has been closed; which has generally been the reason why we've transferred quota to Virginia for summer flounder in the past several years.

Some of the questions being asked about; well, like Jim's question, well, do lines go out from the states and you can only fish off that state and what if you're in those kinds of border regions between states; fishermen already fish in the waters off other states that they don't reside in. Fishermen from North Carolina, by landing their summer flounder in other states up and down the Atlantic Coast, help to make that state's quota share.

The same would happen down here if the council decided to move towards state-by-state quotas for any of their species. It doesn't prohibit you from landing in another state. We've got fishermen from Florida that come up to North Carolina and fish for hogfish and red grouper now during certain times of the year, so it is no big deal. You keep on doing like you're doing.

The idea behind the state-by-state quota shares in the Mid-Atlantic and other regions was that because some of these species are migratory, because they are present and available at different times of the year; that allowed you to open and close your fishery at a time that was most beneficial to the industry, working in cooperation with industry. Red can add anything to that he wanted; I just wanted to clarify a couple things.

MR. JOHNSON: I think it would be helpful if we actually knew based on historical landings what the allocations would break out by state or region. I would be real uncomfortable if I was voting on something if I hadn't seen any numbers. We all think we've got all the fish, but in actuality we may not.

MR. HARRIS: I'm just curious; you asked all the other black sea bass boats. When would you prefer since you're right there off of North Florida, and you can't ask yourself.

MR. JOHNSON: Well, I could comment. Black sea bass is not important to me as they are the small boat recreational angler and the headboats; the few that are left that operate out of Jacksonville and St. Augustine and Ponce Inlet. They have no fishery anymore in the fall and the winter.

Well, actually they may run up until Christmas time, but January, February, March they tie their boats up. We hear the same argument from the commercial sector how there is nothing left for them to fish for. They have no business, because there is nothing for them to target; sharp-nosed sharks and ringtail porgies.

I'm talking about the guys that don't run boats like mine that can go to the Gulf Stream and go trolling, or go catch some of the other species further offshore. It is important in the winter months in Florida to the headboat fishery and the small boat recreational angler. If you ask them about a start date, if you had 50 of them in here, you might get 50 different start dates like you do usually. I would think it would probably be more of a fall fishery, fall and winter fishery in Florida. It is very different than the other states.

MR. FEX: Going back to Michelle's point; I understand if one state gets a certain amount of fish and says, you know what, we can manage this; but part of management is understanding effort. If you have 100 boats that you say, okay, these hundred boats can catch this amount of fish, can stay open eight months and you have no limit from another federal-permitted vessel, hundreds of boats that are out there coming into your state; then you really can't manage it effectively.

That is my whole point. It is just having control over your effort, the amount of fish, getting your analysis and saying we can extend the season and make it valuable. Don't flood the market. That's my point. If we had some restriction that kept that boat to its state that it is historically bound to, I would support it. But until that happens, we can't control the effort so we're not controlling the management of the fish.

MR. JOHNSON: Bill, like if you had regional management for hog snapper, because that is a big hot issue with North Carolina; these mean Florida commercial boats are coming up and spearing their hog snapper; would those hog snapper come off the Florida ACL even though they took them off North Carolina and landed them in North Carolina?

I think that is the issue that Kenny is getting at is you have a commercial fishery that is able to go up and down the coast. If an ACL closed, if these boats from other regions came into his backyard where he fishes and helped close his ACL, they would in effect have taken the fish that he feels like he should be taking and then they go back home and fish their own ACL.

MR. COLE: To answer both of you; if you are a Florida boat and you come up and fish off Wilmington and you go back home to Jacksonville –

MR. JOHNSON: No, I land my fish in Wilmington, too.

MR. COLE: All right, but wait a minute, the key to this, as I said, the bean counters don't care where you catch it. What they care about for this kind of a system is where do you land it? Now what happens is if you land it in Florida and you are a Florida boat, you don't have a North Carolina landing license so you can't land here, but it counts in Florida.

When you've busted the Florida ACL or allocation or quota or whatever, Florida gets shut down regardless of where you caught the fish. North Carolina is home free; they've still got fish to burn. Now they may send their boats down to Florida and catch your fish and bring them back up there, I mean that can happen, but the key to it is very simple. It is where it is landed.

MR. JOHNSON: That is what I'm getting at; and that is their concern, if I'm reading the North Carolina guys right, is you have boats especially in the commercial spearfish fishery coming from other regions into their waters spearing their fish and landing them on their docks. If you went to like the black sea bass pot fishery in Florida – say we take this into the commercial sectors. Florida has very small historical landings.

The three or four sea bass pot fishermen left in that state, they catch up their ACL; but, boy, if North Carolina still has plenty, they run up to North Carolina, or they go up to North Carolina to begin with and help catch North Carolina's ACL, then they go back home to catch Florida's.

MR. COLE: Do they have a license to land in North Carolina? They would have to.

MR. JOHNSON: For \$800 they've got one.

MR. COLE: I don't see the problem.

DR. DUVAL: I'm having some really bad flashbacks to the March council meeting here, because we had this same discussion. Kenny, this already happens. Boats from other states already fish up and down your coast, and the economics of the situation dictate that they're going to land wherever is closest and cheapest and the best price they're going to get for their fish to land. Other boats are already helping you to "make that state quota share." It does not change the way people fish or operate or where they fish. That is my point.

MR. FEX: I understand that, but if you say from a state's perspective that we have 200,000 pounds of grouper, and we say we have 100 North Carolina vessels; we estimate we can let these North Carolina vessels go out. Well, Florida, Georgia or any boat can come participate if they buy a land and sell license, \$800 or whatever amount, right.

When you originally thought you had 100 vessels, effort, now is increased. You actually can't manage it effectively, because you thought you only had 100 vessels but now you have 150. My point being is, sure, they might be making state-by-state quotas, but you've just increased the effort and it's hard to get a grasp on management when more vessels can be involved just by buying a land and sell license. They are available for every state.

DR. DUVAL: Exactly, they are available for every state and I don't see how that is going to change the way people fish. They are going to go fish where the fish are. They are going to land their fish where it is most economical for them to land to increase their profit margin and where they may get the best price. I'm trying to say that this already happens.

I understand what you're trying to say that, oh, well, if people see that a state has a certain quota, they are going to run out and buy a whole bunch of land and sell licenses. If a state has a certain proportion of the overall quota, it has its own quota share; I mean, what we would really do is based on previous total numbers of vessels landing in the state the previous year – you know, you can try to project what a trip limit might be, what might be the most effective trip limit for your state.

It doesn't prevent your state from I think establishing other state-specific measures if they want to. I think one of the things that at least from North Carolina's perspective; state-by-state quota shares have worked in other regions in order to effectively and cooperatively manage the fishery with the industry's input and open and close a fishery at a time that is most beneficial to the folks who are landing in the state.

It is a tool; and I think based on at least a lot of the griping that I have heard from fishermen about, well, you know, the Florida guys get the first shot at the fish and they're the ones sucking up the ACL or vice versa from the North Carolina perspective; this would be a way to solve that. If you guys don't want that, great, lay all your concerns out on the table. I'm just telling you some of the advantages that I see from it, that I see from my perspective having experienced state-by-state quota management in other reasons. That's all.

MR. ATACK: I guess part of the concern is if a certain area closes down, like golden tilefish in Florida, once they hit their quota and there is still quota left up in North Carolina, what is going to keep those guys from coming up to North Carolina and hitting those tilefish and North Carolina then is not getting the fish they used to.

Where we're located; I mean we're close to South Carolina and North Carolina. I know some boats that are in North Carolina waters and they are landing their fish in South Carolina. We've got trip limits set up for hogfish to try to manage that but South Carolina hasn't. Now you've got these boats, instead of landing the North Carolina fish in North Carolina, they're going down to South Carolina and they're landings their 2,000 pounds a trip or whatever it is. The landings get shifted based on what allocations may be left. That is the concern. It is really not happening much now, because it is all one big pot; but when you cut it up into four different pots, I think



you'll have some fishermen moving to a different section as sections close down. Is there a way to predict how big an impact that is going to be or is there a way to control that?

MR. COLE: Trip limits.

MR. ATTACK: Yes; but then the trip limits only work if all the states do it.

MR. MUNDEN: To address Kenny's concern; in 2011 when I was running the summer flounder program where I was handling all the transfers; a lot of the commercial fishermen complained about boats from New England coming down fishing off North Carolina. We had on average about 80 North Carolina licensed vessels that would fish for summer flounder primarily in federal waters between North Carolina and New Jersey.

Of those 80 boats, they were restricted to a certain number of pounds every two weeks. We'd have a two-week window and we would establish these windows as long as our quota lasted. Well, about 10 percent of the boats were out-of-state boats. They had North Carolina license; they had purchased this license legitimately from North Carolina.

But we didn't have an influx of 50 boats come in. It was generally about 10 percent, 8 to 12 northern boats would come in. By the same token, the North Carolina flounder boats fished all the way up to New York, and oftentimes they had permits that would allow them to legally land in another state. It was kind of a give and take there.

But our guys fished for summer flounder primarily in federal waters, anyway, and they would go wherever the fish were. As I mentioned earlier this morning about black sea bass, most of the black sea bass that were landed in North Carolina by the summer flounder fleet were caught off New Jersey in federal waters. They were landing sea bass from Jersey in North Carolina and they counted against the North Carolina quota instead of the Jersey quota.

It is give and take, but it has worked extremely well for North Carolina for probably 15 years, starting with summer flounder, bluefish, and black sea bass. We even do it for scup now. Virginia liked our system well enough that they established two-week to three-week harvest windows with a certain number of pounds that could be landed.

It takes a lot of time and effort on the part of the staff to monitor the landings. We have a cooperative agreement, which Michelle can provide you a copy of, with Virginia. The boats have to notify us 24 hours in advance. If they want to make a landing in Virginia, we have to get where they want to land them, how many pounds, ETA, so that Virginia marine patrol officers can be there at the dock to make sure that everything is above board.

It takes a lot of time and effort, but the Division of Marine Fisheries in North Carolina decided that this is something that we should do as a service to our fishermen. I'll just make one more quick comment. Based on historical landings, North Carolina received the greatest share of summer flounder of any state.

That was about 28 percent. North Carolina received about 28 percent of the summer flounder landings based on historical landings. A lot of times they couldn't get through our inlets. then

we had boats from other states that would come down and try to land – I mean our boats would want to land in other states, because they didn't have a suitable port.

MR. JOHNSON: Terrell; they do have the breakdown and they are going to put it up so we can see it. You would see – and I think what we're talking about here is not going to be near the issue for the recreational sector as the commercial sector, obviously. It will just be interesting to see what each state would sort of receive in a regional allocation. Then we might want to talk about say Georgia gets a big chunk of the allocation and they never catch it; what do you do with that? Do they bank it or what or some other things like that?

MR. BOWEN: That kind of speaks to my concern a little bit. We all know Georgia is kind of one percent of nothing and we don't have a lot of effort there commercially or recreationally. When we are talking about state-by-state allocations – and you said it best – I'd hate to vote on something before I see any numbers, and definitely don't want to do that. Being from Georgia and being part of that one percent of nothing; I'm a little concerned that some of my allocation may not be enough. You hit the nail on the head; thanks.

MR. GOULD: Mr. Munden, Red, put it very, very succinctly. I asked Michelle to come up and do the exact same thing that he said about the flounder fisheries. As I see it, one of the advantages of having it controlled by state by state by state is if the state sees something going wrong with the effort, they have the ability to shut it down without National Marine Fisheries Service coming in and shutting down the whole fishery.

Say like North Carolina was getting close to their ACL or something, they could come in and shut down that state by state mandate. Louis Daniel could do it very easily. Each of the other states could do this, and it just gives a little bit more control on a local level without penalizing the rest of the states that are involved in the process. I think it is something that we should look at very, very closely. I think after looking at the statistics with the flounder, the sea scallops, and everything, it would benefit each and every one of our states.

MR. JOHNSON: I'm just looking at these numbers right here. I would be alarmed if I was in South Carolina, just looking at the numbers, if you look at the bottom there.

DR. ERRIGO: Let me explain what this all means. First of all, I have it broken down several ways. This includes preliminary 2012 data. The reason why I thought it would be all right to include some of the 2012 data is because the fishery closed. We have data through the point when the fishery closed. It is still preliminary so these numbers for the recreational sector could change. They are a little low, so there is a good chance that they'll change. You figure the landings are going to be near the ACL.

This is what the state allocations would look like. I had to lump Florida and Georgia for confidentiality reasons in the commercial sector. I could have lumped Georgia however; I just did it with Florida because that is conventionally how it is done. I also have it done by calendar year, but that doesn't really – since the fishery is not on a calendar year, that doesn't really matter. If you don't use the 2012 data, if you just go through 2011, this is what the allocation looks like. It is not terribly different.

(Question asked off the record)

DR. ERRIGO: Yes, that is the total.

(Question asked off the record)

DR. ERRIGO: Yes, this is the total allocation by state. Then you have to break it down by commercial and recreational. I don't know if they would choose to use the current allocation of commercial to recreational or if they would create a commercial/recreational breakdown by state, which is probably what would happen. I didn't do all those calculations.

These are what the landings look like. It is just so you can see the relative magnitude. South Carolina and Florida/Georgia are kind of on the same level. Then North Carolina traditionally catches the most sea bass. That mostly comes from they have a much larger commercial sector than the other states.

These are the percentages over time. North Carolina's percentage has gone down slightly as the other two went up of the actual landings. Yes, this black box is what it would look like right here. These are the landings without the 2011/2012 fishing season, this past year, because those data are preliminary. If you include that year, it doesn't change that much, but these landings are preliminary.

(Remarks made off the record)

DR. ERRIGO: That's why if you go here, if you don't include the last year, this is what it looks like.

(Remarks made off the record)

DR. ERRIGO: What I did was I did the allocations based on the total ACL, because I believe that is how it would be done and then broken down by state. I don't know how the council would choose to do it. I suppose they could break it down by sector and then allocate it; but that would mean that the allocation they used was for the whole South Atlantic. They would take the commercial allocation for the entire South Atlantic and then break it.

MR. JOHNSON: My concern is when I look at Florida and look at the recreational landings; they are rather high, but when you look at their allocations it is rather low, and that is because the commercial industry is driving the landings for North Carolina.

DR. ERRIGO: Yes.

MR. JOHNSON: If you did this just by recreationally, Florida would have almost as large of a recreational – that's right; it has to be sector separated; and if you did that, you would see Florida – North Carolina might now be in favor of a regional allocation. They might be thinking, good gosh, Florida is going to have as much of an allocation as we get recreationally.

DR. ERRIGO: Recreationally; yes, if it is broken down by sector, it comes out different. I wasn't sure how the council would choose to break it down. This was on the back of the envelope kind of thing. I just did it to see what it would look like.

MR. MUNDEN: There are so many numbers up here it is kind of hard to get a good picture. But thinking back, the way that the Atlantic States Marine Fisheries Commission allocated black sea bass to the states – and the reason ASMFC was involved in it was because National Marine Fisheries Service agreed to a harvest level, an ACL being established and then the states could divvy it up any way they wanted to.

We asked the staff to put together various options looking at various time periods. It gave the ASMFC board members eight or nine different options. You could pick different periods of time, three-year periods, five-year periods or whatever; and I believe what we did with black sea bass is we based a percentage of the landings on historical – a percentage of the allocation was based on historical landings by a state and then the most recent years.

You look at the old and the new, and then the key thing there was to determine what that state's percentage was. Once you had a state percentage, it didn't matter what the ACL was; the state got that share. For black sea bass, the recreational sector receives 51 percent of the total quota and the commercial 49 percent. The whole issue here is that Bill Cole and Dr. Duval can give you more of the ASMFC background, but a lot of the boiler plate is already here for how it was done for the area from Cape Hatteras north for black sea bass.

MR. BOWEN: He said one part of the word that I was fixing to use. It seems in my opinion by us trying to go down this road, that we have switched from going from individual catch shares to state catch shares if we do this. Does it seem to be on the same road as anybody else? Does that seem similar?

MR. COLE: No. I think a way to look at this – and I have to agree with Red; there are too many numbers up there to easily understand this; but what Red said is right. First of all, you are going to get a separate commercial allocation and a recreational allocation. Now admittedly what Red described is that for the commercial allocation you may pick or we may pick – the council may pick, I'm sorry; one set of years that they believe is the best representation of the historic commercial catch.

They can all reach some agreement to it. They will then do the recreational sector. They may pick totally different years, and they usually do because of the reliability factors inherent in recreational data. They try to find the most reliable data years and that is what they'll use or what we'll use. There are two things I think that are the most benefit to a system like this.

First of all, the state can manage and be responsive almost instantaneously to the fishermen, whether they're recreational or commercial. The decisions are made locally, depending upon the need to make a decision. One observation that I will point out to anybody is that because the state has to have those numbers to do a good job at this, your data is improved, you have more confidence in it, and it is easier to manage.

It is that simple; because without good numbers, you can't make this system work. Now we've all sat here this afternoon and complained about the system not working, because somebody somewhere else can't add numbers right or they add too much numbers. Now we've all complained about it. But what this does is this brings it home to where we manage it, the fishermen and the state. The data improvement is dramatic.

MR. FEX: Okay, I just heard your point. You said it brings it home to the state to manage. Say me and these three guys are a part of the state and we manage; we say you know what; we want to start May 1 and open the grouper up. Well, the state of Florida over there wants to start January 1 and start grouper. I'm just throwing this up, right.

Come January 1, the Florida guys start their grouper season, they come along and they are getting close to their quota. We wanted to start May, and the reason being because we think, okay, May 1, we let them spawn; it will probably last through the end of the year. Well, then the effort shifts – and again I understand a vessel driving his boat up off of North Carolina and catching the fish and going back to Florida.

But when that vessel can come to our state – and I'm just saying the state – and fish on the same quota that we thought would last for those eight months, we've lost it, because we can't control the effort. That was my whole point of it. If we could control the effort and say we know we had 100 vessels doing it – because the shrimp industry does that.

The shrimpers migrate up the coast and migrate down. Well, what happens is we've got five local shrimpers that are relying on that three- or four-month season. All of a sudden they've got 10 or 20 more boats off the beach catching those shrimp, and then the price gets driven down. My point being is you think you can manage it state by state; but if you can't control the effort, then you really can't manage the numbers.

MR. COLE: You can't control it any better now.

MR. FEX: Actually we are; we're controlling the four states.

MR. JOHNSON: Okay, you all can see the numbers. You have to remember here when you look at Florida; that is Florida and Georgia. That is not just Florida. That means Georgia gets zero, but we can't get Georgia's numbers because you are one percent.

MR. BOWEN: I think it is made pretty clear from some of the higher-ups from the state of Georgia with the DNR that I don't think – and none of them are here and I don't want to quote them, so I guess I'll just paraphrase them. I am under the impression that they said – and this is Georgia officials – that they can't do state-by-state management because they don't have the resources or whatnot.

We would need to get some official from the DNR from Georgia to really give us some better information. I am under the impression that Georgia is kind of not wanting this. I say that and I don't want to speak for them, because I am not affiliated with the DNR; but it seems like I have some recollection of that.

MR. COLE: Let me tell you what I think would be useful for Georgia. We had a similar situation where I think one of the small New England states, which also had a very short shoreline, was lumped with some other states because it was so small. When we divvied up certain years and so forth, we kind of gave them a certain individual percent.

The other states all agreed to it that little old Georgia will get so much percent so they can participate in the fishery. But the big reason they do that is not because everybody felt generous,

but was to buy inclusion in the process, and so that Georgia could keep track itself and manage what few fishermen that it did have. That simple.

MR. JOHNSON: Yes, I think Zack's concern – and I've had some discussion with Georgia DNR people. They spend most of their effort on inshore species. I think they told me approaching 90 percent.

MR. BOWEN: That's what they told me; that is correct.

MR. JOHNSON: I think his concerns are probably real, and that is an issue that these kinds of programs do put it on the plate, because they have to shoulder the responsibility of managing that program.

MR. DeMARIA: Black sea bass is something I've never seen in the Keys, and I don't know if anyone ever has. I'm not saying they don't exist. I've never seen a baby pigeon either, but they probably exist. I think when you have someone like Bill Cole on our AP that spent much of his life dealing with these issues, what he is saying really carries a lot of weight. I would defer to him on this. I am, certainly.

MR. MUNDEN: One thing that I forgot to mention when I was kind of talking about the black sea bass and summer flounder, quota management, but this will address Georgia's concerns. The FMPs, bluefish, summer flounder, spiny dogfish, scup and black sea bass, all have a transferability clause where states can transfer quota between each other.

Virginia has a very large bluefish allocation, and bluefish haven't shown up in Virginia in years. Even though North Carolina gets 30 percent of the commercial bluefish quota because of our historical landings, almost every year Virginia transfers 500,000 to a million pounds of bluefish quota to North Carolina that they are not going to harvest.

When we ask for those transfers, we say if for some reason this transfer should cause Virginia to go over its annual allocation, we will transfer quota from next year's allocation back to you to cover that. You have checks and balances that have been worked out over the years. In some cases we've transferred summer flounder to other states that had virtually none, because we had a surplus. The state directors, if it is in the FMP, can work cooperatively to manage these quotas to everybody's benefit.

MR. ATTACK: I have one question. It came to mind about the flounder in the different states. You've got North Carolina boats fishing, say, off Virginia or whatever catching flounder in federal waters. They go land them in Virginia because they can't go to North Carolina, but they could just land them in Virginia and then they would be Virginia's quota, right? I guess those ships have the choice to use up North Carolina or Virginia's quota, right?

MR. MUNDEN: Some of the vessels do; and in some cases they argue that if they can catch a Virginia quota off New Jersey and a North Carolina quota off New Jersey, they can save fuel. In a case like that, we allow them to go in Virginia first and offload the Virginia quota first; and then if they have other fish on board, they can count against the North Carolina quota if they have a Virginia permit and a North Carolina permit. Again, it is under very close scrutiny by Virginia and North Carolina.

As I mentioned, we have a standing policy that was signed by Virginia Marine Resources folks and the North Carolina folks, and we specify all of the provisions that have to be followed. The other thing is we have to account for all of the flounder that are landed in Virginia, and Virginia has to account for it because the controlling factor is National Marine Fisheries Service. They set the summer flounder quota, as an example. If you go over your allocation by one pound, you have to pay it back the next year.

MR. ATACK: An analogy of what we're looking at, I guess, you could have a North Carolina landing by a boat that is actually permitted in Florida. They would come up from Florida, get a landing permit, land in North Carolina, right? You could also I guess count against Florida's quota if they would transfer that to North Carolina, these Florida boats.

MR. JOHNSON: I can see the concerns of the commercial sector on this kind of stuff. I am not so sure those concerns are near as large for the recreational sectors. I don't know if somebody has any thoughts about that as far as if we want the council to keep looking at this. It has been mentioned before. Do we want them just to explore further or do we have any direction we want to give them?

MR. BOWEN: I was kind of waiting on the gentleman to ease my concerns, because I heard nothing about Georgia in that last conversation. I don't foresee Florida giving Georgia an allocation recreationally because of the effort in Florida. I don't foresee South Carolina giving Georgia any allocation because of the effort in South Carolina.

MR. JOHNSON: Zack, Georgia is already getting Florida's allocation. You are lumped together with Florida. If you look at those numbers right there –

MR. BOWEN: That's just for us to view; but I don't think we're lumped together.

MR. JOHNSON: For this purpose, you probably would be.

MR. BOWEN: Probably.

MR. COLE: Well, Red and I will speak to the people in North Carolina and see if we can make sure that Georgia gets at least 5 percent.

MR. BOWEN: Well, thank you for being so courteous.

MR. JOHNSON: Well, it would be nice to know – instead of just guessing what Georgia should receive, if we actually knew what their landings were.

(Remark made off the record)

MR. JOHNSON: Yes, I know. It might be better for Georgia just to assume they're part of Florida. Sea bass are a big deal from Daytona northward. You are not talking about anywhere like from Cape – they do catch a few off of Fort Pierce, and there are some places they have some, but not a fishery, per se, like you have; mostly Daytona, St. Augustine, Jacksonville and Fernandina; those four ports are going to be where the sea bass landings occur in Florida.

MR. BOWEN: Well, just so it is on record, recreationally for Georgia black sea bass is the number one most important species for us recreationally off of Georgia.

DR. ERRIGO: I just wanted to mention briefly; let's say the council takes this up and they make up an amendment or something. They can choose to, instead of allocating the quota by state, the quota is going to be allocated by region. The Carolinas can be lumped together and Florida and Georgia can be lumped together. Any sea bass landed in either Florida or Georgia counts against the larger quota; or they can break it up by state, in which case we do have the landings broken down by state and each state would get their own quota.

Either way, I don't think anybody loses out, per se, unless you think that Florida can catch the quota really quickly and Georgia doesn't get to go out fishing because their seasons are different. Now, I think the council would lump them by whoever wants their season to start at the same time, if they were going to do any lumping of states.

MR. BOWEN: Excuse me for interrupting, but not necessarily our seasons are different, but our effort is different. That is my concern.

DR. ERRIGO: Well, that's what I mean. If Florida has a lot of effort early in the season and Georgia's effort doesn't come in until later; I don't think that the council would choose to lump Georgia with Florida. Now, if Georgia's effort comes in at the same time as, let's say, South Carolina's effort for sea bass, perhaps they would choose to lump Georgia with South Carolina or they can break them all out completely.

MR. BOWEN: Maybe I missed it a little while ago; the benefit for us going through this and trying to do this is why?

MR. JOHNSON: The only benefit – and we're using black sea bass as an example. I would assume that there would probably be somebody else bringing other species to the table. If they went down this road, then somebody will be talking about, well, what about gag, what about this. I think it is a slippery slope.

The advantages would be if someone wanted a different start date. That would be the only advantage, really. It would allow each region or state to manage the fishery in a way that benefitted their fishermen; their fishery the best.

MR. BOWEN: I think we were pretty unanimous on a sea bass start date for April 1; I think. I mean, I understand there are other species.

MR. PHILLIPS: I just sent Doug a text and asked him could we track recreational numbers in Georgia, and he said not recreational and tough on commercial but doable, especially if electronic reporting and weekly or biweekly; so, recreational no; commercial – and we're doing electronic monitoring; just so you all know.

MR. BROWN: I've got a question for Mel. Didn't they just pass a state law opening black sea bass in the state of South Carolina within state waters with a separate allocation or a separate catch limit? Then, also, do you have the manpower to be able to manage something separately like that if it was on a federal level?



MR. BELL: First question; that is a bill that still hasn't cleared the senate, I believe. If it does, then that would basically establish a year-round black sea bass season recreationally – well, a year-round black sea bass season in state waters. We would resemble Georgia in terms of the year-round season for state waters. That hasn't cleared the state house yet, and we'll see what happens.

Some of the concerns that Zack brought up in terms of – as Red had mentioned, you are going to be dealing with data and have got to be able to track things. It requires personnel to do that. We're perhaps agency-wise a little larger than Georgia, but we're still kind of strapped by losses in personnel from budget cuts and things. It would be a little difficult for us.

I know North Carolina is blessed with a lot of resources in terms of people and all. We're kind of like Georgia in terms of not necessarily having the same degree – the capacity to handle all the data and that sort of thing. Doug's comment about tracking recreational landings; we don't do that outside of the participating in MRIPs right now, so that would be a little difficult for us.

At the commercial side, I think given electronic reporting and all, I would feel much more comfortable with just tracking commercial landings. But in terms of regulating things on a real-time basis, it would be a little bit more of a strain for us than it would be for North Carolina or probably Florida.

MR. BROWN: I'm hearing everybody's concerns about this, but then I look at the agencies and I'm trying to figure out how this will work with the agencies if they are already under-budgeted and undermanned and they are having troubles right now as it is.

MR. COLE: Let me try answering that this way. Yes, it is a concern, but it is going to be a concern in many, many ways. It is illogical to me for us to sit around this table, as we did yesterday and we have most of today, and complain about the quality of the data when we don't want to take any positive steps to help ourselves improve it.

The system that works north of you is much improved; the fishermen have confidence in it; the state people have confidence in it; the other states have confidence in it; and the feds have confidence in it. It is all easy to sit back and complain about NMFS and what all they don't do that we don't like, and the late numbers and where did this number come from; but that number, they are going to get it from somewhere.

When we roll up those numbers each week and ship them off automatically on the computer runs at night to St. Petersburg; they are using the state's numbers. The fishermen like that. It will take the states that don't have that capability maybe a year or two to get it, but the biggest advocate for them getting it will be the fishermen.

The fishermen know that if the state director doesn't have the good numbers in his back pocket, he cannot make a very good case with the other state directors at the table. That is just an observation I've had over the years that the states with the numbers tend to take the most fish home. It is just the way it works.

MR. JOHNSON: I agree.

MR. HARRIS: Just out of curiosity, in case I missed it, at some point when all of this started; has anybody asked the states whether or not they want to take over this responsibility or is this just something that is just being put together to propose to the states?

MR. JOHNSON: I can't answer for the states, but I would assume probably no. I think Bill's point is – I mean, we're hearing that they're strapped with budgets and stuff so I don't know. Michelle wants to talk; I know North Carolina does.

DR. DUVAL: We have one quota monitoring biologist and that is what she does. She tracks all of our state quotas that we have for the species that are cooperatively managed between the Mid-Atlantic Council and the ASMFC; so that is, as Red had mentioned, summer flounder, black sea bass, bluefish, spiny dogfish, scup, and striped bass.

Most of those are monitored on a daily basis so dealers are sending in fax reports by noon of the following day what they sold the day before. For bluefish, we actually don't do that daily, because the catch rates are just not as high. North Carolina is certainly willing to do that, but I think we also have the experience from years of doing it.

I understand the apprehension and concern from other state agencies, because they haven't had experience with this before. I think the closest analogy is really some of the sub-regional management of king mackerel in the Gulf, and NMFS tracks that. I think, if I can recall correctly, when this came up at the March council meeting; the request was really that the AP discuss different regional start dates for black sea bass to optimize – to see if there were ways to optimize the fishery for each of the states.

I'm not sure it was actually a state-by-state quota request. It is interesting that the conversation has taken this turn. Certainly, speaking as a North Carolina agency representative, we have found it beneficial to be able to manage in that way. But again, as I say, we do have several years of experience of tracking that, so I certainly understand the concerns of other agencies with regard to having the manpower to track quotas given the economic climate that we're in.

MR. HARRIS: That is kind of what I had understood, because I never once heard where there was a request to figure out a way for states to run this. I mean, we're still waiting on the final numbers from a six-day red snapper season, and we're talking about daily reporting for all these species right now.

DR. DUVAL: You are not waiting on those from the states. Thank you.

MR. HARRIS: Right; I know it is not from the states, but it just one of those things that we can't get numbers that we already know are out there and yet the states right now don't even know that there is potentially somebody trying to task them to do this. I was just curious how far along this conversation had gone.

MR. JOHNSON: Okay, I guess we need to wrap this up. We've talked about it and we have given them plenty of ideas; unless somebody has a specific recommendation. No, we're not making any motions. This was just for the sake of discussion and we've had a good one. Do you all want to get into the input on visioning and strategic planning today – it is early, it is only 4:30 – or do you all want to skip down to other business and we can bring up a couple items real

quick under other business. How about that; I know Rob has something under other business he wants to talk about.

MR. HARRIS: Are you all done? I've just got a motion I would like to bring up because coming up here this summer there is going to be a snowy grouper assessment being done. I would like to make a motion and see if I can get a second and then we can have some discussion, because I've got some notes here prepared. **My motion is to have the allocation for snowy grouper adjusted to 90 percent commercial and 10 percent recreational, with a one snowy per person bag limit assigned to that.**

MR. JOHNSON: That is a second by Robert. Let's give Myra a chance to catch up so she can type this up, if you could repeat that slowly for her.

MR. HARRIS: A motion to have allocation adjusted to 90 percent commercial, 10 percent recreational, with a one snowy per person bag limit. As soon as we get it, I will bring it up in the discussion; per day.

MR. JOHNSON: Okay, we had a second on this motion. We need some discussion.

MR. HARRIS: I would like to give a little of the background on it. Apparently the allocation is commercial 95 percent/recreational 5 percent; which leaves the recreational guys with 523 fish total for the entire South Atlantic. That allocation level was actually set based on the year grouping from 1986 to 2005.

We had a little discussion off line about how some of those numbers were actually derived, and the truth be told, the feds have actually no idea how many snowy grouper the recreational guys – that is why within those year groupings you will see zeros. We all know that there are not zeros; that no recreational guy in the entire South Atlantic for 25 years caught a snowy grouper.

Here we are in 2013; it is more than 25 years later and the allocation is still the same, even though the recreational sector has spoken out about getting a higher allocation. As a matter of fact, Gregg, are you still in here? Gregg and I were at the Key Largo public hearing. Gregg was at a public hearing meeting that we had in Key Largo that was not even discussing snowy grouper or the 240 closure, but the public came out and said, hey, we need to talk about this.

Gregg led the discussion that actually got the 240 closure put back on the table that a lot of that derived from that particular meeting. We're going to be doing the assessment in 2013. I am set to do it mostly via webinar. I think there are four or five different – I think I am set up for four of the webinar sessions with them.

What I would like to see as we're going forward, because I'm expecting since this is going to be the first assessment in a very long time, that those numbers are going to come in much higher than what they used to be. I think that it is more than past time to give some of the recreational guys that we know are out there utilizing this fishery a chance to have more than one per vessel.

It is getting very difficult to go out there and fish based on one per vessel; because as a guy that does a lot of snowy grouper and golden tile and blueline tilefishing down in the Keys, because it

is very easy access for us; I am now starting to see all the little snowflakes start to show up on my tile grounds; whereas, before I had my specific areas that I could go and I could fish.

I would get my snowies and I would save them for last. I could go to my tilefishing grounds, and all I would catch would be tilefish or maybe black blade rosefish. Then I could go to my snowy areas, and then I could target my barrel fish and my snowies. Now I've got snowies showing up in my tilefish areas and they're all about this big.

I talked with Ben. There is some study stuff going on with being able to release these fish. Right now I can't release those fish, because they come up and they're so small that they are just like a tilefish or a rosefish. You just go ahead and rip them right up. Well, they come out and they're all bug-eyed, but now I've already got a 30 pounder in the box.

What am I going to do? I have to throw him back; I have no choice. I think it is time to take another look at it. We've been talking about it for five years and we keep getting it shot down for five years to where we even came out with the wreckfish, a brand new fishery for the recreational guys, and we gave them a higher allocation than what we did in the snowy grouper fishery, which we've been fishing for years. That's the motion.

MR. JOHNSON: Is there anymore discussion on this motion?

MR. ATACK: You're doing a stock assessment this year, right? Wouldn't these changes come out at a stock assessment?

MR. HARRIS: That would be something to ask the science committee.

(Remarks made off the record)

MR. HARRIS: I was just answering Phil's question. I have no idea how they are going to do the assessment; but I know that just from talking with the MARMAP people, they are out there putting these traps in less than 300 feet of water and they are catching snowies in the traps, and caught a quarter of the total South Atlantic recreational allocation. How the Science Committee is going to do it; I am looking forward to finding out.

MR. DeMARIA: I think it's a bit of a stretch to even consider fishing in 6, 700 feet with electric reels recreational fishing, bottom fishing to begin with. As far as these things allocated, well, look at redfish, tarpon, sailfish and most of our freshwater fish in Florida are all 100 percent recreational. Do we want to reallocate those, too, give the commercial fishermen a part of that? I don't know; there are some things that are better commercial and some better recreational. I don't really buy that argument.

DR. ERRIGO: I just wanted to clarify that the assessment is going to assess the status of the stock and give the OFL and ABC recommendations. Allocations are completely a council issue, and the SSC has no bearing on how they break out the allocations.

MR. SMITH: Well, does that mean that information will – there might be a decision on the snowy grouper where it would increase the allocation to the recreational anglers? No.

DR. ERRIGO: The SSC only recommends OFL and ABC. The council sets ACL and sector allocations.

MR. CONKLIN: What kind of gear are they going to use to do this assessment with? Are they going to use just the traps or are they going to set hooks, or how?

DR. ERRIGO: I am not affiliated with MARMAP; however, I do know that the data for snowy grouper comes out of their longline – so the short bottom and long bottom longlines catch snowies. We are good for this year, but the next time a snowy update comes around, I don't think there will be any MARMAP information to update, because they had to cut out the longline surveys.

MR. FEX: I was just going to make a point that we're going through an amendment now that ups the OFL or the ACL or whatever. Then that might be a good time to try to get another bigger piece of the pie, because we do have to go through an amendment to up the SSCs opinion on what the OFL should be or whatever, or ABC.

MR. ATACK: Yes, I agree, once the assessment is done, then probably OFL come out of that and out of that comes an ACL. Then you will have it, if it is either 95/5 or whatever; you know, what is in management to catch that ACL? Once you've got an ACL, you can decide what your bag limit might be or trip limit might be to hit that ACL, right?

MR. HARRIS: Yes, I would like to think in a perfect world that the two of you are right, but I made the same motion as far as golden tilefish two years ago. They did the assessment and doubled the quota for golden tilefish. They doubled the ACL total; but did they change the allocation? No. They put it all in there and just adjusted the allocation, which in that particular fishery is 97 to 3.

We know that the recreational guys are out here and we're catching them, but yet we've got people saying, well, I don't understand why they have to be fishing them in 600 feet of water. Well, I'm sorry, I fish in 600 feet of water; I see it from my dock. I can't go fishing in 200 feet of water, because now I'm fishing the edge of the reef and now I'm interacting with black grouper.

That just happens to be where I fish for them, where I catch them, and there are a lot of them. To say that because of the fact that I'm a recreational guy and I've got my charter out there, it is the middle of summer, the dolphins aren't biting or something, they are just not there – I say, hey, let's pick up some groupers so you all can take some home for dinner.

To catch two on one drop using a three-hook rig and have to pick which one we're going to keep and throw the other one back; it is awfully hard to tell that to your clients, oh, I'm sorry, they're so endangered that we only get 523 a year; throw that one back.

MS. BROUWER: The reason the council couldn't change allocations for golden tilefish is because that sort of change cannot be done through a regulatory amendment. The regulatory amendment was the fastest tool that the council could use to adjust the ACL, but they couldn't touch allocations and that at the same time. Just so everybody knows, the council is looking at an amendment that is going to review allocations for everything at some point this year.

They are also looking at an amendment that is going to review all the accountability measures to be more consistent. The council has requested that the SSC provide some feedback on what we still call Boyles' Law, which is the formula that the council has been using to determine commercial/recreational allocation. All this is sort of going on in the background, just so that you know that it is being talked about. They haven't just not paid attention.

MR. SMITH: Well, I'm trying to think how to phrase this without hurting anybody's feelings, but the hypocrisy we have is amazing. We're looking at the MSA, what are we going to do to it here in the next year, we're going to change it a bit. For the first time we've got recreational anglers going to Washington and they're pounding their feet and saying, hey, how about me, how about me? You hear these numbers.

I wish I would see more of Rob and speaking up and more people speaking up for the side of the recreational anglers. It doesn't necessarily mean that I disagree with anybody here, but it is funny how we go through this process, but it is still a me, me, me world we're living in; and we're still thinking about "for us." Rob has got a good point here. For me it is pretty cut and dry.

MR. JOHNSON: I just want to comment on that a little bit, Rodney. You know snowy grouper are pretty important fish up our way as well. Mostly for the trolling fleet when they are out mahi fishing, if it is a slow day, you are already there, you can make a couple drifts and catch some dinner.

Obviously, we don't do that for one per boat. That fishery is set up as a bycatch fishery, per se, just in case we accidentally catch one. There was no intent, really, I think when they put one per vessel per day to even have a fishery. I think it would just allow if you accidentally caught one to retain it.

I think this is a good discussion. I know that in North Carolina, when I was up there in I guess the Beaufort area, there were some people there, recreational charterboats that snowy grouper were important to those guys. I wonder about – there was one guy that tied up right next to Captain Stacey, and that is what he did. All he would ever do, I mean that is what he did, a bunch of old guys on a boat with an electric reel.

They would go out there and they would catch the red porgies and their snowies. I don't know what the historical percentage of that catch was, and I think Rob's point is we probably really don't know what that percentage was. I talked to him about this a little bit, and he said, you know, especially if we get a positive stock assessment that has an increase in its ACL, that he felt that it was appropriate this time that maybe the council do look at a reallocation to give the recreational guys.

They've taken as hard a hit as the commercial guys. To give them a little bit more; 10 percent is still not a whole lot; and at 100 pound trip limit, I don't think you are probably going to see that change on this stock assessment; you might for the commercial sector. I don't know; this year was, what, the first year they've reached it, and it was reached right before Christmas in the commercial sector. I don't think it is out of line to ask the council to look. That is just my personal feel of reallocating.

MR. DeBRANGO: I totally agree with you; I totally agree with Rob. I'm a person that has done the deepwater fishing with a rod and reel, too. Electric is definitely the way to go. There are a lot of good fish out there. One per boat, it is like to drive all the way out there for one. I was on the AP back when that decision was made also. Not, as Rodney put it, saying anything against anybody; but it was definitely more commercially sided, the decisions.

I'm kind of middle in the road with everybody, because I've done both. But the golden tilefish, I've done it all now, the wreckfish on a rod and reel. Like where Red is from up there, they've guys shooting out 70 miles in their boats and they're catching snowies and golden tile and everything, and wreckfish all in one. I've seen some beautiful pictures. They've got charterboats that run out there just to catch those things. It's another option, especially in the Keys where you are not going that far away; off Key West, off Marathon and all those places. It is another option for them.

MR. JOHNSON: For the record, I will add that I am dually permitted, for those on the AP that don't know, so I do commercial fish and we do catch our hundred pounds per trip limit. When I say that I'm not saying, look, it is going to take fish from one fishery, but we have to look at the big picture here.

MR. BROWN: Can we go ahead and vote on it, because I've got another motion I wanted to make?

MR. JOHNSON: All right. we've got a motion here. **All in favor; motion is approved.**

**MR. BROWN: I would like to make a motion to request that the council explore a snapper grouper stamp endorsement for the private recreational sector to provide data that each state could use to improve private recreational catch monitoring.**

MR. JOHNSON: A second by Greg. Do we need any discussion on this? We've made this motion before. I think Mark made this exact motion at the last AP meeting. Any discussion?

MR. SMITH: I just want to understand it a little bit better, Mark. It would cost them a little bit of money. The money would go to collecting the data. What about adding to that, how would you say an amendment to that where some of that money would go to some education to decrease the discard mortality of red snapper, which will help everybody, commercial, recreational for-hire and recreational. Do you follow that? I know I asked a question and then I followed it up.

MR. BROWN: I was just trying to keep it simple. That way we could try to close the gap on some of the information that has been missing for years.

MR. JOHNSON: Can I comment on that? It is a great idea and I support it; but you can't use that money for anything other than what it cost to run that program is my understanding. You need to not think it is going to be used – it is going to be used for the collection of data in the aspect that they will have that list of users that they can sample; but it is not like they can take that money and use it to fund research.

MR. COLE: I don't think we can do it. I think it requires an Act of Congress, because it is a tax. Now if it is a dedicated – the council can recommend it to somebody, but I don't believe the council can take that action; can it?

MR. JOHNSON: I think you're correct. I don't think they can take the action. But I did personally have this discussion with Eric Schwaab, and he likes the idea. I think he would be the appropriate person for the council to take something like that to. We have a duck stamp. That was my thought; we have a duck stamp, why can't we have some kind of federal reef fish stamp?

MR. COLE: We probably could, but it would take a unified action from the council and from the agencies, et cetera, but it would have to go to congress for approval.

MR. HARRIS: I understand that the South Atlantic Council can't do it. Can't we just get the South Atlantic Council to ask NMFS to do it since they already do it for our HMS and stuff like that and then let NMFS deal with it?

MR. ATACK: Yes, or maybe the other option is to have each state do it. I know in North Carolina we have a recreational fishing license, and we could have an endorsement or a stamp maybe that went with that that the people that want to participate in the snapper grouper fishery could pay an extra ten dollars or some fee per year.

It might be the other way the council could approach it, and each state would do it. Then each state could use that money to collect and monitor that data and the participants and survey the participants. Then you would know the world of who is participating in that fishery, and they would know who to call for surveys versus just everybody that has a saltwater recreational fishing license.

MR. JOHNSON: You could do that but that would have to be a request. Obviously, the council can't make the states do that.

MR. SMITH: Yes, I just want to bang my head a little bit more up against the wall here. About that catch discard mortality; that is the way to get a bigger quota, and data is important. We talk about data all the time; we talk about data and collecting data. Mark, this isn't towards you, I think your idea is a great idea, and I would second that and vote yes for it.

But if we want more fish, we need to learn how to teach other people how to release them properly. That is where the big numbers are in the grouper snapper is the discard mortality, right. I think everybody agrees here. Like I said, I'm beating a dead horse a little bit more, but how do we move forward with those kinds of suggestions? That's where I'm at.

MR. JOHNSON: Did we ever get a second on this motion? Okay, Jim seconded it. We can go ahead and vote on it. **All in favor of this motion. Okay, it is approved.**

MR. DeBRANGO: One quick funny comment. I talked to the state of Florida, because you know how much licenses cost and everything. We do have stamps, too, the lobster stamps and everything. The one lady was actually honest with me, and this story sticks in my head all the time; at the National Marine Fisheries, I think it was.



I am talking to her and I said, Goldarned, you guys are killing me with all these licenses and everything. I said why do you do that?" She goes, "Well think about it; Florida has water all the way around it. Think of all the money that is coming in." There is your sell right there.

MR. ATACK: Along the same lines about data collection, there is a system out there that is called SAFIS. I don't know if everybody saw what Myra sent out earlier. **I guess I would like to make a motion that council consider using SAFIS in the South Atlantic.** It is an electronic data reporting, e-trips recreational, and it would be real-time live data.

I think if we incorporate that system and use it – it is already an up and running system in other states – that we could get real-time data maybe on the recreational side and not being wondering in March what was landed through the year.

(Remark made off the record)

MR. ATACK: It is recreational.

MR. COLE: I thought it was commercial only. I don't believe there is a recreational component to it. I'm not saying it; but since I helped develop it and sell it, I don't believe there is a recreational. Now, we are field testing in the state of New York an electronic recreational logbook. The preliminary comments coming back from it are very, very encouraging and very positive, but that test has still got another year or so to go. SAFIS is a very simplified dealer reporting system.

MR. ATACK: According to this news release, New York anglers are using electronic logbooks March 13, 2013; recreational anglers in New York are now able to enter their logbook information electronically using a web-based reporting application of the Standard Atlantic Fisheries Information System. When they said that, it sounded like to me it was recreational.

MR. COLE: What you're reading is being tested right now. It is very encouraging, but it is a very limited scope project. Now there is a SAFIS that is a proven dealer reporting system. It is a program that sits on your little laptop.

MR. JOHNSON: Okay, we have a motion. Do we have a second to this motion? Bill seconds it. Do we need any more discussion on this? **Seeing no need for discussion; all in favor. It is unanimous.** Does anybody have something that they're dying to tackle under other business?

MR. BOWEN: I've made this motion numerous times so I'm going to make it again until we get some traction maybe. **I'd like to make a motion that the council would consider a moratorium on all snapper grouper permits in the South Atlantic.**

MR. JOHNSON: You're talking about for-hire permits or what kind of permits are you talking about?

MR. BOWEN: All snapper grouper permits in the South Atlantic, which would include for-hire and commercial.

MR. JOHNSON: There is already one on commercial.

MR. BOWEN: Okay, for-hire.

MR. JOHNSON: Do we have a second on this one? Do you all understand the motion? What he is basically asking is for a limited entry for the for-hire sector. Do we have a second on this motion? Kenny seconds. Okay, any discussion?

MR. HARRIS: Well, I won't support this for the same reason that I've never supported it, and I will continue not to support it based on the fact that it looks like it is just a land grab saying I've got mine, and you want to make your permit that you've got – I mean, I've got one. You want to make the permit that you're holding worth something so that you can have an exit strategy.

What it does is it keeps everybody else out. We've had this discussion before; we've had people coming into the fishery. If you do that, then they are going to have to buy your permit or wait for somebody to die and their families to go ahead and auction them off. Right now the state of Florida is actually making it easier for retiring and separating veterans to become commercial fishermen by waiving the RS restrictions for their sales, to allow them to get into fishing. By doing something like that, you are just totally undoing everything the state of Florida is trying to do to help somebody, and it only makes it better for you and limits your competition.

MR. JOHNSON: They have this program already in the Gulf of Mexico for-hire sector, in case anybody didn't know that. Is there any more discussion on this?

MR. DeMARIA: Zack, would you want to reword it so it is something to the effect so that it is consistent with the Gulf of Mexico permitting requirements?

MR. BOWEN: We can imitate Gulf of Mexico's requirement to the T if that is what it takes.

MR. DeMARIA: I mean, would you want your motion to be like that?

MR. JOHNSON: Are you amending your motion?

MR. BOWEN: I mean, I can. Yes, I can amend it to where it imitates the moratorium for the for-hire vessels in the Gulf of Mexico.

MR. JOHNSON: Any more discussion? **Okay, all in favor of this motion; all opposed. The motion carries.**

**MR. ATTACK: I've got one while we're talking about permits. I make a motion to allow the snapper grouper unlimited permits to be transferable one for one.**

MR. JOHNSON: We've got a second from Greg. Is there any discussion on this one? He is talking about the unlimited permits. Right now it is a two-for-one, and there is a loophole where people have corporate permits and they're one-for-one because they are not selling the permits; they are selling the corporation.

What it has done; it is taking people that may have been in the fishery for a long time but just had a personal permit and it devalued their permit; whereas, people that were new in the fishery that incorporated, it made their permit worth twice as much. The idea of the two-for-one was to

shrink the fishery down to limit participation. It has constricted the fishery quite a bit. Any more discussion on this?

MR. BOWEN: Jim, would you want to amend that motion to where it would include the 225 as well and make that transferable, because I don't think they're transferrable now. Would you want to include that?

MR. ATACK: I would consider that, but I think I would make that as a separate motion.

MR. JOHNSON: The 225s at present are not transferrable, and that was a result of I think Amendment 8, when they did the original. Those were permits that had none or very low landings. Instead of just taking their permit from them, they just made it nontransferable, and it made the 225. Any more discussion?

MR. OSBORNE: I can't go with that. This is exactly what has stalled the reduction. It has taken the effectiveness out of the reduction plan, anyway. We would be probably getting where we need to be with this fishery right now if it wasn't for the corporate permits. We actually need to be doing exactly the opposite of this and doing another permit cleanup and get some of those inactive permits out of the fishery, and get this ball rolling again or we're going to have big problems.

MR. JOHNSON: Okay, any other discussion? Okay, we have a motion/ **All in favor; all opposed. Okay, the motion fails.** Scott, did you want to make a motion?

**MR. OSBORNE: Yes I do. I want to make a motion that the council look at doing a permit cleanup similar to what we did in 1998.**

MR. JOHNSON: I'm trying to remember; I think that was you had to have 3,000 pounds in any of the prior three years.

MR. OSBORNE: It was 1,000 pounds in one of the three years.

MR. JOHNSON: Oh, 1,000 pounds in any of the prior three years of landings.

MR. OSBORNE: It doesn't have to be exactly. Maybe you need to use some more modern – I guess we have to put something there – just mimic the 1998.

MR. JOHNSON: Yes, because I'm a little uneasy with similar, because what does that mean? That leaves it up to the council to set any kind of qualifying they want. Is that good, like what was done in 1998?

MR. OSBORNE: Yes.

MR. JOHNSON: Do we have a second on this motion? Second by Kenny. Is there any discussion?

MR. DeMARIA: I'm not going to support that. I think that would put a lot of the guys especially in the Keys out of business. It is just maybe they snapper grouper fish in the off

season from crawfish and they catch maybe 500 pounds a year or something. They would never qualify, but it means something to them.

I think at this point the commercial numbers are beat down low enough, and we don't really need to eliminate more. I think the numbers are down pretty low now. What is it for the entire South Atlantic; it is, what, 500 and something permits total? How many more do you want to drive out of business?

MR. OSBORNE: Well, I don't want to drive anybody out?

MR. DeMARIA: You would be in the Keys; you would be driving people out of business.

MR. OSBORNE: Well wait a minute; those people that didn't meet the unlimited got a 225. The people you're talking about would still be catching the same thing they're catching, just the permit would be nontransferable as it is now. The latent permits that are laying around that are not being used that don't even qualify have the chance to be put back into the fishery by a heavy producer and compete with the overcapitalized fishery we have now. It doesn't put anybody out of business that is not fishing.

MR. JOHNSON: Okay, real quickly, I had requested that staff look at some of these numbers we're talking about, these latent permit numbers. I know that it has been very difficult for them; they've worked diligently. She is going to give us what she has got.

DR. MacLAUHLIN: Okay, this is a really rough estimate. I'm Kari MacLauchlin, council staff. Using logbook and permit history, basically it was like getting a rough estimate of the number of vessels that had a fishable snapper grouper unlimited or limited. By fishable, I mean even if they hadn't paid their fees, they could pay their 25 bucks and fish it at that point when we took the dataset, but a lot of them were valid, up to date and paid for.

The number of vessels that had at least one pound of any of the federally managed snapper grouper species; and just a rough estimate over the past five years is between 90 and 100 percent of the permits have landings. Now these are different levels. Obviously, for your limited they are going to have these lower levels of landings of snapper grouper, but they are reporting something every year. It is really going to depend what you want to define as any kind of latent or inactive permit, the level of harvest.

MR. JOHNSON: Did you have any luck with like 500 pounds, less than 500 pounds yearly, less than 1,000 pounds yearly? With any of those numbers; were you able to get any of those?

DR. MacLAUHLIN: Not yet. That is something we can put the data together and look at the vessels that have a permit and the landings and then start to look at the different levels, but it probably would be a little longer; but just to give you a guys an idea of the really rough estimate.

MR. JOHNSON: Okay, so 90 to almost 100 percent of all of these permits we're talking about have at least one pound of landings.

DR. MacLAUHLIN: The reason why, it is the number of vessels with landings each year and then at least one pound and then the number of vessels that have a permit. There are lots of

intricate things when the permits get transferred between vessels and stuff like that. In some cases it is over 100 percent, but that is because maybe somebody fished one permit on two vessels. But just to give you an idea, it is not like 50 percent of the permits are not being used in a year in any way. It is suggesting definitely that almost all of the permits are being used every year.

MR. JOHNSON: In some fashion. What I was really looking for was some numbers – how many of those permits have 500 pounds of landings or 100 pounds. That would be helpful. Is there any other discussion?

MR. ATTACK: Yes, so if you did this cleanup, you're talking about converting unlimited to 225s, and then at that point would they all be transferrable one for one; the ones that aren't latent so that you get out of this corporate versus the other guy's transferable of permits? Then would the new one, 225s, those people are all going to be taking a hit.

I hear what you're saying, but they are going to be taking a permit that is transferrable now that is worth \$10,000 or so, and you are going to say it is worth nothing; because other than just they can sell fish with it because you are going to make it a 225 nontransferable. If you make them non-225s, the ones that are latent; I don't know how many we're talking about.

If you made them transferable, then at least they would get something out of their \$10,000 permit that would then be worth something that they could use as long as they could or then transfer. You're not going to remove many permits. I think right now you are down to 528 unlimited and about 109 225s; I guess is what is out there right now. What were your thoughts?

MR. OSBORNE: Like I said, mimic the 1998. Those are nontransferable, the 225. You've got to do something to keep the reduction going without putting people out of business. That way, with this plan that they did, the reduction does itself without putting people out of business, but it has been stalled out by the one-for-one permits and latent permits that aren't being used.

The idea was that for active boats in the fishery; as those people retire, it comes back in as one boat. Two go out; one comes in. That whole process has been stopped. That doesn't put anybody out of business. But when you have permits that are sitting on the side and not being used, then you have the active fishery, and then all of a sudden somebody comes in and buys these two permits and enters the fishery actively.

You are not reducing the fleet. No matter what it looks like, you are not reducing the fleet. Even if some of these very low participants, but you get one boat take two of those low landing permits and then go hard at it; you are putting more pressure in the snapper grouper fishery. Already the amount of participation doesn't meet the quotas. That is what I'm trying to get to.

I'm trying to get to when you finally reduce the fishery down naturally like this, without stepping on people's toes too much, and to where we're fishing all year; we're not getting closed down because the number of boats fits the fishery; you've got it. But the whole process has been stopped.

MR. JOHNSON: Yes, I agree; the corporate loophole is unfortunate.

MR. HARRIS: It strikes me as ironic that this motion would come on the heels of the other one, because on one side of the coin you are stopping anybody from getting into the business. On the other side of the coin – and I support your motion, Scott. On the other side of the coin, I am hearing the guys that were for the moratorium for the recreational snapper grouper for-hire permits.

Now I have got the guys that didn't want any of those permits issued, protecting the livelihoods of the guys that had the commercial permits. Even though some of these permits may only have five pounds, and you're saying that, oh, we're hurting his livelihood; but I think we should go back and look at some of these numbers and see what some of that criterion was.

Because if you've got 100 pounds on your commercial license, I don't consider you a commercial fisherman and you need to be out of the fishery. The second side of that is I heard exactly what we're going to be hearing ten years from now with the moratorium that you want the council to consider on the charterboat/headboat permits.

You are worried about how much his permit is worth if he sells it. It is all about whether or not he has a permit to go out and fish and make a living. The same thing with the charterboat guy, it is whether or not he can buy that permit and go out and make a living. It is not a matter of how many of them are out there. If you're not using it, do away with it. You are stopping people from getting into it, and you all are trying to keep people in it that aren't in it. But I do support.

MR. BOWEN: You didn't support mine, but you support his, and I'm not following.

MR. HARRIS: Because of the fact that he wants to get rid of the permits that aren't being used. You want to keep any new permits from being issued for the headboat/chartersboat guys.

MR. BOWEN: We're one and the same thing.

MR. HARRIS: No; his aren't being used. You don't want anybody else to get one.

MR. BROWN: I can't remember back in '98, wasn't it, an income requirement or something; wasn't that the way that they – how was it that they determined who – was it landings or was it income?

MR. JOHNSON: It was landings and it was, what did I just say, 1,000 pounds in any of the prior three years. That was what was done.

MR. OSBORNE: There was originally an income requirement to have a snapper grouper permit, but pre-1998. What happened was – was it a control date? Was it done like in conjunction?

(Remarks made off the record)

MR. OSBORNE: I understand that but when that happened, was that also in conjunction with a control date? But they took '96, '97 and '98, I think, and you had to at least land 1,000 pounds in one of those three years.

(Remarks made off the record)

MR. OSBORNE: Yes, if you made 1,000 pound, you got an unlimited and some threshold below that you got a 225, which was nontransferable. All the unlimited became a two-for-one transfer.

MR. COLE: I was at that council meeting. David Cupka was, I'm sure. I will say, if I recall, there was a lot of blood left on the floor before we finally adjourned that evening. I think that this motion, the previous motion, and I think the one before that all speak to a general consensus around the table that it is time that the council perhaps not take a permit cleanup but a permit review; and after that review, develop new measures as necessary to accomplish the plan objectives. I think that is what we're talking about here.

We don't know. She has got some good numbers, but I'm a little bit surprised that all of them that we think have permits are actually catching something. I thought there perhaps were some latent unused things hiding in the closet somewhere, but I guess they're not. How much are they catching and who is catching what? How many of these corporate permits are there and so forth? Is the plan accomplishing what it meant to accomplish by the two-for-one reductions and so forth? I look at that as a permit review instead of a cleanup.

DR. MacLAUHLIN: First of all, that was like really rough and there is a lot that is going to have to go on. There is going to be regional differences in how the latent permits – there definitely are some permits that were not fished in those years. What I just wanted to say was that right now it is suggesting that is probably going to be a pretty small percentage.

Then with the permit review, we are actually working on that and we just recently got the permit history data for snapper grouper. We're going to go through and do an analysis of how the corporate permits have affected the two-for-one transfer. With all these transfers that have happened, if they all would have been two-for-one, how would that have decreased it if that reduction over time is the goal of what the council wants to do.

It is something the council is also considering for king mackerel, which is also limited entry. We have all this information since 1998 when this started, and we're going to really dig into it and hopefully be able to answer all those questions for the council in June.

MR. DeMARIA: Scott, what would you think about, if it could even be done, doing away with the corporate permits and having them all go back to individual two-for-one? Can't happen?

MR. OSBORNE: I think that would be great, but I don't know what is involved with all that red tape, but that is basically what has stalled the process. Whatever it takes to get the goal of that act to get the ball rolling again; it just got stopped in its tracks. It was doing a good job and then, bam, it was over.

MR. WAUGH: Ben asked me to clarify. The two-for-one is still having some effect, because let's first deal with the 225. That was created in Amendment 8 to provide for people who said they didn't meet the entrance requirements, but they had planned on this as a part of their retirement portfolio. The council said, okay, what we'll do is we'll give you a 225 permit that is nontransferable. As that population dies out, those permits disappear, so that was done with. Then the two-for-one, we didn't define what the final number of permits was, but we knew it was a lot less than where we were at that time.

The council could have either set their entry requirements to bump a lot of people out; or what they did was set it so low that almost everybody got in. They said, okay, what we'll do is reduce that number with a two-for-one. Well, after the program was implemented, we found out about these corporate permits.

Business law is such that we can't regulate – we can't require someone to purchase another permit in addition to the corporation, because you can buy a corporation and you buy all the assets and liabilities of that corporation. We can't get in and regulate that. If the permit is in a corporation name, that corporation can be sold in its entirety and we can't affect that.

That was a “windfall” to those individuals who at that time already had a corporation. NOAA GC also advised us that for an individual who did not have a corporate permit, if they wanted to incorporate their business operation to get that liability protection, which is the biggest benefit of being a corporation or some tax benefits, too, but the liability is a big issue; that for an individual to incorporate was considered a transfer and that individual had to purchase another permit, turn the both in and they got one now in the name of a corporation.

Then that corporation could transfer like any other corporation; you buy all the assets and liabilities of that corporation. There has been some decline over time. I guess you could call that a second windfall to those individuals who incorporated when the cost of that second permit wasn't as high as it is now. For someone to incorporate now, they have to go out and buy another permit. That permit is a lot more valuable and it costs them more to incorporate their business; but there is still some downward decline to the overall number of snapper grouper permits.

MR. ATACK: Do you know how many we started out with?

MR. WAUGH: I think it was something like 1,900 or something when we started Amendment 8, so it is coming down..

MR. COLE: It was a high number.

MR. JOHNSON: It's up on the screen if you're interested.

MR. WAUGH: Okay, 2,800 permits in '96.

MR. OSBORNE: I understand it's down, but still it doesn't fit the fishery.

MR. ATACK: How many do you think will fit the fishery?

MR. OSBORNE: As time goes on, like I said, when we're fishing and making money again and not having all these closures – there is nothing to ever say you can't stop it or stop it when it gets right.

MR. ATACK: Well, yes, I'm just curious; and you're saying 509 is too many. Is 100 the right number or 200; what is the right number?



MR. OSBORNE: Right now it could be the right number if we hadn't undergone all the quota cuts and everything. Gregg, is it impossible – I mean, can you not –

(Remarks made off the record)

MR. DeBRANGO: So set the control number at like 10,000 pounds in the last three years. You had to catch 10,000 pounds in a year.

MR. DeMARIA: Gregg, if you have an individual permit, someone is not just going to be able to buy that and go fishing; they are going to have to buy two individual permits.

MR. WAUGH: Yes; that is correct.

MR. DeMARIA: The reduction is still going on; just be patient. It's still going on; just not as fast as you'd like it, I guess. The 225s will all be gone eventually.

MR. JOHNSON: I'm just going to relay some of the concerns that fishermen have made me aware of. Mark Marhefka, who is not here any longer, was one of them and then some other guys from Florida. Their real concern is that some of these permits, like Kari was talking about, that had these extremely low landings; that people are going to sell these permits.

And now that they/we, all of us have paid the price in these rebuilding plans, these really stringent ACLs, all the pain and suffering – and there was a guy at the Jacksonville hearing who is a perfect example; just bought two permits, just jumped into the fishery. He is young and ready to go.

He can make money now, B-liners are increasing, sea bass are increasing, and all the ACLs are expanding. He's all excited; he has become a fisherman. I think that is their concern. He had no skin in the game a year ago. He hasn't suffered like they have suffered. I am paraphrasing here, but I am just trying to capture the concern that I'm hearing. I think that is the intent behind Scott's motion.

MR. SMITH: This is towards you, Scott, and I appreciate where you're going with this. Maybe for time's sake we could look at you rescinding that. I'm not sure quite how this works; but going into what the suggestion that Bill made about suggesting that the council review the permit system like was done back in the nineties. That would be something to consider; just a consideration.

MR. FEX: Yes; this was one of my concerns when they were trying to talk about putting VMS on boats, because that would make some of those latent permits – they would sell them and then become more effort. One other issue is to their leasing permits. It is right here on my application. I mean, they are not leasing the permit, but they are leasing the boat. There is a loophole that they are getting away with and not even transferring for the two-for-one. We are not really controlling the effort or downsizing the fishery. They've found the loopholes.

MR. SMITH: Perhaps a review would give us some more guidance, give them some guidance. It would come back at us, perhaps.

MR. JOHNSON: Well, we've got a motion here and it has been seconded so we need to take care of it. If there is no more discussion, we're going to vote on it.

MR. COLE: I respectfully request of the motion maker in a friendly way that word "cleanup" is just not the right word.

MR. OSBORNE: Guilty. I'm not very good with my words so I did the best I could.

(Remarks made off the record)

MR. OSBORNE: Okay.

MR. JOHNSON: Okay, are you good with that, Scott.

MR. OSBORNE: Yes I'm good; thank you, Rodney.

MR. JOHNSON: All right, let's go ahead and take a vote. **All in favor of this motion; all opposed. It is approved.** Okay, Myra and Kari are going to give us just a real brief preview of what we're going to be doing in the morning so if you will give them your attention.

DR. MacLAUCHLIN: Okay, you have another item on your agenda that we're going to talk about in the morning and it is the visioning process. I don't know if you guys have been thinking about your vision. In the morning we're going to talk about that and one thing is talking about these management goals and objectives and then this overall vision for the council.

Myra will be going through kind of the process that we are working on and that the council has decided to do. Then we are going to talk about the AP's involvement in this. We want you to be thinking about a vision statement. By that, we mean kind of this big picture like if we're successful in management, this is what the fishery will look like.

We'll go over the current Snapper Grouper FMP objectives. I don't know if you've seen these in a while, but we're going to run through those and then talk about those a little bit. I just wanted to give you a heads up, think about it, chat amongst yourselves. This conversation with the permits is a perfect example of lots of different visions happening.

Do you want to keep the small guys in, the people that are keeping their permit portfolios? Do you want to professionalize the fishery and have everybody in with a certain level of landings? These are all the things that the council has to consider in this overall vision of managing the fisheries. Everybody is going to have something a little different, but I think it is still important for everybody to throw your two cents in for realistic, relevant to council action; and not something the council can't do; vision for your sector and region and your people.

MR. SMITH: Just one comment; it is about tomorrow morning. I don't know if anybody else is for it, but could we get an eight o'clock start so that maybe some of us could get out earlier since it doesn't seem like we'll be here a full day. It's just a request.

MR. JOHNSON: I heard a groan; and I'm going to translate that into no.

(Whereupon, the meeting was recessed April 24, 2013, to reconvene on April 25, 2013.)

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APRIL 25, 2013

THURSDAY MORNING SESSION

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The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Hilton Garden Inn, North Charleston, South Carolina, Thursday morning, April 25, 2013, and was called to order at 8:30 o'clock a.m. by Chairman Robert Johnson.

MR. JOHNSON: Okay, we're going to get started and I am going to turn it over to Kari or Myra.

MS. BROUWER: Okay, what I am going to do is walk you through or use the report from the visioning workshop that the council did at their March meeting and sort of update you on what their discussions were at that meeting, and then we'll go from there. Anyway, what we did in March is we put together this decision document.

Basically we just asked the council to think about these various decisions that they needed to make in order to proceed with this visioning and strategic planning that they want to do. They had talked initially about whether this should encompass all managed fisheries or should we just focus on one fishery; should we look at snapper grouper and mackerel?

They talked about all this and here is basically the rationale and how they arrived at the decision that for now the council is going to focus on snapper grouper. We tried to get the council to think about how are we going to refer to this process; you know, what is it that they are trying to accomplish and what are they going to call it?

They decided that finding a way forward, shared vision and strategic planning for the snapper grouper fishery would pretty much encompass what they want. The word "shared" is actually important, because they really want to be able to bring the stakeholders to the table and do this together.

The objectives – you have an attachment in your briefing book. Actually I e-mailed it to you probably late last week. It is something that was given to the council in March that Kari put together. Basically she went back to all the various amendments and looked at the original objectives of the FMP and then looked at how they had changed over time and where we are now.

Then we asked the council how do you want to go about evaluating these objectives? Should we go to the stakeholders first and ask their opinion about the existing objectives and whether they're still relevant or should the council basically have that discussion on their own first and then have a more focused approach and have questions specifically that they want to ask the stakeholders.

The council decided that they would undertake an evaluation of the objectives before soliciting input from the stakeholders. Eventually this morning we'll get to look at that list of objectives. That is the same list that they're going to have in June to discuss with the input that you guys give them.

They also talked about which stakeholders should be involved in the process, and they decided that the Snapper Grouper AP would definitely be a critical portion of that and also what they call key stakeholders. A key stakeholder basically would be members of the AP or other industry representatives that maybe you folks can recommend involvement.

Then we talked about how we're going to go about doing this in the short term. Of course, the main goal of this whole exercise is to come up with a strategic plan and a vision for the snapper grouper fishery. What we propose to do is in August, when we have already scheduled public hearings, we're going to inform the public of how the council intends to go about doing this.

We'll just tell them this is what we're doing; this is how we're going to go about it, this is how you can be involved. The APs are going to provide specific comments throughout at regularly scheduled meetings. When we meet again in November or October, whenever it ends up being this year, your feedback will be solicited at that point.

In the meantime, the council would want the AP members to encourage stakeholders to be involved; so that would be where you guys come in and you contact other fishermen and people in your communities that you think should be involved in this process. In September the council is going to continue to evaluate and develop objectives and we're going to start having smaller, what we're calling port meetings.

The idea is to bring together groups of stakeholders in all the South Atlantic Region and get them to run or host meetings with these key stakeholders that we're talking about, and have these conversations at that community level to get information directly from the stakeholders. This is something that the Mid-Atlantic Council, when they were doing this, which it took them a couple of years to accomplish, because they set out to do this very formal, very ambitious sort of process; but the port meetings they stated were the most important part of the whole exercise.

The council feels very strongly that is something they really want to do. Of course, we're going to probably take those into the spring. We're not going to have enough time to cover the entire region doing port meetings in the fall, but we will begin in the fall. Then in the spring of 2014 we are going to continue with that and just basically just go from there.

In a nutshell, that is how the council plans to proceed with this. The other thing they talked about is how are these port meetings going to be run. Should the council perhaps hire consultants to facilitate the meetings? That is something the Mid-Atlantic Council did when they went through this, and, of course, it is very costly.

We talked about that and the council decided that involving key stakeholders and asking them to basically take ownership of the meetings and run them with, of course, assistance, if needed, from staff. One very important thing is the presence of council members at these meetings. The council members would not be there to be involved. They would basically just be there to

represent the council and to be available to the folks that participate. Are there any questions? That is pretty much the decisions that the council has taken so far.

MR. DeBRANGO: This is basically for catch shares?

MS. BROUWER: No; this has nothing to do with catch shares.

MR. DeBRANGO: Why do they call them stakeholders?

MS. BROUWER: Well, a stakeholder would be anybody that has an interest in the fishery, so commercial fishermen, recreational fishermen, restaurant owners, anybody that has an interest, NGOs.

MR. DeBRANGO: When you're talking about the consultants and stuff; it is difficult – you know, like any sort of mediation or somebody overseeing a meeting like that; you need somebody that is really impartial, somebody that has a more broad overview to assess the situation and not a one-sided individual, you know what I mean, somebody that can look through everything.

MR. MUNDEN: I was involved with the Mid-Atlantic Council when we began the visioning process. They did have trained facilitators to conduct the meetings, but one criticism that I had when I was on the Mid-Atlantic – and I made this known to all the chairmen that we had – is that the Mid-Atlantic Council has historically never used its advisory panels.

I am really impressed with the South Atlantic Council and how the advisors are involved. But the Mid-Atlantic mindset was pretty much one of, well, you know, we do annual specs with various species setting ACLs and whatever, and that is routine so we don't need to bring the advisors in unless we are going to have a major plan upgrade or something. I find that the approach that this council is taking I think is very forward. It gets the AP involved early on and I think it will be a good process.

MR. CUPKA: This whole visioning process is something we've been talking about for quite some time on the council. Just because of a press of other things like the ACL and the mandatory deadlines we had to meet, we've never gotten around to it; but we decided we need to make time and go ahead with this.

I think this process is extremely important not just to the council. It is not for the council. It is for all the stakeholders as we talked about. It is important that everyone be involved in this. I personally think that if this is done right, this could be one of the most important activities that this council has ever undertaken, because it is going to define where the council heads in the future and how we're going to try and manage things based upon input from the stakeholders.

It is not a council process, as was pointed out. It is a shared vision with everyone involved, and we don't want it just to be a council-driven process just based on what the council wants. It is important that we get input from you and other stakeholders on what you want to see the snapper grouper fishery look like in the future so that we can develop this strategic plan and start moving in that direction and guide some of the actions that we take to try and meet those goals and

objectives that we set out. It is a very important activity and we certainly want as much input as we can get from the AP and the other stakeholders as well.

MR. DeMARIA: I think the council ought to define exactly what a stakeholder is and broaden it beyond just recreational and commercial. That is basically what all of us are, either recreational or commercial. It seems to always boil down to a fight over who gets to catch the fish. On this panel I believe we only really have one person that is outside of that category and that would be Gretchen as an NGO. There are other people that have a stake in this; non-consumptive divers that just like to know that fish are there; people that live inland. I think it would help if we had other individuals involved to broaden that stakeholder.

MR. CUPKA: Yes; and we've had discussions on that, Don, and we certainly consider groups like that to be appropriate to involve in this, and we want very much to involve them. Not just divers, but even restaurateurs, marine operators, anybody that is impacted by these fisheries or has an interest in this fishery; so we're trying to take that broad view.

When we have these local port meetings and focus meeting, we want to involve those people as well and bring them in. We are very aware of that and we want to include everyone that is involved in any way, shape or form in these fisheries; who are impacted by these fisheries, whether they are a chef that works at a seafood restaurant or whatever. We want as much input and as broad an input as we can get, because all these people are impacted by the decisions that we all make on how this fishery is managed.

MR. BROWN: I guess I'm a little confused. I thought the AP was the stakeholders, and that is what we were doing is representing the industry, but I would also want to kind of pivot off of what Red said about us being a better AP than what they had in the Mid-Atlantic. Then they developed this program. I'm trying to figure out exactly what would be more advantageous about having the separate committee like this or would it be more advantageous to develop another AP?

MS. BROUWER: Well, Michelle can probably talk about it, but my feeling is that the council is looking to the AP to be the main stakeholders, but the key stakeholders – but you guys, of course, would have to also recommend other individuals in the community. As we just said, this AP is very diverse, but we still don't have representation from other groups.

DR. DUVAL: Just to that point, Mark, my thinking was that this advisory panel is kind of the first point of contact; but you all have other contacts on your rolodexes and within your community that represent a broader range of folks than just those sitting around this table. The chairman mentioned some of the other folks.

Chefs, restaurant owners, tourism directors; all those folks are more now than ever are recognizing the importance of our fisheries here in the South Atlantic. I kind of see you guys as the first point of contact. Certainly, this AP; there is not representation from every geographic piece of the whole South Atlantic.

I think in North Carolina we don't have anyone sitting on the AP who is north of Cape Lookout. I see you guys as a great first point of contact. Then you can tell the council, hey, so and so up in

this area would be another person who really needs to be involved in this. This needs to be a really organic, bottom up kind of process.

MR.FEX: I was at the last council meeting so I've kind of got a heads up on this. It is a good idea; because just like when we all leave here, we all call individuals and report, hey, this is what we thought about and this is what we talked about. It is almost like I know I can go back home and I could gather a good group of people and bring them to a town hall type meeting.

The same thing, Terrell can go to Morehead, and I have other people in Hampstead to do the same thing. It is really getting out to the public in a close perspective. They don't have to travel anywhere; they can ride down the road and you can talk to them personally. One other concern I will tell the council – and I told them at public scoping was you can give somebody an idea and say what would you like to see the fishery as, but you've got to understand the constrictions we have.

I mean, we all know the constrictions of how much quota we have and all this stuff. It is almost like you've got to enlighten them first before you say where do you want this fishery in a couple years? I know what a lot of them say; I want a year-round fishery. Well, if the quotas are at this much, you are not going to get it. It is a good idea and everything, but I think we all know what is going on, so we could actually be the facilitators.

Don DeMaria and a lot of you guys do well at speaking. You pretty much could get the group of people together and say, hey, let's get together and talk. That would be a better process. They are headed in the right direction that way. I think we are the beginning of it.

MR. SMITH: Would other APs be part of the process? This is a visionary for the snapper grouper, but do you have some other APs that are going to be involved in that process?

MS. BROUWER: I believe the council; you know, they don't want this process to get kind of unwieldy, and so they really want to focus it to snapper grouper fishery. Therefore, the Snapper Grouper AP would be the main AP that is involved. I don't think they considered consulting with other APs.

MR. JOHNSON: Myra, are these going to be like an informal workshop question/answer kind of thing? Scheduling-wise, are they going to be in the evenings; people work? I am just trying to get a handle on how you are going to do that.

MS. BROUWER: That is where you guys come in. Like Kenny was saying; it would be very much up to you guys how you want to run the meetings and where. Maybe one of you knows somebody that has a restaurant. Maybe Laurilee Thompson in Titusville would want to host a meeting at her restaurant and that sort of thing.

It is going to vary. It is going to be up to you. Do you think it should be in the morning? You're going to tell us when we need to be there. You are going to tell the council members this is the group I gathered, this is where we're going to meet; can you all be there, can you send a staff person to help us out, that sort of thing?

MR. HARTIG: Kenny hit on an important point that I have brought up continually as we go along this direction is informing the fishermen about what is going to be available and having their comments framed in that. I mean, what is the MSY of everything; how many fish are we going to be able to catch?

It is kind of like you said an educational process, because some of these guys are looking for the good old days, and, yes, we're going to get back to a million something pounds of vermilions. The MSYs are not that high, as you said, and a lot of people don't realize that. I think if you want to get really good constructive comments, you are going to have to first frame it in the amount of fish we have and then where do we go, how do we construct the fishery in your minds going forward?

MR. BROWN: Ben, we're going to be the messenger, right?

MR. HARTIG: Yes, you guys are going to be critical. I don't mean the messenger to take it to the public. This is going to be – we're going to be working with all these different people. It is not going to be you guys doing the groundwork. The council is going to be working with everyone and then developing this process. I don't see you guys having to foot the major load of telling the public that this is how many fish we have.

MR. BROWN: I was just thinking if I needed to get a shield or something.

MR. JOHNSON: Well, I am going to go say this. As AP members we really should be a little bit of a messenger already. As I look at this process I think, okay, we don't want to overwhelm the public. I don't know; are you going to do it species by species or how are you going to set this up? Go ahead, Michelle.

DR. DUVAL: I just wanted to say one more thing when Robert was talking about how are you going to set these up, and I think it kind of boils down to we'll meet you where you are. As I said before, this needs to be a very bottom-up organically driven process. Where do you want us to meet you to get your input? What is the most convenient for you?

MR. DeBRANGO: Basically, we're going to do what we're doing now, which is go around and we talk to all our constituents, but we're going to formalize it.

MS. BROUWER: Yes, sort of. I guess the council is going to try to give you some guidance. That is why we're going to talk about the objectives at this meeting and give you guys the tools that you need and sort of the direction that the council wants to go in. Then, yes, let you guys help the council out in that respect.

Another thing that is important to realize and that we learned from the experience that the Mid-Atlantic had is if you go out there to stakeholders and you say, okay, give me your ideas for how the fishery should be or what should the council be doing; as Kenny mentioned, a lot of folks are not familiar with what the council does and what the council is allowed to do.

A lot of – you know, not a lot but some of the input that the Mid-Atlantic council received was not even relevant, because it was stuff that the council has nothing to do with like the council



should get a handle on pollution and that sort of stuff. The council doesn't have anything to do with that.

MR. JOHNSON: Okay, Kari is going to walk us through this.

DR. MacLAUCHLIN: Okay, this is a presentation that we gave to the council in March. It kind of goes through and defines goals, objectives and visions so that you guys understand so that you guys are on the same page. You guys talk about goals, objectives and vision all day, every day at your AP meetings. That is what you guys have been doing.

This is just kind of taking those and formalizing it and making it a way that the council can – a direction for the council as they are making decisions and then also maybe some proactive plans to reach some goals and objectives. There is a lot of background and studies on strategic planning. We are all trying to learn that, everybody that is in here.

But basically it is a long-term plan to guide an organization towards a clearly articulated mission, goals and objectives. It is a process of assessing where an organization is presently ascertaining the challenges and opportunities that present themselves in determining what destination is most desirable and how to get there.

That last part; that is the vision. Then we have this planning pyramid, and I have the little arrow at where we are, develop the shared vision, develop strategic goals and objectives, and develop the strategic plan. That bottom part is like assessing what you can do and the resources that you have and what the organization is supposed to do.

We have that already. The council is directed under the MSA and we know our resources even though we always want more and what we can do and what we can't do. This is for the council so I had lots of information about strategic planning from research. We have these aims. Provide strategic direction; I think this is a good one for the council, because there is always going to be something that comes up that they have to take action on, some new information or a new problem that arises.

Having some goals and objectives and something that they are working towards can provide that direction for them. Then guide priority use of resources; we have limited resources, staff, and money. The goals and objectives can help make the decision about how to use those. Cope with environmental uncertainty and change; of course, in this the council has been very dynamic environment politically, socially, economically and environmentally.

We need some flexibility in the strategic planning. Then provide objective basis for control and evaluation. When there is a decision that the council makes, is there a way to go back and say did that work? Is it working? Is it achieving what we thought it was supposed to achieve? No, let's fix it. Yes, okay, let's keep going.

That is something that we don't see a whole lot, like going back and saying, okay, that bag limit, did it work for what we thought it was going to work; you know, slow down recreational harvest. Did that trip limit work? These are some things that we think that the vision will be really helpful to do. Even if you don't go back and do like a formal evaluation, a study or something, you should always kind of have it set up where you would know how to do that.

What was the problem, what was the solution, did we hit the solution or are we working towards it? No, let's change it. These are kind of the definitions; so a vision. How do you want the fishery to look? What would it look like if management was successful? We kind of have an idea about this. We want healthy stocks of fish, healthy habitat and resource.

We want people making money; we want recreational fishing opportunities all existing together. In general we all know we have that vision. But then we have some goals that kind of break it down a little bit with the big picture, the ultimate impact of the council's decisions. These may be kind of difficult or impossible to measure, but you know it when you see it.

Then we can even look at it as what will the South Atlantic fisheries look like in 5, 10, 15 years.; just kind of this long-term goal. Then the objectives are a little more specific. They have an observable or some kind of measurable outcome. For example, if you changed trip limits because you want to lengthen a season; you can go back and see how long the season was over the last five years and make a decision on if the trip limits worked.

Then you can be linked to an identified problem. I gave this example. I wanted to really give this broad example that everybody would understand. You have a problem, I have no energy, I'm grumpy and my pants don't fit. Probably we've all been there at some point. If you fix that problem, your vision of what it would look like if you fix that problem is I look and feel awesome.

To do that your goal would be to get healthy; so get healthy, really broad, it can mean lots of different things to different people. For some people it means 2 percent body fat, for some people it just means losing ten pounds or something like that. To reach the goal of getting healthy, it takes a lot of different things.

We split it up into these objectives. To get healthy you can exercise, eat better, and lower your stress. Then we have some strategies to achieve those objectives. One thing I wanted to point out – I know you guys all do yoga; so yoga two times a week could help meet that objective of exercise more and lower stress.

Then you also kind of want to – like; for example, under exercise more it says jog three times a week. This would only apply to somebody who physically can do that. You have a bum knee, you are not going to jog; you are going to swim or walk or whatever. We thought it was important to say your strategies have to be something that you can do.

When we were talking about what can the council do; legally what can they do? They can't fix pollution; they can't do things like that, but they can make decisions about how the fisheries are executed and some habitat decisions. This is like if you're trying to keep everything straight, think about the vision is like what will happen if I solved this problem?

Then the goal and then you get a little more specific as you trickle down there. We kind of came up with some vision, sustainable, profitable, consistent fishing opportunities. That was our kind of example of vision and probably everything kind of feeds into that. Then we came up with some goals; improve social and economic contribution of the commercial and for-hire sectors to local economies and community sustainability.

These examples – I was thinking of like a good way to talk about this is looking at council actions, like formal council actions and thinking about what message should the council send about what is important and what they were working for. You can see that in some management measures that go into place, that the message that the council was sending was that we are trying to sustain a population of fish and not have them overfished.

That is one message that the council sent. And then we're trying to lengthen the season for a particular stock that is economically important so that we think that is the message that the council could be sending is we want this consistent and sustainable harvest of the fish, and so we're trying to lengthen the season.

That is what I kind of think of the goals as like the message that is sent by any council action. Example two; enhance fishing opportunities for private recreational anglers. This is definitely a message that the council could send through council actions. Example three; efficient, clear, streamlined management process.

Then if you take the goal, the goal of improve the social and economic contribution of commercial and for-hire sectors to local economies. Making sure that the commercial or for-hire fleet in a community has the ability to contribute to that local economy and be important to that community; that is what this example goal is about.

We have some existing Snapper Grouper FMP objectives that would help meet that. Some of the objectives that exist in the FMP, and we'll look over those, they are kind of more of a goal. They are very broad and not really measurable. Objectives usually are a little more specific with if that worked, you know it and you can measure it or at least observe it.

But we have some objectives; promote sustainability and facilitate long-run planning, and create a market-driven harvest pace and increase product continuity. Those are mostly geared towards the commercial. Increase employment in commercial and for-hire sectors – these are just examples that staff came up with to throw out there – development of a management system to allow for year-round fishing, and then others.

Enhance fishing opportunity for private recreational anglers are our second example goal. An objective could be improve ability of the recreational sector to reach the recreational ACL for underutilized species. An example of this is recently the council removed that recreational closure for vermilion, because the recreational sector wasn't reaching their ACL.

That is an example of a way that they improved the ability of the recreational sector to hit that ACL. Looking at which ones are not being reached and figuring out a way – if there are any obstacles to the recreational sector hitting that ACL, remove it or modify it. Then, of course, develop a management system to allow for a year-round fishing.

This doesn't necessarily mean year-round fishing of one species, just in general all the snapper grouper. Efficient, clear, streamlined management process; our example number three of goals; provide for a flexible management system. This is actually an existing Snapper Grouper FMP objective. Develop management goals and objectives that are used in the decision-making process; that is this process, the visioning process here. Create a system to allow the most streamlined method of updating ACLs when the SSC recommends a new ABC.

Here are the current FMP objectives for the snapper grouper fishery. Some of them are from the very beginning of the FMP, and we actually went back and looked at the history of the objectives. It was really an interesting exercise. At the beginning, when the FMP was first developed, there were problems that were linked.

There were these identified problems in the fishery. I can't remember all of them. For Number 2, there wasn't enough information about this sector or this sector. There were some gear conflicts and things like that. There were these identified problems, and then there was an objective to address that problem, really more goals. Basically you have a problem and your goal is the solution.

Over time they've changed and they definitely got abbreviated. They used to have a little more – they were longer and they explained it a little more. Then you can also see Number 7, 8, 9, 10 and 11; mechanism to best participants promotes stability and facilitates long-range planning; create market-driven harvest pace and increased product continuity; and minimize gear and area conflicts and decrease incentive for overcapitalization.

Those actually came out of Amendment 5 when the Wreckfish ITQ was put into place. They were specific for wreckfish. Then over time they kind of became like these objectives that could address all – there were lots of ways to address this in the commercial fishery. Another mechanism to best participants is the limited entry permit system for the commercial fishery.

There are some that are very specific here to commercial, and there are some that apply to commercial and recreational; but these haven't really been revised in a long time. There are none that are specific to recreational. The council will go over these and maybe revise them, remove some that are no longer applicable, or tweak them a little bit so that they are a little more specific as objectives.

We had this document that we can send around. It is really long, because there was a long history. It is basically the history of the snapper grouper fishery management objectives and where they came from and when they changed and when they got removed and when they got abbreviated.

I think that even the existing ones, but definitely down the road the revised ones that will result from the visioning process; we can go back and for every council action be able to talk about which management goal this is contributing to a meeting. That I think will help with the message of what the council is doing and why they are doing it.

It will help staff explain, it will help all the stakeholders, the people at public hearings hopefully better understand why the council is making a decision, because we have this long-term goal and it is contributing to that. We can kind of talk about different objectives that you guys would be interested in.

We do want you to think about your vision, what you would suggest. Remember that is very broad. There are so many interactions in the fishery and there is value from all sides. There is economic value of every sector and every resource user, and even just the intrinsic value of the resources. There is social value and there is ecological value in each one, and that is what makes this such a complex and dynamic world that we live in with these fisheries.

You have to consider all of these things, and it is really challenging. I think that another thing I wanted you guys to think about is we all know there is multi-species fisheries participation on commercial and recreational side. Nobody really or very few probably really fish for one species, and even fish within one fishery, like mackerel and dolphin and wahoo, and snapper grouper and even shellfish. Everybody moves around all the time.

This is characteristic of the southeast and smaller operations. It is not necessarily good or bad, but it is very characteristic. It is part of how the system works here when you can't fish for something, what are the other things that you'll fish for. There are other primary target species that are very popular with recreational fishermen or they also make good money for the commercial fishermen.

We can talk about those, but that is what makes it so interesting is that even within the snapper grouper there is this everybody fishes for everything and you switch, and you can't always be perfect with your targeting. You are going to catch other things. The other thing I wanted to bring up is data needs, and this has come up a lot.

There are some management objectives that we can't reach without information from you and what you're doing. You can't go to the doctor and say I'm sick, sick, sick and not take any tests or talk about your symptoms. Data collection is huge and really it is to help you and for us to understand how we are reaching these management objectives.

There are just some things that we don't have enough information on, and we can't proceed in that direction without more information. There are different ways to collect data and to provide data, but you have to be willing to provide that data for us.

MR. JOHNSON: Thank you, Kari. One question I had, is this the kind of stuff you're going to take out to the public? Is this what they're going to be looking at; because language is everything. When I read this list, I know a lot of fishermen are going to read it and say I can't do this, I can't do that.

That is what I mean by the perception of the public of what the council does has to be changed. I think some things may be as simple as rewording how you state something in a way that they understand; hey, look, I'm not trying to punish you. I want you to take this medicine because it is going to make you better or it is going to be good for you long term; to use your analogy of the doctor. Go ahead, Don.

(Remark made off the record)

MR. JOHNSON: No, I am just saying I know what I hear from fishermen; they don't want us to catch anything. That is what you are going to hear when you go out to the public from recreational and commercial. They don't have a clue. Well, I mean that goes in with the necessary data, so how do you translate that into the public, relating to them what you want from them and what you need from them?

(Question asked off the record)

DR. MacLAUCHLIN: I'm Kari MacLauchlin. I'm council staff; fisheries social scientist is my title.

MR. DeMARIA: I agree with you, Robert, and I'd like to say that the council just has to be realistic and realize that for some people too much is never going to be enough when it comes to fish. For others – and I don't mean to degrade anybody, but some of these folks, both sportfishing and commercial and the general public; trying to explain some of these concepts like MSY; it is about like trying to explain an algebra problem to your cat.

It is not going to sink in. Well, the cat might understand a little better. It's true. I also used to think that just bringing anything out to public hearings was a good idea and let the public know what is going on, but then over the years I'm watching how the public reacts to it. When you bring kind of absurd things out like this requiring VMS on some of these small boats in the Keys, the public just goes away and says what the hell is with these people?

You've got to have some respect from the public to move forward. I would caution the council to just really only bring well thought out, realistic proposals to public hearing. The 240 foot and beyond closure was crazy. I realize that went through and finally you rescinded it, but that is the kind of thing that it loses respect. The council needs to try to build up some respect with the public and then you can move forward.

MR. BROWN: I talked to Bonnie about this I guess it has been a couple of years ago when the science would come out on an assessment or whatever it was. I mentioned to her about the language in it, how it is difficult a lot of times for people to understand, even for us as stakeholders. If it could be tweaked somehow where it was a little bit more understandable so that we can explain it, it would help us a lot.

MR. ATTACK: I agree. When I look at these 15 items, if it is going to go out like that, a lot of people are going to –

(Remark made off the record)

MR. ATTACK: Well, I know, but when we go to do these things, maybe we need to have the top five or something. Some of these could be linked together to minimize the number. Because if you're looking for input, if you've got a shorter list and a little better worded in laymen's terms as to what you are asking from them, maybe the meetings might go a little bit better.

The second thing I had, I had a question for the Mid-Atlantic Fishery Council. When they did it, what were the top five things that came out of that? Once they did all this facilitation – and I know they met with all these towns up and down the coast. That is what they are kind of talking about here I think basically every 50 miles or so you are going to have a meeting along the whole coast to then get all the input from all the stakeholders.

MR. MUNDEN: I've got to go back here in my memory bank here a little bit, because it has been a year and a half or so since I was involved in the process. A lot of the things that we heard at the Mid-Atlantic dealt with – as Ben mentioned, they want to go back in time to the good old days; more fish, fewer regulations. Then on the other hand we had a good turnout by the environmental community, and they wanted more restrictions and less harvest.

The Chairman of the Mid-Atlantic Council, Rick Robins, was the one who initiated the idea of moving forward with a visioning committee, because it seemed like the Mid-Atlantic was taking a shotgun approach and not focusing on the real issues. His real thing was to the council what do you want your fishery to look like in 5 years, 10 years or 15 years?

I think the biggest thing is that it got the public more involved in the fisheries management. As I said earlier, we had advisory panels but the Mid-Atlantic rarely convened the advisory panels. When they were asked to come forward, it was only when we were undertaking a major amendment. Of course, that is a very long and drawn-out process.

I think the biggest thing was to get the public engaged. That is what Rick Robbins was looking for and achieved that. It is an ongoing process for the Mid-Atlantic. It is not like we're going to have this meeting and develop a plan, and it is a work in progress.

MR. BROWN: Is this something that will be done during the off season? How will it be developed, because we already devote a lot of time going to meetings and doing what we do. How will the timeframe be? I don't understand.

DR. MacLAUCHLIN: We are on a really long, and still not yet determined, but we are aware that this is going to take a year, two years to really get all the input. I know the council is very interested in doing this right even if it takes a while to do it; and its fine. That was something that I was going to bring up hopefully at some point; that maybe you guys could let us know when would be good time to be available for port meetings in your area.

And then because like Myra was saying about we want you guys and anybody really that is interested to organize the meetings and we'll show up. It obviously can't be whenever, but be able to provide like time periods when we'll be around and let people organize based on their schedule and their location and what is convenient for them.

I think that there will be like several periods throughout the year where we would be available to do that so that we can accommodate everybody's kind of changing schedule. It won't be two weeks and that is it or something. It really is going to be probably six or eight months of port meetings.

MR. BROWN: Are you talking about multiple times in a year or just one time a year or what?

MS. BROUWER: Well, I guess it would depend -- and like Kari said it depends on when the stakeholders are going to be able to gather for these meetings. It could happen multiple times a year if that is what we need to do. If we need to meet on the weekends, it could be structured any way that works for the people that are going to be coming to these meetings. Of course, the council is going to have to look at budget and within the budgetary restrictions and all that. They will have to pay attention to that. .

MR. BROWN: One of the things that come to mind for me that I've made a motion on the last two AP meetings has to do with the stamp and the logbook for the private recreational on it. I would really like to get that going at some point. It seems like every time I bring it up, it always gets shuffled around and then never gets really to the point to where it seems like something

might happen with that. I just know that we've been dealing with that particular area of lack of data for years now. That is something that we need to close the gap on at some point.

MR. JOHNSON: Just a second, guys; I'm going to let Michelle come up and say a word. She's getting ready to have to leave for a wonderful public comment tonight.

DR. DUVAL: I'm not giving the VMS presentation, but I am chairing the hearings, so, yes, I do have to leave in a couple of minutes to get back up to New Bern. First I just wanted to thank you guys for taking the time out of your schedule to come here. I just want you to know that your input is so important.

Every time I'm at one of these meetings, I learn so much. Hats off to you all, and also for taking the time to work with staff on this visioning process. I know it is probably the last thing you all want to do after two days of meetings. You're tired and people want to get home, they've got things to do, but I really do feel that this is important.

As the chairman said, this is something the council has been thinking about for a while and we just haven't had the time to pursue it. You all are really integral to that process. I did just want to mention in regards to the Mid-Atlantic; Red was trying to remember back – I think the question was what were sort of the major themes that came out of that?

I pulled up the presentation that Rick Robins, who is the Mid-Atlantic Council Chairman, gave at our December meeting. Just the major stakeholder themes -- and again remember, like Red said, their process was much more broadly based. It was very expensive. We don't have those resources so we're looking to try to be efficient and focused.

These are not going to be things you all haven't heard of or probably said yourselves at some point; but lack of confidence in the data used to inform management decisions, insufficient stakeholder involvement in management, confusion about jurisdictions, regulations and authority of fishery management organizations, better communication and greater transparency in the decision making process,

Ecosystem and trophic interaction should be given more consideration. The council is not uniformly perceived to represent stakeholder interests, and as Kari had already mentioned, pollution is degrading the health of fisheries. Again, that is not something that the council actually has any control over, but I thought I would throw that out there for folks. Again, I have to hit the road, but thank you all very much. I really look forward to hearing the results of your discussion today.

MR. ATACK: I agree with Mark's comments. I've got concerns with that, too. I think the stamp thing is a good thing to do, because that is going to help with data, you know, if we can get some stamp system set up. The SAFIS that we talked about yesterday in one of the motions, if we've got electronic reporting for the recreational, and we could also maybe do that up for the for-hire sector; that would fill in a lot of those blanks for the data.

This visioning process, as long as it doesn't take away from those things, because I think they are more short term – if we can go ahead and get the stamp systems going and the electronic data collection going for the recreational side, that will help us. It is probably going to come out at



the visioning anyway that we need to do that, so it would be good to do that as long as we can do the visioning parallel to that; as long as we're not pooling too many resources to where we can't do both.

It is a long process from what I remember reading about the Mid-Atlantic. IT took a couple years. Depending on how you facilitate it, if you have the same people at each meeting, some of the same people, then you can only do so many meetings a month. Then it is like how spread do you do these meetings as far as geographically. How many meetings is that, and then it just fills up the year.

MR. SMITH: I applaud the idea. It is basically how did you put that, Don, fisheries management for dummies. I put something on my Facebook page yesterday about being at the meeting. The comments are incredible. Some of them – one that concerns me is the individual states need to take over, the feds have failed miserably.

Well, that person really believes that they are in tuned and they understand what's going on, but they understand what the people told them that want them to understand, if that makes sense, right. I'm seeing that across the board that people look at certain groups to say they're my leader here. They've got more information about it, and I believe them and it's a fact.

Well, we've got to go out, and I think the people at this table are the people to go out and say, okay, your concern, your concern; Laurilee is a great example. When I look at shareholders – I wrote it down somewhere on my documents here, but there are a lot of shareholders here; look at boat manufacturers and boat dealers; stakeholders, pardon me, but you get it.

We need to bring them to the table and educate these people. This is all about educational outreach now. We've realized it, we've been through this enough, and we've got it, right. That is my comment and thank you. I think Mark's questions were good and Jim's concerns. There will be concerns, because some people – unlike me; I dive in without asking how deep or how cold the water is or how fast the current it. Second, more importantly, this document here, I think we all need this document. I don't think that has been sent out yet, right?

MS. BROUWER: E-mailed to the AP, but not with the briefing book. It was e-mailed late last week.

MR. SMITH: Well, you might want to throw that one back out there. There are a lot of e-mails that have come in. It has been very busy, pardon me, but this is a good document and particularly at the beginning part, so thank you.

MR. DeMARIA: I think the council is on the right track with this. Up to now they've really just been kind of putting out little brush fires as they flare up. The grouper is overfished or the grouper needs some restrictions so we'll have a size limit of 18 inches – well, that is not working; let's do it 20 and then 24.

I think there needs to be more of a long-term approach to this, but also realize that there are a lot of fishermen out there with the attitude that nobody saved any buffalo for me, so why should I save anything? I've had fishermen tell me all I want is another five or ten more years at it, and I don't care what happens after that.

But I think if you clearly state what this fishery is going to look like or what do you want it to look like in 5,10, 15 years and beyond; I think you need to add that word “and beyond” there, too, that phrase. Those attitudes about “nobody saved me any buffalo,” and “just five or ten more years;” are just not acceptable any more. But up to now they really haven’t done that. It has got to be clearly stated that 5, 10, 15 years and beyond is what we’re looking at.

MR. HARRIS: I think it is a great idea; it is a great direction. I think we talked about something along these lines a couple years ago. The one thing that – aside from putting it into fishermen’s language is that you might also want to look at regionalizing it as you go to the different areas. Because if you come to the Keys and you use black sea bass as an example, they are not going to care about what you’re saying.

Within that whole network of regional concerns, also look at some of the boundaries, the type of fishing they do. For those of us in the Keys; I will line you up some stuff to come to the Keys. Be prepared to address Gulf rules, state rules, and South Atlantic rules. Because people are going to say why do we have all three sets of rules here, and you are going to hear that a lot every time you come down.

MS. BROUWER: That sounds good; and staff can be there to address questions that people may have. But, really, the point of the meetings should be for the stakeholders to tell us what they want; to give us ideas, or to say – you know, it is not going to be a complaining session or why are you doing this and why are you doing that. We hear that all the time.

We don’t need more of it. We know what upsets people, but we want to hear things like we talked a lot in the meeting about lining up fisheries, because we are concerned about discard mortality. That could be a long-term objective that applies to the snapper grouper fishery. Is that what everybody wants? How is that going to be beneficial for the various stakeholders?

How is that going to impact restaurant owners? Is the market going to get flooded, all those little things are what we need to hear from people, and then take back to the council so then the council can say; okay, well, these are the kinds of decisions we need to be taking in order to make those things happen.

MR. FEX: Yes, to your point about the recreational stamp; at the last council meeting I made that point that we need that data. The state of Florida is actually looking towards getting a stamp on the Gulf side, and actually the Gulf has an application called iSnapper or something like that that when you catch the snapper you report them.

That idea is going. I know it is not as fast as we all would like it, because I know I hate that the MRFSS/MRIP program is not keeping up with it, so I understand that. Another point is I was involved with the Marine Education Research Program; and after that meeting, I had left and had an idea of starting a town hall meeting.

I got approval from the town hall; they were going to let me use the facility. I had already gotten all the stuff to get it done. Well, then grouper opened for a week so I could not do that or I would have lost some of the people I had gotten together. But I had thought of all the people to involve, the restaurant owners, the recreational charter guys, the recreational fishermen, the fish houses; so I got those people and they were willing to come.

Like I said, we all know these people in our areas. If you guys could find a restaurant or something to get that facilitated for, they would be willing to do it, because they want to educate the public just as well as I do. I think when we leave here might think about how can we do this ourselves? I can speak better to the fishermen than some of the council members just because they don't respect them; but they respect me because I'm involved; so just something to think about when you guys leave here.

MR. DeBRANGO: Myra, that's great; I really think it is going to be a lot of work; a lot more work for you and a lot more – a little bit of traveling for a couple other council members, whoever goes to these meetings. I mean it is something we've definitely needed. I don't know how many of us, before we were involved in the AP, went and sat at a public hearing and had to listen to Gregg Waugh tell us something about something that is coming up to hit us, and us all walking out of there all pissed off; no offense to, Gregg.

It is great, and we each have our own individual little specialties, and we have our own little outreach groups. Like me, for instance, I've been involved in the restaurant industry and seen firsthand how the loss of American product is totally gone out of that industry now. Other than a select few local restaurants, you are going to a packaged product out of Saskatchewan or wherever.

That is something that has hurt us in market sustainability. But also I can reach out to groups of divers, and things like that and we can get big numbers of people together. You know, what; for so long you want to sit back and you want to come in and you want to write a comment and you want to say how bad everybody is – well, it is a tough job on the council, and I know that and they've got to make tough decisions.

We always say like if you didn't vote for the president and you are going to sit there and complain about it; if you didn't vote, well, you didn't do anything. It gives us a chance to reach out to other people to maybe get some more input and get some more data.

MR. JOHNSON: Okay, we're going to take a quick break.

(Whereupon, a recess was taken.)

DR. MacLAUHLIN: Okay, I think what we would like to do is take a look at the management objectives. We have them up here; the existing management objectives. I think what would be helpful for the council, because in June what they're going to do is go through each one of these and maybe make some changes, remove some, add some, tweak some.

I think what would be helpful from the AP is to take a look at these and, you know, a couple questions; are there any that you feel are no longer relevant, any kind of goal has been met; and can be removed completely? Are there any that you would like to add, new ones? Then if there are any revisions that you guys want to make.

We can present these not as here is what the AP together says; we can kind of present all the ideas from the AP if you want to do something like that. If there are different suggestions, we can present those to the council. One thing I wanted to say about having these goals and helping guide management actions is that when you have a goal like this, this is your end product.

There are lots of different ways that you can meet that goal. That is where we can think outside the box and start talking about different ways of doing things, but here is the end product we want and the goal. You can look at these and there are lots of ways to prevent overfishing. They involve like one thing, which is not taking more fish than they can replenish, but there are different ways to do that. Think of them like that a little bit.

MR. JOHNSON: Thank you, Kari. Do you want us to do some of this now or do you want the group to look at these on their own time? You want to go through them, okay. Does anybody have anything they would like to offer up? First, maybe we want to look at are there any that we think can be removed.

MR. DeMARIA: Is there really any habitat damage anymore? I mean, there are no traps, there are no nets.

(Remark made off the record)

MR. DeMARIA: Okay, but that is not directly from fishermen fishing. The other one, Number 10; minimize gear and area conflicts; I don't think there is much of a gear conflict anymore. People are all – sports and commercial are all relegated to the same basic gear, hook and line and spear and that's it. All the other high-volume gear types, traps and nets are all prohibited. I don't know if that is even relevant anymore.

MR. BOWEN: When you mentioned gear, I just think about how much I despise circle hooks. They are not achieving the goal that they were set out to achieve. I just wanted to bring that up.

MR. JOHNSON: Then Item Number 14; haven't we effectively ended overfishing through management? Isn't that a stated achievement? Gretchen, you have a comment on that one?

MS. MARTIN: I'm just trying to think as far as that is the goal that we have in mind; but I'm trying to think through the stocks and if in fact we have completely ended overfishing on all stocks.

MR. JOHNSON: Okay, we're leaving Item 1 in, which is prevent overfishing.

DR. MacLAUHLIN: I think with the overfishing; if overfishing is defined as exceeding the ACL or the overfishing level; that unless the AMs are not working, then overfishing should be ended if the AMS are working. I think that's a matter of time a little bit.

MR. HARRIS: Can someone explain to me Number 11; the incentives for overcapitalization?

MR. JOHNSON: Would trip limits be something that addressed that, end derby fishing, endorsements like was put into the wreckfish fishery? I think that came from this.

DR. MacLAUHLIN: It came from Amendment 5 when the ITQ for wreckfish was put in place in '92, and it was one of the economic goals basically that the Wreckfish ITQ was meant to meet. On Page 6 and in that document, it gives you like the larger explanation of decrease incentives for overcapitalization. But there are definitely different ways that you could achieve that in

general. In the commercial fleet, you want to avoid overcapitalization and investing more money into the fishery than is coming from the value of the resource itself.

MR. BOWEN: If you can have some leeway – and bear with me here just a minute – I want to address Number 2, collect necessary data. At our last break I kind of went around to a couple of us at the table and asked a pretty direct question, and the question was in your years of experience how many times, if any, have you been contacted by National Marine Fisheries or vice versa to report your catch.

The answer I got from the few people I asked was all unanimous, and the answer was never. Rob, Jim, and I would like to ask you, Mr. Chairman, on record – you have a snapper grouper for-hire permit – and I’m speaking specifically for the for-hire sector – how many times, Mr. Chairman have you been contacted by National Marine Fisheries to report your catch or vice versa?

MR. JOHNSON: Okay, in the state of Florida, the state agencies, but you’re talking about the federal government like NMFS?

MR. BOWEN: Yes, sir, National Marine Fisheries.

MR. JOHNSON: Never.

MR. BOWEN: I’m four for four. That is something we need to address. That is a problem.

MR. COLE: Mr. Chairman, I recognize that you think it is a problem, but National Marine Fisheries Service utilizes data sent to them by the states. Now, this is true even where you don’t have quotas and so forth. The state still collects the data at the ports or by trip ticket system or whatever; it is rolled up at the state level and shipped off to St. Petersburg.

MR. BOWEN: Okay, let me go a little bit further. I as a charter for-hire boat captain in the state of Georgia have never been contacted to report my catch by National Marine Fisheries or the state of Georgia. I am the highliner of the state, and that is a problem.

MR. JOHNSON: Yes, Zack, I think we all agree we do need better data collection. We need some kind of – like we discussed through a motion, some kind of reef fish stamp and it could be on the state level. It seems like that is the easiest way to do that. We also discussed some kind of electronic reporting for the recreational sector.

We’ve made those recommendations and I think it is appropriate to put them here. The state of Florida does a pretty good job of doing their port sampling, and I’m contacted probably once a month, but it is more effort driven than it is species. They don’t ask specifically. At the ports they do look at species. The telephone surveys that you were mentioning is mostly at effort and how many trips took place between this date and that date.

MR. BOWEN: I agree with you, Mr. Chairman, but the ACLs that we’re required to go by are not effort; its numbers. It is not how many trips we ran; it is how many fish were landed, how many fish were killed. I mentioned this same topic to Ken Brennan, and when I told him that I had never been contacted by National Marine Fisheries or a state affiliated that would report to

National Marine Fisheries about the fish that I had taken off the state in my entire career; he was in awe. He could not almost believe it. He mentioned to me that I should mention this at every meeting that I attend until this problem gets corrected.

MR. JOHNSON: I agree it is a problem. I think probably the appropriate place for you to mention that would be to your council member, Doug Haymans; and your buddy, Steve Amick, who maybe could put some pressure on the state of Georgia to do some data collections or port samplers.

MR. MUNDEN: Relative to the note that has been inserted by the staff after Number 2; I would recommend that after “improve” we put “and expand data collection.” Thank you.

DR. MacLAUCHLIN: I think this is a good one to kind of talk about if this is something the council can take action on. It is kind of – this one is a challenge, because the council doesn’t control data collection. I think things would be really different if they were able to control data collection and budgeting of resources.

That is for federal NOAA Fisheries and then the state and everything. With that being said, here is a limitation of council jurisdiction. What are some things that the council could do to contribute to that besides recommending to the states or whatever, definitely supporting it; but I mean are there council actions that they could take for this?

MR. ATACK: Yes, I think we’ve currently – you know, commercial do trip limits – I mean reporting. The headboats are now doing trip reporting, landings. The for-hire sector, council could have them electronically report their landings. I mean, that I think the council has jurisdiction over. I think council, if we go to the SAFIS system to where then the recreational sector can also report electronically their landings, I think the council has control over that.

Those things council can do, I think, which would really improve not only the data collection, but the timeliness of it. It could be more real-time. Then we could have more flexible bag limits or trip limits or whatever that as we monitor the landings things could be moved up or down like they do in the bluefin tuna fishery or whatever. They change their limit for today based on how much quota is left and the time of year. We could have a much more flexible control.

MR. BOWEN: To that point, Jim, I was going to touch base – what I’m speaking to here is the for-hire sector. That is what I am and that is what I’m involved in. But I think the council has the authority to mandate or to put in place mandatory reporting for the for-hire sector or inspected vessels.

Somebody said last meeting, oh, we’re required to do that, anyway. Well, in further discussion with Ken Brennan, the definition that he requires for mandatory reporting is if the inspected or multi-passenger vessels charge by the head. That is the only time they’re required to report. That is a flaw.

This is what he told me; if you charge by the head, you are considered a headboat and you are required to report. If you are a multi-passenger vessel and you carry more than six people but you charge one price, then you are not required to report. If that is the case and that is the information I got from Ken Brennan; that is a flaw, that is a problem, and it needs to be

addressed by the council. Am I correct in that? I think I've talked to Myra about the situation as well.

MS. BROUWER: Yes; and that is something that the council could point out and request that NMFS address it, but it is not something that the council itself can address. The council did request that NMFS consider electronic reporting for headboats, and that just started happening this year. They have to report electronically. Like I said the other day when I went over the update of amendments –

MR. BOWEN: But, Myra, the definition of headboat is what we're discussing.

MS. BROUWER: Right; and there are gray areas, and that is exactly how Ken Brennan explained it to me. He said, well, you know, sometimes it is difficult to categorize who needs to report and who doesn't. That is just the nature of the regulations.

MR. COLE: I'm going to make two points here. The first one is Ken Brennan is not right, totally. If National Marine Fisheries Service in St. Petersburg would follow the guidelines in the Atlantic Coast Cooperative Statistics program, which their boss's signature is on, he would be collecting the data that you want him to; because the definition for headboats and charterboats and things is right there clearly in that program document.

Somebody in St. Petersburg is trying to reinterpret something that is not correct. Secondly, the Gulf uses the same definitions and programs as the Atlantic Coast does for their statistics program. I don't understand what the problem on that one is, Myra. Now, let's all be aware that if the council puts something in an amendment and it is voted on and it goes to the National Marine Fisheries Service for approval; they have two choices, either to approve it and send it up for signatures or disapprove it and bring it back to the council. The notion that the council can't do something is a little bit better than we think it is. Our need is get the council to vote something in and then dare, frankly, NMFS to turn it down. It is that simple.

DR. ERRIGO: I just want to try to clarify what everyone is thinking about the headboat and all this stuff. In the South Atlantic there is a headboat survey run out of Beaufort. The headboat survey requires all headboats, defined as boats that charge per person, to fill out mandatory logbooks, and they carry observers on a certain percentage of their trips.

All the landings for headboats who charge by the head come from that survey. All other for-hire boats, such as charterboats and things like that, that charges per trip are sampled through MRIP or MRFSS, just the same way as the private sector is and everyone else. Some states have charterboat logbooks, but that data is not used for tracking landings. That is what is going on. Headboats are required to report, meaning that they are required to turn in logbooks and have observers and all that through the survey that is run through Beaufort.

MR. BOWEN: If you charge by the person.

DR. ERRIGO: Yes; their definition of a headboat is someone who charges per person and not per trip.

MR. BOWEN: In my opinion, I think that needs to be corrected.

MR. JOHNSON: Mark, can you jump in here. You are sitting there smiling like you know something, so please enlighten us.

MR. BROWN: I'm just thinking I'm going to have to go call Ken Brennan when I leave here.

MR. BOWEN: Does that mean to report or not to report, Mark?

MR. BROWN: Well, I've been involved with the electronic reporting already since the beginning of the year, and I've been filling out the logs and all that. I was actually part of the pilot program, but this is kind of like news to me. I'm going to call Ken and see what's going on.

MR. BOWEN: That is one reason why I wanted to bring it up. I think its news to a lot of people. It was news to me three weeks ago when we discussed this over the phone. It needs to be addressed by the council.

MR. JOHNSON: Okay, one way you could handle this, you could just require electronic reporting for all permitted for-hire vessels operating in the EEZ.

MR. BOWEN: That's a great idea.

MR. JOHNSON: It's a real clean, all-encompassing statement.

MR. BOWEN: Great idea, Mr. Chairman.

MR. HARRIS: We're getting into the reporting of the headboat because of the fact that they do charge by the head. How does that apply to the smaller boats that are doing split charters, and they're actually essentially a headboat, but they are selling a seat with just six people?

MR. JOHNSON: That's why I said the way to clean this up would just be to say all permitted for-hire sectors operating in the EEZ must report electronically, but that still doesn't get to this huge recreational user group. We need to have a way for those guys to report. We can sit here and start sector separation, which is what we're doing. We're putting the charter sector in its own little group for reporting, we've got the commercial sector in its own group for reporting. They're dwarfed by this other group of users. We need to get at something for that other group.

MR. BROWN: I think it would improve MRIP, too. It would just improve the data collected, and it wouldn't be such a variable in there.

MR. BOWEN: I'll go on record saying that is not hard to do to improve MRIP.

MR. DeMARIA: I think it is like most things; you've got to go one step at a time, and that reef fish stamp is probably the first step, I believe.

MR. JOHNSON: Not to confuse things, but that would be something if you receive a reef fish stamp, then you report electronically. Then you've got the whole group.



MS. BROUWER: While we're talking about this, what about Item 6; promote public compliance and enforcement? I staff the Law Enforcement AP and I also hear a lot of complaints from the public about enforcement and how that needs to be improved. What are some ideas that you guys could come up with, or do you think enforcement is just fine the way it is?

MR. JOHNSON: I have one; it is not a popular one. I think there has to be concurrency between state and federal regulations, period. Right now we're in a political environment that states like to be seen as standing up against the federal government and so all these different states are voting to go non-compliant.

That just really opens the door for people that want to fish in federal waters, break the law, claim they caught the fish in state waters. I see it at my marina; we see it in Florida on the red snapper. We know these people are not catching these fish in state waters. I don't know how you get at that. That is a political issue, but that is a real problem.

MR. HARRIS: Well, one of the other problems as far as compliance and enforcement; perception from the general public is that the user groups themselves are not enforced equally or the same across the board. If a commercial boat gets caught with an undersized fish, it is one fine. If a recreational guy or a charterboat guy gets it, it is a different fine.

Most of the time for the commercial guys; it can be a huge catch, it can be undersized fish, it could be Goliath groupers, and they get a slap on the hand and told don't do it again. Whereas, the recreational or charterboat guy faces losing his permits, he faces losing his boat. That stuff comes out in the news all the time. The general public says, well, God, if that's all I'm going to get, I might as well go ahead and just start keeping those fish. Then they find out that they actually get hammered harder than what the commercial guy does.

MR. JOHNSON: I think that is a flaw of the court system, and it is different in every area. There were some guys caught in my area, recreational anglers had filleted their snapper and grouper at sea, and they were caught with a whole cooler full of fillets. As far as I know they ended up with about a \$200 fine, and they're fishing again. They didn't even lose their license. I don't think we can get at that problem through the council is what I'm trying to say.

MR. ATTACK: I agree with this. I just don't know if consistency is really the right word there. I guess in North Carolina sometimes we're more restrictive than the feds. I think that can be a good thing. You don't want to be more liberal than the federal regulations, because then you encourage people to say I'm in state waters and I took this fish where in federal you couldn't.

An example is like in Florida I know, I think Warsaw was legal in state waters, federal it is not. There are some examples like that. North Carolina, I guess they've some restrictions on like trip limits on hogfish that aren't at the federal level, they are a little more restrictive, and I think that is okay. When you get in the sector-by-sector allocations or management, which we may go to anyway, then the states should be at least as strict as the federal. If they want to tighten it up some more, that could be their prerogative, I would think. I'm not sure how to word that.

MR. JOHNSON: Jim, that goes both ways. The state of Florida; our cobia limit has been one fish per person, maximum six per boat, forever, and that is the law they enforce when you come

to the dock. In federal waters that is not the limit; it is two fish per person and there is no maximum for boats however many anglers you have.

MR. MUNDEN: To Get back to Myra's question about Item 6; I would suggest that we use language like for Item 6 instead of "promote public compliance and enforcement", "promote compliance through public outreach and education". The reason for that is when I attended the visioning committee meeting that the Mid-Atlantic had in Raleigh early into the process, they scheduled a meeting in Raleigh, North Carolina, specifically to reach the recreational fishermen. About 18 or 20 fishermen showed up, mostly recreational.

I don't think there were any commercial there. They had five major issues for Mid-Atlantic. They were complaining about king and Spanish mackerel, which was a South Atlantic managed species; complained about snapper grouper; they were complaining about striped bass, which is ASMFC, and dogfish and summer flounder, which were the two species that Mid-Atlantic manages.

But these were people who routinely attended Mid-Atlantic Council meetings and North Carolina Marine Fisheries Commission meetings. I was just amazed that these were people that I see all the time and they had no clue as to what the Mid-Atlantic's responsibilities were. I think public outreach and education; the South Atlantic does a great job with public outreach and education, but I think it really needs to be expanded and carried to the people who don't come to the meetings and are not on the mailing list.

MR. BROWN: We still have that issue here locally though, too. I can appreciate what he's saying.

MS. BROUWER: Well, there is an initiative that is fairly new, and I don't know a whole lot about it, but it is called a Marine Recreational Education Program, MREP. Marine Resource maybe Education Program; anyway, it is designed to do exactly what you're talking about, and it is regionwide. We have some former council members and current council members that attend that are part of this workgroup. There is some progress being done in that area in our region.

DR. MacLAUHLIN: Something about outreach and education; I feel like we definitely try to do that and make ourselves available and utilize mail-outs and e-mails and social media and meetings; but there is a point where people have to meet us in the middle and get on any mail list or get mail-out that we send out all the time. If you guys; in general, if you ever have any good ideas for how to reach out to people who maybe have not been involved, please let us know.

MR. FEX: To that point; what about when we get our state recreational license, get their people to write an e-mail address so that you can e-mail them the current regulations or something like that. That might be something you could do, because you get their phone number, you get all that and everybody has got an e-mail nowadays.

But that might be an idea, because we all get e-mails all the time. If they're really concerned and want to be educated, that would be a way to let them know when the meetings are coming on, because everybody has to fill out a form to get your state regulations fishing license.

MR. JOHNSON: All right; do we see any other items up there, guys, we need to look at?

MS. MARTIN: I just was looking for clarification or better understanding of Numbers 3 and 7.

DR. MacLAUCHLIN: Three; and in that document, the history of the FMPs; it should be under one of the earlier ones, because that is one of the earlier ones. I think that may be one that maybe needs to be revised or clarified if it is still something that the council still wants to do. It had to do with restrictions on fish traps and prohibitions on poisons, explosives, and spearing Jewfish.

MR. JOHNSON: What was it?

DR. MacLAUCHLIN: Prohibition on poisons, explosives, and spearing Jewfish. I think the idea was that there were some over-the-top ways of harvesting fish that were – and the point was to be orderly about your methods of capture and not blow up everything. Good, 1992 council, for bringing that up.

Then Number 7 is one of the ones from the Wreckfish ITQ that was originally for wreckfish. Then it was kind of expanded to encompass the whole commercial sector. The long version of it was develop a mechanism to vest fishermen in the wreckfish fishery and create incentives for conservation and regulatory compliance whereby fishermen can realize potential long-run benefits from efforts to conserve and manage the wreckfish resource.

This was definitely one of those economic goals from the ITQ program development, and an economist definitely wrote that. One of the ideas behind ITQs is that if you vest fishermen with that kind of ownership of their part of the resource, that they will take care of it. It will create an incentive for them to figure out ways to take care of the resource, because they are looking at a long term that they have been kind of vested with the privilege of harvesting wreckfish.

It got shortened to develop a mechanism to vest fishermen; and like the limited entry programs for snapper grouper and king mackerel are a way to do that. Catch shares are a way to do that and there may be other ways to do that if the council is interested in really giving some ownership to the resource users so that they will take care of it.

MR. JOHNSON: Do we need to put a mark by that one; I mean that doesn't apply to the –

DR. MacLAUCHLIN: Three and seven.

MR. JOHNSON: Yes, three and seven, so it doesn't really apply to the recreational sector. It didn't work out real well for the wreckfish participants either.

MR. DeBRANGO: Yes, we all know, me firsthand, what that whole ITQ system did. It was a complete and utter failure and still is. Now catch shares, if we're looking at it as a management tool, I would like to see something more on the lines there where you are not attributing a dollar amount to a pound of fish to go fishing.

By that I'm saying what happened was as soon as they vested everybody in the industry, it became a complete and utter buy-out. Everybody was buying out everybody, and it got to be nuts to where it came back at me as a fisherman having to pay for it. It took more money away from my fish.

If anybody out here has been wreckfishing like I have, it is not an easy industry. You don't see the fish. You've got to learn the bottom, and it is an ugly area off South Carolina to live in. I tell you what; I've seen the ugly and the nasty out there; lost friends, everything. I would prefer the council to look at alternatives with this.

If you're going to go to some sort of share program like that to where it has no dollar, you want to take your ACL and you want to put that into a pot to be distributed through the federal government. Well, everybody; like let's say gags going on historical catches is going to get a certain amount of share, but it is going to be divvied out every year. There is no dollar amount; and when they catch that share up, they come back in and they re-up.

There is more to it, you know what I mean, and they can get more. Instead of having one person own everything to where it is a dollar amount and then everybody is cutting everybody's throat, and this guy has got to go pay \$3.00 a pound to go catch a fish that he's getting paid \$3.50 a pound for – I mean, catch shares can be a management tool to properly manage the ACLs. Get the money out of it; that is all, because when you add the money to it, greed and a lot of stuff takes over. Then you've got to start figuring who you are putting out of business and who you're not. There is enough of that already happening.

MR. JOHNSON: Okay, we've got Item 4 up there we haven't addressed; provide for a flexible management system. Were we talking about regional management here or address regional concerns?

DR. MacLAUHLIN: I think this is something that the council – it is still applicable and the council still tries to do even if not explicit about it. This is a management system that minimizes regulatory delays while retaining the council and public involvement in management decisions and rapidly adapting to changes and new information and changes in the fishing pattern.

It is basically being able to adapt as the fisheries change, as new information comes in, et cetera. This is in the framework procedure for regulatory amendments, and which would just change. Yes, particularly for new information coming in that could increase the ACL, like the black sea bass amendment that you guys went over to increase the ACL. I think this one with a little more explanation is still applicable.

MR. ATACK: Back on Number 7, we're talking about the mechanism, the best participants; I guess I read that a little bit differently than the way it is here. I think it is applicable to the recreational sector and maybe it is not a per share thing or something, but you want the recreational sector to feel like they've got a vested interest in the fishery. I don't really think it is not applicable. I think you want to consider ways so that the recreational participants feel like they have a vested interest in the fishery.

(Remark made off the record)

MR. ATACK: Well, the stamp could be; yes, that is one way. Another way is if they – you know, with the stamp and maybe electronic reporting; or maybe there are other ways, I don't know, but that might be something that comes out of the discussions and the meetings is how can we make the recreational – I mean, really, all the sectors need to feel like they've got a vested interest in the fishery and in the changes that are taking place.

MR. BOWEN: The for-hire sector could be vested if there was a moratorium on their snapper grouper permits; just food for thought.

MR. MUNDEN: Going back up to Number 4; even though this rationale provided by the staff was to address the speed by which changes were made in the regulations and all; could that not now be interpreted as flexible management for things such as state-by-state shares or regional shares of quotas? We've spent a lot of time talking about that yesterday, and to me that would be flexible management, an option, or availability of options.

MR. ATACK: Yes, and I would think it might also say provide for a more flexible management system. If we structure the management system so that we can make changes within the amendments or the rules the way they're written, then that would be even a quicker response than the regulatory amendments.

I just keep thinking of these bluefin tuna regulations, how they can change the daily limit based on what quota is left, and they don't have to go through a regulatory amendment. It is just set up in the structure that the limit will be in this range based on the time of year and the landings, and that can go up and go down with just an issue in update.

Okay, we're going to go from five black sea bass to ten because we're not going to hit the limit for the next month or whatever, or go down; but if we could write them to where you've got a range, then it could be much more flexible and we could achieve the optimum yields easier, and that could be a good thing.

MS. BROUWER: I think the council would love that, Jim. Unfortunately, our data collection systems or the data collection systems that exist in the region don't allow for that sort of thing.

MR. ATACK: Yes, currently that is true. However, if we write them that way to where we can when we get the data and we get the real-time data and reporting in electronic, then that framework is there. Then we don't have to go through two more years of, oh, okay, now we've got the data and now we've got the real-time data and now we can go ahead and rewrite all our regulations so that we can be more flexible. This is part I think of the long-term planning. In five years, yes, we should have real-time data in five years and we should be able to have flexible regulations to where things can be adjusted without shutting the fishery down.

MR. MUNDEN: Based on the recommended changes to Number 2, which originally was collect necessary data; as Jim pointed out, as data are available, then it would give us the basis for making these changes. I've heard Roy Crabtree as well as Myra say our data systems do not allow us to do that.

But, again, in the Northeast Region, if it is in the FMP, if the regional administrator is authorized to make in-season changes, then the burden is on that individual to determine whether or not they need to close down a particular fishery.

We saw it all the time when NMFS was calling the shots on black sea bass, as an example, when we had one quota for the whole region before we went to state-by-state. The key, at least from my perspective, is to get it in the FMP, to give that authority to the regional administrator through an amendment or whatever.

DR. MacLAUCHLIN: Eight and nine; these were part of the Wreckfish ITQ, and then they got expanded to kind of encompass the commercial sector. However, I definitely think promotes the stability and facilitate long-range planning applies to the for-hire and private anglers. I think that one; and then Number 9, in terms of the commercial fleet, create market-driven harvest pace and increase product continuity; that all comes into having access to the resource, in general snapper grouper, the snapper grouper species, even if it is not all species all the time, but access to the resource in a stable and consistent way to allow for consistent fishing opportunities and then consistent product available from the commercial fleet.

MR. FEX: I would look at it as that is what we're trying to do already with our trip limits and everything, so we understand that. But also, we can't satisfy the market to keep it year round and still make our trips feasible sometimes; especially with sometimes the fish aren't there. We try to keep the market supplied, but when you're under restrictions under a certain amount of fish, who do you satisfy? Do you make the trips profitable or do you just satisfy the market? I agree with it, but there are some problems.

MR. BOWEN: In terms of promoting stability in the for-hire sector; the overlapping seasons have killed us; you know, open, one thing open, the next one is opening 30 days later. With the motion that was made about the April 1 start date on sea bass; and now vermilion, it looks like they are going to be open year round, maybe we're getting away from it.

I think we're turning the corner; but the step in promoting stability in the for-hire sector is having regulations so that us people that are business owners can make a business plan and stick with it as far as selling trips and not confusing the public on what is open and what is closed and when and how. Maybe we're turning the corner on that; but we need to be able to make a business plan.

MS. MARTIN: I guess I am just sitting here wondering if we are reinventing the wheel by repeating a lot of what is already in the MSA and National Standards. We are sort of rewriting those right now. Should those be the actual objectives that we're trying to do and then go a step beyond that?

DR. MacLAUCHLIN: I definitely have thought about that when it comes to these. Some of these are nonnegotiable as far as the mandate for the council; like the overfishing; ending overfishing and then rebuilding overfished stock, and then some of the other goals in there – and then habitat, I think, and minimize bycatch and things like that.

Minimize bycatch actually was an objective in one of the amendments and then it disappeared after that and I don't know why. My theory is that because it is a national standard so it doesn't need to be a specific goal.

Those are kind of the goals for the council to begin with, and we could take those and then kind of expand them and tailor them to the southeast. I definitely thought that, and I think that is something the council needs to think about, like do you even want to have those in there?

MS. BROUWER: That does remind me – and I think it may have been Ben, I don't know, but somebody at the March meeting did say that. They said, well, we don't really need to include the goals that already the council is mandated to achieve.

MR. ATACK: You might be able to cut this up into two things. One thing might just be to publish these are the things we have to do and we are doing, and these are the items that we want round table discussions on; we want ideas on; things that we want to facilitate at these meetings. I think we need to narrow it down. I don't think you have 15 items and come to these meetings.

I think you need to focus it more on your top five or whatever it is. The facilitators might be able to give some direction on that from what they learned from the Mid-Atlantic as to how many goals do we really need to throw out there at one time. The rest is more of a these are things that we have to do and we are doing and communicate the others, maybe.

MR. JOHNSON: Okay we're moving on to Number 11 now; decrease incentives for overcapitalization.

DR. MacLAUCHLIN: Eleven and twelve actually are from the economic goals of the Wreckfish ITQ; decrease incentives for overcapitalization, more money being put into the fishery that is coming out of the value of the resource. Then Number 12; prevent continual dissipation of returns from fishing through open access was basically saying a limited access program is going to keep those people that are in the fishery, keep those businesses afloat instead of letting everybody in and then everybody's money gets spread out among too many people. Are there any that anybody wants to throw out that should be included or you would like the council to think about?

MR. JOHNSON: Would Number 13 be something that would fall more on the states maybe than the council; I don't know. When you start having the council dictate to a certain region; the law is going to be like this for you here, but not like this for someone else; I would think that would be more of a state issue.

DR. MacLAUCHLIN: I feel like that one, state-by-state quotas kind of fits into that, because a state could manage their quota for that local depletion. I don't know where this one came from exactly.

MR. ATACK: That's true if we went that way. If not, I think the state still should be able to evaluate their local stocks and say we have no red snapper off North Carolina or whatever it is; and therefore if we're going to increase bag limits for red snapper in the South Atlantic, well, maybe off this zone here we shouldn't be doing that to give that section more time to regenerate or recoup or come back and rebuild. That could be in different species. The state would be the ones to know, I would think, that certain areas we might want to make different regulations.

MR. JOHNSON: We're already doing I guess something similar to that with shrimp, right? Don't we close shrimp in certain states when the water gets cold and in other states it doesn't apply?

(Remark made off the record)

MR. ATACK: Well, this is more kind of talking about depletions; so if an area is depleted, should we still allow fishing for that fish in that area I guess or a way to minimize the local depletions. The states should be able to do some type of evaluation. It is really not a stock assessment.

MR. DeBRANGO: Right; but what I'm just saying is like if they're given a quota and there is a known depletion and it is not being met in that area; they can leave the option open to pull from that quota and bring it over here where it is doing better or over there like Red was talking about.

MR. ATACK: Because you're still within your total ACL for the region; and then if it is sectorized out, then you could maybe transfer and not allow that take in that zone to allow it to come back.

DR. MacLAUHLIN: Okay, last thing, the council is going to look over this in June, and we are going to show them what you guys talked about here, all the ideas for the different objectives. Then one thing we were talking about, the working group, which is three council members and four council staff is – and if you would, please, and you can just do it on these if you want, write down a couple of sentences of what your vision would be.

It is what would the fishery look like in 5, 10, 15 years. You can write everybody gets to catch this or year-round fishing or whatever you want; write it down, give it to Myra and myself and we are going to compile those. The council wants to see this. Then I also want to say; well, Robert was saying we can clean this up and send it out to you all, and you can always e-mail Myra.

If you have any additional comments as an AP member that you would want included in this when we present this to the council in June; you can always send in stuff that you think about later. You talk to people and they have some good ideas. You can definitely get in touch with us.

MS. BROUWER: As far as the vision statement; don't feel like you need to be all-encompassing. If you have a vision just for your sector, then that is fine, too. It will be the council's job to try to incorporate everybody's vision into one main one.

MR. CUPKA: I just wanted to take this opportunity to thank each of you on behalf of the council for your attendance and participation in this meeting and for your willingness to share with us your experiences and perspective on a number of snapper grouper issues. We very much appreciate that.

I know sometimes the council ends up in a little different spot maybe than what the AP recommends; but I can tell you that all your recommendations and your discussions are carefully considered in our decisions even though we may not always end up there. Despite what some people think, there are a number of occasions where this council has changed our stand on an issue because of input we've gotten either from the AP or from the public hearing process. Again, I want to thank each of you and wish you a safe trip home.

MR. HARTIG: I would just like to reiterate what David said and thank you guys for coming and giving your great input; it is a great AP. You can see how the council is moving forward by the addition of bringing the AP chairmen to our meetings to answer any questions we have and to give the report at the meeting.

I think that has been very helpful, and I would like that to continue. But a couple things that were brought up here, data a number of times came up from this AP – now I'm cautiously



optimistic. I've been trying to get better data collection for well over 25 years in the southeast with very limited success. However, there is an initiative in NOAA currently. It is a six-year review program, and I'm not going to go into all the things, but the first review – and they are going to review all the science centers throughout the regions.

They are going to review all the data that goes into the assessments. That is the first review. It is a three-day review; the public is invited. It is going to take place at the Southeast Fisheries Science Center in Miami in the first week of June. If you want the dates, I'm not sure of the dates; you could call Amber if you want to take part in it. I am going to try and go.

I think it would be well worthwhile. I think there will be some room for input from the public that attends. Listening to the conversations is going to be critical. That's a review, and it is going to be on a six-year schedule. The next year will be assessments themselves, looking at models and reviewing that.

But at the end of the six years, they go back and start the process all over again. At least now we have a process that we are going to at least review the data that is going in, and hopefully this will make for better data going in the assessments. I've been involved a little bit in talking with the chief NOAA scientist about how this is going to move forward.

Initially the data protocols weren't going to be considered; now they are. There are five different reviewers involved in this process, two of them NOAA, three of them academics, and they are each going to write an individual report. Those weren't going to be available to the public, but now they are, too.

If you don't go to that, there will be a place online where you can bring up all these reviews and then a summary review from all the people who participated in it. I'm, like I say, cautiously optimistic that something will come out of this that we get better data in our assessments. We have to, absolutely.

The second thing I'd like to mention is what Myra talked a little bit about is the MREP process, that Marine Resource Educational Program. I was lucky enough to go through that program about 15 years ago in New England. Even though it was New England species, it was a tremendous learning experience for me.

Now I went to the stock assessment module. There are two different modules; there is a stock assessment and a management module. One focuses on the council and all the things that go in that. The other focuses on stock assessments, and it is an educational program to bring people and make them more familiar with the stock assessment process and to facilitate you to become more comfortable in participating in a higher level in stock assessments.

Now, some of you have gone to our stock assessments and participated in the data workshop. This program allows you to come in at a basic level and learn. You are not going to be a stock assessment scientist when you come out of it. It is done very well. It is at a point where you can understand what is being presented, which it is very well done.

But what it does do is you get the basics, and then as the AP; I mean a number of you have been here for a number of years, and you guys get to see assessments on a regular basis. Each time

you see the assessment it reinforces what you had learned in that program, and then you are able to with time, when you have a stock assessment presentation, you are able to ask questions at a higher level than you were before.

I see great value in all council members and AP in particular and any fishermen who want to come to this to participate in this program. It really is a great thing. I encourage anyone who has interest to do that to get in touch with either Amber or Kim and get a schedule of when those are going to occur. They are going to be occurring on a regular basis; and that is all I have to say.

MR. JOHNSON: Thank you, Ben. Does anybody else have any comments?

MR. FEX: Yes, I just reiterate what Ben said. I was involved with the Steering Committee and he was, too, and I actually attended the stock assessment part in Tampa just a couple weeks ago. It was very educational. I had invited three people, they got accepted, and they came back with a really good education of what goes on.

They realized that the data we do – the port samplers that they used to kick off the dock; they realized they are very important in the stock assessment. Yes, it definitely was a good outreach program. I'm scheduled to be involved with the management part. I almost want to do what Ben said.

I would almost like to step down from that just so somebody else could be educated at that point. As you know, I've been on the AP for a while and I've gone to about every council meeting for the last six year. I've got the management side, but, yes, it definitely was a good outreach idea and the people that got involved were fish dealers and boat owners, good important people of the areas. I think it really did a good job educating them. It was fundamentally easy to understand. I took some things away from it, but I've been involved with scientist stock assessments so a lot of it I already knew, but it is definitely a good outreach idea.

MR. JOHNSON: Are there any further comments? Well, I would like to thank all of you for bearing with me. I really appreciate that and all your input, and we're adjourned.

(Whereupon, the meeting was adjourned on April 25, 2013.)

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

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## **INDEX OF MOTIONS**

PAGE 23: Amendment 19; recommend to the council Alternative 3 as the preferred alternative. Motion carried on Page 23.

PAGE 25: Motion to reconsider the vote on the above motion. Motion was defeated on Page 25.

PAGE 55: Motion that the Snapper Grouper AP opposes Amendment 30 and any requirement for VMS in the snapper grouper fishery; and strongly urges the South Atlantic Fishery Management Council to vote no to the approval of Amendment 30. Motion carried on Page 66.

PAGE 81: Under Action 1, recommend Alternative 1, no action, as the preferred alternative. Motion carried on Page 82.

PAGE 83: Under Action 2, AP recommends Alternative 3; specify a minimum size limit of gray triggerfish at 12 inch fork length in federal waters off North Carolina, South Carolina, Georgia and Florida. Motion carried on Page 83.

PAGE 83: Under Action 3, motion to select Alternative 3. Motion carried on Page 84.

PAGE 84: Under Action 4, motion to select Alternative 3; begin the sea bass fishing year April 1. Motion carried on Page 86.

PAGE 88: Under Action 5, motion that the AP prefers Alternative 3 as their preferred option. Motion carried on Page 92.

PAGE 97: Under Action 6, motion to go with Alternative 1 as a preferred alternative. Motion carried on Page 97.

PAGE 104: Under Action 7, motion for Alternative 1, no action, as the preferred. Motion carried on Page 104.

PAGE 104: Under Action 7; motion to select Subalternative 2A, to increase three to four and add two gags. as a preferred. Motion was defeated on Page 104.

PAGE 105: Under Action 7; motion that the council considers leaving the bag limits of grouper status quo and instead of having a four-month closure on grouper, go with a three-month closure, and so the fishing date for grouper would start April 1, but leave the bag limits status quo. Motion was defeated on Page 108.

PAGE 109: Under Action 8; motion to select Alternative 2 as the preferred. Motion carried on Page 109.

PAGE 110: Under Action 9; motion to select Alternative 2 as the preferred. Motion carried on Page 110.

PAGE 111: Under Action 9; motion to reconsider the above motion. Motion carried on Page 111.

PAGE 112: Under Action 9, motion to select Alternative 3 as the preferred. Motion carried in Page 113.

PAGE 114: Under Action 9, substitute motion to select Alternative 4 as the preferred. Motion carried in Page 114.

PAGE 131: Motion to have the allocation for snowy grouper adjusted to 90 percent commercial and 10 percent recreational, with a one snowy per person bag limit assigned to that. Motion carried on Page 135.

PAGE 135: Motion to request that the council explore a snapper grouper stamp endorsement for the private recreational sector to provide data that each state could use to improve private recreational catch monitoring. Motion carried on Page 136.

PAGE 137: Motion that council consider using SAFIS in the South Atlantic. Motion carried on Page 137.

PAGE 137: Motion that the council would consider a moratorium on all snapper grouper permits in the South Atlantic; amended to where it imitates the moratorium for the for-hire vessels in the Gulf of Mexico. Motion carried on Page 138.

PAGE 138: Motion to allow the snapper grouper unlimited permits to be transferable one for one. Motion was defeated on Page 139.

PAGE 139: Motion that the council look at doing a permit cleanup like what was done in 1998. Motion carried on Page 146.

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(Continued on next page)

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# PLEASE SIGN IN

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

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### Snapper Grouper Advisory Panel Meeting

April 23, 2013

N. Charleston, SC 29405

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April 25, 2013

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