

**SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**  
**SNAPPER GROUPER ADVISORY PANEL**

**Renaissance Orlando Hotel Airport**  
**Orlando, FL**

**June 11, 2008**

**SUMMARY MINUTES**

**Snapper Grouper AP:**

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Steve Amick  
Robert Cardin  
Don DeMaria  
Jim Gray  
Bill Kelly  
Scott Osborne  
Scott Zimmerman  
Gregory DeBrango

Charlie Phillips, Vice-Chair  
Tom Burgess  
Phil Conklin  
Terrell Gould, Jr.  
Danny Hooks  
Dan Kipnis  
Bo Stokes, Jr.  
Jeff Oden  
Micah LaRoche

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David Cupka  
Tony Iarocci  
John Wallace

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Lt. Brian Sullivan

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Stephen Holiman  
Frank Helies  
Daniel Parshley  
Beth Curry  
Kate Michie  
Jason Marlow  
Richard Stiglitz  
Eileen Dougherty  
Michael Jepson  
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Snapper Grouper Advisory Panel  
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Dr. Jack McGovern  
Bruce Irwin  
Kay Williams

Dr. Jim Waters  
Dan Whittle

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The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council convened in the Normandy Room of the Renaissance Orlando Hotel Airport, Orlando, Florida, Wednesday morning, June 11, 2008, and was called to order at 8:00 o'clock a.m. by Chairman Mark Marhefka.

Mr. Marhefka: I'd like to go ahead and get started. First we need to go and do a mike and name recognition. We're going to start with Scott Zimmerman.

Mr. Zimmerman: Scott Zimmerman, Florida Keys Commercial Fishermen's Association.

Mr. Osborne: Scott Osborne, Stuart commercial fisherman.

Mr. DeBrango: Greg DeBrango, wreckfish sub-panel, 100 Fathom Fishing Club, spearboard, commercial and recreational.

Mr. LaRoche: Micah LaRoche, South Carolina Seafood Alliance.

Mr. Stokes: Bo Stokes, Georgetown, South Carolina, fisherman.

Mr. Kipnis: Dan Kipnis.

Mr. Kelly: Good morning. Bill Kelly with the Islamorada Charterboat Association and the South Atlantic Charterboat Association.

Mr. Oden: Jeff Oden, commercial, Northern North Carolina.

Mr. Hooks: Danny Hooks, Monkey Junction, North Carolina, full-time commercial fisherman.

Mr. Phillips: Charlie Phillips, Georgia.

Mr. Marhefka: Mark Marhefka, South Carolina commercial fisherman.

Mr. DeVictor: Rick DeVictor, council staff.

Mr. Burgess: Tom Burgess, North Carolina.

Mr. Amick: Steve Amick, charter/headboat, Savannah, Georgia.

Mr. Cardin: Robert Cardin, full-time professional fisherman.

Mr. Conklin: Phil Conklin, hotel/retail, commercial, South Carolina.

Mr. DeMaria: Don DeMaria, disgruntled commercial fisherman, Florida.

Mr. Gould: Terrell Gould, Carolina Headboats, North Carolina snapper grouper.

Mr. Gray: Jim Gray, recreational, Florida.

Dr. Holiman: Stephen Holiman, NMFS Southeast Regional Office.

Mr. Marhefka: All right, thanks, guys. First of all, I want to thank everybody for being here. I know this is a very trying time right now for us in this fishery, but I really do appreciate your participation. Hopefully, we can sway some folks to help us on rebuilding these stocks. Anyway, the first bullet on the agenda here is approval of the agenda. Is there any objection to the agenda? Seeing none, the agenda is approved.

The approval of the minutes; is there any objection to the approval of the minutes? Seeing none, we're going to move on. Rick is going to go and give us – what I would like to go and do, and you guys can express what you think if we can go and sort of step this up a little bit better here. Rick is going to go and give us each amendment that we're going through.

What we need to go and do is at 1:30 we're going to go over to the committee meeting, and we're going to go and present them with – you know, we're going to sit in their committee, SEDAR meeting or whatever it is they're doing over there. They're going to ask our recommendations. What we want to go and do is put our motions and our options within the motions on each one of these amendments.

Rick is going to go and print that out on paper form and hand that to the council members once we get over there. That way they'll have it in front of them; and that way, if they ask us, we're not going to waffle one way or the other. So whatever we go and we pass as a motion or an option to those motions, then it's on there and it's on paper and they can go and look at it. Whatever happens right now is what they're going to go and hear later.

I guess at this time we're going to go and – I'm going to go and step down at this time from the chair. I'm going to pass it on to Charlie at this time so I can go and sort of sit in on some of the motion-making. At this time I'm going to let Charlie go and take over and we're going to go and let Rick go and start working down these amendments and get these motions and our recommendations to the council at this time. Thank you.

Mr. DeVactor: Okay, thanks, Mark. We're first going to start off with Amendment 15B. There are a handful of actions in that amendment, and this group reviewed that amendment when you last met in September of 2007 in Myrtle Beach. We got recommendations from you at that time. What we're going to do today is just concentrate on one action, but I can certainly go through all of them if you'd like me to.

This action would prohibit sales of fish caught under the recreational bag limit. I'm sure you've all heard a lot about this action. What happened was the council was scheduled to approve this amendment and these actions to submit to the Secretary of Commerce and NOAA in March of 2008 when they last met. However, during the public comment period, it was brought to the

attention of the council and the National Marine Fisheries Service that the economic and social analysis was not complete.

Mainly, the state trip ticket data wasn't looked at in a thorough manner. That's why we have Dr. Holiman here today, who was the primary author on this section, to give us a presentation on these updated impacts that have been outlined. What happened was they were updated in the document. A supplemental environmental impact statement was done and published, and it had a 45-day comment period, which ended June 9<sup>th</sup>, so two days ago.

The council is going to get the same presentation that you will get here from Dr. Holiman. They're going to review this action, and they're on schedule to submit to the Secretary of Commerce this week. Those are my introductory remarks, and I think it would be good to have Dr. Holiman give his presentation at this time.

Dr. Holiman: A little bit more introduction on part of the motivation of how this came about; the original language associated with this action was written strictly within the context of recreational bag limit sales. All of us and I think most of you would probably agree none of the existing data bases, either federal or state, really are capable of giving or allowing you to determine with any sort of clarity the magnitude of bag limit sales of a purely recreational origin.

So the analysis that was originally provided, although we had some quantitative analysis drawn from the federal logbook program, the bulk of the analysis was qualitative because, again, from that perspective, from that narrow perspective, the data bases didn't support much of a quantitative analysis.

Once it was clarified that the action encompassed bag limit sales regardless of whether they were from a recreational or a commercial origin, it was recognized that some of the available data would allow a more quantitative assessment of that, and specifically the state trip ticket data, and so that motivated us to revisit it from an impact assessment, quantitative perspective. That's kind of how we got to where we are today.

Now, as Rick indicated, I'm the primary author of this section, but I'm not the chief bottle washer when it comes to the data analysis. Because we relied upon the state trip data, we went to the states themselves and sought their help from their analysts, who actually get into their data base to evaluate this action. I want to pay special recognition to – and I think some of you probably are familiar with some of these individuals and you'll recognize the names.

For the North Carolina data, Allan Bianchi did the analysis; for South Carolina, Robert Wiggers; for Georgia, Julie Kaliff did the analysis. Now for the Florida data we primarily did that in-house with one of my staff John Vondruska, but we got some assistance from Chad Hanson in Florida. Again, I want to give them kudos for the great work that they did for this analysis.

All right, the methodology and assumptions for this analysis, we utilized state trip ticket data from 2004 through 2006. At the time we did the analysis the 2007 data was not available, so we limited it to these three years' worth of data. First what we did is we identified all vessels that

sold snapper grouper within the state trip ticket system, and we tabulated all harvest, all snapper grouper harvest by these vessels in these three years, as well as all harvest of all other species that they harvested and sold on those trips and any other trips that those vessels took during the course of those years.

Mr. Marhefka: Dr. Holiman, if we could let Mac Currin step in just for one minute, please.

Mr. Currin: Thank you, and Steve I apologize for interrupting, and I apologize for not being here this morning when you guys started out. I just wanted to say good morning to you and welcome you and wish you well with your consideration and deliberations today and thank you very much for your attention and attendance at the Snapper Grouper AP and look forward to seeing you later on.

Dr. Holiman: Okay, to continue; again, we used the 2004 through 2006 state trip ticket data, and we grabbed all records for all vessels that sold even a single pound of snapper grouper during those three calendar years or fishing years. The data was analyzed by permit type, and here we broke it down into three different permit types; those vessels that have these federal commercial snapper grouper permits; those vessels that had these federal for-hire snapper grouper permits; and the third permit type category, if you will, are vessels that did not have either one of those permits.

We basically had three permit types of categories, two federal permits categories and one non-federal permit category. Now, as you are aware, some vessels have both the federal commercial permit and the federal for-hire permit. For those vessels, we lumped their activity into the commercial permit category on the presumption that if you have both permits and if the action goes forward as proposed that would require the commercial permits, those activities would largely continue because when it comes to the dockside the deal would say, "Can I see your commercial permit", and they would show the commercial permit.

We included those harvests within the commercial category. The data were analyzed by water body type, and it was basically two different types; fish originating from the EEZ and fish originating from state waters. They were evaluated by species type, which was basically all snapper grouper harvests versus harvests of all other species; and by dealer type. This was dealers that had the federal dealer's permit versus dealers that did not have the federal permit. They only had the state dealer's permit.

As I said, to reiterate, we evaluated all snapper grouper sales as well as all sales of all other species. Caveats to the analysis; as part of the analysis the presumption was that any snapper grouper sales associated with a vessel that did not have the federal commercial snapper grouper permit fell into that bag limit sales category.

So as such, we did not look at the actual quantities that were marketed on the individual trips to attempt to evaluate whether in fact they constituted a bag limit quantity or not. This aggregation was simply based upon what permit category they fell into. For the analysis, obviously, in order

to conduct the analysis, we had to match vessel IDs; the IDs associated with those that had the various permit types with the vessel IDs and the state trip ticket systems.

Our presumption was that it was largely a successful exercise, but obviously any degree of vessel ID-matching problems would cause that vessel's records to fall into the non-federal category or into the bag limit category and stuff. To the extent that there were data errors that were unidentifiable, that might result in an overestimation of the magnitude of snapper grouper sales that fell into the bag limit category. We also had dealer matching issues. For fishermen, as you are aware, there is a unique vessel ID that's associated with your permit as well as with your trip tickets.

No such unique identifier exists within the dealer data base. What you're reduced to doing is basically doing a visual comparison of names of the businesses, of the owners of the facility, the title on the business, et cetera, et cetera. We had some significant – because of this absence of a unique identifier and the fact that we were forced to do a visual inspection of names, we had some particular problems here, and I'll comment on this a little bit further once we get into some of the results on how this affected the results.

The final caveat is the analysis was limited to records within the trip ticket system, so obviously any snapper grouper sales activity that occurred outside the state trip ticket system; or, if you will, illegal sales cannot be – was not captured and cannot capture it by this analysis. This analysis won't capture that; and, obviously, in the future any change in behavior to the extent to which sales are recorded through the trip ticket system or not will not be captured by this analysis.

The results – and, first, before I get into this, I need to point out that I think each of you, to the extent that you have a copy of the briefing book, some of these numbers that you're going to see today are slightly different than what is included in your briefing book copy. In the original version of the presentation and the analysis included in the SDEIS, we weren't able to fully reveal all the numbers.

We had some confidentiality issues and stuff so all the numbers weren't worked out. Once we finally got that worked out, it resulted in a slight change in some of these numbers, and I'll point out differences where I can recall them. I also need to point out that because of confidentiality issues, the results for North Carolina and South Carolina were combined, and the results for Georgia and Florida were combined.

Now, the results of the analysis were that approximately 16 percent of the average annual snapper grouper sales in terms of revenues fell into that bag limit category. There was approximately 1.4 million pounds valued at approximately \$2.4 million that fell into that bag limit category.

By the different categories, the for-hire sector accounted for approximately \$300,000. This is average annual over that three-year period, approximately \$300,000 of that. The category of vessels for which no federal permit could be identified, this is approximately \$2 million. The

for-hire amount equated to approximately 17 percent of the average annual fish sales per for-hire vessel. I believe this was 19 percent in the preliminary analysis, but 17 percent of the total fish sales associated with those vessels for snapper grouper.

For the third category of vessels, those vessels for which no federal permit could be identified, this \$2 million equated to about 7 percent of the average annual fish sales per vessel. Now, within these totals, approximately 70 percent of these bag limit sales were accounted for by vessels in Florida and Georgia. I believe the preliminary analysis had this to be about 75 percent, but the bulk of it came from Florida and Georgia.

Now, within these results we also had to examine – because you recognize the extent of the federal authority is for fish harvested from the EEZ, and the landside extent of the authority is for fish market through federal dealers. So, we had to examine – so absent state compatible regulations you had to examine what portion of this \$2.4 might leak, if you will, due to non-compatible regulations.

Within the results, approximately 9 percent of the bag limit sales were of fish originating from state waters as recorded in the trip tickets. As regards fish sold through federal versus non-federal dealers, approximately 21 to 35 percent of the bag limit sales were sold to non-federal dealers. Now, here is where the dealer matching issue came into effect. The ranges generated – the matching was a particular problem for Florida dealers.

The range that is generated here comes from if we take the federal versus non-federal breakout for North Carolina and South Carolina and apply that region-wide, it results in a lower figure of 21 percent. If we use the Florida results as they came out, which was a fairly high non-matching sort of issue, you get the higher number there. So rather than use a single number, we went ahead and presented it as a range.

So, again, the lower range represents the North Carolina/South Carolina federal dealer versus non-dealer breakout applied region-wide, and the higher number uses the results as they actually worked out originally. So, using this 9 percent state water figure and the 21 to 35 percent non-federal dealer figure, if no compatible regulations – obviously, if you get compatible regulations by all states, then the expected reduction of revenues associated with bag limit sales to those fishermen that engage in that practice would be the full \$2.4 million.

If there are no compatible regulations in any of the states, you utilize this 9 percent and this 21 to 35 percent figure, and you get the following reductions. The result would be that the total value of the bag limit sales would be approximately \$1.4 to \$1.7 million, and you can see the various breakouts there for the for-hire sector and for the non-federal sector. So you reduce it from \$2.4 million down to approximately \$1.4 to \$1.7 million with no compatible regulations.

Now, over these three years within the state trip ticket data, we identified an average of 717 entities per year that sold snapper grouper under the federal commercial permits. To put that in some context over that period of time, there were an average of 927 vessels that were permitted

to actually participate in that fishery; so out of 927 we actually found recorded harvest for 717 of these vessels.

Within the federal for-hire fleet, there was an average of 159 vessels per year with recorded snapper grouper sales. Now, during that same period of time, there was an average of 1,342 vessels permitted to operate in that federal for-hire snapper grouper fishery. Now, recall again, though, that those vessels that have both permits are going to be included in that first number. Now, for the vessels that could not be associated with either of the federal permits, there was an average of 1,439 entities with recorded snapper grouper sales, presumably bag limit sales.

So from here you can see the bag limit sales category would include that 1,439 as well as the 159. That's about 1,600 vessels, so over this period of time, on an average per year there were over twice as many vessels engaged in selling bag limit quantities of fish as there were operating in the federal commercial snapper grouper fishery.

This is a slide that is not probably in your briefing book. What I've discussed previously is, well, okay, this is what would be taken away from those entities that engage in bag limit sales if the action goes forward as proposed. Now, as discussed in the amendment, in addition to the data integrity issues – and those data integrity issues is the issue of double counting and effect that would have on stock assessments and subsequent management measures.

And in addition to the enforcement issues discussed in the amendment, part of the motivation for this action is in fact to attempt to mitigate some of the adverse impacts that have occurred on the federal commercial snapper grouper fisheries as a result of Snapper Grouper 13C, measures that are proposed in the current Snapper Grouper 16 and future actions and stuff. So, basically, part of the motivation here is the transference of these revenues from those engaged in bag limit sales to the federal commercial fleet.

So the presumption is that by eliminating these bag limit sales you will increase the revenues that are available to the federal fleet. On the surface the presumption is that this \$2.4 million as reduced possibly by non-compatible state regulations, these revenues will be transferred to the federal fleet. Now we point out in the analysis, though, in the discussion, however, that transfer may not be complete. There not be a hundred percent transfer of that.

One of the reasons for that is that although there are a number of species that are subject to quota closure and in the future there is an expectation that more of them will be subject to such, much of this distribution of harvest to the different permit categories may be circumstantial and related more to where people fish or how they fish and when they fish rather than due to management, per se, so the federal fleet currently precluded from the harvesting decision may not be due to quota closure. It just be due to circumstantial sort of conditions and stuff.

So as such although these fish would now be available to the federal fleet, in order to actually harvest these fish it may require a change in where they fish, when they fish and how they fish in order to go after these fish. So that would be a business decision up to the individual fishing entity and stuff, and so not all these fish that are currently traditionally harvested under the bag

limit quantities may in fact be harvested by the commercial sector. The magnitude of that can't be evaluated.

Additionally, there may be some distributional effects due to this transference. To the extent that the transference does occur, the presumption is that largely the major centers of activity in the sense of where the fish are being landed at the dockside, what communities they're going through, what dealers they're going through, et cetera, are largely going to be the same for both the federal fleet and the non-federal fleet.

But, obviously, there probably will be some changes in that. I mean, the same dealer that currently purchases bag limit quantities from one entity won't necessarily get those same fish if harvested by somebody under the federal permit and stuff, so you may have some distributional affects as well. But, again, largely as a whole the expectation is that the same communities where the federal fleet operates is largely going to be the same communities where the current bag limit sales are occurring as well.

So, it's not quantitative, but there is additional discussion within the document with regards to the for-hire sector and potential effects on this sector, and this relates to the fact that to the extent that bag limit sales are used as a form of crew payment and as a tool to reduce the charter fee, this action may have some unquantifiable effects on those charter businesses. It may result in – obviously, if you can't pay your crew with revenues associated with the fish, then some sort of crew payment relationship or change is going to have to be made.

It could result in fewer numbers of crew being used on the vessels. There may be some effects on the fee that's charged in order to charter the trip, et cetera. We qualitatively discussed that in the document, but it's one of those things that it's, I would say, virtually impossible to get your arms around from a quantitative perspective to what extent that might actually occur, but we do acknowledge the possibility of that. Obviously, if the charter fees go up there would be an expected potential decrease in demand for the service, et cetera, and stuff, but we do discuss that as well. That's it; are there any questions?

Mr. DeBrango: Why is that we're grouping Florida and Georgia because, to me, this basically affects Florida? Once you get north of, say, Ponce Inlet and all those areas, you have a long travel to go to your fishing grounds. Was there any geographic studies where this amendment right here is going to affect the most, say, of South Florida where pretty much all fishing is done for the grouper and snapper species inside the three-mile limit?

Dr. Holiman: The Florida/Georgia combination was due primarily to Georgia issues. Georgia has two dealers, and the rule of confidentiality is if you've got fewer than three, then you can't report those results. We had to add Georgia somewhere. There were similar concerns, although not to the same magnitude, for South Carolina, so it made sense to go ahead and parse it that way.

There was no effort to break up Florida into North Florida, Middle Florida, South Florida sort of thing. You have to recognize that although the trip ticket data is really good data the analysis

that was conducted here really pushed the envelope for breaking this out into the degree that it was.

I was working with people, and even though they had extensive experience with their state trip ticket data, the depth of this analysis was something that none of them had ever attempted before. We really did some remarkable results for this right here. To break it down regionally or sub-regionally, like you suggested, is probably a little bit beyond the capabilities of this to be conducted.

Mr. DeBrango: Well, can more emphasis be put on the dealers in reporting because that seems to be where a lot of the problems seem to come from with this? This license right here in the state of Florida, the restricted species license, is a commercial license. You have to qualify for this. You had to be a commercial fisherman. The for-hire vessels, even they call them charter, they're still commercial because they make their living, they get all their income from the ocean. They do have people out there.

Like you said, with the added fuel cost right now, I've had to raise my charter rates simply because of the fuel cost, so I'm seeing a decline in demand. We're going out there, and, yes, snapper and grouper is a bycatch. Well, with these state licenses we need to report – maybe we need to see some kind of a state logbook. We need to see the dealer's report on an individual basis. I mean, it's going to be a lot more paperwork for them, but this provides a lot of money into the Florida economy.

Right now the Florida economy is struggling. If we take this license away from more people, we're just killing more people. This group of people is selling recreational bag limits. I don't know why they call it recreational, because these guys aren't recreational. Ninety percent of them are commercial, and you're not going to stop the recreational guys going to a little restaurant selling their grouper and snapper there, anyway, with this.

This is just going to hurt the legal people. With the Florida economy the way it is, this is just another license that we're getting rid of. Just like the 225s, it's going to affect South Florida greatly. The guys who go out there three miles – I mean, you're still going to have recreational bag limit sales no matter what you do here because law enforcement can never keep up with this. I mean, I think we really need to revisit this, look at what is happening with the dealers.

We need more reporting from the dealers. We need to see how this is going to affect – like I say, with a state like the state of Florida, the FWC, which I qualified for my RSBP license – we need to see more of a breakdown to really find out how this is going to hurt us.

Mr. Kelly: I'd like to clarify a couple of things here. When we're talking recreational, it's often referred to as recreational bag limit sales, in reality it is not recreational anglers. I believe SDEIS points out that this targets almost exclusively the for-hire or charter/headboat industry. It states in fact most bag limit sales are believed to be made by for-hire captains and crews; is that correct?

Dr. Holiman: The context of that statement is most bag limit sales from the recreational sector are believed to come from the for-hire captain and crew; not bag limit sales in general. Again, as you stated, it was recognized that there is a commercial component that's a hundred percent commercial activity. It's of recreational origin, and they're limited to bag limit quantities.

Mr. Kelly: Right, but this is probably not mom-and-pop selling fish to fill their gas tanks; right?

Dr. Holiman: The expectation is correct, that is –

Mr. Kelly: Okay, good. And, it's also true that a part of that 1,600-plus vessels is commercial fishermen operating under state licenses; is that correct?

Dr. Holiman: Everybody in here has some sort of state license that would allow them to sell.

Mr. Kelly: Right, so if we eliminate bag limit sales here, we're taking away almost exclusively from the charter/headboat sector; correct?

Dr. Holiman: I don't think we can say that because, again, a sizable portion particularly in North Carolina the claim was that it was – again, we organized these results into the federal commercial fleet, the federal for-hire fleet and everybody else. Now within "everybody else", that would be comprised of entities that are purely commercial as well as for-hire vessels that do not have the federal permit, as well as mom and pop that are just fishing every other Sunday, but somehow have qualified for the respective state permits and stuff.

Mr. Kelly: Right, but mom and pops are probably a very insignificant number in the total; right?

Dr. Holiman: Most likely.

Mr. Kelly: And, although there are some differences between North Carolina and Florida, the impact, for example, in Florida where there are a much greater number of charterboats, that impact would be primarily on the charter/headboat industry; is that correct?

Dr. Holiman: That may be a reasonable presumption.

Mr. Kelly: Okay. The importance here, gentlemen, as we get into some discussions here and ultimately address this bag limit commercial sales, is that even the Reauthorized Magnuson-Stevens Act only distinguishes between recreational and commercial. Anyone that's familiar with this – I'm sure most everyone in this room is – that over the past several months we have been trying in earnest, and actually for a number of years here, to get the charter/headboat industry recognized as a for-hire operation, which it is.

So maybe we're a blend of commercial or recreational, however you want to look at it, but the Science and Statistical Committee and the Allocation Committee have both agreed in meetings earlier this week to recognize the charter/headboat industry as being distinct. I think that's going to be very important as this conversation progresses and we discuss annual catch limits and if we

entertain an idea to approve or support bag limit sales for the charter/headboat or for-hire industry, that we know where those numbers are coming from.

The biggest question that everyone in this room is going to pose to be answered is where will that quota come from and is it coming from the commercial sector? So, the answer to that is not, but we will address that as we get deeper into this conversation. Thank you.

Mr. Odom: Can I comment on it, Bill? Anyway, being from North Carolina, you know, in the last – since we got two for one in 1998, in my state they went from – in 1999 from 138 charter/headboat entities in our state to – as of 2006 it's 284. I've got a photo in my bag here. The photo I'll show you is a captain who is 20 years old. I mean, I was fishing ten years before he was born out there.

He has started a business now, and he's catching 40 or 50 pound snowies, and I'm sitting at the dock. I mean, do you see where I'm coming from with that? I don't mean to impact the charter/headboat in any way, but by the same token I don't want to sit at the dock while they're fishing.

Mr. Kelly: If I can respond to that point, Jeff, we've had some prior conversations about this. There is a great deal of inequity in that. But, as we talk about bag limit commercial sales and gag grouper, as you know, I've already said that Florida is willing to redraw that dividing line and accept a much greater closure in the southern portions of the fishery than you guys should have to endure up to the north where it's much more robust.

At our last meeting we, in fact – and I made the motion that we draw a dividing line on gag grouper at the Miami-Dade County line, northward and southward, so that we would not have to be in the position of voting against you guys time and time again. The fishery is much, much different. We're in a tropical fishery zone down in Florida, and you are not. So, it pains me to see you sitting at the dock because of those kinds of restrictions. We want to change those things here this morning with our recommendations to the council, but that shouldn't be an indictment against your brothers in the for-hire business that need to earn a living.

Mr. Hooks: To kind of continue what Jeff was saying – and I have another point, too – just this past week on the radio out there – there is no commercial fisherman going to the Snowy Wreck off of our coast anymore. It's not feasible to go that far, but everyday you hear the charterboats or the recreational boats that are offshore on the break tuna fishing or marlin fishing, "Well, while I'm here, I'm going to run on out here and get my bag limit of snowies and then run on home."

There're the only ones now that have access to this wreck. They're the only ones that are even going to it. No commercial fishermen are going to it because at the present status of the snowies, it's not feasible financially, with the fuel the way it's, to even go, so that has turned into a completely – it went from a commercial fishery to now a completely recreational fishery in our state of North Carolina. The second thing, you said 17 percent of all snapper grouper sales were bag limit?

Dr. Holiman: The 17 percent figure refers to – again, we evaluated by permit category the volume and value of snapper grouper revenues as well as revenues from all other species. Within the for-hire sector, 17 percent of the fish sales by those vessels – this is the federal for-hire sector, exclusively – 17 percent of their total fish sales were snapper grouper, so that means 83 percent were mackerels –

Mr. Hooks: Well, at our dock our fish house has quit buying fish from charterboats. They're not taken care of properly, they're not iced properly, and they all have holes in them, and they bring down the quality of the rest of the fish that are in the fish market, mainly mine. At some point we have to realize that – you have to understand the words “recreational fishing”.

It is meant for fun and not for making money. That's the reason that it's there. There is a reason there is a difference in commercial fishing and recreational fishing. In the state that commercial fishing is in right at this time and we keep losing species, I do not see how we can continue to have any form of recreational sale and be able to survive.

Mr. Gould: I've got to agree with what Danny says a whole lot there, but what I'm seeing is a big recipe to drive an underground for-sale fisheries. A lot of the boats there off of North Carolina, the little boats – I run a headboat and I pass anywhere from three to twelve a day out there in their Danzies, their contenders and whatnot, electric reels. They're not out there to have fun. They're out there to pay the payment on the boat through the sale of their recreationally caught fish, if they're even keeping with the bag limit.

These people don't have to sell to the dealers that you're basing your data on dealer sales and whatnot. There is a pretty thriving industry or sub-industry, whatever you want to call it, of people that go out and catches what they want, comes in and sells it to friends, sells it to co-workers. I don't see any kind of provision here in anything that we're doing to take these people out of the loop. I see it everyday. Everyday we go out I see it.

I was just wondering if there was any kind of enforcement proposal to enhance monitoring of the vessels or what not. What is the South Atlantic Fishery Management Council going to do to get these people in the loop or out of the loop so that their fish can be counted and allowed for in the future deliberations?

Dr. Holiman: It's arguably outside my realm of specialty here and maybe Rick might talk on that, but we do have some discussion with the analysis and say, you know, there is a potential – again, as I said originally, the current analysis captures none of these off-market sales and stuff.

There is discussion in the analysis that in response to this measure it envisions the possibility of these black market sales increasing as well as decreasing; obviously in response to some of the pressures and phenomena that you're discussing, potentially decreasing if in fact people are more sensitive and more aware and more willing to perhaps make a phone call when they see something happening. Obviously, there is an enforcement issue here and that's something for

both the council and the agency to consider, but, again, the magnitude of these phenomena is something that's outside the capability of this analysis to actually capture.

Mr. Phillips: Okay, we'll carry this on, but we want to go ahead and get these provisions up here and then we'll keep talking about it as we go through the provisions.

Mr. DeVictor: Okay this in the Amendment 15B document and it's on Page 4-19, but I have it on the screen if you want to follow along. Currently the no action alternative, which is currently what is in place now, would allow species in the snapper grouper management unit taken from the South Atlantic EEZ up to the allowed bag limit to be sold to a licensed dealer if the seller possesses a state license to sell fish.

Alternative 2 is the council's current preferred alternative, and this would require a federal commercial permit for the South Atlantic snapper grouper in order to sell any amount of fish. Again, that's currently the council's preferred alternative. Then Alternative 3 would require a federal charter/headboat snapper grouper permit or federal commercial snapper grouper permit to sell snapper grouper species from the South Atlantic EEZ up to the bag limit of snapper grouper species. I encourage you all, if you have a recommendation for the council, to make a motion on this if you have an opinion.

Mr. Marhefka: Bill, is there any thought of a motion that you would like to go and put up on the board here for your folks in South Florida here; and if so, we need to go and move on with this. We're spent 45 minutes on this one particular one already.

Mr. Kelly: Well, our options, as I see it, we must pick from the –

Mr. Marhefka: We can go and give a motion – and I want everybody to understand what we go and we give as motions and alternatives are going to put down on paper and handed to the committee after 1:30. That way, when we go and sit in with the committee at 1:30, they'll be able to understand where we are in paper form in front of them, so there is nothing that is missed. We need to go and sort of move along here. We've hashed over this in September. We need to go and let's get moving here.

Mr. Kelly: Well, I would suggest that we look at it from two standpoints. One would be that we unanimously endorse Alternative 3 that would provide for bag limit sales by the for-hire fleet – we're not talking recreational – the for-hire industry provided they have federal snapper grouper permits.

The other one is down the road here, since the SSC and the Allocation Committee have agreed to annual catch limits for the for-hire industry, that the council recognize the bag limit sales as a historical practice by the for-hire industry and that they provide permits and regulations for its continuance. I don't know how we address that. **I want to address both, so I would imagine I would entertain a motion that the AP endorse Alternative 3 and also provide for the continuance of bag limit sales by developing the necessary permits to allow for its continuance under proposed ACLs.**

Mr. Phillips: Bill, to carry this a little further just so I'm clear, if you're wanting to make a motion for the sale of charterboat/headboat, where do you want those fish counted? Do you want them under commercial, do you want them under a separate charterboat/headboat allocation, or do you want them charged to recreational?

Mr. Kelly: No, I am not for recreational sale of fish. I am for the established practice of for-hire – also, meaning charter/headboat – continued bag limit sales, and I want them charged to an ACL that the council has agreed to provide for the industry.

Mr. Phillips: No, my question was the charter/headboat sales, what category of the allocation that we're going to have; are you suggesting that be under – as far as your motion, do you want it under a commercial; do you want a separate allocation for the headboats, and this is what they can catch and sell; or do you want what they sell to get charged against the recreational when we have the final allocation? That's what I'm asking.

Mr. Kelly: All right, the final allocation, as I have seen and discussed it with other council members, is the catch limit afforded to the for-hire industry, that those sales would be charged to that allocation.

Mr. Marhefka: Unfortunately, in the Magnuson, the way it's written is that anything that is sold is considered commercial. So what our recommendation to the committee is, that we need to go and sort of push that there needs to be a separation here. Because, what I'm sort of hearing around the table is that we don't want these for-hire and recreational sales to go towards the commercial ACLs or the commercial TAC.

We want it to go and be applied to the recreational, but unfortunately the way the law is written it's written that all sales – anything that is sold is considered commercial, so something needs to be changed there. How that happens, I don't know. I mean, it's not going to happen in this room, so how do we go and make a motion to do this? The implication of your motion is that our commercial TAC and allocation is going to go and be chopped down because of somebody who is getting paid to go and catch these fish.

Mr. Kelly: Well, we say chopped down, but what we're doing is – the reason that the commercial number is what it is, is because all of the sales of both charter or for-hire and recreational have all been counted against your number, so are you losing anything? You're not losing anything. It is going to – it's just being recognized as being caught by the for-hire sector.

Mr. Conklin: I'm totally against the sale of recreational fish. I'm a wholesale dealer, and I'm permitted to buy recreationally caught bag limit fish. I quit buying them. The reason is I buy fish to resell them. If somebody comes in with their bag limit of dolphin and they sell it to a restaurant, I'm in the business of selling fish to restaurants. These restaurants are buying up fish that I would be selling. I'm just totally against it; just do away with it completely. I think we should go with the preferred alternative.

Mr. Kelly: If I can respond to that point, I mean, we're bringing up issues that are illegal sales. I mean, we're not advocating that whatsoever. We're talking about North Carolina charterboats that don't take care of their fish. In Florida it's a different story. You're talking about for-hire boats that are selling through back doors of restaurants. We're not doing that. I mean, you're going to find a scofflaw.

You're going to find one in the commercial industry, but as a rule that isn't the case. In Florida the for-hire sector provides quality fish that have been properly taken care of and constitute a large part of the sales that take place in Florida. It may be different in North Carolina and Georgia and South Carolina, but it's a different issue for us. We are not talking recreational sales here.

I'm against recreational sales, but as was pointed out this is not mom and pop filling their gas tanks. This is for-hire businessmen that operate with commercial permits and licenses that want to continue a decades-old tradition of selling fish. It originated with the commercial industry when the first commercial boat took a cash-paying customer and said, "Well, I'll take you along so you can catch some fish, but I get to keep the fish." That's how it all started 30, 40 or 50 years ago.

Mr. Phillips: Okay, let's see if we've got a second and then we'll continue the discussion. Greg seconded.

Mr. DeBrango: I'll second it, but also on there, like you said, it's going to be sticky as far as where to put this allocation. It has to come out of the commercial. Now, these numbers, when they did like the MRFSS surveys and all that, they weren't in the commercial sector. By putting this into the commercial allocation, it's going to change a lot of numbers because the effects are going to raise the amount of commercial fishermen. It's going to be a real weird thing here.

In the state of Florida you've got a lot – I hate calling it recreational bag limit sales. You know, you've got a guy with RF species license that's a commercial fisherman that goes out everyday. He goes out there, he's catching flounder, he has a bad day of flounder, but he gets a couple of grouper and he sells it to pay his living. This is going to affect Florida I think the most. In Ponce Inlet we have all the charterboats; we have two dealers over there that specifically rely on these for-hire-caught fish.

And it's not a bad product; it's a good product; it's a fresh daily product that supplies our local restaurants. I myself am in the restaurant business. I sit there and I look at the fish we sell. It's all a bunch of foreign junk. We need to keep this in here, keep our economy going and stop taking it away from us. Do you know what I mean, it's starting to get me angry here. There is not a restaurant you go to in Orlando that's not selling foreign fish. Stop it; just keep the local restaurants their supply of local fresh fish.

Mr. Phillips: Bill, this is the way you want the motion? I want to make sure we're right; is that the way you want it?

Mr. Kelly: Mark, I've got to ask you; you know where I want to go with this, but I'll defer to your experience here. I would also would entertain supporting Alternative 3, which is properly licensed and permitted for-hire vessels selling fish; not recreational sales.

Mr. Marhefka: Bill, I think the key sentence here is count towards the for-hire ACL, which you guys, the for-hire ACL has not even been set yet, so we don't even know what it's going to go and be. But if that's the case, then that's where it sits; and if the council is going to go and have a for-hire ACL, well, then, there it be, so they will be restricted also. My concern is the charter/headboat exploding and just going bonkers as the demographics of our industry changes. This would, with the for-hire ACL, sort of cap them to doing what they would be able to go and do, and that's it.

Mr. Kelly: You know, until formal action is taken by the council to implement that ACL for the for-hire sector, I would be inclined to ask that the advisory panel endorse Alternative 3 of the three alternatives. This can sit in limbo for a long time.

Mr. DeMaria: We need to get some clarification on one of Florida's rules. I'm not really sure that you're allowed to sell snapper grouper with just your restricted species. You have to have a federal permit, I believe. Will we get some clarification on that? Right, I think on the South Atlantic, too, I think, but we're going to find out.

Also, back to what Bill said about it being a quality fish in Florida, you know, I have to disagree. I went to Islamorada the other day and there were all these dolphin hanging on the board to come down and get sold. It's not just up in North Carolina that they've got this problem. It's us, too.

Mr. DeVictor: Don, we went around and around on this, and I got clarification from the state of Florida. You're right, it's different where you catch the fish, whether it's state or federal. So, if you caught the fish in the state waters of Florida, a commercial federal permit is required right now. However, if you catch it in federal waters, past three miles, then a commercial snapper grouper permit is not required. So it's different versus within state waters and in federal waters in the state of Florida only. The rest of the states, you do not need a commercial permit in order to sell your bag limit.

Mr. Hooks: Let me get this straight. So you're wanting the best of both worlds; you're wanting to go charter fishing and come back and sell your fish? You're getting paid twice. Unless you're running charters for nothing, you're planning on getting paid twice. In North Carolina we call it double-dipping. At some point – here again I've got say we've got to clarify between commercial fishermen and charterboats.

How is that fair? I gave up my captain's license years ago. I didn't want to play the little game, but that's just like me deciding to go commercial fishing and picking up six strangers so I've got six extra hooks in the water, so I can catch more fish. I mean, you're trying to get the whole pie and not just a little piece of it here. You're getting paid before you go or when you get back -- I know in our area ten-hour charters have gone to eleven and twelve hundred dollars – and then

you're coming back wanting to sell the bag limits of these fish. I mean, how much more do you want?

Mr. Phillips: Bill, and then we're going to get a show of hands.

Mr. Kelly: Over the years, Danny, I respectfully have to tell you that has really become a failed argument. You're telling me that as a for-hire operator and charter/headboat operator that I've got a fixed income and that I can't go out and do anything else that's going to improve my business. You can work longer hours in your business and reap a bigger catch. You can go further offshore to better fishing grounds.

You have so many opportunities to improve your business and your livelihood; and yet I'm stuck, I should accept this thousand dollar charterboat fee, which you consider to be exorbitant, and take my six-pack of passengers and go out and have fun. You say that you could do the same, and you know something? I listened to some of these things about how the for-hire sector doesn't take care of our fish and we don't do this and we don't do that.

On any given Sunday I can take you from North Carolina to Key West and I can drive you out there on a boat and show you a commercial boat that has got a recreational party on it fishing because you're double-dipping, too. The argument that we have a fixed rate and that's what we're entitled to for the day is, quite frankly, a failed argument. It is also a failed argument that the commercial fishery has exclusive right to selling fish in this country.

That's not true. For decades, and I mean decades, the for-hire sector has also been selling fish; and if anybody was grandfathered in with that right, I would think that's the case. I'm not looking for the best of both worlds. I'm looking to be adequately compensated for working my butt off to make a decent day's pay. Thank you.

Mr. Odom: Bill, respectfully to that point, though, I have this to offer. I just had to have my life raft repacked. Have you got a life raft?

Mr. Kelly: Yes, I do.

Mr. Odom: You do? Do you have to repack it?

Mr. Kelly: Yes, I do.

Mr. Odom: You do, okay, eleven hundred bucks.

Mr. DeVactor: Bill, if you could say, "I move" and then read the motion.

**Mr. Kelly: The motion is the AP would endorse Alternative 3 for the action to modify sales restrictions in Amendment 15B. The for-hire harvest would count towards the for-hire ACL.**

Mr. Phillips: Okay, can I have a show of hands in favor of the motion, three in favor; hands against, nine against. The motion fails.

Mr. Hooks: I'd like to make a motion that we adopt the preferred option, Alternative 2.

Mr. Phillips: Do I have a second? Don DeMaria seconds. Discussion. Okay, can I have a show of hands in favor – okay, we'll read it and then we'll revote to make sure everybody is counted right.

**Mr. Hooks: To adopt Alternative 2 as the preferred alternative for the action to modify the sales restrictions in Amendment 15B.**

Mr. Phillips: Okay, now a show of hands in favor, 11; all against, 3 against; the motion carries. Don.

Mr. DeMaria: This whole problem of the sale of bag limit caught fish goes beyond just the charterboats and recreational people. In South Florida, particularly the Keys, when the mutton snapper come in and it's reduced to the bag limit of ten, which is kind of a lot, for those two months, there are commercial boats that go out there. They're not charterboats. The commercial guys take their whole family out and every person gets to catch ten fish. That's a problem that we need to address. I'm not just concerned about the charter sale of bag limit caught fish. It's commercial problems, too.

Mr. DeVactor: That's all we plan to bring before the committee for Amendment 15B. If there are no other questions on the actions in Amendment 15B, I'll move on to Amendment 16, which is gag and vermilion snapper.

Mr. Kelly: Since Preferred Alternative 3 was so soundly defeated, would it be appropriate at this time to recommend to the council that since they are going to establish an annual catch limit for the for-hire sector, that they would also entertain a provision for bag limit sales under that allocation and develop permits and procedures necessary for that to continue. In fact, I would like to make a motion to that effect.

Mr. DeVactor: I think Gregg may have brought this up in March that under the Magnuson-Stevens Act as soon as you sell one pound of fish, that is called commercial catch, so it would be counted towards the commercial quota.

Mr. Kelly: Rick, we are in the process – you know, we have a reauthorized Magnuson-Stevens Act, but we're in the process this week of rewriting the terminology that will probably go into changes in Magnuson-Stevens in 2009 and 2010. I think the earliest they can revisit Magnuson-Stevens is 2009; right. The council and the various committees have already acknowledged that they're going to recognize the recordkeeping and an ACL for the for-hire sector.

If we're going to end up with our own ACL, anyway, we're going to get allocated some fish, and it's not going to take away from Danny or Robert or anybody else that's sitting here because

we'll have our own ACL. What we want is permission to continue bag limit sales under that ACL, and we would ask the council to develop the permits and licensing procedures. We already have a control date of I believe it was March 9 of 2007 that was established by the council, and so why can't we move forward in that vein?

I mean, the terminology is changing. We are sick and tired of being classified with recreational anglers; we're not. We've got about 19 different licenses and permits that we've got to buy every year, the same as you guys do in the commercial sector, and it's time we recognize that.

Mr. Kipnis: And reporting.

Mr. Kelly: And reporting requirements as well. So I would like to entertain that motion, but I'd also like to hear some discussion on it.

Mr. Phillips: Let me hear from Micah and then we'll come back to you and we'll discuss the wording on your motion.

Mr. LaRoche: In my opinion, I see the problem as this. In South Carolina you can buy a land-and-sell license for \$25.00 and sell the fish and it's a commercial fish. I think the problem that we're running into is the definition of a commercial fisherman. I think that we could clarify that simply – we entertained this thought at one time in South Carolina by saying that a commercial fisherman was a man whose income – 70 percent of his income came from the sale of fish.

I think that would eliminate the considerable problems that we're looking at if a commercial fisherman was – and we could determine this by his tax return in there, and that would eliminate a \$25.00 land-and-sell, 50-pound sale of fish from going into the commercial end of it. That's my opinion on it.

Mr. Phillips: All right, Bill, go ahead and make your motion and then we'll see if we can get a second on it.

Mr. Marhefka: Bill, read that motion and see if that's what you want.

**Mr. Kelly: Let's see here, move that the council – I would like to get that bottom sentence up first – move that the council develop permits and licensing to allow the continuance of bag limit sales under an ACL to be developed for the for-hire charter/headboat industry.**

Mr. Kipnis: I'll second it.

Mr. Phillips: Bill, do you want to read it? All right, we have a second. Mark.

Mr. Marhefka: I just want to go and I would urge the council that the allowable catch limit – where this allowable catch limit is going to be coming from should be coming from the recreational piece of the pie. I mean, we're already doing a split here of allocation of who has got what. Okay, I don't want the ACL for-hire to be coming from the commercial side of it. I

feel it should be coming from the recreational side. So don't get the confusion of what we're saying here, I just don't want our piece of commercial pie to be cut back any farther than what it already is. Dan, go ahead.

Mr. Kipnis: At least I remember over the years that we wanted a distinct separation between commercial and recreational, and I believe that this charter catch always came out of the recreational side. Although we might have counted it previously in the commercial landings, but I think our intent was, as the AP, as we went forward with reduced quotas was that there would be a distinct commercial side and a distinct, quote-unquote, recreational of which the for-hire part would come out of that side. Isn't that what we had done in the last year, guys, and the year before, basically? That's how we had moved, I believe, wasn't it? Bill, have you got a problem with that?

Mr. Kelly: I have a problem in this regard. I know that the Allocation Committee yesterday was into some lengthy discussion as just to how they would function, and in fact they have continued that meeting this morning, so I don't want to preempt anything that they're deciding. I don't know, Mark, if you have any inside information on how they plan to make those allocations. We've been at it for a long, long time, all of us for eons here. We're just looking to establish our own piece of the pie the same as everybody else is; and how we move forward with that, I don't know that we're going to dictate that as much as the council may.

Mr. Gray: These fish are caught from the very beginning to be sold. They are not caught as the typical recreational angler out there enjoying the day fishing. A fish that's caught to be sold is going to get the same price at the dock and it's a commercial fish. As soon as I saw this, I knew that the argument was going to come up as to who gave up their piece of the pie as far as a third allocation. These are commercial fish. If there is going to be a third allocation set up, then they need to come out of the commercial side.

Mr. Kipnis: That fish is coming off of a for-hire boat. This is a funny deal, okay, if the customer takes it home, it's allocated towards recreational. If it gets sold, the same fish is then allocated towards commercial. It doesn't make sense because if it were a commercial fish from the get-go it would be allocated towards commercial; and if it was recreational fish that wasn't caught on a charterboat it would be allocated towards the recreational side.

This one falls in the middle depending upon what they decide to do with that fish when they hit the dock, so there is a glitch in the system here regardless. I mean the fish mysteriously becomes one or the other depending upon what those people decide to do with it when they hit the dock, and that's not the way it should be. It should be determined when we have quotas set up in the beginning where that fish is going to go if it is landed, if it is boated.

It needs to be known where that fish – what part of the quotas it's going to come out of or of the dividing of this resource. Do you understand what I'm saying here? And it can't be decided like at the end; it needs to be known – you can't set a commercial quota or a recreational quota and divide it up if you don't know in the beginning where it's going to come from, and this one is a

question mark, depending upon how they decide to do it on the boat. I just wanted to raise that issue.

Mr. Hooks: My only question is, is it right to make a motion and vote on something that's not in place at this time as far as the for-hire ACL? There is not one in place at this time; correct?

Mr. DeVictor: There is not one at this time and the council is going to work on it. I just wanted to make the point that the Allocation Committee has talked about this, and so far what they're talking about is having a commercial and recreational ACL or a commercial and recreational allocation and splitting up that recreational between for-hire and private recreational.

Mr. Hooks: Well, I understand what you're saying. You're speculating on the fact that it will happen. I mean, I plan on hitting the lottery next week, but I don't really – I'm not really sure I'm going to, but I'm counting on it. And I appreciate Bill making the motion, but is it legal to make a motion on something that's not in place?

Mr. Kelly: The Allocation Committee has already determined that there will be a for-hire ACL. That was determined yesterday at their meeting. I mean, the case is closed. It was also voted on at their meeting on April 8<sup>th</sup>, 2008, in which they agreed to establish an ACL for the for-hire sector, so it's not speculation here. What we're asking for is the council to consider the sale of bag limit caught fish, because here is the way it is.

If we come in here – a customer unexpectedly leaves fish with you and says, "Listen, this is part of it." You can legally, if you're licensed to do so, take those fish and sell them. I don't think that's a whole lot to ask. It would certainly eliminate the back-door sales that everyone in this room seems to be so concerned about. I think it would be a real benefit in the industry. We're already looking at reduced numbers of bag-limit sales, anyway, with the voluntary hits that – we've agreed to reductions in grouper bag limits, we have agreed to eliminate the captain and the crew.

You know, we're bending over backwards to accommodate the commercial sector as much as we can, and we're asking for a little bit of respect in Florida where bag-limit sales represent about 19 percent of the annual revenue of an average charterboat. We're all impacted; we're all biting the bullet; and we're doing it to help you guys, and we'd like a little respect in Florida. Thank you.

Mr. Gray: On bag limit, are we talking about the bag limit of everybody on board a charterboat; is that the legal bag limit that you're allowed to sell; or are you talking about the bag limit for the captain who happens to hold a license?

Mr. Kelly: It depends on the specie of fish of what the various bag limits are, but the bag limits apply to the anglers on board for which the for-hire captain has a blanket license that covers those individuals that he pays for. In some species, for example, grouper, the captain and crew are eliminated from the bag. They can only apply to the customers. The bag has been reduced from five grouper per person to three; only one of which can be a black or a gag.

Mr. DeBrango: As far as to the dealers here, I've been on all ends of this business. Right now I work for a corporation, Planet Hollywood, International. We do \$35 million a year in gross revenue sales. We're in the top five largest restaurants in the world. We buy a lot of fish. I agree with the allocation here. There has got to be a separate category here. We can't buy back-door fish.

Liability-wise, because we are a legal restaurant, we cannot go in there and buy back-door fish. If something happens, we're liable, we get sued. Little restaurants, yes, this is where we need to go with this. I agree with we shouldn't take it out of the commercial sector because they're getting hit hard enough. The recreational sector, if you read the marine recreational surveys, the recreational numbers are just phenomenal of how many recreational to commercial. They outweigh every fish brought in by the commercial guys.

I mean, if you look at the graphs and stuff, it's phenomenal. The only category that the commercial fishermen outdo the recreational end is red grouper and black mullet. I mean, when it comes to allocations, what are we going to do there? There needs to be a separate category here to where it doesn't hurt either sector. I mean, somebody is going to get hurt either way, all the way around, so this just needs to be looked at.

Mr. Kelly: The motion reads as follows: move that the council develop the permits and licensing to allow bag-limit sales under the ACL to be developed for the for-hire industry. Move that the for-hire harvest count towards the for-hire ACL.

Mr. Phillips: Can we get a show of hands in favor of the motion, five in favor; against, 8. The motion fails.

Mr. Marhefka: Just to give you the heads-up, all this stuff is not being stricken. Okay, it's going to go and be handed to the council committee at 1:30 so they can go and sort of look at it and see where we chewed on this a little bit. Hopefully, maybe we can put the hands of who was and how the motion passed or failed. This is sort of us putting it together to hand to them. They're going to be the ones making the big decisions here. I'm hoping everybody can express what – go ahead and express it.

Mr. Gould: What I'm seeing here, fellas, is an accelerated process, and it's not given adequate time to go over the issues. If you're going to do this, do it adequately. You need to take two days instead of one day. It's rush, rush, rush, rush, rush. It's not much of a process to me.

Mr. Marhefka: In a sense it is a rush, but we have discussed a lot of these things back in September, and we've had a lot of time to go and comment on it between September and now and to this meeting. Also, not being well versed on what is going on in the wording and the definitions of the Magnuson-Stevens Act – I mean, I want to come back to Bill again.

I mean, they're going to go with the definitions that they're dealing with right now today and not what is going to go and happen in 2009 or 2010. I mean, when you go and you do a for-hire, it's

clearly stating there that it's for fun and sport. Okay, well, whenever you get into fun and sport, to me it's not commercial –

Mr. Gould: Let's clarify something right to begin with. The people that are on the boat, that charters the boat, they're on there for fun and sport. The people that run the boat, 95 percent of them make their living out of it. The mates in Morehead City average \$15-16,000 a year, excluding their tips. Ninety-five percent of the time, when a fish is sold off of one of those boats, it goes to the captain and the mate. It doesn't go to the for-hire party. They have too many fish that they don't want, they give them to the mates and it supplements their income. That's what I was going to say.

Mr. Marhefka: So, give me a quick percentage, because it was asked how much on your headboat per day goes towards the mate and the crew?

Mr. Gould: A percentage of fish sales?

Mr. Marhefka: The percentage of the sales that the –

Mr. Gould: There is very little, less than 5 percent. I'm talking about the charterboats. There is very little fish that is sold off of the headboat, to my knowledge. If they do sell it off of the boat, they have their own permits, state permits to sell it. I do not allow the commercial sale of fish off of my boat under my commercial permit unless we're bluefin tuna fishing. That's the only exception.

Mr. Phillips: And I do apologize for everything having to go quite so fast, but we are under time constraints. I will try to make sure everybody gets that views in.

Mr. DeVactor: Okay, moving on to Amendment 16, you should have the amendment – and this is Page 2-1 – and I'll just be going through the alternatives. Again, this is to address the overfishing of gag and vermilion snapper. Again, the council is mandated to end overfishing within one year of being notified that it is occurring. Okay, the council is mandated to set the maximum sustainable yield and the optimum yield for gag, so you can see that on 2-1, the current alternatives there.

For MSY the current preferred alternative would 1.238 million pounds gutted weight. What I will do is I'll first go through gag, and then I'll stop there and we ask questions and have any recommendations. Then I'll go through vermilion snapper. Then the current OY alternative is Alternative 2B, and that's 1.217 million pounds gutted weight. Again, that's for gag.

Then the council is required to set a TAC or total allowable catch. You can see there are two alternatives. Alternative 1 is no action, do not specify a TAC. Alternative 2 would set a TAC of 694,000 pounds for 2009 based on the yield at FOY. Again, that comes out of the SEDAR assessment. That's the total fish between the two sectors.

The next action is the allocation alternatives. The current preferred alternative is set based upon 51 percent commercial and 49 percent recreational. This is looking at the average landings from 1999 to 2003. You can see how much the commercial quota would be and how much the recreational allocation would be. The council has two other alternatives based upon various years of landings.

So then when you look at what the TAC is and what cut in harvest that is required to end overfishing of gag, this is in Table 2-6, so with the preferred allocation alternative you would need a 35 percent cut from the commercial sector and a 37 percent cut from the recreational sector.

Next we'll look at the management alternatives that would achieve these cuts in harvest. You can see on Page 2-5 are the current regulations in place; for the commercial sector, 24-inch size limit, March and April no harvest above the bag limit and no sale. Recreational is a 24-inch size limit, so it's the same as commercial; and then within the five grouper bag limit, only two may be gag or black grouper; March and April, no sale.

There are a few preferred alternatives here. The first one would establish a gag spawning closure January through April. That applies to both sectors. You can see the reductions in harvest that would come about from that. Now, this closure would apply to all the shallow water groupers, and those are listed under Alternation 2. It's the black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby and coney.

Mr. Kipnis: Rick, were those closures there last September when I made the motion to close gag groupers or was that added after that? Now it's the preferred one, and I went back and looked at the minutes, and I never would have made the motion last September to close gag groupers for four months if that last sentence was on there including all the other groupers. It was added after I made the motion, correct?

Mr. DeVactor: We have your motions in the briefing material, so I can go check exactly what your motion was.

Mr. Kipnis: I've got it right here.

Mr. DeVactor: Okay, I believe it was added in September, and they met right after you guys did.

Mr. Kipnis: Right. I just wanted to make sure I wasn't the one that put it there. Thank you.

Mr. DeMaria: That kind of concerns me, too. Coneys are caught mainly for the marine life for tropical fish. I'm not sure of what the – but you guys have a snapper grouper permit to catch them. What is the rationale behind closing them, too? I don't understand that one.

Mr. Marhefka: Well, I mean, we catch them all the way off the Carolinas, too, and they're a food source that –

Mr. DeMaria: For coney?

Mr. Marhefka: Oh, yes, coneys graysbys, speckled, rocks. I mean, that area up there – you know that, Don – up there with the hog snappers and all that stuff. I mean, it's powerful up there with that tropical bottom, and they're quite large fish, too.

Mr. DeMaria: Coneys are large?

Mr. Marhefka: Large, I mean, it's not a gag, but we've already, you know, with the queen trigger, you know, trying to go and do a whole aquarium setting here. Anyway, they're interacted with when you're going in fishing for the gag, also, and these other grouper species, too.

Mr. DeVactor: And I should have clarified, of course – and Mark just brought up the point. I mean, the whole purpose of this, of course, is when gag is closed, that there could still be fishing activities occurring on these species whether it be red grouper or scamp or such, and so that gag is not thrown back dead. I mean, that's the whole theory of having this – and this is a shallow water grouper unit is what they're calling it. They have similar life histories. It's not perfect. You're not going to catch all of them on the same trip, but this is how they decided to group these species.

Mr. Gould: Rick, this information that you're getting to regulate this and close this down, is this lumping up North Carolina/South Carolina, Georgia/Florida, or is this breaking this down into different sectors? There is a big disparity between what is caught in Florida and what is caught in North Carolina. We touched on this last year. With what I'm seeing here now, it still won't be lumped into one category; North Carolina/South Carolina; Georgia/ Florida.

It's discriminatory; it discriminates against the fishermen from up north that has a better fishery, has more bottom. It doesn't have the pressure on it. I find it very hard to support what is being done here without some kind of dissemination between the different regions. Are there any plans for that?

Mr. DeVactor: I'll go though this in a second, but there are alternatives here – and it's not the council's current preferred alternative – to split the quota into two, North Carolina/South Carolina, Georgia/Florida, but there is not a current alternative to split up the seasonal closure.

Mr. Gould: Is it not the council's preferred alternative because of the cost of the administration of it, the extra paperwork burden, or what is the deal here?

Mr. DeVactor: I think that's the primary justification for not having that as the preferred alternative, yes.

Mr. Gould: That's not a good excuse to discriminate against people, in my opinion.

Mr. Conklin: I made a proposal on record there at a public scoping meeting that the commercial sector, instead of a four-month closure for all grouper species, that we set a 45-head trip limit, which is roughly a thousand pounds of fish, of groupers, and include in that grouper sector gag grouper, black grouper and fireback grouper to be counted all grouped together in the 45 head, and keep the rest of the season open for red grouper and scamp, what have you, during the closure of the gags; but, instead of having a bag limit being kept of gag grouper, no black grouper, gag grouper or fireback grouper during the closure.

Mr. Marhefka: So, do you want to go ahead and make that as a motion at this time and let's go ahead and sort of something out on the table?

Mr. Conklin: Yes, I think it would be a good idea.

Mr. Phillips: Don, do you want to talk while he's typing that up?

Mr. DeMaria: As far as gag grouper goes, we really don't even catch the things in the Lower Keys, a few, but it's insignificant, so it's like we're being penalized. Because of the problem with gag grouper; therefore, you all in the Lower Keys can't catch any grouper. Our fishery is mainly blacks and reds.

Mr. Gould: Just one other thing while I'm thinking about this, during these closed seasons we're still going to fish, which means your discards is going to go to a hundred percent. That's a given right there, a hundred percent discards there. Closing down the groupers and the snappers, I have to put more pressure on everything else and I go to a hundred percent discard rate there on the vermilion, which don't seem like a good idea, and a hundred percent discard on the groupers. Why don't you just shut the whole mess down for four months? That would be the thing to do.

Mr. Kelly: A question for Rick here. Of the species that are listed here, Rick, are any of them presently undergoing overfishing or are any of them overfished? Do we have stock assessments on any of these?

Mr. DeVactor: Give me one second and I'll find that. I have it right here.

Mr. Kelly: Okay, and then another question. In the Keys, unless Dan can help me out here or something, or Don, we're not seeing any spawning aggregates of gag grouper. Rick, do you know where there are spawning aggregates that need to be protected of gag?

Mr. Kipnis: In the Keys.

Mr. Kelly: No, throughout the South Atlantic Council's jurisdiction that maybe we should take some more stringent action, say, in North Carolina or South Carolina because we know we have spawning aggregates there.

Mr. Kipnis: Anecdotal. I agree with Terrell; partyboats in South Florida, there's going to be a hundred percent discard; and I don't care how much time you want to spend venting the fish.

We're going to catch them, they're going to get vented, and there is going to be considerable mortality, and all of them are going to go back over the side, every grouper that is caught. That is with the vermilion closures and restrictions on mutton snappers and then all the groupers being closed, then an amberjack closure for a couple of months, if there is even a headboat running in South Florida and still in business at the end of this whole mess; that is if they're still in business.

Mr. Phillips: Phil, do you want to read that, please?

**Mr. Conklin: Move that the council implement a commercial 45-fish limit per vessel per trip for the aggregate of gag, black and yellowmouth grouper. Do not change the regulations for the other groupers.**

Mr. Kelly: What is the current limit per vessel?

Mr. Phillips: Do I have a second and then we'll discuss it?

Mr. Hooks: I'll second.

Mr. Kelly: What is the current fish limit per vessel?

Mr. DeVactor: First, to your question of stock status, as far as overfished, red grouper, black grouper, speckled hind, warsaw are unknown. So it's not overfished; it's unknown whether those are overfished. As far as overfishing is going on for red grouper, black grouper, speckled hind, warsaw grouper, gag.

Mr. Kipnis: We didn't know if they were overfished but we know that overfishing was occurring on those species?

Mr. DeVactor: That is correct. A question on fireback; is that yellowmouth?

Mr. Kelly: Rick, I had a two-part question. Do we know where there are spawning aggregates of gag grouper?

Mr. DeVactor: That's in the document and if you give me one moment, I'll find that. You're talking about gag spawning locations?

Mr. Kelly: Correct, thank you.

Mr. Conklin: I think that a yellowmouth grouper is in the scamp family and you want to use yellowfin.

Mr. Amick: Rick, when you said you had to list all the grouper that were being overfished, you didn't mention the scamp grouper, so the scamp is not overfished?

Mr. DeVactor: It's unknown if it's overfished.

Mr. Amick: I'm sorry, not overfished but overfishing?

Mr. DeVactor: No, it's not undergoing overfishing.

Mr. Amick: Okay, so we could exclude the scamp from the closure if overfishing is not occurring?

DeVactor: If you're basing it on stock status, but if you're basing it on similar life histories or where it's caught together, you may not want to.

Mr. Conklin: This is for Rick. I think you need to change that "yellowmouth" to "yellowfin grouper". The yellowmouth is in the scamp family.

Mr. Gould: Rick, the gag status, did I understand you said it was unknown, the status of the stock of the gag grouper?

Mr. DeVactor: It is not overfished, but it is undergoing overfishing.

Mr. Gould: It's not overfished. Do you feel like there is adequate information or reports now on what the status of it is? Are you getting an adequate amount of information that you need to take and implement these measures at this time or what is your feeling on it?

Mr. DeVactor: All I can respond to is that it went through the stock assessment process, and that was the stock assessment, so that's based upon the best available science that we have at this time for the stock status.

Mr. Gould: I got you. I come across this the other day and this is really about the fisheries data dilemma in the U.S. South Atlantic. Because of the large cost of obtaining information about fish stocks, we suspect that management strategies in fisheries will always be developed in the twilight zone of inadequate information. We're seeing a lot of that right now. I'll bet you none of you all know what year that was said and by who. That was said in 1985 by Dr. Ludwig and Walters, and it's really holding true today from what I'm seeing.

Mr. Gray: The way this motion is worded it looks like it applies year-round. Is it intended to be only during the spawning closure?

Mr. Conklin: No, it's intended for a year-round management tool.

Mr. Gould: One other thing there; by doing these closures you're losing valuable data every month that it's closed down. You don't have no idea what is going on. Of course, you'll have your illegals, your scofflaws going out there fishing for them, which is punishing the legal man, Danny, Jeff, Dan and me, especially. I can't really see a whole lot of justification at this time for a closed season.

It's going to make a criminal out of a lot of people. You have no enforcement capability. The coast guard ain't interested in enforcing this. The National Marine Fisheries Service special agents, you never see them where I'm at. Who is going to enforce it? You know, you're just penalizing the law-abiding citizen.

Mr. DeVictor: This is to Bill Kelly's request, asking about the spawning locations of gag grouper. Here is a map that comes from the MARMAP Fishery-Independent Survey, and it's centered off South Carolina so that's why here we have most of the spawning locations highlighted for North Carolina and South Carolina. You see some down here in Florida. The circles are spawning females; the lighter circles, all catch locations. The dark triangles are spawning female fishery-dependent studies, and the light triangles are all catch locations fishery dependent.

Mr. Kelly: All right, and geographically that's approximately off what areas, what towns?

Mr. Kipnis: South Carolina.

Mr. Kelly: All South Carolina, so if we're going to entertain any motions here about grouper and so forth, maybe there should be a restriction that would say 45 grouper per trip of which only so many can be gag grouper, something to that effect, gentlemen?

Mr. Marhefka: Also, a couple of things with the screen that Rick just put up there. MARMAP surveys don't even start until May in these areas, so spawning aggregations might have already been moved through in some of these areas already. I'm not trying to go and bonk on MARMAP, but their data sort of stops at a certain time of the year when the weather gets bad and it picks back up when the weather gets pretty. They're not out there the whole timeframe of when they're seeing these spawning aggregations of groupers. I think it's great for what they have, but it's not really the whole deal.

Mr. Kelly: That may be so, but the thing is if you can do 45 grouper per trip and you're there at the right moment, 45 of them could be gags, right? Point made.

Mr. Zimmerman: I'd just like to make a comment. Actually, most of these data are fishery-dependent data, and they were obtained during the emergency rule in '95 and '96 when all the fishermen were required to land gag with gonads intact, and then they sent them to MARMAP and they processed them. Most of those data are from that period, so there is a lot of information from that survey from that time.

Mr. Marhefka: I apologize.

Mr. DeMaria: I think we've already dealt with a lot of our problems in the Lower Keys with some big closed areas as opposed to more size limits and closed seasons and whatnot. There is a huge area in the Tortugas that's closed that's definitely spawning, Riley's Hump and then part of Tortugas Bank. Then we've got other areas up the Keys.

I just think it's time for some of you all up the coast to start looking at alternatives like maybe some closed areas where these fish are known to spawn to kind of head off some of these other regulations that are going to come down. Like I said earlier, we don't even catch gags to any extent, but yet we're getting kind of drug into this whole regulation thing when we have big closed areas to kind of offset our problems.

Mr. Kipnis: It's going to be really onerous in South Florida if it goes forward the way it is right now. It's really going to hurt charterboats and partyboats a lot. There are a lot of other fish that are affected by closures and limited fisheries at the same time. We don't have spawning aggregations of gag groupers left in Dade County.

We used to have them there. I could tell you where they were, but they're not there now. We catch a gag here and a gag there. Again, I'm going to say it's going to be a hundred percent discard of every single grouper caught in South Florida and in the Keys for four months, and I don't think that's what this rule wants to do.

Mr. Hooks: Somebody was asking about – Don, I think – about the closures. The closures that we have in place now in March and April, they really helped in our area. The problem we had when we had a 20-inch size limit on gag grouper were in the wintertime the outboards – and they were commercial fishermen – were running six and seven miles off the beach in a spawning aggregation and they were catching these fish that were 20.5, 21, 22 inches long.

They were hurting our – since it's gone to 24 inches; it has helped immensely. They're not able to go and sit on these small fish that they're selling anymore in the wintertime like that, because most of those fish are under 24 inches in there. The closure of March and April has helped our gag stocks. You all know me, I don't care what they say in the numbers, but they helped our stocks in our area.

Here, again, in your area everything is different, but in our area it has helped immensely. Like I said, I've got to go with Phil on this, but we already have the complete closure. Something needs to be done to be able to sell some, because even mackerel fishing this year, there were guys catching ten and fifteen gags trolling for king mackerel. What is going to happen to these fish? Like I say, I don't want to see ten or fifteen – and these are nice-sized gags. I don't want to see them thrown back when they can be sold.

Mr. DeBrango: I want to reiterate what Don over there said about the closed areas, the sanctuaries. Of all the areas I've been, all the areas I've dove, that's the most positive thing I've seen in our fisheries as far as management plans. When you go into those areas, there is fish everywhere. I agree with up the coast, if we look at more MPAs inshore for spawning areas – I mean, you look at it; it's the only thing that I've seen that actually works.

The two-month closure that we've got now, well, that needs to be closed for everybody. A 45-fish limit, well, that's going to stop some of the guys out there illegally longlining grouper and snapper. I know you don't like to hear that, but that is going on. But MPAs is another option here all the way up the coast.

Mr. DeMaria: Yes, I agree, Danny, that some of these size limits and stuff seem to have helped. I've seen some bigger grouper and whatnot, but you can see where this is going. Apparently, the council doesn't think so because now rather than a two-month closure we're going to have a four-month closure. When I first started fishing, there were no closures and no size limits. Then I think it went to 12 and then 16 and then 18.

The closed seasons seem to be getting longer, too. I'm just looking at this somewhere down the road, if it keeps going like this and we don't get something permanent in place like closed areas where they're spawning, that some day we're going to be looking at a 36-inch size limit on gag and it closed eleven months of the year. It just keeps going up and up unless we can get something permanent in place that really seems to work.

Closing it for the four months, I think it would pretty much put me out of business down there. I don't know of any kind of business that can just take a four-month closure of their business, whether you're selling cars or insurance or whatever, but if we can't catch groupers, that's it, so it's a hard one; I don't know.

Mr. Conklin: I think the council really needs to look at this. We're offering them a management tool here. A 45-fish trip limit I think is more than fair.

Mr. Phillips: We need you to read it and then we'll get a show of hands. Let me get Tom.

Mr. Burgess: Would it still be closed March and April for gags, and also would this – seeing as the stock assessment has been done on gags and there has to be a reduction; would this fill that reduction?

Mr. DeVactor: It depends what other cuts in harvest you do. If you do not do the four-month closure, this by itself will not obtain the necessary reductions required to end overfishing of gag.

Mr. Burgess: So that the council is going to have to react to that, though; is that correct? I mean they're going to have to do some type of reduction according to law; is that correct? I think it seems fine and everything, but if it's not going to satisfy what the council has to do; I mean I don't know how to vote on it.

Mr. Phillips: Phil, read it and then we'll vote.

Mr. Conklin: Before I read this, I think that maybe offering the council this 45-fish trip limit – I mean they can always cut it back to where – you know, you're going to have a reduction in fish, but we have to have a number to start somewhere, and that's why I came up with 45. **Move that the council implement a commercial 45-fish limit per vessel per trip for the aggregate of gag, black and yellowfin grouper; do not change the regulations for the other groupers.**

Mr. Phillips: Could I have a show of hands in favor, 10 in favor; against, 4 against.

Mr. Kipnis: I couldn't vote for or against it because I don't know if we're meeting our reduction requirement.

Mr. Phillips: I don't think we are, but I think the statement is to give them something to start with; and if they need to change the numbers down to get their reduction, we've given them an idea of –

Mr. Kipnis: Well, I've got a hard time voting on something that's not going to, but we'll let it go forward that way and let them deal with it.

Mr. Phillips: The motion carries. Mark.

Mr. Marhefka: Okay, I'd just like to go and step up here because – all right, guys, what is going to go and happen here is if you go on Page 2-5, the preferred alternative for the council is that they're going to go and establish a gag spawning season closure January through April. That's their preferred. They also want to go and include all these other grouper species involved in this because of the amount of bycatch that we're going to go and have when we're trying to interact with gags.

Okay, this is a gimme, this is something that they're already looking at, and they're not going to go and back off of this because the bycatch issue has to go and be addressed. With this being said, what I'd like to go and do is offer a friendly motion here and maybe we can go and step this up just a little bit.

Number one, we look at a May opening for the commercial fishery. You stick with your 45-fish trip limit, and these other groupers are going to go and fall in underneath this. Okay, when your gag is caught up, then all these others are shut down at the same time. So what that in essence is going to go and do is you're going to go and end up having a four-month closure. You're going to have that four-month closure that they're going to get, but it won't be shoved down your throat that you're going to have it in stone.

Because of the demographics and the way the fishery is changing and we're having less boats involved and less people and the stocks are rebounding, we might end up bumping into January. We might be lower because it gets caught up quicker. But, what we can do – and I've talked to a couple of these guys about it – if you couple this with a hundred percent electronic dealer mandatory reporting, that we can go and sort of monitor this as a fishery, and we can sort of pay attention on what is going on with the gags.

And if the gags are getting caught up too quickly, you know, or say something is really going on there, the dealers can go and talk to their vessels, "Hey, guys, you need to really back off of these a little bit or everything is going to be shut down." Okay, and it's going to be pretty much back in the hands of the commercial fishermen; give it back to us to make us go and work it how we want to work it.

These other fish, they have to have ACLs; it's coming up. These allowable catch limits are going to be coming out; and if we can sort of group this now and make it work, then maybe we don't have to go and make strict measures because you guys are going to be sitting around in this room again trying to go and decide what you're going to do with red groupers or black grouper or other things, too.

So, I think it's really something that's doable in that, yes, we're going to be knocked out a certain amount of time, anyway, but with the 45 gags starting the 1<sup>st</sup> of May, you don't have a derby fishery. As it is now, the way things fit, if we leave status quo, you're going to get shut down. It's going to shut down because they're going to go out there, they're going to bang it as hard as you can, you going to have the longliners, you do the longline thing that they still go and do.

It's going to shut down; so if you put a trip limit, you know, if you put that trip limit in place and then – you know, and I hate to go and keep on going further, but we're going to talk about red snapper in a little bit. Red snapper need to fall underneath these same fish category, because they get interacted the same time as these other fish do. What I'm trying to do is I'm trying to make this fishery last longer and reduce the amount of bycatch that we're going to go and keep on having.

You can go and keep on catching these fishes, but you're going to see a four-month slot there in the worse winter months that we have up in the Carolinas. Down in Florida it's a little bit different and I understand that, but we're all going to take a bite somewhere. I mean, we're not talking about yellowtails so you've got those. But I mean that's something that we need to go and sort of think about, and I'd like to throw it out on the floor. Dan.

Mr. Kipnis: Mark, explain this to me. I see where you can keep a commercial fishery and maybe stretch it out and make it last longer, and it's better for sales when you have a longer catch period and all that. But, what happens to the recreational angler; is he going to be – I mean, is the council going to say you're closed January through April; recreational anglers are shut down; and then the commercial guys go get their 45 head per trip until you run through your quota side? How do you envision this working? Are there two different regimens working here?

Mr. Marhefka: Well, yes, you're going to have two different components. Of course, you're going to have the recreational ACL that they're allowed to have, and we're going to have the commercial end of it, too, so what ends up happening is – you know, pretty much when the commercial is done, there is going to be really no reason for the commercial to go out there and catch gag anymore.

So if you have your recreational end of it, if you have your recreational, they're going to be reduced in the bag limit or whatever that we're looking at to go and achieve what they need to go and achieve.

Mr. Kipnis: But are you saying, then, that there would be no closed season if we fished on our bag limit on the recreational size or there would be a four-month closure of all groupers? I

mean, if you've got a bag limit – there is another part here where I think it reduces the bag limit to three of which one can be a gag. Would that handle the closure or are you still talking about a four-month recreational closure?

Mr. Marhefka: I think that's going to go and have to be decided on the recreational side. I mean, I'm not so much as a recreational fisherman, but is it something that you guys served this up. I think CCA has also served something up on the closure of the gags, too. I think they're looking at a four-month closure. They're endorsing that.

Mr. Kipnis: Yes, but CCA was looking at a four-month closure, but that was without closing all shallow water grouper species. There is a difference there.

Mr. Marhefka: But to reduce the amount of bycatch that you go and you have, the council is going to go and step in there because you interact with these other species, also, and as you're trying to go and interact with red grouper, you're going to interact with the gags, also. At a council level, not at Mark's level, but at a council level that's what they're going to be looking at to reduce the amount of bycatch.

Mr. Kipnis: Well, I would think on the same level then the council would look not at your 45 head per trip, but saying we don't want any interaction while these fish are spawning for four months. We do know they do spawn January to May or whatever. On the same token they're going to not want you to interact with them 45 head per trip. Even if you would recommend that to them, I think the council is probably looking at Alternative Number 2 and pretty set in stone on it.

Mr. Marhefka: So if you did a May 1 opening, Dan, think about what you're allowed to catch for the year. You're going to achieve that. If you have a May 1 fishing year, open May 1, those four months that are prior to that, you're probably going to go and catch it up. I'm sure there is some data somewhere showing that if you went to a thousand pound trip limit, which is about 45 head, you're going to go from May until maybe November, maybe December to get into that.

You're going to achieve that without it being shoved down your throat that that is going to go and happen, do you see what I'm saying? I mean, that's going to happen, and then the rest of the groupers are going to go and be shut down during those four months. Do you see where I'm –

Mr. Kipnis: I'm not following it; I'm not. We need to step down and –

Mr. Marhefka: Okay, we have the calendar year starting May 1 – fishing year May 1. Okay, you're allowed –

Mr. Kipnis: Oh, you're starting it May 1; no, on a calendar year – okay, if you start your calendar year in May, you may very well be closed – I understand, if you start your calendar year in May and you start counting then, you very well may be closed down February, March and April, or January –

Mr. Marhefka: Or December.

Mr. Kipnis: Or December, that I understand. All right, so if you were to take a – you're counting time starting in May and limited to 45 head of fish per trip, now I'm reading you. I understand that; I can vote for that. I'm with you on that; I understand it. Good enough.

Mr. Marhefka: Well, I'd like to make this as a motion, if you don't mind, and we'll put it up on the screen and you guys can read it –

Mr. Kipnis: And I'm clear about it.

Mr. Marhefka: -- and everybody take a look at it. This will be a substitute motion to Phil's motion.

Mr. Gould: Okay, it's a given, we're going to have a four-month closed period on this. You're getting into – and I keep harping on it, I hate to, but enforcement the law abiders are going to go by. The person coming down from Raleigh, Chapel Hill, trailering their boat down, they're going to come down and go fishing, so you're getting into an enforcement problem here, which is eliminating some of the discrimination between the people, the charter/headboat there and the commercial fishermen that has to make a living out of this.

These people are still going to fish. There needs to be a system implemented into this where if you go in the ocean, you have to report. If you go in the ocean, you have to be tracked. They're doing this in the Gulf of Mexico right now. I can see where the charter/headboat is going to have to have VMS systems on it. If you want to have a fair and equitable amendment here to track this, keep it enforced, you're going to have to take some draconian measures on the recreational side.

The charter, headboat and the commercial snapper grouper is going to have VMS here directly, but if you're going to do this and be fair to everybody, every user group, you're going to have to have a lot of enforcement tools in place to do it. That's my main point right there. I know that this is coming.

I don't particularly care for it, but I don't want to see somebody sneak out and catch a thousand pounds of grouper, come in and trailer that to Morehead City, park and take them home and distribute them out to their friends while people like these commercial fishermen here are starving. I just don't see any fair and equitable way of doing it without taking some draconian measures into tracking this and enforcing it. That's all.

Mr. Phillips: Okay, I'm going to let Mark read it, and we'll see if we've got a second.

Mr. Conklin: Before we go too far, if we start the fishing year in May and we come up and we are bumped into January before the closed caught, and all these shallow water groupers are being shut down, the Gulf of Mexico is shut down from the middle of February through the middle of March, and Mexico this year followed suit where they did not have any fish coming out.

Then your fresh fish on the market from the middle of February through the third week of March are going to be all imported fish from the Pacific Ocean and is going to be the only fresh grouper on the market. Everything that comes out of the Middle East over there is frozen. We need to think of that, because if you shut all grouper down, then there is no scamp, there is no red grouper coming in anywhere in the United States during that month if the quota is caught up.

Mr. Marhefka: Okay, I'm going to read this motion. The motion reads move that the council implement a May 1 opening to the shallow water grouper fishing year; and two is a commercial 45-fish limit per trip for all shallow water groupers; and, three, when the gag commercial quota is met, prohibit the harvest and retention of all shallow water groupers. I hope you guys sort of grasp that.

Mr. Kipnis: Excuse me, number two doesn't read well and you need to work on that part.

Mr. Marhefka: Yes, number two doesn't read well. I want to clarify that just a little bit more; that the 45-fish trip limit is gags; being the indicator specie, the 45 gags per trip per vessel for all shallow water groupers. Now, the only other thing I'd like to go and sort of have – I don't know if I can go and change it now – is the demographics of the areas; possibly like south of Canaveral, that you would go and change that, that you would split that to say 24 or 25 gags, because they can make multi-day trips south of – otherwise, you're going to be looking at, you know, somebody going out there and banging 2,000 pounds of gags in a day when you go and you have these fish that need to be protected. I just want to throw that out on the floor for the guys south.

**Mr. Marhefka: Okay, let me read it again. Move that the council implement a May 1 opening to the shallow water grouper fishing year; a 45-gag trip limit per vessel; and when the gag commercial quota is met prohibit the harvest and retention of all shallow water groupers.**

Mr. Gould: I support this to a good degree. The only thing you need to add to it is something about the implementation of enforcement there. It needs to go on there. If you can't enforce it, it's just a worthless piece of paper and a worthless motion. It needs to be some kind of enforcement recommendation put into this motion here, and I'll support it a hundred percent.

Mr. Marhefka: I think enforcement is in everything, okay, and we've discussed it. There is always going to be some sort of enforcement issue that we have to deal with. Just right now – I mean, there are other things; there are other little caveats that I'd love to go and add to this, too, and that's the hundred percent dealer reporting, electronic reporting that needs to be done. To go and make these work and make them work right, these are things that need to go and be added in here.

Mr. Gould: Okay, this gentleman here just told me that the enforcement AP would pretty well take care of that, that I wanted to add on there, so you can add it on if you want to or not, but it's something there that really needs to be addressed across the whole spectrum.

Mr. Phillips: Okay, do I have a second? Okay, Terrell seconds it. Bobby.

Mr. Cardin: What about black grouper; that's not part of this?

Mr. Marhefka: My understanding is that gag is the indicator species. I mean, that's the way I read this alternative is that the gag is the indicator; not black, not any of the other fishes, but the gag is the indicator species.

Mr. Cardin: So this would alleviate the cross-problem in the Keys when they're saying they don't have gags and they don't want to shut down? This would stop your problem there commercially. Now, how do we address this recreationally? We vote on this first, I guess.

Mr. Amick: So under this here you have the 45 gags, so that doesn't apply as far as the scamps that you catch on the trip, so you have 45 head of gags on the boat and it doesn't have anything to do with the scamp grouper or the other grouper that you're catching.

Mr. Marhefka: Steve, that's until you catch the gag. Once the gag is caught up, then those other groupers are no longer going to be harvested because you're interacting with those other fish at the same time. You're dropping a hook down and interacting with those other fish at the same time. Just like I say understand that these other fish have to have ACLs also. This will be very quick for them to go and sort of fold this all together, because they're going to do SEDARs on all these fishes, anyway, and they're going to go and come in under some other implementation, I'm sure.

Mr. Amick: So on your fishing trip, you're catching scamps and gags on a fishing trip; you catch 45 gags and now we'll move to this next job and I'm not going to keep anymore scamp grouper; is that – or the yearly quota on the gags?

Mr. Marhefka: No, when you catch your 45 gags, that's pretty much it, you're done with it for that trip. I mean, that's a thousand pounds, and we can all sort of gauge that in the fishing community. I know that I can sort of gauge myself and say, "Okay, I'm going to back off a little bit on some of these spots." I'm not going to go where I predominantly go and catch gag grouper and sit there and soak a 90-foot leader trying to go and catch a scamp. That's not how it happens.

Like I say, once again, bringing the snappers in underneath this, then you're going to go and be looking at a four-month closure automatically on the snappers, anyway. I mean, I'm trying to go and do this to where we reduce the amount of bycatch that we have. That's one of the issues that we're dealing with here.

Mr. DeBrango: The first question I'm going to pose to you is are you making every trip 45 – are you getting your 45 grouper per trip? No, you see, that's what kind of worrying – it's not really changing everything, but, okay, with the other groupers that you're shutting down like he was

talking about, though, you're killing all the grouper in the market. You have no other grouper in the market.

Wouldn't it be wise, maybe, to kind of establish some kind of allowable catch for the other species, too, look at that before you do something like this. If you're using gag grouper as your indicator species and all of a sudden you have a big, huge run of gag grouper and you really haven't caught many of the other shallow water groupers, and all of a sudden you catch your quota up faster – like you said, it could be closed, if you have a banner year, in December. Then all of a sudden now they're buying bass filets for five months, six months, and then the market is killed, and then you've got to rebuild the market.

Mr. Marhefka: Trust me, I don't believe that the market on grouper would ever be killed for bass, because I'm selling to high-end restaurants, and they would be chomping at the bit come May 1 hunting for your grouper; I can guarantee you.

Mr. Conklin: That's why in the motion I left it that the other groupers would be left open the rest of the year, the scamps and reds, and using those three species of grouper grouped together on the 45 head. I've got a question for you, Mark. Your intention of this is when you catch your 45 head of fish, if you do on your trip, then your trip is finished?

Mr. Marhefka: No, that's not how I want that to read at all, if it reads that way. It's not that you're done after your 45 head of gag. Your 45 head of gag is what you're allowed. It's like a trip limit. It's your trip limit of a thousand pounds of gag per trip. It's mainly just to go and minimize the amount of fish that come banging on the dock at one time. It's also going to go and extend the amount of time that your fishery is open because of it being the indicator species for the other groupers.

I mean, you could lower that, but to me economically I wouldn't want to lower that. I mean the cost of our fuel has gone up so much that we need to have that open just so we can go and sort say if we do have a good year, if we do have something where we're catching our 45 head, or whatever it may be, then we would be able to go and benefit from that. But as it is now – do you see what I'm saying?

I understand the concern of not having any grouper. I also understand the concern that we're going to be looking at a four-month closure is what their preferred is right now. You guys need to look in this book and see the preferred option that the council has already chosen. We want to go and sort of massage that preferred to where we can go and make it work for us as long as we can possibly make it.

If you go status quo with the preferred starting January 1, number one, you're going to have a lot of people going out there and putting their lives at risk by having to sit out there in weather that they don't need to sit out in, or you're going to have only the big honking boats sitting out there and making that money – they're doing it right now already – that we're not going to be able to go and do. We're going to get into vermilion, and we're going to talk the same talk here in a minute with vermilion. It's not right that they can go out there with these big, old 50-something

foot boats and be coming home with 6,000 pounds of the product, and we're not getting that right now.

Mr. Cardin: I don't think it's so much of who is getting it, but what we're talking about here all across the board is post mortality bycatch – and the bycatch and the mortality of that. So, anything the council is looking at, when they're looking to shut down the gag, they're looking at shutting down all the shallow water groupers with it. I mean, that's something we're simply facing. In my opinion, this kind of alleviates that problem a little bit.

I mean, we're going to be shut down because we're not allowed to catch no more and we're not going to be fishing anyway. Now, recreationally, I don't know how you'll address this. Do you want the four-month –

Mr. Kipnis: We'll get to that after this. Let's get this one done.

Mr. Cardin: We're facing these problems of total closures, period, anyway.

Mr. Marhefka: I just want to ask the guys around the table do you understand where I'm going with this? I mean, we want to go and extend our season as long as we possibly can within this trip limit, and it's still economically feasible to do this. Also, the folks who grind on some snapper, if there was any way we can ask the council to go and sort of back off a little bit. They did too hard on the red porgy that didn't need it; maybe they can go and put the snapper in up underneath these guys and it could go and get the reduction that they need without having a huge amount of bycatch.

We're going to go and be interacting with so many more snappers now, and we're not going to see the benefit it. That's the bottom line. If we don't see any kind of benefit from this, what are we doing it for? I want to see some benefit as quickly as possible. I'll leave it up to the chair here.

Mr. Phillips: Okay, can we get a show of hands in favor, 16 in favor; any opposed, none opposed. The motion carries. Rick, what's next?

Mr. Marhefka: We've got more to discuss here. We have recreational and we also have the split of who gets what here. That also needs to be discussed. Bill.

Mr. Kelly: I wanted to address the recreational size of this and the for-hire side. I think we may run into a problem here, and I need some help from the other for-hire and recreational members here. At the September meeting we established – at least the advisory panel established a dividing line for groupers, in particular gag grouper, as Miami-Dade/Monroe County northward, and the Keys being separate, because it really represents two different fisheries.

We're not affected by a gag closure whatsoever. It's less than 1 percent of gags coming from Monroe County, but what happens is by restricting the harvest of gag grouper and ostensibly

protecting bycatch associated with it, it eliminates all grouper fishing for us, blacks, reds, graysbys, groupers of all types. We have got a serious problem here.

We would even volunteer a six-month or a one-year closure on gags if we could see the fishing for the other species continue. Our two management areas have become North Carolina/South Carolina and Georgia/Florida, and that's going to cause some severe impact on our friends to the north if we would call for that in this area, and it's going to be hard to tighten up this management area unless the AP would vote today to change it or recommend to the council that they change it back to what we originally proposed, and that was the Miami-Dade/Monroe County line.

Again, if they close gag and close grouper of all types, it will have a significant financial impact on everyone, both recreational and for-hire, because that effectively is our season. It will be done. Yes, I have an idea. The idea would be that we would extend the four-month recommended closure on gag grouper to six in order to keep the fishing open for others.

There might be some marginal catch in the mixed area there of South Florida and the Keys, but it would be very negligible. I will come up with a motion here in a few moments. I just needed some input from our friends to the northern portions of Florida and Georgia unless we're going to change that line of demarcation.

Mr. Phillips: Yes, if you've got a motion and once you figure it out, then we'll put it up there.

Mr. Kelly: Right, and if there is not going to be any comment from the other recreational or for-hire operators to the north, then give me a minute and I'll put together the motion.

Mr. Kipnis: I don't have a motion. I can understand the dividing line there, and we have some gags still left in Miami-Dade County. I'm very concerned – recreationally, guys, I need some help here. I'm very concerned that on this closure, in the middle of the season, January, February, March, April, that's big-time tourist season in South Florida. As you know, I owned a partyboat – I technically still own part of that partyboat. I am being paid every month.

I sold it to my partner. He owes me a lot of money. I don't want him to go out of business. I need the payment, okay. It's important to me. I'm owning up to my conflict of interest right here right off the bat. So, if you're a recreational angler and you've got some ideas on how we can somehow deal with a total grouper closure in South Florida on top of vermilion coming and red snappers that we don't catch – we're getting some, but not a lot. You know, there are other fisheries involved in this, also, and help me out here. Somebody help me out.

Mr. Kelly: In effect there is no bycatch issue to deal with because the gag grouper represents less than 1 percent of the fish that are being taken. The motion is that there should be no issues or no concern because there is no mortality on gag to begin with, so we would petition the council to simply leave the season open for the other species of grouper. Now, how do we want to put this in a motion? Steve, is this going to do anything to you in Georgia? This is the input we need here. Do we need to change that dividing line?

Mr. Amick: I believe that it always down to regional management, more so in other species than the gag. The gag off the coast of Georgia, the starting day of May 1<sup>st</sup>, that hurts. It's going to hurt when you throw in the other groupers or scamps with the gag grouper. If you have a closure on gags, we can live with a four-month – you know, January, February, March, April, May – May is a long time to wait to get started going on the grouper, on all species.

I like the regional management aspect. What you all have South Florida has nothing to do with what is going on in North Carolina and Georgia. I agree with the closure on the gag grouper, eliminating the other shallow water grouper species during that period. I mean, we don't catch a lot of grouper and scamps during that time, but the ones we do, they're what we call trip makers. It makes a huge difference of what you can catch.

Mr. Kelly: Let's see if we can get a motion going here. Rather than that, unless we get more serious objection, it would be since there is no viable fishery for gag in the Florida/Georgia –

Mr. Kipnis: That's not true, though, Bill.

Mr. Kelly: Well, how do we word this?

Mr. Kipnis: You get to Palm Beach, you've got spawning aggregations of gags in Palm Beach County. The guys dive them there commercially. Those are spawning aggregations. Nobody is diving them in Miami-Dade County. I don't believe anyone is doing it in Broward County, but I know they do in Palm Beach County and farther north. I partyboat fish up north and we do get a lot of gags up there on the partyboats around Canaveral and places like that, so there is an issue there.

We do get them at that time of the year and we do catch gags in Miami-Dade County in the wintertime, January through April. We don't get a lot of them. We don't have the aggregations left. We used to have strong spawning aggregations there in the sixties and the seventies. There are none left. We catch occasional gag groupers. I can tell you from Palm Beach north they do get them. I don't know how you want to deal with this recreationally.

Mr. DeMaria: I think Dan is absolutely right. It wasn't all that long ago, in the mid-seventies or so, that you could get all the gag grouper you wanted snorkeling off the end of the Palm Beach Jetties. Whether that was actually a spawning aggregation or pre-spawning aggregation, I don't know, but those are gone. There were aggregations from Miami and Palm Beach, that area. The Keys, I don't know. I don't ever recall that. But, you're right, there were aggregations and just because they're not there today it doesn't mean that they never existed. They did.

Mr. Kipnis: What I'm trying to do is avoid a closure on red grouper. Also, I've got to tell you – and I will say it again – you will have a hundred percent discard rate, and we're going to spend a lot of time venting these fish and trying to keep them alive, and I really don't know what the real mortality on every single grouper that we catch in South Florida over a four-month period is going to be.

Mr. Phillips: Bill, do you want this and then we'll see if we can get a second?

Mr. Kelly: I think I might add the verbiage, but let's kick this around, "shallow water grouper unit south of the line since the incidence of gag grouper" –

Mr. Kipnis: You don't have to put that there. Put the rule the way you want it.

Mr. Kelly: All right, my main concern is how do we point out that since the gag fishery is relatively minor, that's the reason for asking for them to keep this open. I'll entertain any thoughts, but that's what I want to say.

Mr. Conklin: Don't you think that you should have in there "except for goliath grouper"? You've got all the shallow water grouper there.

Mr. Kelly: Well, goliath are prohibited, anyway. I'm comfortable with that.

Mr. Gray: There just needs to be a correction in the county line designation. Miami-Dade is one county and it needs to say slash Monroe.

**Mr. Kelly: All right, so motion six would read, "Since the gag fishery is relatively minor in South Florida, move that the council split the EEZ into two regions for the for-hire and recreational sector. The dividing line would be at the Miami-Dade/Monroe County Line. There would be no closure for the shallow water grouper south of that line."**

Mr. Zimmerman: I have a question about the motion. Why doesn't it refer specifically to commercial, also -- I mean, just for-hire. I just don't understand.

Mr. Kelly: Commercial was addressed in the previous motion.

Mr. Kipnis: The previous motion, 45 head.

Mr. Zimmerman: I'd like to ask the motion maker that "commercial" is added to this motion.

Mr. Gould: That was already put in –

Mr. Zimmerman: I'm well aware of that. I'm not necessarily – I don't think that the last motion really covered our region as well as this motion does in Monroe County.

Mr. Amick: I see the problem that you have in South Florida as far as the other grouper. We're trying to get a motion here that would allow you to catch the other grouper. We have that same problem further up the coast. If the problem is reducing the gag fishing, well, it's up to the council to address the gags and leave the other grouper.

I know that indicating species complicates things, but if you close the gag, that's fine, but the red grouper, the scamp grouper, whatever else you catch down there – we're trying to make a motion here to circumvent the total closure of the grouper, so let's just close it on the gag for four months and leave the other shallow water groupers open. I think the council could do that.

Mr. Kelly: Steve is raising a good point here. You know, the gags are the controlling species here, and we're willing to observe the four-month closure. In fact, I would serve up a six-month closure because they're incidental catch to these other fish and so minor south of the Miami-Dade/Monroe County. If we feel that wording is important and Steve has raised a good point, let's just figure out how we would put it in there.

Mr. Cardin: Bill, you say you want a six-month gag closure. Now, what they're doing is that might shut down your blacks also because of the chance of catching them. Now, a year ago you were in here saying that every boat catches one gag every trip, 0.98 percent on the survey. You were saying that gags were coming back in the Keys. Do you remember last year you said every boat caught a gag every trip, 0.98 percent.

Mr. Kelly: It was 0.88. They weren't catching one fish per boat. No, as I recall the percentage was 0.88, and I've got it in my notes, not even one per boat.

Mr. Cardin: Well, roughly, how does that produce on trips; what would the number on trips be? So, you're catching eight fish for every ten trips?

Mr. Kelly: No, in fact, it's not even per person. It's per boat; it's 0.88 gag grouper caught per boat. It's less than one fish per boat for a day of fishing, gags.

Mr. Cardin: So for six months you'd be throwing away less than one fish per boat everyday for six months?

Mr. Kelly: We would give that up in order to have the other groupers open because they are a viable fishery in the Keys. The gags are very incidental, but if it would contribute an incidental increase to the gag grouper populations, we'd be willing to serve that up. It's much less a financial impact than what we would have if we lose the other groupers.

Mr. Cardin: You're not serving it up. When you throw it back, the post mortality bycatch gets counted against the TAC we're allowed to catch. So even though you think you're giving it up and throw it in the water, it still reduces what we're allowed to catch.

Mr. Kelly: How is that coming out of what you're allowed to catch?

Mr. Cardin: Post mortality bycatch; they're figured into the equation of the catch.

Mr. Kelly: We're catching and we're releasing that fish, and how is it counting against you? You lost me on this.

Mr. Cardin: All right, all this new stuff here, the post mortality bycatches are figured into the TACs. I'll talk to you about it later. Thank you.

Mr. Marhefka: Bill, what is the most predominate grouper that you're catching in the Keys right now, down in your area? Red grouper, okay – just to give you the heads up, the SEDAR is coming up on red grouper. It is a recommendation by the SSC to go and do a SEDAR on red grouper. Do you not think that the red grouper is soon to be coming up within this? What we're trying to go and do here is we're trying to go and – it's going to come up.

Mr. Phillips: Okay, can I get a second?

Mr. Kipnis: For argument's sake, I will second it.

Mr. Phillips: All right, anymore discussion? Can I have a show of hands in favor, 6 in favor; hands against, 4 against. The motion carries. Dan.

Mr. Kipnis: I would just like to take this opportunity to briefly say that I believe that all of our shallow water snapper groupers and it looks like probably your deep water one will not be viable fisheries into the future. When you look at the SEDAR coming on red grouper, they spawn at a different time than gag and they're going to get shut down the same way. The same thing is going to happen to blacks.

It just happens to be the nature of the narrow reef system with a lot of users, and we have watched it happen for the past 25 years. We're on the downward cycle; and I don't care what the Magnuson Act says that we need to do to rebuild these fisheries, it ain't going to happen. I hate to say it, but we're fighting a losing battle, guys. I love you all and we've tried really hard, but it isn't happening, it just isn't happening. I will not get paid for my boat.

Mr. Zimmerman: Since we've done all the work up there and that's something that my constituency promotes is the regionalization of the fishery and specific to a six-to-one-year closure specific to gag grouper, I would like to take that information in that motion and basically use it to say – and just replace “recreational” and put “commercial” as the work is already done, and that's something that my constituency has promoted, the same concept of regionalization, drawing that line at Monroe/Miami border.

Yes, like Bill pointed out, we catch 1 percent of the gag grouper in Monroe County on the Atlantic border so it's kind of insane to think that we're going to – I mean, we also carry 34 percent of the snapper grouper licenses and we catch 37 and 42 percent, respectively, of the gag and red grouper so to close us – yes, black and red grouper – so to close those fisheries down from January to April is highway robbery.

**I'm going to move that since the gag fishery is relatively minor in South Florida, the AP recommends that the council split the EEZ into two regions for the commercial sector. The dividing line would be the Miami-Dade/Monroe County Line. There would be no closure for the shallow water grouper unit south of the line.**

Mr. Kipnis: Second.

Mr. Phillips: Anymore discussion on this? Bobby.

Mr. Cardin: So are we to say you'll have no spawning season protection on your black groupers or your reds or anything?

Mr. Kipnis: If I may, not until you get the SEDAR and then they make the rule on it, which will be coming. That will be coming for blacks and reds, but at the moment you can't tell me that it's overfished and you can't tell me when it spawns and where it spawns down there until we get this stuff done. Then I guarantee you there will be restrictions on it.

Mr. Cardin: Maybe the designers of this could help me. So in March and April, when I'm not allowed to harvest the gags up my way, then I can go shoot three, four, or five hundred pounds of blacks; will black groupers be open to me up my way? So the blacks will be counted in with the gags north of that line.

Mr. Hooks: This little can of worms we've just opening up this morning about dividing the South Atlantic into sections, I personally have been recommending it for quite a few years. If this goes through and the council accepts this, it's going to open up the doors for a lot of other species that are in one part of the South Atlantic and not another. I just want everybody to realize that this is going to start going to every fish.

I actually think it's a very good thing because it's a long way from the Virginia line to the Keys. Just from Jeff Oden here being 200 miles north of me, the only time he catches red groupers are when we have a hurricane and it pushes them up his way. After Hurricane Fran he caught them for a year and they were gone. They came back south, I guess. I think it's a good tool to use, but let's remember in the future that it's available and hopefully the council will accept it, and it's something that we can use.

Mr. Kelly: That's a motion I'd like to second is what Danny just said. These broad management plans haven't worked for us, and that's why each and every meeting we've asked for these more regional coverages. We're talking about 1,200 miles of jurisdiction; we're talking 50, 60, 70 degrees of water temperature change, different months for spawning aggregations and so forth.

The broad management plans, in spite of the council's desire not to micromanage, have created just as many problems as they have resolved. We see more and more animosity amongst the user groups at the meetings and so forth. I think the regional management plans will be much more effective for us in the long run.

Mr. Zimmerman: I just wanted to point out one other part of the motion that I just want to clear with this AP whether or not it should be included in the motion is whether to give guidance to the council that we are promoting a six-month closure on gag grouper alone, six months to one

year closure on gag grouper alone. I wasn't sure if that should be a part of this motion or just something that I make a statement about on Thursday.

Mr. Phillips: No, I think we're going to need to vote on the motion as you –

Mr. Zimmerman: Yes, I think you're right.

Mr. Phillips: Okay, can I have a show of hands in favor, 7 in favor; hands against, zero against. The motion carries. What next, Mark?

Mr. Marhefka: Yes, there is another whole part of this that we need to go and talk about. It's the allocation alternatives. It's on Page 2-3 here. Their preferred alternative here is going to go and split the allocation between 51 percent commercial and 49 recreational. Is this something that we're okay to live with? Is this something that we're willing to go and deal with, with the numbers and the dates that they're used from '99 to 2003?

I don't really like that. I'd like to go and actually go and sort of throw it out there and look at Alternative 4, to be honest with you, because it goes from '86 to 2005, so it gives you a little bit better snapshot of what is exactly going on as far back as they possibly have been able to go. I think it's something that we need to go as an AP, either express or dismay or whatever. Danny.

Mr. Hooks: I agree with Mark on this for another reason, because of the history that the council has of making quick decisions, going back to red porgy, for number one, and then coming to find out that they were mistaken. I'll use mistaken as a very nice word. I have other words but mistaken will fit very well. I hate to see them jump into something with a limited amount of data just for the – like the other one was only four years where now we have from '86 to '05, and you have a broader range to gauge it with. I support Alternative 4.

Mr. DeMaria: I just wanted to acknowledge that the staff really outdid themselves this time with the amount of information sent. I walked down to the gym this morning and I weighed this – 7.8 pounds. That's excluding the cover letter and the envelope, but you guys really outdid yourselves and congratulations. You're keeping us informed.

Mr. Conklin: I'll go along with Mark and Danny on this one. I think Alternative 4 would be the preferred rather than Alternative 2 just for the simple reason that there's a lot more time in there as to the amount of years you've got from '86 to '05.

Mr. Gray: Just a comment; we manage all these fisheries by looking in the rearview mirror. We always have and we've got a phenomenon going right now with fuel prices that is driving boats off the water like crazy. The Florida Fish and Wildlife Commission has some statistics that shows in 2006 their checking of offshore boats was down about 30 percent while fuel costs have escalated tremendously since 2006.

I know going out of the Central Florida ports we're way, way down on the numbers of recreational boats that are going out there, especially on the long trips. I think what we've got is

a situation where you're going to get a natural reduction in these pounds brought in by the recreational side, and I'm sure it's to going to affect the commercial side, too. I'd like to see us not overreact on this. My preference is Alternative 2, the preferred alternative, and I'd like to see us approve that one. I just wanted to throw that fuel cost issue out there because it's going to be major.

Mr. Hooks: Thank you, Jim. We talked about it. The fuel price right now is the best management tool in the world. That is what is going to save the fish. More than anything that's done this week or this year by the council, the fuel situation is going to be best management tool they've got.

Mr. Marhefka: That's all well and wonderful, but the bottom line is if you go and you pick Preferred Alternative 2 and you have a recreational 49 percent and nobody is going to go and be harvesting that fishery, then that's an unutilized fishery. It's not being used. Of course, I think if you were able to go and bump it up and let the commercial end of it go and catch it, then what you have is – you know, you have the product hitting the dock and it goes and couples in with our earlier motion in the commercial sector.

It will extend our season and we will be able to go and provide a good product on the market because we're able to go and catch – we'll have a little bit more to go and continue to grasp. I mean, you're going to see a lot of commercial fishing boats drop out left and right also, but there is going to be a handful of guys that are still going to be able to be in it who are going to be able to management themselves a little bit better. Once again, I'm going to go and stick with Alternative 4.

Mr. Gould: As far as Alternative 2 is concerned, if we were to go for that, I would prefer to see a provision put in it there where if the recreational allocation was not being met, that it could be shifted over to the commercial boys. The commercial boys are really getting hit hard, and it would do them a favor there.

I don't believe it's really a realistic number for the recreational side up in my neck of the woods that they're going to reach this or come anywhere close to it; whereas, the commercial boys would do it, so give them a break and make a provision there that if the recreational allocation side of it does not look like it's going to be met by, say, by the six-month marker or anything, shift it over to the commercial.

Mr. Kipnis: I'm looking at Table 2-5, which is just a little farther down here, and from 2001 to 2006 it looks as though the commercial and recreational landings were pretty much even. It's six years of historical. There is your recreational and there's your commercial; commercial is a little bit bigger. Even though the fuel might not be there to run recreational boats, I don't know, looking at number four, it looks like you've really trimmed off a lot from the recreational side and put a lot back to the commercial side.

We always say that we like to see the hits come equally, and that wouldn't be an equal hit. It would be much larger on the recreational side than the commercial. I do have to say this; even

though a recreational angler is not making a living out of it, a lot of people who depend on that recreational angler do make a living out of it, from tackle stores to fuel, docks, the beer sellers, whatever. There is a whole financial component to that, also.

Mr. Gray: The argument to take any unused recreational quota and shift it over to the commercial side, I don't see any way for that to work. The recreational guys go by bag limit and season closures and that sort of thing, so you don't really have the same data. You can always in subsequent years change the allocation, but if we're coming down toward the end of the year and say the recreational side hasn't caught their quota so we're going to shift it over commercial, you don't know because the recreational side – and this goes to Jeff's argument and everybody else – you're going by a bag limit and season closure. You're not going by pounds put on the dock.

Mr. Amick: I have a question for Rick. When you're doing the allocation for commercial and recreational and there is talk about doing an allocation for the for-hire sector, that would be half of the recreational, split it there; is that correct?

Mr. DeVactor: Yes, it would split it, but not 50/50. We'd have to look at the landings data and see what sector harvested what.

Mr. DeBrango: I kind of like Alternative 4. Maybe we could put some kind of addendum with it for the recreational, too, so they make sure that they get all theirs, you know, with an allocation to the recreational and kind of make everybody happy with it. If we start breaking it down into regions, like I said, in the wintertime – I mean, the fuel is going to take care of a huge amount of recreational.

Down in Florida we're still going to have a lot of recreational, so maybe we ought to look at it this way, regional allotments, break it down into regions, alternative four, like you're saying, but add something in this number four for recreational.

Mr. Oden: Back to the ACLs, I've been reading some of the allocation discussions, and there were actually four categories in there. One is conservation. I've heard one side say, well, give it to the commercial if it's not used. Well, I'm curious to know what is going to be done without that particular allocation there, the conservation; is that going to be utilized to give back to another sector or what is coming in with that?

Mr. DeVactor: The conservation allocation idea came from the Allocation Committee, who met a couple of months back. The Allocation Committee met here yesterday. I wasn't able to sit in on that, so I don't know if that is still going to be used or not. The theory behind that is you have a conservation bank set aside for the fish stocks. Now there are some people that say where you set your ACL, you can be more conservation minded in that manner, without having to have a conservation allocation set aside. I'm not sure where that idea stands now. I didn't hear their discussions yesterday.

Mr. Iarocci: Thank you, Mr. Chairman. To that point, we did discuss that yesterday. I am not a member of the Allocation Committee, but, Jeff, that sector was taken out. There is still some

talk of how to allocate, but the conservation sector, the fourth sector, has been taken out, but there will be commercial, recreational and charter/headboat to consider; not conservation.

Mr. Zimmerman: To Tony's point and Jeff's, that was pointed out by Monica that specific language in the Magnuson Act refers to commercial fishermen and that allocation has to be – or to fishermen and not to some entity.

Mr. Marhefka: Yes, Dan, just to get back to where you were, the reason why I'd like to choose Alternative 4 is because the demographics of the industry has changed so much, so if we pick the values between '86 and 2005, it sort of grabs a little bit of both sides. If you just go by 2001 to 2006, that's what has changed.

I mean, the commercial fishing industry has shrunk considerably and the recreational side has exploded considerably and now all of a sudden we have an economic value that's being thrown in there because of fuel costs, so we're going to see probably another backslide on probably both of them. Everything is sort of like a little wonky there, but that's why I chose four is because historically, before there was a recreational component, there was a lot more commercial.

As to catching gags, the recreational sector never really went way offshore to go and catch fish. They were only up inshore catching – in our neck of the woods, anyway, catching sea bass and other things like that. Now that you have boats that will do 45 miles an hour, they can get out there and get to the bottom and get some of our grounds. That's why I chose that because I'm sort of thinking ahead of what we're going to go and see here.

If fuel costs go up, you're going to go and see a lot less recreational boats going out there because they're not going to be able to afford to go out. They're going to go and save their money for college or retirement or something. Everybody says you save for retirement. The other thing is that because what we're doing is in the commercial industry is we're fishing for the masses. We're fishing for people who don't have the ability to go and catch it.

What I see right now going through the inlets are the haves and the have-nots, and I see a lot of haves going out there full bore, blowing the smoke, just to go and have fun and catch what they want to go and catch for their own fun, but what I'm going out there and doing is I'm catching for the masses who want to go and have a fresh, sustainable product.

Mr. Kipnis: What I will say to this, Mark, have and have-nots, if you're going to eat gag grouper, you're a rich person now. I'll guarantee you that because when I go to buy gag grouper in my public supermarket, right here in Florida, if I could get gag – it's usually red grouper or an import – it's 20 bucks a pound, \$19.99. You better be rich if you want to eat that, because I can buy filet mignon a lot cheaper than I can buy a gag grouper filet, I can you tell that right now.

Fish has become, especially the fish you guys produce, the high-quality item that you produce is a luxury item. It's not for the masses. We're not talking about spot here and we're not talking about mullet. Even mullet are \$2.50 a pound, which blows my mind. You know, I'm looking at this, also – one other thing.

I'm looking at the headboat component on this, and I assume that's charter/headboat, and a percentage out of the recreational landing is going to have to be allocated to that headboat/charter side also, I guess the equivalent percentage of what they caught against the total. The actual recreational landings would be – for strictly a recreational angler would be less than 270,660 pounds, because you have to take out what percentage the headboat did during that time, also.

In South Florida we don't have long runs to go out like you do up here, and I really can't speak to the recreational guy who has a Contender or something up here and is willing to burn \$600 worth of fuel to get offshore, but in Miami – well, from Canaveral down, basically it's a 20-mile run or less.

Mr. Marhefka: Well, at \$20.00 a pound, that's only four gallons of fuel. You're not going to get very far to go and get your gags. I would go and beg to differ, someone is going to go and eat at the restaurant instead of going out there and going to get –

Mr. Kipnis: Well, I do eat at the restaurant, too, and we're looking at a \$39.95 grouper filet, and it's a little piece. I mean, it's good stuff.

Mr. DeMaria: You're absolutely right, we're not fishing for the have-nots anymore. It wasn't all that long ago where grouper wasn't even kept in the Gulf coast. It burned up the ice and they just cut them loose. Now it's a high-end fish. I can't even afford to keep my own fish and eat it. If I get a bad shot on one, the fish house wouldn't take it. That's the only time I get to eat grouper anymore, it's so expensive, four something a pound. It's just outrageous.

Mr. DeBrango: Back to the regional, I think something possibly worded in there for the recreational – for the east coast, like they're saying, for the for-hire, depending upon where they allocate the poundage for the for-hire, it should be more on the lines, because of the heavy recreational in Florida, more on the lines of a 50/50 split, and then each state looked at – because like you said, in Georgia you might be going – to get somewhere good, you might have to go, what, 40 or 60 miles.

To get to the Gulf Stream, you've got a big chunk of things to go to. People aren't going to be able to afford it. South Carolina is the same. North Carolina, you know, every place is a little bit different there. The gag fishery may not be as big in Florida as it is in North Carolina, so maybe you put something in there where it's going to be different allocations between commercial and recreational as per location.

**Mr. Marhefka: All right, I move the AP supports Alternative 4 for the action that specifies the interim allocations for gag of 61 percent commercial and 39 percent recreational.**

Mr. Phillips: Do I have a second? Phil seconds. Discussion. Can I have a show of hands in favor, 12 in favor; against, 3 against. The motion carries. What's next, Rick.

Mr. DeVactor: I think we've kind of been through gag. On Page 2-6, the recreational sector, there is a current alternative to limit the grouper aggregate to three and one gag or black grouper within that aggregate and then close the month of December in addition to January through April. We've already been through the recreational alternatives for gag, so we probably can move on from here, if everyone is all right with that.

Mr. Marhefka: I'm just wondering when we worked with this one and we did a dividing line, did we go and agree on what was north of the dividing line? All we talked of was what was south of the dividing line. Do we also come into agreement of what was the preferred alternative, which is reduce the five grouper aggregate to a three? What is going on with the recreational side of things up there? I mean, this is Terrell's concern of groupers being on the market during closure for the gag with the commercial end of it. This would go and sort of close that door pretty hard on the recreational side of it.

And enforcement reasons, for any reason, if all of a sudden, boom, you see a gag on the floor somewhere, well, then, you clearly know that there is an issue because it's closed during January through April and it's in compliance with the same thing that's in the commercial end of it. So let's open the floor to the discussion on this because we haven't discussed anything north of the Monroe/Dade line.

Mr. Gould: That's all well and good in theory there, but if somebody is going to go fishing in the closed season, they're going to go. That's all there is to it. I don't need to say nothing else there. The Enforcement AP is working on it, as I was told there a while ago. There is going to be a big hit there to go from, what, three gag grouper to – or two to one per person, or three grouper aggregate limit. I can live with that in my sector. I think it's a good move. We still have to work on the enforcement, which is being took care of.

Mr. Marhefka: To me this achieving the 36 percent reduction, which is a huge part of what they're looking for – the council is looking for the component to go and get where they need to get for gags in the recreational sector.

Mr. Gould: But just bear in mind there that from what we were told there earlier, they're not overfished. They're undergoing overfishing, but they're not overfished yet, so there is still a lot of leeway in what is going on here. I don't think you've really got the data to support this, but they're adamant about it so they're to go with it.

Mr. Gray: I guess this question is for Rick. We just recommended Alternative 4, which skews the allocation, and now we're talking about a 36 percent reduction if we go with Alternative 5. What is the effect there? Aren't we talking more than a 36 percent reduction because of the recommendation we just made on the previous motion?

Mr. DeVactor: Yes, and this is shown in Table 2-6, right above that. You're exactly right, when you changed your allocations you changed the percent cut in harvest that's required in each sector. So if you look at Table 2-6, under what is the council's current preferred alternative, you needed a 35 percent commercial and a recreational reduction. But now if you go with

Alternative 4, you actually will need a 23 percent cut in harvest for the commercial sector and then a 50 percent for the recreational sector. Basically, when you divide the fish up, you're giving more fish to one sector and less fish to the other, so you need a higher reduction.

Mr. Burgess: I have a question for Terrell. Of those that alternatives that were up before, what do you prefer for our area, for your industry?

Mr. Gould: For the North Carolina area? What I'm seeing and what we're catching on the headboat, basically, is people are having a hard time catching three grouper. Of course, my boat is sort of unique. It swings a lot and you know what that does to the grouper fishing. I'm seeing a lot of downplay there in the other boats that grouper fishes down there. I could handle three grouper per person limit, one and two others, or possibly four grouper there. We cut it down to one gag, a couple of reds there and maybe a scamp. I personally could live with that.

I'm sure there are people in here that disagree with it, but I could live with it. I couldn't live with it being completely cut out for the simple fact that we already have enough discards. That would make a hundred percent discard on it. We catch plenty of 23.5-inch groupers, 23-5/8, like that. They're just under the wire and they have to go back in the water. Probably 75 percent of them swim back down; 75 or 80 percent swim back down good.

I think its one area there that needs to be addressed, especially with the outlaw fishing down south of me and taking out a lot of fish that's never reported. It needs to cut down a little bit for a few years and see where it goes. I remember what the king mackerel was there in 1980. There was the run-around gill net fishing down here off of Florida. There were some draconian measures.

I didn't agree with them at the time, but you've got more king mackerel up off the coast of North Carolina right now than you can shake a stick at, so I can bite the bullet a little bit and my customers will go along with it. I'm going to support the three grouper, two aggregate and one gag, you know, is what I'm going to do.

Mr. Phillips: Do you want to make that into a motion?

**Mr. Gould: Okay, move to reduce the five grouper aggregate bag limit to a three grouper aggregate bag limit; reduce the existing bag limit from two gag or black grouper to one gag or black grouper within the grouper aggregate limit. Okay, move for 5A.**

Mr. Phillips: Seconded by Jim. Steve.

Mr. Amick: I know there is a lot of consideration of removing size limits on the recreational fish. The species like the red snapper I think has done us a lot of good. Like what Danny said, the way we're fishing this shallow water, that 24-inch size limit on the gag has helped out a lot like it has on the red snapper. I think the size limit should stay in place on the gags.

Mr. DeVictor: Just to point out, once again, that the council, indeed, if they do change their allocation alternatives, that you would need a 50 percent cut in harvest. Just by doing this alone, you'd only get a 36 percent reduction in harvest, plus the January through April spawning season closure. You're giving something to the council right now, which if you do change so they need a 50 percent cut in harvest, you would have to give more if they were to get the reductions in harvest.

Mr. Kipnis: Answer this for me; with the Alternative 4 that we just did, there is a 50 percent cut in recreational harvest. This Alternative 5A will cause a 36 percent cut in recreational harvest, and the four-month closure is going to cut how much, another 36?

Mr. DeVictor: No, 5A includes the January through April spawning closure. That 36 percent is for the closure and the –

Mr. Kipnis: Okay, how would you factor in – well, let's put it this way. What would the true recreational reduction be factoring in this 36 percent and the other 50 percent? Is it greater than 50 percent? If you reduce the amount – if you accept Alternative 4 and you reduce the recreational catch to 250,000 pounds or 240 or whatever it is, and then you do this, too, reduce their bag limit causing an additional reduction, isn't it true that it's more than a 50 percent reduction, then, when you factor these two alternatives together? It is.

Mr. DeVictor: I think it already has been factored in. I mean, I think their two separate things and they're not mixed. It's just one thing off the top of my head that the first part on how you separate the fish out is just telling you how much cut you need and that's 50 percent, but now this is telling – I see what you're saying here –

Mr. Kipnis: Well, Rick, let me ask you this, then. If you reduce the bag limit and you've got a 36 percent reduction, how much would that reduce the historic catch? It takes it down 36 percent, right? How close is that to that 240,000 pounds that's about 300,000? I'm just saying it looks to me as though the recreational sector is giving up a considerable amount of their potential here on an already reduced fishery.

We have already reduced the fishery down, and I don't see the equity in that. I realize, again, that they're not selling the fish to make a living, but there is a lot of business that goes along with that recreational sector that's important to the economy. There are a lot of people that depend upon it, and I'm not in favor of Alternative 4. I'm more in favor of a more balanced approach to this. Then when you add this to it, reducing the bag limits down – and I'm all in favor in reducing the bag limits – it's just not balancing out here. I just wanted to express my concern about it and get it into the public record. Thank you.

Mr. Gould: We really need to take into account – and I think with this 36 percent there you're going to see quite a bit more percentage drop in that just from the general shape of the economy. I'm seeing a 40 percent reduction in my business this year from what I had last year at this time. That's a big hunk, folks. If you add that in and add this in, it would be more than a reduction

than what they're calling for just from my side. I can live with this; we're going to get through it one way or another. There are banks to be robbed.

Mr. Kipnis: One more thing. I want you to understand as a recreational user of this resource, once you give it up and you establish your percentage, your historical percentage, at this level, you are not ever going to get it back. Just remember that, when you give it up, you will never get it back.

On the other hand, when the commercial sector increases their percentage, they will historically have that percentage, and they will keep it or more. It's not that I'm against you guys catching fish. I just want you to know the politics of it as a recreational angler, when you vote for this, what you're setting up throughout history, the coming history.

Mr. Oden: To that point, I don't you all are being two-for-one like we are, and that will eventually stem our tide. I mean, I know for a fact that most of us are aging and – okay, my point made.

Mr. Gould: Dan, I think there in the future you'll probably see, as this process gets more and more smoothed out, that you will see an increase as the stock rebuilds in both the recreational sector and the commercial side of it. There is going to have to be some equality. You've got to fight for it; I've got to fight for the whole nine yards. People have to listen, and if you beat it in them long enough they're going to listen.

Mr. Kipnis: You just gave it up. On the recreational side, voting for Alternative 4, you just gave up your percentage. You will never get that back if the council decides to with Alternative 4. They may not; they may go with the preferred alternative.

Mr. Gould: I think it was 5A that we went for; wasn't it?

Mr. Kipnis: Right before this was Alternative 4; that's the point that I'm making, and that was the percentage of allocation, 60-something percent to 37 percent. That's the point that I was making.

Mr. Phillips: Dan, just for a side note, I did talk to – we were talking allocation with Mr. Crabtree last year. I said, "Well, if we do this, set this allocation, can we be guaranteed this?" He said, "No, the council can go at any meeting that they want to and say, 'We're changing the allocation.'"

We've been told – and I was looking at how long people have been on these committees, and you're one of the few people that's been on them longer than me. You've been told if we do this, take this medicine, we'll be okay. If we take this medicine – and it has changed and changed and changed and it's going to keep changing. Unfortunately, it's going to keep changing.

Mr. Kipnis: Charlie, I keep taking the medicine and I'm getting sicker and sicker and sicker.

Mr. Phillips: I didn't say we were getting better. I said it was always changing. Okay, we need a second on this.

Mr. DeVactor: Just a quick comment and I should have mentioned this before, but the recommendation from the AP in September was to go with a 50/50 split. That's one of the reasons why the council went with the 51/49 percent for gag.

Mr. Phillips: Do we need a second now?

Mr. DeVactor: Who made the motion?

Mr. Phillips: Terrell made the motion. Do we have a second?

Mr. Gray: I seconded.

Mr. Phillips: Any further discussion? Can I see a show of hands in favor, 17 in favor; any against.

Mr. Kipnis: It's funny how there were only seven in favor of Alternative 4. Is that the commercial representatives? What happened to you recreational guys? You didn't even vote to keep your rights, your percentage, guys. I was over there getting coffee. You can kick me; I wasn't listening.

Mr. Phillips: All against, none against. The motion carries. Dan.

Mr. Hooks: I would like to make a motion here because I think that we need to, in order to clear ourselves with the council on this idea that we started this morning that we've been talking about for years of regional management. I think the council is kind of sitting around waiting on us or still trying to make their minds up, and I would like to be able to present the council with a motion from the AP that we support regional management.

We've been talking about it for a long time, and I think that's the only thing that's going to save some of us. **I would like to make this motion that the entire council supports regional management for these fisheries and pass it along to the council, please.**

Mr. DeMaria: I second it.

Mr. Gould: It should be put in there, if we're going to do this, it should be state by state by state. There is such a diversity in what is caught in each state. Of course, the council is going to have a hissy fit about that because of the funding to do it and the paper work, but I think it needs to be done by state.

Mr. Hooks: Well, my only thing about that is – and I'm going to let this go to the Florida guys – they are dividing their state up different than – they have such a big diversity and a long state, I

don't fish down there so maybe one of them can kind of – if you understand what I'm saying, I don't want to be unfair, and it would be worded to where it's all Florida where you all have already decided you wanted some kind of line.

Mr. Kipnis: Well, actually, historically, we have been using the Dade County/Monroe line for many different fisheries. We do it with the king mackerel. The Gulf Council actually uses that line also for mackerel, so it's been established before as a regional planning. But you're absolutely right, Danny, some fisheries may need to be split interstate like that and others may be multi-states, and you shouldn't actually put a criteria on it.

You should look at each fishery; and then when you decide how you need to regulate it and split it up, you do it that way, but don't set it in stone in the beginning because you don't know what fisheries you're going to be dealing with.

Mr. Oden: But to that point, I also think that each state should have the authority within itself to manage that particular species, be it snowy grouper or whatever. I mean, per se, because I don't see how you can get North Carolina and South Carolina, their respective departments or divisions, to be able to handle an assessment there.

I mean, it's hard enough to get one state to do it, even though they can and do, but how do you get two states together the way it's proposed now to do a Florida/Georgia and North Carolina/South Carolina? If they're going to do it, I think it needs to be state by state, and, again, still have the authority to do whatever within a state, regionally there.

Mr. Kipnis: I would leave that. Your motion would be fine, but I would leave that up to the councils to decide by species what they have to do on their plans. It's not up to us to tell them this is the way you should formulate it. We should just tell them we'd like to see a regional plan be used by you.

Mr. Oden: One last thing to that point. I know they have balked at doing that and saying it's too – it would be too cumbersome, but it would be too cumbersome with two states, as I just said. But on top of that, I mean, it's been proven to work in other areas with summer flounder being a prime example, because that fishery right there has been utilized the same way, state-by-state quotas, for years. There is no logic to any discussion against it.

Mr. Gould: If you look at the historical landings, there is a bit disparity is just about every species between each state. It's right there in the disk that they sent you, and that's why I suggest that. In these hard economic times I don't want to hurt nobody, but I don't want to get hurt by anybody else. The only way that I see to fairly divvy this up is to do it by historical landings state by state by state. South Carolina edges North Carolina in a few things.

We edge them in a few things, but both of our Carolinas far outweigh Georgia and Florida in 90 percent of it. We catch more. We have better bottom up there. We don't have the pressure on it; that you all down here, you've got a lot of little boats. We've probably got a tenth or a

fifteenth percentage of what you all have down here. I'm not trying to hurt you all, but I'm not trying to hurt myself by suggesting this neither.

Mr. Kelly: A lot of it has already been said here, Charlie, but I think obviously we broke the ice with regional management last year when we tried to set up this dividing line on gag grouper. It still didn't come out the way we had made the motion for, but it was a step in the right direction. We're seeing changes here in the past week or so with the council. They're acknowledging the need for this regional management as well. A lot of great ideas have been brought up here this morning, and I think they'll be very receptive to in the long run. I think we're moving in the right direction and the council is as well.

Mr. DeMaria: I think we're not just talking about quotas and things like that and historical state landings. We're talking about the biology of these fish, and the fish don't really recognize political boundaries like a state boundary. Maybe we should add something in there like the AP supports all aspects of management for the snapper grouper.

That would be their spawning and everything like that, so it's not confused that we're just trying to divide up the TAC among states. I think you're trying to get at the biology of the fish where there are certain boundaries and where the Gulf Stream swings out and the tropical reef system sort of ends and things like that where these lines should be drawn.

Mr. Gould: Well, this is a personal opinion, but the snappers and the groupers that we catch off of North Carolina is not going to swim to Florida in the winter. King mackerels do, some of them, but snapper and grouper, from what my understanding is, the majority of them live within 15 nautical miles of where they were spawned. I find that to be pretty true.

We picked up four tags – it was three silvers and a redmouthed grunt – back in May that was done by the SEAMAP Program last year. Each one of these fish were caught within three miles of where they were tagged at, which is not showing a whole lot of movement throughout the – I think it was a six-month period, something like that, that it was. That's another one of the reasons for basing what I was suggesting.

Mr. Kipnis: Danny, you made the motion. We've got snapper grouper there, but isn't it true that we would like all fisheries that the council are regulating to fall under this?

Mr. Hooks: This is not meant as pertaining to anything special we were talking at this morning. I made this motion concerning all fisheries that we discuss. The regional management is not just for snapper grouper but B-liners, vermilion snapper, sea bass, everything that we discussed has to be considered as far as regional management.

Mr. Kipnis: Right, I agree with you but this up here, Motion 10 says specifically snapper grouper, and I don't think that's what you meant.

Mr. Hooks: Well, the fish I named were snapper grouper – because we're dealing with snapper grouper fisheries.

Mr. Kipnis: All right.

Mr. Hooks: But I'm saying the Mackerel AP could make their own –

Mr. Kipnis: All of it should.

Mr. Hooks: I agree it should, but we don't have the authority to make the motion to –

Mr. Kipnis: You absolutely do.

Mr. Hooks: For the mackerel fishery?

Mr. Kipnis: You absolutely have the authority to ask the council to deal with their fisheries management decisions on a regional basis. You absolutely do.

Mr. Hooks: Stand by. I would like to change that to "all fisheries". Thank you, Dan.

Mr. Phillips: Okay, Danny, do you want to read it?

Mr. Hooks: The AP supports regional management for all fisheries managed by the South Atlantic Fishery Management Council.

Mr. Phillips: Can I have a show of hands in favor, 15 in favor; all opposed; one abstention. The motion carries.

Mr. Oden: My abstention stems from the fact that I still think it needs to be state by state. To me that leaves the authority for the council to just go ahead and put a rubber stamp on what they've already proposed, which is North Carolina/South Carolina, Georgia/Florida.

Mr. Gould: The wording is already in the record there that a lot of us prefer to have it state by state by state even though it wasn't in the motion. I'm sure it will be read and taken into account.

Mr. Iarocci: Thank you, Mr. Chairman. To Jeff's point, Jeff, I think the message is going to be loud and clear that all aspects of regional fisheries management, whether it be regional, like a two-state quota or state by state, but this message will be taken back loud and clear, all aspects, whether we do go state by state – let me say it again – so everything will be considered, and it will be coming through the AP.

That's why I'm sitting here. I want to make sure that this is conveyed right, and I want to understand completely what you're saying. I know you guys have talked about this. Danny, we've talked about this for a lot of years. I remember when this first came up, Jeff, with snowy grouper. You wanted North Carolina to be separated out before, and like I said this will be taken back to full council.

Mr. Oden: One last thing to that point. Like right now we're going with spiny dogfish – I mean, the same thing there now. We're dealing with ASMFC and at that level on that particular species. I mean, North Carolina is getting singled out of it. I feel like the states need the authority to deal with the fishery, the historical allocation, as necessary. Anyway, thank you, Tony.

Mr. Phillips: Well, I think it's time for lunch. We'll go to lunch and be back at 1:00 o'clock.

The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Normandy Room of the Renaissance Orlando Hotel Airport, Orlando, Florida, Wednesday afternoon, June 11, 2008, and was called to order at 1:00 o'clock p.m. by Chairman Mark Marhefka.

Mr. Marhefka: Gentlemen, let's get rolling here; it's one o'clock; and we're going to have to go to the room next door in 30 minutes. I'd like to go and try to do as much as we possibly can.

Mr. Phillips: All right, are you all ready to sit down where we can get going? Rick is going to start us through it.

Mr. DeVactor: Okay, we're going through B-liners now in Amendment 16. This is on Page 2-8. There are MSY and OY alternatives on Table 2-8. The preferred alternative is Alternative 2 for MSY, 2.699957 million pounds; and Alternative 2B is the preferred OY alternative, and I have it on the screen here, which is 628,459 pounds whole weight.

Then moving down to the next page you have the TAC for vermilion snapper. Alternative 2 is the current preferred alternative, and that would 628,459 pounds. You can see that the TAC would be set at the OY level. Then you go up and you split that into the two different sectors, and the council's current preferred alternative is 68 percent commercial and 32 percent recreational.

You can see the values for the commercial quota and recreational allocation specified there. That's taking landings from 1986 to 2005. Are there any questions about that before I move into management alternatives?

Mr. Marhefka: Yes, I wish we had about a week so we could understand this MSY and OY. Once again, it's my understandings that the least restrictive would be MSY and we're working off of OY because we've got such a buffer. I mean, we're putting such a huge buffer in place there, and to me it's really important that we don't have such a huge buffer.

It needs to be coupled with proper data collection so we don't go over MSY. Anyway, I know that a lot of folks around the table don't quite understand any of this stuff and neither does the council over there in the next room understand it. I'm trying to get a quick whip on this and understand it a little bit better. Terrell.

Mr. Gould: The data that they're using, I've spent quite a bit time over there at the NOAA Lab. The data that they're using to do this all together, the scientists do not really believe in it. There has not been enough time since we went to the 12-inch limit. All the earbones have not been done. The woman that does it has had to take a 500 shot here or 500 shot there of earbones and get as many on those issues done. I think she has done about 6,000 out of 10,000 bones that she was directed to do there last year.

This is a direct result of not enough funding to have help to do it. Since the 12-inch limit has come into effect, we've greatly seen an increase in both the quantity and year size of the fish that we're catching. The limits, as they are right now, is working. The week before last there was one boat that was over there to the east of our cape and had 1,200 pounds in one day, four and ups. We haven't seen that in quite a few years.

There during the month of May six boats out of Morehead had over 22,000 pounds out of one dealer. This was fishing between fronts. The data there that I've seen, I've looked it over pretty good and everything. I do not have any confidence in it, especially after talking with the scientist that is doing the research on it. I think it needs to be given more time to get an accurate reading of what is going on there. The science ain't the best that they can use for it even though they claim it is.

**Mr. Marhefka: Well, I'd like to go and make a motion right off the get-go then. I want to go and make a motion that the council uses the least – what's the word here I'm trying to look at – restrictive measures in the rebuild of all these fishes, coupled with 100 percent electronic dealer reporting.** If you go and you tighten up the reporting, then there is no reason for us to go and have such huge leeway or play in between this. You don't have to use OY; you can use MSY. If you did a hundred percent electronic dealer reporting –

Mr. Gould: This is dealing with the commercial side of it, right?

Mr. Marhefka: Yes, this is just the commercial side of what we're trying to go and do here, to go and monitor what we're allowed to go and catch, because nothing has been put together to go and monitor the recreational sector.

Mr. DeVictor: When you say "rebuild", that usually refers if it's overfished, and vermilion snapper is not. Do you mean measures in the management of snapper grouper species or something a little more specific?

Mr. Gould: You're dealing with vermilion snapper now, right?

Mr. Marhefka: We're dealing with all species, all snapper grouper species. I think my emphasis is not being so much coupled, but the emphasis is a hundred percent electronic dealer reporting, because it's so important for us to go and manage these fish as tight as we possibly can. All the NGOs out there are going to want us not to go anywhere near our TAC; and if we get close to it, then they get really nervous.

If we had this electronic dealer reporting and we had it structured to where we can go and sort of go on line and actually see what is happening and how it's working, then we can go and sort of maybe massage which way we're going to fish the next trip or whatever. We might not go out there and bang one fish or the other harder than the other just because of the indicator species such as the gag, so we can go and continue on fishing as long as we possibly can or whatever may be case.

Then the other thing is we won't have the mistakes like they had with the golden tile this year. I mean, if everybody reported – I mean, I'm a dealer and I'm not required to report because it's just not one of the requirements. It's a random pick, but if everybody was, then we'd be able to go and pay attention to it. We can go online, like I said, and keep an eye on it. Anyway, it's open for discussion.

Mr. Phillips: Okay, can we get a second?

Mr. DeMaria: I'll second it.

Mr. Phillips: Okay, discussion.

Mr. Marhefka: All right, I know you all just ate and now it's slow-down time, but is this something that you guys are sort of – you know, I mean, we've always been talking about our data, data, data, and this is something that's really right there at it. Tom.

Mr. Burgess: When I was next door yesterday in the discussion of one of the committees, there was talk of electronic reporting by dealers, and North Carolina, to my knowledge, did not want to go along with that because of the dealers not being computer literate. I'm just repeating what I heard over there, so I don't know how the second part of that motion will go over and how far it will get, but that's just what I heard yesterday.

Mr. Marhefka: Yes, I mean, I'm just like, you know, then we need to go and make sure NMFS structures this reporting as simply as possible to where you just come up on – you could go to any library and pull up their website and go and say "dealer report". Okay, you go to the dealer report; and if you don't want to follow it or track it, that's fine, that's no problem. All you do is you pull up your dealer report – you're filling out a logbook.

You can go and look at keypads and go and say, okay, there is the one and it goes there because I caught that, and you do everything and then at the very end you press "submit", and that's it, you're done. I understand, but I'll tell you what, the only way we're going to go and be able to go and have these real close thresholds up to the very top that we need to go and get – otherwise, we're going to have a buffer like this, and we're only going to be able to catch this.

I don't want somebody's illiteracy to go and get in between this and this for me. Either let's get on the bandwagon or go and find a neighbor or somebody who can help you do what needs to be done, hire a secretary or whatever might be the case. I mean, we're in a new world and we need to move on.

Mr. Burgess: I agree a hundred percent, and I think it's time to do it. I'm just sharing some information with you.

Mr. DeBrango: I think it's a great idea, electronic reporting. I mean, it's the age of computers. I don't think it just should be restricted to the dealers. I think everybody involved here, recreational, commercial, for-hire, I think it might be a better idea to have some kind of a website set up where you can go in and register.

You can get yourself a number and you can give your registration numbers of your vessel, and you can go in there and you can actually report on an electronic basis. You're probably going to get some problems in there, but it might start adding a little bit more hard data to the whole assessments or everything they've got. I think it's a great idea, electronic data.

Mr. Zimmerman: Like, you know, I'm the executive director of a commercial fishermen's association and I do a lot of outreach using the computer. A lot of guys approach me and say, "Look, I don't use a computer, I'm not getting the information you're trying to get out to us," but the reality is a lot of those guys look to me to get that information.

Eventually I get e-mails from their parents or their significant other, so eventually they're going to have to look to, like you said, Mark, to somebody within their family or a friend of theirs to help work together with them to legitimize this process. I don't think it's overbearing on the community to ask people to work with one another to legitimize the data.

Mr. Marhefka: And the other thing is if this is the case, then there is really no reason for us to have to do the paper logbooks at all as far as fishermen, because as soon as your product lands at the dock, regardless if it goes – I mean, if I sell to three different people, I might sell to Phil, I might sell to Kenyon Seafood, and I sell to myself, but I should be able to go and get all that together and put it together within a certain short period of time and have it submitted within the end of the day or within the next 24 hours or whatever of landing. I mean, I understand about trying to get it to everybody.

Mr. Zimmerman: This is another way that maybe the fishermen can work with either a fish house or an association that they can have somebody set aside to actually do this – you know, upload their information into the system for them and paying a specific fee to do that job for them, too.

Mr. Burgess: As far as not filling out our own logbook reports, I have concerns about that due to the fact that I'll be relying on that dealer to fill out my log reports and as far as my catch history goes; and just with that one report, if he hits the wrong number at one time or other and just moves a decimal point, it could have some implications there. If we fill out our own and with the reporting of the dealer, we will have maybe some – if something comes up wrong where one is showing one amount and one showing the other, there will be some checks and balances there where you can look and see if there was a mistake made.

Mr. Marhefka: Maybe if you make it fail safe where you have – my ideal is that you have an opening page and it has all the amount of the poundage that are already caught prior to your submission. You turn the page – you have a little asterisk, turn the page, and you go into there and that's your logbook that you then get ready to go and fill out. You've filled that logbook out and at the bottom you press "submit".

You push the other, turn the page, and all that stuff that you just put in there should then roll right on up. Okay, so you personally could go in there and go and see that, you know, that he messed up; or, you could maybe even actually make it to where when your dealer is sitting there and he's filling out your trip ticket for you, that it can go and be a printout of a trip ticket also, which we do already in South Carolina by some of the South Carolina trip tickets.

We're using those as our bill of sale ticket. There are many different ways, but the bottom line is the reporting, is to get it online, get it happening, and then let everybody else go and sort of throw in the ideas of how we can go and make it work, but I think that's super important.

Mr. Phillips: Mark, you've got dealer reporting up here, but I hear you talking about trip reporting from the boats, which is two different ballgames. You know, it's all electronic reporting, but are you specifically wanting dealer reporting or do you want dealer reporting and boat reporting electronically? The other thing is like in Georgia they want basically the same information that you're sending to the feds.

They cannot make me or the boats give them the federal forms. They can turn around and say, "We want everything they want, but we can't make you give us that form because that's their form. You can give it to us voluntarily and we can use it because it's got the information we need; and if you don't give it to us voluntarily, then we'll just give you another form that looks almost identical to that and you're going to have to fill that form in because we've got to have that information."

So, most of my boats just say, "Okay, rather than do it twice, I'll just give a copy to the state," but they don't have to. They do not have to do that, so you may run into a little bit of jurisdictional problem. I understand from where Scott is, the dealers are going to have access to internet. They're going to have bookkeepers that can do this kind of stuff. I mean, they're just too big a business and even the small dealers are going to do that.

Some of these fishermen, it will be a lot harder for the fishermen, especially some of his fishermen, to do electronic logbooks. I can see that, but you just need to make sure you don't run into jurisdictional problems.

Mr. Cardin: Well, with the dealer report, what is it, every ten days or two weeks? Well, if you got to electronic reporting, it would be a daily dealer report or when a trip ended, so therefore the dealer report would become a trip report. You know, the time you sell it, then you enter it, then that entered the trip instead of waiting the two weeks or ten days.

Mr. Phillips: Well, the electronic stuff, when you send it in, it's automatically there. If you mail one in, then you've got to remember it's got to go through snail mail. They've got to get it, they've got to open it, they've got to put it in the computer. Just because you mailed it in two weeks or ten days, it may be a month before it goes in their system where if you electronically send it, say, on the same day that you physically mailed it, that stuff is already in their computer, so they can do stuff. Scott.

Mr. Zimmerman: This might be a little bit far reaching, but there is the technology for voice recognition software that has really kind of gone through the roof; so if there is a way to implement that technology into this online data collection system, it might be something that the techies can work on.

Mr. DeVictor: I don't think we need to get into the weeds of how this would happen. I mean, they use this in the northeast and it's called SAFIS, and they've mentioned that there have been great improvements to their reporting process. You know what happened with tilefish. That wouldn't happen.

You may want to clarify what you mean by that first statement where "should use the least restrictive management measures." The council just may have some confusion. I think you will get a lot of support for the second part of that, so you just may get some questions on that first part.

Mr. Marhefka: If there is any way that I could change this motion to go and be two separate motions, first of all, we'll just go and just say "The Advisory Panel recommends that the" –

Mr. Phillips: Don, is okay for Mark to drop that motion so we can rewrite this into two separate motions?

Mr. DeMaria: Yes, sure.

Mr. Phillips: All right, and, Mark, and you've got two motions.

**Mr. Marhefka: Okay, the motion reads the AP recommends that the National Marine Fisheries Service make electronic reporting mandatory for all dealers.**

Mr. Phillips: Seconded by Don DeMaria. All right, can we do a show of hands of all in favor, 16 for; against, none against. The motion passes. Bobby.

Mr. Cardin: Right now they're on a ten-day or two-week reporting schedule. Do we go along with – do we ask them to change the timelines of when you have to have the report in?

Mr. Marhefka: I think we can hammer all the logistics out on that later on, I mean, exactly how we're going to go and get it in, how it's going to be submitted. I mean, what all do we go and we put on the report; is the same thing that we're sending in now; is there something else that we

want added in. Yes, I agree – I mean, we're not looking at ten days. My view and idea is like 24 hours or 48 hours tops.

Mr. Cardin: Yes, if you're asking them to be less restrictive, then we need to give them a timeframe.

Mr. Phillips: All right, we need to recess and go listen to the report in the other room, and then we'll come back when they get through.

Mr. Marhefka: Okay, guys, let's get rolling here. It's already going on three o'clock here and we've got a lot more to do. I am going to go and make a motion. **My motion is to manage to MSY, or as close as possible, instead of OY for all species in the Snapper Grouper Complex.** That was sort of the second half of what I had in my motion prior to this. Understanding MSY and OY, that your MSY is right here and your OY is way down here; and if we manage as closely as possible to it – because once we go over MSY, one pound over means we're overfishing.

So if we had the hundred percent dealer logbook reporting and if they got, say, even a threshold to maybe, say, 10 percent or 5 percent away from MSY instead of OY, which is way the heck down here – we're talking almost a hundred thousand pounds in some cases in certain species. So if we were up here, we'd have that to harvest; and if you had your hundred percent dealer reporting, then there is no reason for you to go and bump over this. You could bump to it but you don't bump over it.

If we went and we had it – as Bobby was saying where we had 24 or 48 hours that you had to go and have that in there, have your report within that amount of time. What it is, is we're losing a huge amount of fish here because of the precautionary approach by using OY, and there is no reason for us to go and do that if NMFS and the industry get on board and do what they need to go and do to make the dealer reporting or the reporting of what is being caught, where it's supposed to be.

Mr. Zimmerman: If you've got MSY here and you've got OY here, where is the ACL?

Mr. Phillips: Can I get a second on Mark's motion? Seconded by Jeff Oden. .

Mr. Gray: Okay, I just had a question. When Mark was talking about the reporting part of MSY and OY, but MSY and OY encompass both recreational and commercial combined, correct, so you get dealer reporting of the commercial side but you would have no reporting on the recreational side to know whether you were getting up to the total take or not?

Mr. Marhefka: So, my question, then, to the recreational community is what you have to serve up to make it better on that end, because we're trying to go and make it work here with this industry. I mean, you guys are not benefiting by having your OY way down here either. The only thing is, is that you have open-ended TACs.

What ends up happening is you guys go over, and what ends up happening is going to end coming out of the commercial end of it. Well, the majority of the time, once you're over yours, who is it going to come out of after that? Ours is going to be recorded because we're going to be having a hundred percent dealer reporting.

Mr. Gray: I understand, but it comes out later in terms of bag limits and season closures and all the things we have been going through.

Mr. Oden: To that point, right now snowies in 2006 went over 35 times recreationally. Now how do they dig out of that hole without coming and taking some out of our hides?

Mr. Gray: If I could make one more point, this whole thing goes back to the mess with MRFSS and the fact they have been looking at that and trying to get that data resolved for years, and I think the recreational guys would be willing to work on a different reporting system, and yet we don't any accurate reporting options put on the table. I think they would be more than willing to work on getting accurate data reported.

We've done it for years with duck hunting. I mean, good grief, I got sampled every so many licenses sold in Florida for years where you had to report at the end of the season what species you shot, how many you shot, how many days you hunted. They could do the same thing with recreational fishing and get a much more accurate sample than they're doing now calling people that live on the coast when half the people that fish out of Canaveral trailer their boats over there from Orlando. That's all I have.

Mr. DeVactor: This is to address Scott's question. We have been talking a lot about ACLs and such and maybe this puts it in perspective. I was going to go through this when we went through Amendment 17, but the Reauthorized Magnuson-Stevens Act specified these terms, OFL and ACL. You asked where is the ACL in with the OY and the maximum sustainable yield.

Here is a picture, and this helps with what they were talking about in the room next door is the scientists set these two first boxes, OFL – and, again, Mark is right, as soon as you go one pound over that you are overfishing and you're required to put in regulations to end it. Then they also set acceptable biological catch, too, and that's stepped down to affect the scientific uncertainty to it. So they gave those two to the council for some species.

So the council comes in and sets the ACL, and that's the limit, maximum. Right now that could be set at maximum sustainable yield, and that's what Mark is sort of getting to. Now the council is also required to set a target. I mean, we've talked about the MSY, OY, MFMT. What congress has done is simplified this – target limit. You want to fish around your target and don't cross this right here.

But, what congress also said is they don't want overfishing to occur, and they want to reduce the possibility that it will occur. So that's why Mark is right, there are more buffers in the system right now. Now what Mark, I think, is talking about with this motion that's before the group

right here is to tell the council to set your target as close to your limit as possible – and tell me if I'm wrong there.

But with the recreational side where you don't have in-season monitoring and such, where there is a little more uncertainty in how they get the data and the possibility of closing down a fishery, the council may want to set the target a bit lower than that, knowing that you can go over that. With the commercial sector you can shut down the fishery, so you may want to put it closer. I hope that puts this in perspective in what congress has put forward and what Amendment 17 is going to do.

Mr. Kipnis: Maybe you guys can help me with this. I have always been against fishing maximum sustainable yield, the way it was defined before and not with this. I always thought that optimum yield was less and it would move you away from that upper limit that we always kept pushing at and we always went over, and it got us into trouble on a lot of fisheries, I think.

Now with the way the Magnuson Act and what congress has said, we've basically got a higher limit here or the OFL and the ABC above that, and now we've set another limit below it, which is the ACL, is that correct, that is below the higher end; so even though we call it a maximum sustainable yield, there really is an even lower limit, where it says limit right there, is that correct, and then OY would be closer to the target. Am I understanding this correctly?

Mr. DeVactor: Now, what is in the proposed rule that they have been talking about, that just came out a few weeks ago, that is supposed to help explain what the Magnuson Act says, you can equate ABC to OFL, you can equate ACL to ABC, and you can equate ACT to ACL. That's an option for the council. So although you see these four boxes and they're stepping down, in certain cases you could have your ACL equal to your ABC and not have a buffer. I mean, it's a buffer on a buffer on a buffer on a buffer, but there are options to set these equal to each other.

Mr. Kipnis: But there is supposed to be like three buffers there, so that your limit would really be fairly much away from your maximum sustainable yield, in reality where it used to be. Maximum sustainable yield that we always tried to fish at is at that higher end up at the OFL or something like that; that's where it used to be, right?

So when we say maximum sustainable yield, when, Mark, you're saying maximum sustainable yield, it has really been buffered a couple of times, correct? I have a problem because I'm used to dealing with maximum sustainable yield and optimal yield, and I didn't like maximum sustainable yield because that's how we got ourselves in trouble a lot using that.

Mr. DeVactor: And what the scientists did is for these eight species they set the yield at FMSY, basically maximum sustainable yield, at this OFL, and they set their ABC at the OY. So the council is going to have to set the limit well below maximum sustainable yield and possibly the same as OY or lower than OY, or they may have to revisit where OY is.

Mr. Kipnis: So we're calling it – Mark is calling it maximum sustainable yield when in reality it's not. It's going to be set lower by the council.

Mr. DeVictor: Yes, catch limit is going to be set lower than the MSY.

Mr. Kipnis: I understand it.

Mr. Phillips: Rick, that's very helpful, whoever drew that up. Is there anymore discussion before we vote on this?

Mr. Marhefka: All right, Motion 12 reads as "manage to MSY or as close as possible instead of OY for all species in the Snapper Grouper Complex.

Mr. Phillips: Can I have a show of hands for the affirmative, 15 for; against, zero against. The motion carries. Jim, you made a point there about recreational and how they could – I think you were talking about ducks or something and how you sold licenses and then they knew who to call to get some good feedback on exactly what was going on I think you said with ducks.

How would the recreational sector feel, do you think, if they did the federal licenses so they could get better feedback, which would help get your limit closer to your optimum – what they thought that your recreational people – do you think they'd want to trade having to buy that license for the possibility of being able to catch more fish or just not have the license and not have the data and just try to catch less fish, which is I think what happens? How do your people feel?

Mr. Gray: There is I think universal opposition to a federal recreational license. I don't think that will fly at all. I think for those states that do have saltwater fishing licenses, they should be piggybacking on that, and I think all states should have saltwater recreational licenses. We're getting close but we're not there completely. What we did as far as duck hunting was concerned was they picked every so many licenses and you got mailed a survey form during the season to be filled out at the end of the season.

If you didn't report the form, they would call you and ask you to report it. It was pretty well filled out by the hunters because they wanted accurate counts on the ducks and how many were being harvested and what the limits could be set at for the next season. I think you would find a better approach from the recreational guys if we had a way to do it, but we haven't. Now I know there is a problem with every state having different records. In fact, in Florida a license is more just buying a permit than setting up a data base anywhere on who is in it. They would have to do it in a different way to capture the data.

Mr. Phillips: I was just curious how far they'd be willing to go to get some better data so they could actually catch more fish, and they are where they are. Rick, next.

Mr. DeVictor: I think we're at vermilion snapper. As most of you know, the vermilion snapper stock is currently undergoing an age-based assessment. They had a data workshop in May. The assessment workshop is in August, and the review workshop is in October. The council will look at the new assessment in December. These MSY values probably will change to some degree, according to the results of the assessment. I just throw that out there. The TAC for

vermillion snapper – again, this is on Page 2-9 – is 628,459 pounds. I'm not sure if I've been through this yet; let me know if I have.

Mr. Amick: Rick, what is the timeline as far as the new regulations for vermillion? If they're still doing the assessment and review until December, when do they think something will go into effect?

Mr. DeVactor: What is going to happen is the council is proceeding with the data from the first assessment, knowing that the second assessment is ongoing in the background. I'll touch on an alternative in the document that is going to allow the RA at NMFS to make changes based upon the results of the new stock assessment.

Instead of stopping this process, because the council must move forward with this document, there is a table, 10 percent, 20 percent, 30 percent, 40 percent, so if things change they can just go in and change the management regulations rather quickly. I'll touch on that first, but the council is supposed to get the results of the stock assessment in December.

Mr. Amick: And then the regulation will go in effect January '09?

Mr. DeVactor: I would have to double-check when the regulations on this amendment is anticipated to go into place. I believe it's next year, next June.

Mr. Marhefka: Yes, Rick, once again, going by MSY, we would get a pretty good bit more vermilion to go and catch because instead of the 628,000 pounds that we're looking at here, because they're going to be much higher than if we're dealing with OY. So, when we start looking at our post mortality bycatch and all that stuff to gets equated into there – and we'll talk about other things further on down the line as far as hundred percent retention – but, we might be up here somewhere bumping 750, maybe even more that if we go and we deal with this MSY instead of doing it with OY. Secondly, am I reading that number right, 2 million? How does that come out?

Mr. DeVactor: And that's the uncertainty with this first stock assessment. The scientific board said that they do not have faith in the biomass-based benchmarks in the assessment. Right now the council is not going to set maximum sustainable yield. They'll wait for the new assessment to come through and use that value. Like I said before, that value will change. You see how high that is, you know, compared to the OY.

Mr. Marhefka: Yes.

Mr. Kipnis: Okay, fear of sounding like a broken record, but I'm looking at the reduction in the recreational catch and the reduction in the commercial catch. On the recreational side it looks like there is a 69 percent reduction on a little over half a million pounds that we average – that's headboat or for-hire and recreational – compared to the million and a half pounds that were averaged by commercial fishers.

Commercial fishers are looking at a 56 percent reduction, I think it was; 69 percent for recreational, and I just don't understand this. We're trying to get the commercial catch up to the maximum sustainable yield and get them as much fish as we possibly can. That fishery fishes at three times the level as the recreational fishery does. The recreational fishery is going to go from ten fish to four fish with an eight-month closure and at 69 percent reduction. I'm not getting it.

I saw gag grouper at 31 percent recreational and 69 percent commercial. Okay, I'm looking at this here at 69 percent recreational reduction and 56 percent commercial. I'm looking at an eight-month closed season on top of the four months possibly that we've got groupers; and if you look at the red snapper coming here, there is another six-month closure there that will affect other snappers.

I'm not getting it on the recreational side; could someone please explain to me why the recreational side is being asked to take a much more substantial reduction in this fishery than the commercial sector, please, someone explain it. Thank you. It's still a very important fishery for the headboat fishery and for the for-hire sector.

Mr. Burgess: Could it have anything to do with the uncertainty of the impacts of the recreational fishery on our resources? I know that, of course, we've all heard this before. Commercial fishermen fill out our logs and dealer reports and everything, and then uncertainty about the impacts of the recreational industry, for one, about how many fish they catch and maybe about the bycatch mortality associated with that, and maybe it has something to do with uncertainty. It's just a thought.

Mr. Kipnis: I'm trying to find the chart here, but off the top of my head, over a six-year period commercial landings average a million and a half pounds, recreational angling – and that included for-hire and headboat – average 500,000 pounds. Even if we had discard mortality, so did the commercial sector. When we had a 12-inch size limit you guys were having to throw fish back just like we were.

As the fishery that were small, apparently through evidence that came up here over the years the fish got bigger and bigger and we were throwing back less, but I have to assume that your discard mortality would probably be the same, although there were less commercial guys, but you went through, obviously, more fish because you caught three times as many; less size caught three times as many, so you had to discard, I would think, equivocally about the same amount.

I can't see that as being a factor of why the recreational sector would be hit for 69 percent, an eight-month closed season, and go from ten to four on a bag limit – I just can't see it – and that the commercial sector here – and I'm trying to support you on this – wants to get you up to maximum sustainable yield and get your fish. I don't understand this. We went through this on gag grouper also. Well, it makes us look like this AP is anti-recreational and pro-commercial. Knowing all of you here, I know it's not the case and we all are trying to do the right thing here, I think. But we appear to be that way; are we that way?

Mr. LaRoche: This may be one of the few times that the non-fishing public benefits and gets more fish to eat.

Mr. Kipnis: It is a cheap fish. This is one of the fish they can afford to eat.

Mr. Marhefka: Dan, first of all, I think we're all getting super-excited over this right now, and I know it's sort of tough not to. I mean, we've got this other stock assessment that is supposed to be coming out. Clearly, until we can go and sort of see where we are and what cards we're playing with, it's sort of hard to go and start making decisions.

Although Alternative 2, the preferred, is the allocation would be at 68 percent commercial and 32 percent recreational, they're basing that on the same numbers that we used for the gags of 1986 to 2005, which I think is important to go and be consistent instead of jumping around the block. That's just the hard numbers there. If things come back differently, both of them are going to go up or both of them will go down. It just depends.

Mr. Kipnis: Well, are we going to take action on this now or are we going to wait?

Mr. Marhefka: I'm torn, to be honest with you, because I'm afraid if we go and wait, then we're not going to go and be able to go and comment on it again; and come December we're going to go and be – I don't know if we're going to meet in December or not, but then we're going to be there and they're already going to have it written in stone once that new stock assessment comes out. Maybe Rick can enlighten us.

Mr. Kipnis: Well, Mark, it would be one thing if we were only dealing with vermilion snappers. That would be an easy thing to do, but when you've got red snapper as the next one on the list, and we just did gags, and the groupers count for all the groupers, and the red snappers, according to this, are going to count for all the snappers, all right, guys, as much as you'd like to just focus on vermilion snappers, that's not what we're focusing on in this brief one-day session that's probably going to determine whether we all stay in business, whether you're commercial or recreational, in the future.

Today is going to determine that. So coming up is the next one, it's red snappers, it's on here, and it happens to go – well, quote-unquote, a year-round red snapper closure plus a seasonal closure for shallow water snappers or all species in the snapper grouper management unit. That scares me. So, you can decide what you want to try to do for vermilion to try to keep it going, but I see major problems here across the whole snapper grouper complex. They're life threatening to us, too.

Mr. DeVactor: Mark is right it's hard to tell at this point how the stock assessment will come out. No one has an idea, so for you to spend your time and comment on the management alternatives, which I think are in here to achieve a 60-odd percent reduction, we don't know what will happen. We have a table in there that I said shows if a 10 percent cut in harvest is needed, here is the alternative. If a 20 percent is needed, here is the alternative; going to up to 60 percent.

So maybe you want to comment on this. If the stock assessment comes out that instead of 67 a 40 percent, this is what you would like to see. So, the management alternatives get less conservative as you go from the top, a 10 percent cut in harvest, down to a 60. That's just one idea on where maybe you'd like to comment on.

Mr. Gould: Well, what we're seeing here is an industry buster for everybody, commercial, recreational, the whole nine years, the people that support it. We've been beat down so far now. I've said it before, if I could see the sense in regulating the vermilion snapper any further than what it is right now, since it went from the 10- to 12-inch limit, 10 per person, I'd jump right on it. But, fellas, let me tell you, last year, after the AP meeting and they started talking this BS, when I went home and went to my headboat, I quit dicking around mornings. I just went for the gold.

Okay, that means that instead of targeting something else, I went right to the best places, didn't mess around. A lot of times we had over our limit. The crew would have a limit; I would have a limit; the cook would have a limit; and one stop. These are one- to two-pound fish. A lot of them would average around three pounds; one stop, 45 minutes.

It's well documented in my catch reports, and we'd throw back as many as 400 in one day's time. That's why we were looking for triggerfish and other stuff. As far as the stock assessment is concerned, I don't believe it. The scientists over there at Pipers Island don't believe it. I've talked with them enough to know what their deal is on it. They need more time. We're catching more fish, juvenile B-liners, down in the 45- and 50-foot range.

I'm talking about water there southwest of our cape there, what we call southwest of the Knuckle, on half a day trips there where we've been catching ringtail pinfish and sea bass. We're getting juvenile snapper in there now. We haven't seen that in quite a few years. I think that the best course the council could take for the northern region – and I'm ignorant; when you get past North Carolina I'm just as ignorant as they come there to the fishery – but I think they need to take a wait-and-see attitude and keep it status quo; either that or take and implement some kind of test program through the headboats, whatever.

The headboats would be a perfect platform for taking statistics off of. We carry a lot of people, carry a lot of bottom, catch a very diverse range of fish. What I'm seeing right now is not good science; it's not good science at all. Up until three trips ago, the current wasn't running on us too bad, we were catching our limits most everyday – fished for other stuff in the morning, run somewhere, fish an hour or hour and a half, you've got your limit of B-liners and triggerfish.

I can't support data that says one thing when I'm seeing something with my eyesight. That's all there is to it. I've got over 35 years in this. I've seen some of it beat down to nothing, and I'm seeing a lot of it come back, the B-liners that are coming back or the vermilion snappers. I think the best course there that we could recommend to them is to keep it status quo and come up with a better way of ascertaining what is coming in.

One of the ways that they can do that is mandatory reporting for everybody. I know you don't like that –

Mr. Gray: No, I don't mind it.

Mr. Gould: -- mandatory reporting for everybody, enhanced enforcement of the rules and regulations, which is very, very lax. The coast guard, when they go out there to check anybody, Danny is an often victim there. They like to pick on him quite a bit, the scofflaw, there and everything. They either have a bona fide NOAA Fisheries enforcement presence, which I'll touch on later, or they need to get better data from everybody.

I do a 30-minute report everyday coming in. That's about what I average, 30 minutes everyday, putting down every fish that we've caught right on through the dolphin or a wahoo or something like that that we catch. But the way it is right now, you're looking at a killer of an industry. My people is not going to go on a headboat for four red snappers. I can tell you that right now, they're not going to go. I've got a \$2 million boat that is going to sitting to the dock.

This boat alone, outside of what I make off of it, brings in around \$2 million in economic benefits to my country. Like I said there, if I could see the need for draconian drops in the quotas on the B-liners right now, I'd be for it, but since we went to the 12-inch limit the last couple of years, there has been a marked increase. Two years ago there we were averaging three-quarters of a pound or pound and a half fish, and now it's one to threes, two to fours.

One stop there the other week there we had nothing but four and above. I hadn't seen that on that boat since I've been running. I said, "All right, things is working." Out of the 40 people on the boat, a good part of them had their limit. The knee-jerk reaction out of non-sustainable data that they're using, a B-liner grows pretty quick compared to an American snapper or a grouper. It's a fairly fast-growing fish. I think it's mature in, what, three years I think I read.

They start mating vermillion snapper three years there on the sexual maturity. Okay, I just wanted some confirmation on that. I think they need to just back off on this one and get some good data in. There is data coming in all the time. It's, like I say, an industry buster, and that's about all I can say right now. I'm talked out.

Mr. DeVactor: Here is your motion when you last met in September, "recommend to the council to take the least restrictive action possible in terms of management regulations that ends overfishing of vermillion. Use all available information in a new benchmark assessment." Do you guys have any other changes to this motion or does this still hold true?

Mr. Kipnis: I moved that one then; I want to remove it if I can get a second for it, and we send it back to them again, "the least restrictive action".

Mr. Phillips: Okay, Dan has got a motion; do I have a second? Jim Gray seconds.

**Mr. Kipnis: Recommend to the council to take the least restrictive action possible in terms of management regulations that ends the overfishing of vermilion. Use all available information in a new benchmark assessment. It would be Motion 13.**

Mr. Phillips: Okay, can I have a show of hands in the affirmative, 15 for; against. Seeing none against, the motion passes.

Mr. Gould: One other thing, talking about the socio-economic impact to this fishery, the recreational fisheries and whatnot, we've got three headboats out of Morehead City. Nowhere I've seen in this is there any consideration. I think it was done away in the reauthorized Magnuson Act. Like I say, my boat brings in about \$2.5 million in benefits to my county every year.

The Captain Stacey at the beach, he runs a third more than I do. He's over \$3.5 million. I don't think my local economy would handle too much of an impact. Things is going downhill too much on this country right now with the price of fuel. If they put this in, I'm running 40 percent down on my trips so far this year, and I'm sure some of you other charter fishermen are running way down. You're talking about something that will knock a lot of people out of business, there will be a lot of people wearing rags here directly.

Mr. Marhefka: All right, I'd like just to go and throw a motion out there. I don't know; I'm sure you guys are going to probably beat this one up. With everything else that's going in this book here, we're not touching everything else that's getting ready to go and happen because they're going to do ACLs on all these other fish also.

My thought is possibly going and once again going with a May 1 start date, because we already voted into that to start our fishing year up in May 1. Okay, that doesn't mean that you can go out in the middle of April and come back in on May 1. You cannot leave the dock until May 1. And as vermilion snapper being the indicator species for the other smallmouth fishes, your triggerfish, your red porgies and grunts and other fishes that are smallmouth fishes – because what is going to go and happen, if we leave it status quo, the way it is, you're going to end up going and catching your vermilion up to a certain point, and then it's going to be it.

You're going to catch your gags up to a certain point; that's going to be it for all your groupers. The only thing you're going to be going out there and going after is whatever didn't fall underneath the vermilion. So, what I'm trying to go and do here is reduce the amount of bycatch by doing something like this, and I just want maybe some sort of feedback on this. Do you sort of understand where I'm coming from with this? I mean, we've talked about vermilion being an indicator species for other fish seven years ago.

Mr. Kipnis: And we didn't like it then and we didn't like the indicator species for the exact reason of what is coming down today, that we're looking at major closures of all species at the same time because of the indicator species. We've talked about it for years where we knew this was going to come and it's here, it's here. I don't have a problem with the May starting time if

you want to start in May. I mean, it's going to be regulated by your quota, by the amount that you're allowed to catch.

Mr. Marhefka: Okay, with that being said, then, then why not couple the May 1 start date with a thousand pound trip limit, also, then, because if you go with a thousand pound –

Mr. Kipnis: I can't do that until we get back our stock assessment.

Mr. Marhefka: Well, that's what I'm trying to say. I mean, this is just sort of a friendly throw-out there because I'm trying to go and figure out where we are with because it's going to go and come up again, and we're not going to be in the room when it comes up. But I'm like, you know, if you did a thousand pound trip limit on those, also, because what is going to happen again is we're going to have a derby fishery on the vermilion, and they're going to go and be bringing – I mean, like I say, we've got some heavy hitters up there in the Carolinas right now, and they're going out and they're staying out for 14 to 16 days.

Their product looks like crap, but they're going to go and bring this product back in, and it's going to flood the market, and we're going to have a bunch of junk against some good stuff. To me, I just sort of feel like if we did that and put a thousand pound trip limit coupled with that in there – and this is just the commercial side. I'm not talking about the recreational mess of it.

But it would go and extend our season again. You'd have your thousand pounds of gag with all the other groupers coming in underneath it. You'd have your thousand pounds of vermilions with your other species that are coming in underneath it. You'd become a multi-species boat. You're not just going to be able to go out there and say, "I'm going to catch just gag, and that's it. That's all I'm going to go for." You can't do that anymore, and it's one of the reasons why our ocean is so unbalanced as it is right now. We have so many red porgy out there that we don't know what to do with them.

Mr. Amick: Just as far as closed seasons and starting dates as it applies to the charter/headboat side of the equation, I don't think business-wise that we can survive these overlapping closed seasons on gag, reds, there is nothing left to do. What I would like to see is implement a closed season for the species condensed all together, as short as it can be, so we can have something left to sell on the trips.

I mean, if you have a gag grouper closure January to the end of March 31<sup>st</sup> – right now it's May 15<sup>th</sup> on the vermilions for the recreational – wait another 15 days; May 15<sup>th</sup> – September 1<sup>st</sup> to May 15<sup>th</sup> as an alternative on the recreational closure, okay. You throw in the possibility of a red snapper closure, I mean, there are no options left for the charter/headboats.

I don't think we can survive four vermilions per person, but these overlapping closed seasons is not a good idea for the charter/headboats. It gets down to the point of regional management again as far as when the charter/headboat industry representatives would decide where they're not fishing for these species all together. The way it is, it's just not survivable.

Mr. Gould: You're exactly right, they don't need to overlap. They need to run concurrently together. My season usually starts the 1<sup>st</sup> of March. The way it is now, if I'm going to start the 1<sup>st</sup> of March, I'm going to have to target sea bass and grunts and then go and see if I can find some triggerfish, which means there are going to be discards there on the B-liners. I ain't going to be able to spread my catch out like I do now.

It's really going to cramp everything. I'm all for conservation there, and I don't think it's a good idea to have them overlapping. If it was left to me, it would be shut down December through the 1<sup>st</sup> of April or the last of March and have a split closure season on it. I think there is more fishing in Florida there during the winter months than what we have up there, which would help them out and help us out right there.

Everybody would be able to stay in business and make a living. As far as limits or whatnot is concerned, I'll guarantee you – and I've said it before, unless there is something implemented, there is going to be people fishing right on and on and on no matter what we tell them, no matter what the regulations is. But it is a bad idea to have the overlap. If we can have it concurrent there, what I would rather see is a concurrent season or concurrent closure on things.

Mr. Kipnis: Terrell, Steve, guys, if you take a four-month closure in your business – I don't care if it's in the middle of the winter – you can't tell your mortgage that you're taking four months off, you cannot tell your dockage that you're taking four months off, you cannot tell your crew members to go away and find another job for four months, and you cannot tell your customers you'll see them in four months if they're still around.

You cannot have closures like we're talking about and run a business. If we were just fishing for the fun of it, if I just had my 30-foot Contender, I'd go tarpon fishing. I'd do something else. I'd run cobia on the beach. We don't. Charterboats are very limited. Partyboats are even more limited than charterboats, and commercial fishermen are equally as limited in what they can do and when they can do it.

You cannot shut it off for four months at a crack. Forgetting overlapping or concurrent, we're talking every closure here is four months. Some of them are full-time like the possible red snapper one. And when you hook vermilion snapper closures for eight months as a recreational angler, in with that are triggerfish and white grunts and yellowmouth grunts and all these other fish that you catch with them in the shallow water species.

Guys, get realistic here and say what it is. If they want us to go out of business, why don't they just buy out and say, "Go away". It won't take long for us to go out if we end up with four to six months of closures in fisheries, and that's the reality of the situation – bottom line. I hate to say it, but this is what it is.

Mr. Amick: I have to disagree with you as far as the closed season. This basically is going to be a point where we're going to have to make changes. It's not sustainable with what they're proposing now. As far as selling a trip, selling a ticket on a headboat or a charterboat, you have

to have enough volume of fish to be able to sell a trip, especially with the escalating cost of running a trip you're going to charge more.

With these closed seasons and low bag limits, I can't stay in business. I can't honestly open up the door and say – but if you have a closed season, even if it's longer than four months, from where I'm sitting at – and that's the difference as far as regional management. What I need or what South Carolina and North Carolina needs are much different than what they need in the Keys or even up as far as Mayport where they're fishing year-round.

But if I have a chance to sell fishing trips as charters for six months, five months, or whatever the minimum closures I can and still make a living at it, it's better than trying to piece a living with what is being proposed. It's not doable in my eyes. We're going out of business, and the only solution I can see is that okay – not to change, but even biologically it doesn't make sense to have an open red snapper season where the vermilion snappers are closing, you're targeting red snapper and your discards go way up.

I can't go out there and sit on the reef and kill over a hundred, 200, 300, 400 vermilion snappers and land 20 red snapper. It doesn't make sense biologically and it doesn't make sense business-wise, I suppose, trying to stay in business with what is coming down the line.

Mr. Kipnis: Steve, you're absolutely right, but in South Florida where you run a year-round fishery and your bills come in year-round, that's what you need to do. The problem with the rules that we have right now is that we have target species that control six, eight or ten other species, which are not the target ones. But, yes, you might catch a white grunt catch a vermilion snapper; and if it's vermilion snappers that you want to protect, then you can't catch the white grunts.

The way we have this structured through the Magnuson Act, the Magnuson Act has done this stuff, it's mandated that we stop overfishing in one year and then we have ten years to turn the fisheries around and help these fisheries. The Act was changed; not that we did it right before, but at least we had some leeway. We have no leeway, so just tell us you want us to go away, because I'll tell you what, in South Florida we will go away.

You combine it with the high fuel costs, you combine it with the high dockage – high dockage, man, how about five grand a month for a slip at Miami Beach Marina; how about that? And that's not the ticket booth and it's not the electricity and it's not the fuel price and it's not the insurance. That's the reality of the situation; if you want us to go away, just say go away and then the management becomes much simpler.

If you don't have any users, fisheries management is really easy, and you can fit the Magnuson Act right to it; not a problem. You will have recovered fisheries, and that's the bottom line. I'm ready to go away. I don't even want to be involved in this process anymore. I want to go home and forget about it. After 13 years, I don't want to be involved in this process; come in once a year and go through this torture. Please! Just cut off my head already.

Mr. Marhefka: I just want everybody to understand, though, if we go status quo, the way things are, we're going to go and have a real short season on these vermilion; just understand that; on any of these species.

Mr. Gould: One other thing – and this is just an idea. I was sitting here batting it around. It's hard for anybody to stay four months. What I was thinking is everybody at some time or another is not going to be able to fish. They want everybody to stop fishing at one time. Why not suggest that everybody is permitted. If you go in the ocean, you're going to have to have a permit. It's coming down the pipeline, anyway, whether it's this year, next year or the year after, whatever.

Everybody is going to have to have a VMS system on their boat. Big Brother is going to know where you're at every second. That's a given. They're finding that out in the Gulf. The trawlers up north know that very well right now. Jimmy Gillikan over there at Radio Island, when I go there to pay my bill once in a while, he'll punch up on his computer, and he'll say, "Well, there's my charter here; they're tracking it. There's my trawler coming home with a load of flounder or whatnot."

But, one thing that could alleviate and put off the shot in the head is permitting vessels to pick the time that they're not going to fish, have a rolling closure. That keeps the economy going; it's not a big shock at one time for anybody. Say, if I wanted to tie my headboat up for the month of January, I'd take and write down – the VMS is on all the time. They know the boat is not moving.

If I was to run a cruise or something, call them up and say, "Hey, I'm taking a cruise; we're not fishing; and if you want to track it, track it." That's one way of getting around the big economic impact that these closures is going to have on everybody. I think it's probably well worth looking at.

Mr. DeMaria: I just want to make a few comments to Dan before he takes off. I'm as frustrated as you are with all these closures and whatnot. Why don't we make a motion that the council consider a buyout for all commercial and for-hire charter and headboats? They're not going to go for it, but at least it will show them the frustration we're having with this. I'll make the motion after this is cleared up.

**Mr. Marhefka: Let me read the motion. Motion 14, implement a May 1 start date for vermilion snapper, and a thousand pound trip limit.**

Mr. Phillips: Do I have a second?

Mr. Hooks: I'll second it.

Mr. Cardin: Has anyone punched a thousand pounds in? I mean, do you have any idea how long that might last? Do you think that 1,500 might make your northern boats happy?

Mr. DeVactor: I'm sure yet, especially when we don't know what the quota is eventually going to be, but you're asking in the current quota alternative in the document how long a thousand pound trip limit would last? I'll find that out.

Mr. Cardin: I'm not asking to research it; I was just wondering if Mark had any forethought to this.

Mr. Marhefka: I haven't had any time to go and punch the numbers in, but there are a lot of other ideas that I'm having in my head here; because, if we go to a total hundred percent retention and things like that, then we're going to go and be bumping on up here. I'm thinking farther than just right now in this room. I'm thinking farther up.

If we went to a hundred percent retention and things like that, then actually our season is going to go and be extended a little bit longer, depending on if we go to some sort of accountability measure with cameras or observers or whatever may be the case on a boat. But, it's somewhere to get started here to where we don't flood the market and we don't go and – as long as we're allowed to keep the other species, also.

Once again, I'm trying to say that that's sort of like an indicator species for those other smallmouth fishes underneath there. If for some reason, say all of a sudden the gag grouper ended up getting caught up by September and we still have vermilion that's available, we can very well go out there and fish for vermilion and triggerfish, white grunt, red porgy and make a living, make a little something out of it for the rest of the year or until that indicator species is caught up, and still stay away from the groupers because you're not sitting there soaking a bait on the bottom and you're not taking cigar minnows out for bait.

You're out there going and trying to catch these other fish. It gives you another little bit of – you know, you can go and sort of – once again, it puts the fishermen back into their own management. We need to go and manage our own. We don't need the council and everybody else to manage it.

If we can go and sort of do this, then we can go and once again with the hundred percent dealer logbook reporting, we're able to keep an eye on things, see how things are rolling here. It's going to professionalize the fishery. You're going to get a lot of people who are not going to be able to go and stay in this because they're going to be able to understand how it's going to go and all work.

Mr. Parshley: Daniel Parshley. I just wanted to call attention to the wording on your motion; that it is a May 1<sup>st</sup> start date for vermilion snapper and a thousand pound trip limit. It is not specified that's vermilion snapper that would limit your catch to a thousand pounds. It doesn't specify that's vermilion snapper. Thank you.

Mr. Phillips: Steve, you're next, but, Bobby, you asked could it be profitable for the snapper boats to make a thousand pound trip limit on vermilion? Some boats can because they've got –

my boats in Georgia say they cannot. Some boats may be able to do it; may boats say they cannot. I've asked them. Steve.

Mr. Amick: I've got a question for Rick. Just so I understand, they're talking about the emergency closure on red snapper, and that's the indicating species. So if they close the red snapper, that effectively closes the vermilion snapper as well for everyone?

Mr. DeVactor: The council hasn't talked about that; that the red snapper is the indicator species. They're just looking for ideas of what to do. They're set to talk about that tomorrow.

Mr. Amick: I believe that the red snapper is the indicating species like the gag grouper is the indicating species for the – I believe so. If I recall the charts, it counts all the snappers. I mean, it's spooky to think about it, but that's why I'm so afraid of that emergency closure. I think to save time and management process, that they've got the red snapper as the indicating species like the gag grouper for the gag species.

Mr. Marhefka: Yes, but when we were in the room just a minute ago, the groupings that they were looking at is the groupings of the fish as they were caught with others. I understand that the inshore fishery is a lot different, using smaller hooks and things like that, and you're catching smaller fish, but, clearly, that's not my intent nor my thought is to go and have a red snapper ever go and be an indicator species because it's not the most predominant fish that you're fishing for. It's the vermilion as well as the gag.

Mr. Amick: Well, I'm asking Rick if that's the case or not. In my mind, that's what I – they said all shallow water species, you know, and vermilion snapper; I mean, we target vermilion snapper, and they said all shallow water species would be affected. It's in the last letter that we got there. I don't know where the drawing line is for deep water or shallow water, but my understanding is if they close red snapper, that's all the species. Am I correct or am I wrong?

Mr. Cardin: Potentially.

Mr. DeVactor: Again, we don't know yet. I know the council in the past has talked about mid-shelf snappers and what is the indicator species. I think they had B-liners as the indicator species at one time for mid-shelf snappers. But the thing with Amendment 18 and red snappers, they're going to have to reduce discards of red snappers, and that could take closing other fisheries, so that's where you start looking at vermilion snapper harvest, different species. But, again, the species groupings have not been set.

Mr. Gould: You were talking a minute ago there about the boats making it. The commercial boats out of Morehead City average 15 to 20 boxes a trip. They make three- to four-day trips; a lot of times two maybe three people on the boat. What I've seen the last few years is the bigger boats, the two-week boats, the ones that used to go out and stay and stay and stay, they're getting fewer and further between. They're dropping out slowly surely there through attrition.

There are the regulations and whatnot, expensive operating the vessel, and I think there that over a period of time you're going to see your commercial fleet just turn into a 25- to 35-foot fleet there, which is going to be a whole lot less pressure that's on the resource right now, and you'll have a better quality of fish because they don't stay as long.

Mr. Phillips: I want to make the comment on what they've been doing for the last 15 years, same boats, same crews, same number of days. If anything, they might have went to a three-man crew instead of four. Nothing has changed. Our catchability definitely hasn't gone up 2 percent a year. They're driving a long ways offshore to burn that four dollar a gallon fuel. But, anyway, I'm just telling you so you know they can't make it on a thousand pounds of vermilion.

Mr. Gould: I know, that's what I'm saying; they're getting strangled to death.

Mr. Phillips: Let get Mark to read this and then we'll vote on it.

Mr. Marhefka: Okay, Motion 14, implement a May 1 start date for vermilion snapper and a thousand pound trip limit of vermilion snapper.

Mr. Phillips: All for, raise your hands, 7 for; all opposed, 3 opposed. The motion carries. Dan.

Mr. Kipnis: Charlie, about this, Mark, how come you didn't say until the quota is reached, because the way it reads right now you have a thousand pound limit of vermilion snapper just on and on and on?

Mr. Marhefka: Well, I guess we could get really deep into the logistics of it, but we're under a time constraint. I mean, I could go and add a lot of things to this, but I –

Mr. Kipnis: That's not what I meant. I mean there is going to be a quota there. Right now it says it goes until April 30<sup>th</sup>, so it's from May 1st to April 30<sup>th</sup>. You could catch a thousand right on through with no quota on it at all.

Mr. Marhefka: Well, there is a quota on it. I mean, there is a quota on the vermilion snapper, so if you catch a thousand pounds per trip, then what ends up happening – I mean, you can go and fish right on up until, say, January if you still have that amount or it might end up being done in September.

Mr. Kipnis: Well, the point I'm making is, Mark, to catch your 1.5 million pounds that you caught in 2002, you only need 1,500 trips at a thousand apiece. If you don't put an upper limit on it somewhere, there is no reduction whatsoever.

Mr. Marhefka: It's the same thing that we did with the gag pretty much. It's the same thing that we just went and did with the gag.

Mr. Kipnis: But there was a quota on gag; there was already a quota on gags. We don't have a quota. Our first motion before this said we want to take the least restrictive – we want the

council to take the least restrictive. The least restrictive would be keeping it where it was. There is a recreational closure coming, most probably. I'm just saying the reason I didn't vote yea or nay for it was it didn't have a terminance on it, an end to it of where you stop and don't fish anymore and then start counting again on May the 1<sup>st</sup>. That's the reason I didn't vote yes or no for it. I just wanted to bring that up.

Mr. DeVictor: Is there anything else on vermilion snapper that you want to discuss? Okay, next is circle hooks.

Mr. Kelly: I do want to say something. I don't know how we can justify a 68 percent allocation on the commercial sector and only 32 with the for-hire or recreational anglers and an eight-month closure. I know Dan talked about it and we didn't really get into any motion-type activity, but it's ludicrous from a management standpoint that we're going to put this kind of burden on the recreational sector.

Steve, you know, you've talked about how good fishing is in your area. We certainly see that in Florida. In South Florida and the Keys we're fishing much deeper for them. Until we have better information that comes out of the stock assessment here, I think that we need to ask the council to back off on this in some fashion. I wouldn't be opposed to that four-fish limit, but we need to increase – we need to do something about this closure.

That's not sustainable for eight months considering the possible closures that we may have coming up here on all snapper grouper species or all snapper species under Amendment 18 with red snapper. Steve, your thoughts.

Mr. Amick: I mean, it's really tough to survive a lot of this stuff that's going down, but as far as the allocation, you know, you divide it up by the permit holders just for the – if they split the recreational, which is 181,000 thousands pounds, and they split it 50/50, 60/40, and whatever they're going to allocate supposedly to the for-hire sector, you divide it by the number of boats that are licensed, that's 1,300 and something, it doesn't leave much per boat as far as, you know – I mean, that's less than 8,000 pounds.

I don't have the exact numbers, but it doesn't seem like a whole lot of – especially for a headboat to work on. As far as the vermilions, I mean, you're correct, that off the Georgia – and it hasn't changed. It's been very good. We measured vermilions the other day, the day before yesterday. They were 21 inches, 21.5 inches long. The stocks are healthy. We kept arguing that, we keep harping on that, but it doesn't seem to have an effect as far as management down the road from the council. That's my thoughts.

Mr. Kelly: In your area, if you had to face, say, a four-month closure, what months would you be willing to address that?

Mr. Amick: We have a very strong fall season as far as the vermilions and the red snapper and the grouper. We start out slow in January, February and March. Okay, April is a questionable month because of the weather. We lost 50 percent or 60 percent of their days in April. In our

area I would give up our prime fall months just to be able to have a bigger bag limit and a sustainable season starting – May 15<sup>th</sup> is very late, but, you know, December, January, February and March. April is questionable.

We could survive on a season starting May 1<sup>st</sup> to October 31<sup>st</sup>. If we have bag limits, people will pay, you know, a couple hundred bucks apiece to go catch enough fish to make it worthwhile. It almost becomes a part-time business, but if you have a closed season on the vermilion snapper that runs into May 15<sup>th</sup> and then you have to wait to April 30<sup>th</sup> to catch your first groupers, I can't sell a fishing trip. If I say they can catch a few sea bass, these few trigger fish, you know, they don't leave enough options to put a good enough trip together to sell a trip.

Mr. Kelly: In our neighborhood in South Florida and the Keys, vermilion are virtually a year-round fishery, so if there is a closure, we have other species that we can turn our attention to, particularly yellowtail snapper and mangrove snapper. If you'd help me here, I'd like to put together a motion here that would ask the council to lower the closed season on this thing and also to change the bag. They want from ten fish to four. I'd like to see an increase in the allocation of some sort and increase in the bag until we have more information out of the stock assessment that they can at least entertain these ideas.

Mr. Amick: It goes back to regional management. I mean, I can only speak for myself. We haven't had discourse up and down the coast of where you would want the closures. If you're asking me what months – I mean, the winter months, November, December, January. It might not fit you down in the Keys and it probably won't suit the fellas as far as Mayport. Everybody is fishing differently.

Mr. Kelly: All right, discussing it on the sidebar here with Dan, we've passed a motion here where we'd take the least restrictive action. I would defer to that rather than get into additional specifics about it. At least we're aware that we had this discussion. Thank you.

Mr. DeVactor: And, Bill, that table I pointed out that shows if the change in reduction of harvest comes out from the new stock assessment, what management alternatives will be looked at. And if you look at it, they put an October through April closure. Then you get to November to March, so it gets towards more of a wintertime closure, which, Steve, I think you talked about December to March, and then increasing the bag limit. So if the stock assessment results change, then getting away from a long closure to get into a shorter one that's over the wintertime. I hope that helps a little bit.

Mr. Phillips: What else is next, Rick?

Mr. DeVactor: Circle hooks.

Mr. Phillips: Okay, did you want to go over the options?

Mr. DeVactor: This is on Page 2-14, and it require a person on board a vessel to fish for snapper grouper species in the South Atlantic the use of venting and dehooking tools and the use of non-

offset, non-stainless circle hooks when using natural bait. The current preferred alternative is for both commercial and recreations snapper grouper fisheries. The council is set to talk about this tomorrow. You have heard the concerns next door from the scientists on how useful this is biologically. Do you have any comments on this?

Mr. Amick: I got the impression that they weren't going to pursue the circle hook. They put it off to the side.

Mr. DeVactor: I haven't heard any discussion from the council itself. That just came from the scientific advisory panel, but I haven't heard what this council is going to do.

Mr. DeMaria: It's interesting that NMFS spent like a quarter of a century doing studies on a gear that we all knew in South Florida was bad, the wire fish traps. Finally, after 27 years, after Florida banned fish traps, NMFS finally got rid of them in the Gulf. It was study after study after study. One of them was in the Tortugas and it included a submersible, all sorts of studies. They just studied it to death for over a quarter of a century.

But this circle hook thing, there have no studies at all done that I know of, none. They just decided, well, let's just make them use circle hooks. And especially for the yellowtail fishery, there are all sorts of questions there. **I guess I'd make a motion that they don't take any action until some reliable studies have been done on the circle hook issue.**

Mr. Phillips: Do I have a second?

Mr. Amick: I'll second it.

Mr. Phillips: Steve seconds it.

Mr. Kelly: Before we second that, can we make some comment here? Based on what we saw in the presentations to the council and the snapper grouper committee, I agree with what Don is saying, but I would like to change the language to say – I would like to make a motion that in light of the fact – all right, I would like to amend the motion to say that in light of the information presented to the snapper grouper committee and the fact that the use of circle hooks can be species-oriented in their efficiency, that we recommend the council suggest their use in the interest of conservation while acknowledging that both J-hooks and circle hooks have similar characteristics within the snapper grouper species.

Mr. DeVactor: Bill, can you help out with that second part again?

Mr. Kelly: All right, the use of circle hooks could be species-specific in their usefulness and the use of both J-hooks and circle hooks have similar characteristics within the snapper grouper fishery.

Mr. Hooks: Bill, question, you said that they are similar in their characteristics. Can you elaborate?

Mr. Kelly: I'm not done yet. I'm just waiting for him to catch up to me. Therefore, we would urge the council to recommend their use in the interest of conservation, but not mandate circle hooks over J-hooks at this time.

Mr. Phillips: Read that and make sure that's what you meant and then we'll if we get second to the substitute motion.

Mr. Kelly: But not mandate them in the snapper grouper fishery.

Mr. Kipnis: I'll second it.

Mr. Hooks: Bill, can you elaborate now. You say that they have similar characteristics. I've only been using both of them for 26 years. Maybe you can elaborate on how they are so similar in characteristics.

Mr. Kelly: I'd be very happy to. They have similar characteristics – and maybe we'll have to change this wording to see what you're driving at – they are species-specific in those characteristics in that they work well – for example, in a Moat Marine study, J-hooks worked better on reducing red snapper mortality than they did on red grouper. We need to clarify the language here. I think similar characteristics in the way we're trying to define it; we just haven't polished this amendment yet, Danny.

Mr. Hooks: Do you see what I'm getting at?

Mr. Kelly: I understand exactly, right, and that's why I'm trying to read this and get this motion polished, and then we can address that. I think that issue will be addressed.

Mr. DeVactor: Do you need this highlighted part in there or is that the part you want make –

Mr. Kelly: Okay, here's exactly where it was – here is what I would like to say, "The use of circle hooks and J-hooks had similar characteristics in the snapper grouper fishery in that we found in some species just as many fish lip-hooked with circle hooks as J-hooks, just as many fish gut-hooked with J-hooks as circle hooks. And you don't have to add this in, but –

Mr. DeVactor: Yes, I'm not sure how much has to be in the motion. It could be in the explanation.

Mr. Kelly: The statistics for J-hooks and circle hooks are so similar that there really is no need to mandate one or the other. The Moat Marine Lab Study indicates that species-specific, for example, J-hooks work better with red snapper than circle hooks, but with regard to red grouper you're better off to use circle hooks instead of J-hooks. That's the findings plus some of the information that we've presented this morning showed the similarity in those characteristics as far as what they do in hooking a fish up and where they hook them. We may need to reread this to make sure it has some sense of continuity to it.

Mr. DeMaria: But that doesn't really address the concerns of the handline commercial yellowtail fleet in the Lower Keys and all through the Keys. The only one that I know that has really tried circle hooks, definitely a commercial fisherman that everyone had a lot of respect for, is Peter Gladding, and he is no longer around.

I talked to his wife a couple of weeks ago and asked her if they'd ever messed with circle hooks at all with yellowtail, and she said, "Yes, definitely, Pete was always experimenting with different hooks. He tried the circle hooks for yellowtail and it just did not work very good. They couldn't it on a fish." I'd like to see something in here that – that's my main concern is the yellowtail and then to a lesser concern the mangrove snappers where people fish them with handlines.

Mr. Kelly: If I can respond to that point, Don, you're right. The Moat Marine Study indicates that circle hooks are no better than J-hooks with regard to fishery mortality on mangrove snapper, but we do have an issue with catchability with circle hooks in the yellowtail and mangrove snapper fisheries. We want to protect that effort. If they would be required to use a circle hook instead of a J-hook, this could have serious financial implications for commercial, charter and recreational anglers. Let's see how we would put that language into this –

Mr. Kipnis: Yellowtail and mangrove snapper fisheries.

Mr. Kelly: Right.

Mr. Hooks: My question here is – and you've pretty much answered for me that there is not enough difference for the sake of argument, so why don't we go with Alternative 1, to remain as we are? I mean, why if – I mean, you sat here and said that there was not enough difference and all the studies you find the same gut-hooked amount of fish, you find the same amount of lip-hooked fish. There is not really that much difference, so why even address this and just stick with what we have now? I mean, I think we're wasting time if it does the same thing.

Mr. Kelly: I think that's a real good point unless we feel that we need to protect ourselves on this yellowtail snapper and mangrove snapper issue, just to make that clear, but I think the council understands that. I see a nod of the head over there, so, Danny, I think you're right.

Mr. Hooks: Do you want to withdraw that?

Mr. Kipnis: In Alternative 1, though, they're talking about dehooking devices and venting tools, and I think that there is a use for venting tools. They're very important. Dehooking devices, I was going to say the best circle hook getter-outer are needle-nose pliers. You just go backwards and they come right out. But on a venting tool, I think a venting tool – I don't know whether you want to mandate the use of venting tools, but they're really simple to get, they're cheap and they're easy to use.

I don't know, Danny, if you want to look at that. You know, when it says "no action", it says, "venting tools, dehooking devices and circle hooks" on this Alternative 1. Do you want to amend it? You use a venting tool, don't you? I knew the answer to that.

Mr. Phillips: Bill, do you want to leave this substitute motion or do you want to withdraw it? What is your pleasure on that, Bill?

Mr. Kelly: We have an option here. We can go to Alternative 1, but as Dan pointed out where do we fit in the fact that we do agree with venting tools and dehooking devices? Do we want to create a motion that says we are for no action on circle hooks, let anglers make their choice? In the interest of conservation for the species of fish they're targeting, we do endorse the use of venting tools and dehooking devices.

Mr. Phillips: My suggestion would be that if you withdraw that, we can vote on Don's motion, and then you can make another motion on the venting tool.

Mr. Kelly: All right, I make a motion to withdraw this motion.

Mr. Kipnis: You don't have to make a motion; just withdraw it.

Mr. Kelly: I withdraw this motion.

Mr. Kipnis: I agree to the withdrawal.

Mr. Phillips: Don, you read your motion and then we're going to vote on it.

**Mr. DeMaria: Do not take action requiring the use of circle hooks.**

Mr. Phillips: Okay, all in favor of the motion, raise your hands, 15 in favor; all opposed, 1 opposed. The motion passes. Now, Bill, do you want to make a motion for the venting tools?

**Mr. Kelly: I would like to make a motion endorsing the use of venting tools and dehooking devices as recommended by the council.**

Mr. Phillips: Do I have a second?

Mr. Kipnis: Second.

Mr. Phillips: Dan seconds. Any discussion? Okay, all in favor, raise your hands, 13 for; any opposed, 1 opposed. The motion carries. What's next, Rick.

Mr. DeVactor: I need to e-mail this next door to Gregg, and then Mark, I guess – and I don't know if you are – is going to go through these with the council. I think that's maybe where Mark went. I'm just going to need a second so I can get this off to Gregg, and they're going to print it out for the council members.

Mr. Amick: If they're going to talk to the council, can we get one motion in before it's brought over there, a motion on red snapper? Can we do that?

Mr. Phillips: Go ahead.

**Mr. Amick: I'd like to make a motion and move that the council does not move forward with the emergency interim rule for red snapper.**

Mr. Phillips: Do I have a second?

Mr. Hooks: I have a second; Hooks second.

Mr. Phillips: Danny Hooks has seconded.

Mr. Cardin: Is that in our standard business?

Mr. Phillips: Any discussion? All in favor, 15 in favor; any opposed. It passes unanimously. Let's take a five-minute recess.

Mr. Phillips: Okay, Dan, do you have a motion?

Mr. Kipnis: Actually, Don DeMaria is going to make the motion. I'm going to give Don the honor.

Mr. DeMaria: In light of everything that's going on with the commercial and the for-hire industry, the high price of fuel and all these regulations, the people I'm talking with, most of them are probably going to be out of business, anyway, if a lot of these regulations go through. I like to just make a motion that the council consider a buyout program for all commercial and for-hire charter/headboat permits and vessels. We can reword that somehow.

Mr. Kipnis: I'll second that, but there was supposed to be a caveat on that; if they go forward with these rules. You need to add that to it>

Mr. DeMaria: Okay, if the council goes forward with the proposed rules.

Mr. Kipnis: Overlapping closures.

Mr. DeMaria: Okay.

Ms. Quigley: Do you want to repeat that?

Mr. DeMaria: If the council goes forward with overlapping closures –

Mr. Phillips: The South Atlantic Marine Fisheries Council.

Mr. DeMaria: If the South Atlantic Council goes forward with the proposed overlapping closures, then they should consider a buyout program for all commercial and for-hire charter permits and vessels.

Mr. Kipnis: Actually, it's not recreational; it's for-hire charter and headboats. What the recreational angler wants to do is his own business.

Mr. DeMaria: Did I say "recreational"?

Mr. Kipnis: No, it was typed up as recreational.

Mr. Kipnis: All right, I will second that.

Mr. Phillips: All right, Dan Kipnis has seconded. Any discussion?

Mr. Kipnis: Is that all right with you, Don?

Mr. DeMaria: Yes.

Mr. Kipnis: It's fine with me.

Mr. Phillips: Okay, Don, do you want to read that, please?

Mr. DeMaria: Move that if the South Atlantic Council goes forward with overlapping closures, the council should consider a buyout program for permits and vessels of commercial, for-hire charter and headboat businesses.

Mr. Phillips: Okay, any discussion? Bobby.

Mr. Cardin: Who is going to do the buying?

Mr. Iarocci: Thank you, Mr. Chairman. Bobby, that's a good question. Most of the buyouts that have been researched – and I just was involved with one for a couple of years in the Gulf of Mexico is an industry-funded buyout where the industry borrows the money and buys out the other permits and the other fishermen.

What happened recently up in New England, there was, I think, fourteen point something million dollars in disaster aid divvied up between the fishermen up there as disaster aid for the guys that were put out and the days at sea and the closures and everything going on up there, but that was a whole different thing that was allocated through federal money. Federal aid and a buyout is totally different.

At this time there isn't money for a buyout, but if you could get some of the representatives, state and federal, and everybody come together for some kind of a disaster aid package, that might be

the way to go. In no way am I telling you not to make a motion; I'm speaking just as a council member saying that from my experiences there isn't money for a buyout, but I think disaster aid would be something you could consider when the time comes.

Mr. Phillips: Well, Tony, I'm going to follow this rabbit trail for a minute. Would the council be willing to say that the fishery stocks are in – I hate to use the word – disaster? If the congressmen came to them, would the council be willing to say it's that bad?

Mr. Iarocci: Thanks, Charlie, put me right on the spot, why don't you? At this time, I think it would be to have this up for consideration right now to get people thinking about it, number one, but, number two, I think by the time we get down to the bottom line where the ACLs are established, a lot of you guys are going to say, "Hey, come on, what am I going to do here; I need help."

I think at that time this would already be set forth as food for thought, and then there would be something to go forth to the legislation and say, "Hey, we do have a problem here and we need help." I don't think it would nowhere near what the funding and the people – because in New England they had worked on this for a while, but bringing everybody together and having you guys speak as a unit and then getting to the council and where the ACL comes up, you might have some merit in this. I would be there – I'm only here for another year, but, I mean, I would help you guys through this and support this through the council.

Mr. Phillips: Well, one other follow-up question; they're going to have to do the economic analysis on what is going to happen to these fishermen and communities, anyway. Once they run these two or three amendments, they're going to have to do that economic analysis, anyway. Are they going to do the economic analysis per amendment, are they going to group these amendments and say these 15, 18 – if they were to group them together and say this suite of amendments is going to cause this amount of hardship on the fishermen, I think it would be a pretty enlightening report.

Mr. Iarocci: To that point, Charlie, I do, too. Even if you do it one at a time and then lump them together, both ways, I think you're going to see there is going to be some heavy-duty impact on the industry, and not just the industry, on both the charter/headboat and the recreational fishermen. I'm saying with unity and you guys are all on the same page with this – I mean, I'm impressed, you guys have come up with some good things today. I hope the council and the committee can follow through and help support some of these recommendations you guys made today.

Mr. Phillips: Did you want to say something, Jim?

Mr. Gray: I really didn't raise my hand, but I'll just make a snide comment and say just tell Barak Obama you need the money. He's coming up with everything you need for everything else.

Mr. Cardin: Don on Danny, do you think we could change the wording in this to say council create an exploratory workgroup to talk with Senator Obama about buyout money? No, seriously.

Mr. Kipnis: I would take both senators' names out of there. I think that we need to be as hard core as we can possibly be right now. It's not a study group of anything. You do this; this is what we're going to need; and that's what we need to let them know. Don't back down on it, man, right in your face.

Mr. Cardin: You don't with a workgroup that we could start looking at some of the different ways we might do this buyout or where we might get the money from or what have you?

Mr. Kipnis: I think that after what the council does this week, they'll probably want to put together a workgroup, but we shouldn't tell them to do it. We should tell them what is going to happen if they do this.

Mr. DeMaria: I suppose if you wanted to you could make a separate motion about a workgroup, but this is just to get the ball rolling and to get people thinking. There may be money that can come in from the Sierra Club or something like that that can help buy out permits; who knows. But the purpose is to send a strong signal that it's going to cause serious, serious consequences, and we need some help. A lot of us want out.

Mr. Phillips: Okay, any further discussion? All in favor, raise your hands, 13 in favor; all opposed, none opposed. It's unanimous; the motion passes. Kate.

Mr. Quigley: Okay, I'll move on to my presentation. I was asked to give this presentation to let you guys know what is going on with tilefish, so if you get questions from friends or fishermen, then you've got that information. Let me give you a little bit of background. In March 2008 the council decided not to move ahead with a LAPP for the snapper grouper fishery at this time. The council asked staff to contact golden tilefish fishermen to gauge support for a Golden Tilefish LAP.

There is the perception on the council that there is a derby fishery going on with golden tilefish, so they asked staff to contact golden tilefish fishermen and see if there is any interest in an LAP or any other type of program or other management tools that might improve the fishery for them. Now, yesterday the LAP Committee met and they moved to create a Golden Tilefish LAP Workgroup in September 2008 to discuss and design an LAP Program and/or other management tools appropriate for improvement of the golden tilefish fishery.

Prior to making that decision, which may or may not be approved on Friday – we still have to wait and see. That's not a final decision. That's a recommendation from the LAP Committee. But prior to making that recommendation, they heard the following presentation, so I'm going to give you the presentation now that they heard with regard to golden tilefish.

Basically, what I did was conduct an informal survey. Let me just give you an overview of the current management that many of you already know. The commercial quota for golden tilefish is approximately 295,000 pounds. There is a 4,000 pound trip limit until 75 percent of the quota is met, and then there is a 300 pound trip limit thereafter. There is a longline fleet and a hook-and-line fleet.

The longline fleet fishes starting in January – that’s when the season opens – some hook-and-line guys also fish starting in January until the trip limit drops from 4,000 pounds down to 300 pounds, and then a lot of people in the longline sector move out and stop fishing. However, there are a few that do stay in. The Florida Longline Fleet typically starts in the winter, January or February. There is the North Carolina and South Carolina Longline Fleet that typically starts around March or April, whenever weather permits.

Then there is the hook-and-line fleet. The guys that I spoke to, the majority of them are in Florida and they start fishing in the fall, in September or October, when other fisheries are closed. This is what the fishery looks like according to logbook landings. We took a look at logbook landings of golden tilefish from 1999 to 2006. I looked at the average landings. There are four people fishing 30,000 pounds-plus golden tilefish each year over those years. There are four people fishing 20 to 30,000 pounds; six people 10 to 20,000 pounds; and so on down.

So you’ve got about 11 to 16 people that are longliners catching larger amounts, and the other guys are mostly hook and line. There are approximately 240 vessels that have caught at least one tilefish pound on average from 1999 to 2006. I spoke informally with fishermen with average logbook landings of golden tilefish of 500 pounds per year or greater. The 500 pounds was chosen because below that amount the people that I was calling basically told that golden tilefish for them was basically just a bycatch.

It wasn’t something that they targeted or then went out on one trip and that was it. I spoke with 26 fishermen who owned or managed 33 vessel permits. The fishermen spoken to landed on average 92 percent of the total catch of golden tilefish over the period 1999 to 2006. There are a couple of people that I was not able to reach that were longline fishermen. If I had been able to reach them, then it would have gone up to something like 98 to 99 percent.

Mr. Cardin: You said that longline already represents – if you had contacted everyone, it would have represented 99 percent of the catch historically?

Ms. Quigley: No, the fishermen I spoke to landed on average, if I have included those other people – there were two people I was not able to contact – it would have tallied 99 percent of the total catch of golden tilefish. It wasn’t just longline; it was –

Mr. Cardin: Okay, did you tally the percentage that the longliners have historically landed?

Ms. Quigley: Yes, I have that. It’s in Attachment 8 of the second briefing book, and it ranges from 89 percent to 94 percent, so the longline fleet, from ’99 to 2006, takes 89 percent to 94 percent of the total catch of golden tilefish. The hook-and-line fleet takes the remainder. So, of

the 240 vessels that caught at least one tilefish pound on average in those years, there were 206 permit owners that were not spoken to due to inability to contact them or expired permits or landings were below 500 pounds per year on average.

Approximately 156 vessels landed less than 100 pounds per year on average, so there were quite a few people that one pound, two pounds, five pounds and so on up. The fishermen were provided background information on LAPPs. This is over the phone. I would call them up, and the fishermen were provided background information on LAPPs and an update on council consideration of LAPPs. The fishermen then were asked if an LAP was something that they would like used in the management of golden tilefish.

What I did was I started the conversation by asking if they were familiar with LAPPs. Every single person I spoke with said, "Yes". They had received the North Carolina Sea Grant mailings that were sent out to all permit holders or they had done their own research or they had talked to their friends. They were all familiar with LAPPs. They had heard about LAPPs in the Gulf red snapper and other areas.

I didn't have to provide them with much background information at all. There were about two guys out of the people that I spoke to that needed any sort of information at all about LAPPs. Just some regional characteristics; I spoke with 18 longline fishermen, 15 hook and line. Three were from North Carolina, one was longline, two hook and line; 5 South Carolina permits, 4 longline, one hook and line; 22 Florida permits, 10 longline, 12 hook and line; two New York and one New Jersey permits, and those were both longline vessels.

Just a note to keep in mind; some of the people that I contacted have not participated in the fishery in 2007. Some of them didn't participate for the past two years, three years. There were only one or two people who hadn't participated in the last four years. Everybody else had participated some time in the last five years, and several had dropped out of the fishery because of boat repairs or because they hadn't been able to fish because the fishery closed before they were able to enter. That was also something that occurred. Several people had focused on the shark fishery in years past, and so they didn't fish the tilefish fishery in specific years. Bobby.

Mr. Cardin: Kate, you know, the longline fishery basically was a shark/tilefish/snowy grouper fishery. Like you say, with the shark being cut down, they want to rely a little bit more on tilefish. It doesn't mean they're necessarily more or less, does it, or it's just they need to rely on it more? Did you look at the aspect of the snowy limit going from a 2,500 pound trip limit to 100 pounds? Here we're talking about tilefish, but you've basically cut 60 to 70 of the guy's income throughout the entire fishery. How many people were strictly tile fishermen?

Ms. Quigley: All of the data that I looked at, people focused on caught various species. There were some people who did just do tilefish, tilefish/snowy, and had a few other species on there. There were a few. Most of them had participated in the shark fishery in years past.

Mr. Cardin: So, what is it, an 80 percent cut – no, a 70 percent cut in the tile fishery, which was a crippling blow, but you're also looking at a 2,500 percent cut in the snowy fishery?

Ms. Quigley: Yes, there were several things happening at one time. One thing, just a general trend that I saw, there were some people who dropped out of the fishery. In 2004 they dropped out of the fishery before starting the 2005 season. There were other people that started fishing in the tilefish fishery intensively in 2006-2007 or 2005/2006/2007. So there were a lot of different things happening at once, and I was not able to separate out – all the regulations that have come down, I wasn't able to separate out those impacts.

Mr. Cardin: And just on CNN the other night there all the scallop boats are parked because of fuel prices and stuff like that, and the scallop fishery in the Mid-Atlantic is crushed basically. Do you know if any – are any of these tilefish landings; did they, like, represent Mid-Atlantic fishermen or fisheries?

Ms. Quigley: Yes, the two New York permits and the one New Jersey permit also fished within the Mid-Atlantic tilefish fishery. They did fish in the Mid-Atlantic tilefish fishery.

Mr. Cardin: You mean they did during this time period or are you saying – okay, I understand, thank you.

Ms. Quigley: Various years in the past they have participated in the Mid-Atlantic Golden Tilefish Fishery, New York and New Jersey, and they came down – they said they came down to the South Atlantic for a few trips several years ago, three years ago – a few trips is what they said.

Mr. Cardin: And they got big landings. Do you know if they were dragging or were they legal landings or did you look at the logbooks?

Ms. Quigley: They were longlining. Okay, before I go into the results, just to let you know, I would provide them with a little bit of background. They said they didn't need anymore information on LAPs. I said, "Are LAPs something that you would like to see used in the golden tilefish fishery?" They would give me a yes or no answer.

Then I went ahead and calculated out, well, if you used this yes or no as one vote per vessel, these are the results I get, which are pictured right here. Then the other approach I took was one vote per pound landed on average, 1999 to 2006. Okay, so there were two different results that I've got. The reason I did this is because the LAP Workgroup for snapper grouper and the council in the past has talked about if there is ever an LAP done in the South Atlantic, if they want to do some sort of referendum, the referendum could be one vote per person or it could be one vote per pound landed historically in the past, some sort of methodology they would use for that.

So, if we go ahead and assume one vote per vessel, the results were as follows: 63.6 percent or 21 vessels were in favor of an LAP; 21.2 percent or 7 vessels were opposed; 15.2 or five vessels said they were only for an LAP if there is a new stock assessment on golden tilefish or they were only interested in this certain kind of program called sector allocation up in the northeast.

If you did one vote per pound landed on average, 1999 to 2006, based on logbook landings, the results are pretty similar. It went down a little bit – 61.6 percent in favor of an LAP; 21.9 percent opposed; 16.5 percent only for an LAP if there is a new stock assessment or they're only interested in sector allocation.

Then I broke out into longline results and hook-and-line results. As far as longline results, which consisted of 18 vessels, one vote per vessel, 66.7 percent or 12 vessels were in favor of an LAP; 11 percent opposed; 22 percent wanted a new stock assessment. If you assume one vote per pound landed on average, 61.8 percent in favor; 21.5 percent opposed; 16.7 percent wanted a new stock assessment.

Now, just to be clear, everyone wanted a new stock assessment, but these four vessels said they could not give a yes or no answer to an LAP without a new stock assessment. They didn't want to say yes or no. They said if you do a new stock assessment, and a stock assessment review is planned for 2010. So they plan to take otoliths that have been gathered over the last, I guess, four years and to go ahead and take that data and put it into the current stock assessment model. That's the current plan in 2010.

I have talked with the stock assessment staff, and they said there is no chance of moving that up. So these are the results from the longliners, and these are the reasons that they gave for voting the way that they did. Those that were in favor of an LAP said they wanted an LAP because they felt that it would lengthen the season.

Just about everybody agreed that there is a derby fishery for golden tilefish, and what that resulted in was lower X-vessel prices than they thought that they would see otherwise if they were bringing in golden tilefish at the same time that the Gulf was and the same time that the northeast was and Mid-Atlantic.

They felt that it was a flooding of the market, so they felt if you can just lengthen the season, first of all, they'd be able to fish in later months in the year, and they felt they would get a higher X-vessel price, and they'd avoid this derby fishery where they felt that were forced to go out in bad weather. So, they'd avoid the derby fishery that brings lower prices; they'd avoid bad weather; they'd lengthen the season.

Some people wanted to be able to sell to restaurants and they couldn't do that unless they had a year-round product, and they felt they could get a much higher price by selling to restaurants. They wanted to sell to restaurants, so they wanted an LAP. They wanted to be able to see family more. They felt like they were spending too much time out of several months of the year fishing. They also felt they needed to fish in September through November and they weren't able to because the fishery had already closed. It had reached the commercial quota.

Another issue was South Carolina said that they wanted to, quote, get their fair share of quota. There were several years when South Carolina, due to the weather, they weren't able to begin fishing in April. The fishery had gone from a 4,000 pound trip limit down to a 300 pound trip

limit, and they felt like this was going to happen more and more into the fishery if the shark fishery – especially if the shark fishery stayed closed or had a very low TAC.

They felt that maybe the LAP could provide them that opportunity, so that they would be awarded some sort of individual quota and they could reserve that and they could fish later in the year instead of being closed out. Those that were opposed to the LAP said the LAP is going to eliminate trip limits, which it likely would, and that trip limits benefit the hardest workers. Under the current situation, you know, if you need to make some more money, go out on more trips, and they wouldn't be able to do that under an LAP.

LAPs would cap what an individual can catch without purchasing more quota, so they did not want an LAP. Some of these people, they're catching more now than they have historically in the past if you go all the way back to '99, 2000, 2001, so for them it wasn't going to make sense. An initial allocation that relied upon the average across 1999 to 2006 was not going to work out. Maybe some other methodology would, such as the best of three years or going on very recent years, but the calculation that I was doing was not going to work out for them. They voted no; they not want an LAP.

Here are the hook-and-line results: 15 vessels, assuming one vote per vessel, 60 percent or nine vessels were in favor; 33.3 percent or five vessels were opposed; 6.7 percent wanted a sector allocation type program. If you assumed one vote per pound landed, it's virtually the same: 61.7 percent in favor; 25 percent opposed; 13 percent wanted a sector allocation type program. Here are the reasons that they gave for voting the way that they did.

Those that were in favor, they said that the LAP would allow them to fish before longliners met the commercial quota and the season is closed. They wanted to fish later in the year when other fisheries are closed. They wanted to fish in September, October, November, December. Some previous years the fishery had been closed and they weren't able to, so they felt like the LAP would work for them.

They'd get an initial allocation and they could fish at any time they wanted. They also felt that they could get a better X-vessel price as well under an LAP, and they need to fish in September to November. Those that were against the LAP stated that the current trip limit of 300 pounds was just fine with them. They didn't like what they had seen as far as the Gulf Red Snapper LAP or IFQ; and without increased enforcement, LAPs will not have conservation benefits, so they voted against the LAP.

One thing I should say here is that the longliners that were for an LAP had good historical landings, but they weren't fishing as hard now as they had in 2006, 2005 and 2004. The hook-and-line guys in favor of an LAP were catching quite a bit. From what was I told, the hook-and-line fishermen, several are re-entering the golden tilefish fishery after several years of not being able to fish because of hurricanes or because they were closed out of the fishery – so just a little distinction there.

People that were opposed to an LAP that were hook-and-line fishermen were basically people that had been out of it for several years; and in order to get back in and be able to fish, they needed to operate under the trip limit system because they didn't have many historical landings. The results were such that people who had very good historical landings and who felt like historical landings were pretty equivalent to what they are fishing now wanted an LAP.

Those who did not have good historical landings or who are fishing more now than they had in the past did not want an LAP, so it was all very logical. This is just a review. This was basically mostly for the LAP Committee's benefit, but I showed them the response to the questionnaire. I'm not sure all of you guys have seen this, but this is the Snapper Grouper LAP Workgroup. They were given a survey.

The LAP Workgroup, in response to the statement that they see a strong potential in adopting an LAP Program for the snapper grouper fishery, 55 percent of the Snapper Grouper LAP Workgroup, which was 11 people who answered the survey, 55 percent agreed with that statement; 18 percent disagreed; 27 percent were undecided. This is just for comparison purposes to the informal survey that I did.

The LAP Workgroup to the response to the statement that the council should move forward with development of alternatives for an LAP Program under an amendment to the Snapper Grouper FMP, 46 percent agreed; 18 percent disagreed; 36 percent were undecided. The major reason that the – one of the major reasons the LAP Committee decided not to move ahead with Snapper Grouper LAP was they didn't have a majority as the response to this question. They felt like they did get a majority from the golden tilefish fishery. That's the end of the presentation. Are there any questions?

Mr. Cardin: I've got one. Kate, before we were talking about people who quit. Do you have any idea of how many people that want IFQs in the tile fishery are no longer tile fishing?

Ms. Quigley: Attachment 8 under the LAP Committee has some of those numbers. In 2006 there were 20 people actively fishing in the fishery. I believe nine of those are longline vessels and eleven were hook-and-line vessels. What that means is that I interviewed six fishermen that did not fish in 2006. That's the latest year data that I have that were not active fishermen, so there are six votes in here of people who did not fish in 2006.

The majority of them were hook-and-line vessels who had been out of the fishery for a couple of years and they said they were repairing their vessels in preparing to re-enter the golden tilefish fishery, so they had landings for 2004, 2003, 2002, but they had not fished in '05 and '06. That was the majority. That was four hook-and-line vessels. Two longline vessels had not participated in the fishery in 2006. They are not active participants at this point in time. Two were longline vessels and four were hook and line.

Mr. LaRoche: Were those two non-participants from the Mid-Atlantic?

Ms. Quigley: For confidentiality reasons I'm not supposed to answer that question.

Mr. LaRoche: The only reason I asked that is they've entered into ITQ things in the Mid-Atlantic up there, and some of those boats are fishing in a tier system which has forced them into a derby situation and they have not been able to leave that fishery to come down here and participate. South Carolina is where those guys fish. In the year 2004 and 2005, one of those boats generated 60,000 pounds in 2004 and 70,000 pounds in 2005.

Because he was fishing in South Carolina and when they set the TAC in New Jersey – in the Mid-Atlantic they set the date in the year 2000, and 2008 he was caught in there and he ended up with like I think 17,000 pounds of total allowable catch, you know, in his ITQ in New Jersey. I was just talking with him, and he is very concerned about that. I'll talk to you a little bit later on that, but that is the reason why two of those participants were not down here.

Ms. Quigley: One of the guys that I spoke to – so there were three, two from New York and one from New Jersey – one of the guys told me that the trip limits got so small, meaning the 4,000 pound trip limit, that it wasn't it for him to come down. The other two I don't know the reason, so that very well could be the reason. There is a tilefish amendment in the Mid-Atlantic.

They are working towards establishing an ITQ, so, yes, that's true, and they've got different tiers and different initial allocations for different people. That's also an attachment for the LAP Committee. It outlines the Mid-Atlantic ITQ, initial allocation and other aspects of that program. The reason I included that attachment is because they're doing a very different kind of initial allocation. They're doing some equal allocations for small harvest fishermen, so fishermen who have very small historical harvests are getting an equal allocation.

Mr. Cardin: Since we're in the Mid-Atlantic, you don't know what the TAC is they're allocating off of, do you?

Ms. Quigley: You're asking what is the TAC in the Mid-Atlantic?

Mr. Cardin: I didn't know if you had looked.

Ms. Quigley: I can search and try to find out.

Mr. Cardin: That's okay, you were talking about –

Ms. Quigley: Yes, I don't know off the top of my head. Any other questions? You all have the full report. Any other information you'd like about it is included in the LAP Committee.

Mr. Phillips: Is there any other business? This is getting real close to the end.

Mr. Hooks: Twelve years ago I got started in fisheries management with the North Carolina Division of Marine Fisheries on an advisory panel with them. Nine years ago I got involved with the South Atlantic Council on this advisory panel. I gave my time and my heart to try to make it better for other fishermen. Seventy-five percent of the time I was looking out for the fishermen more than I was the fishery, because without the fishermen there is no fishery.

I don't think I have accomplished a thing in twelve years of fisheries management. I've been here at every meeting and never missed one. I have been one of the handful of participants in every argument that there has been. When I started, we had diversity on the council and the snapper grouper committee. We had commercial fishermen, true commercial fishermen with dirty hands helping make decisions.

We had council and committee chairs that were commercial fishermen. Right now the council and the snapper grouper committee are headed by members of the CCA. We have a director that I feel intimidates the rest of the council and kind of points them his way. This is not the way to run a business. We are in a failing situation here in the South Atlantic, the Gulf is also failing, and it's both under the leadership of the same person.

When I started, this was the South Atlantic Fisheries Management Council. Right now I feel like it's the Coastal Conservation Fisheries Management Club. There is no sense in coming to these meetings for people – and I try to talk to people, if you're going to come take an active part. Well, with the makeup of the council and the committees, I've done everything I can. I can't do anymore, so effective immediately I'm resigning my seat from the advisory panel. Thank you.

Mr. Phillips: Well, Danny, I beg to differ because I think you have made a difference. I don't know that they've listened all the time, but I think you have made a difference. I think we all feel that way a lot of times. Dan and then Bill.

Mr. Kipnis: Well, I've spent 13 years, going on 14 years here, and never missed a meeting. I came here from the state of Florida Marine Fisheries Commission as a commissioner, so I've been involved in this stuff for over 20 years in a management sense. I am so – and for different reasons than Dan – I am so discouraged and dismayed by this process, by this flawed process, that I find it impossible to continue serving on this AP or in any capacity for the South Atlantic Fisheries Management Council.

I, too, am tendering my resignation at the end of this meeting, and I will not be here next year for whatever the council decides to lay on you guys. I will say this; it's been a pleasure working with you. I came in as a conservationist but I end up being a people person because of you guys. Again, as Dan says, without you there is no fishery. I know you're not going to be here and I can't hang around and go through these motions, these pathetic motions, spill my guts and blood one time a year, for the one day that I'm allotted to try to do something.

I just can't do it with conscience anymore, so I, too, am tendering my resignation at the end of this; and after 13 years of serving on this AP, I wish you all the best of luck. You're going to need it, but I certainly will sleep a lot easier at night knowing that I don't have to show up here next year. Good luck to you all.

Mr. Gray: I was out of the room when Danny started his talk, actually giving my resignation letter to Gregg, and I had already told Mark. I take exception to the CCA comment. I've been a CCA member for a long time. We have fought hard for fisheries conservation. Unlike most fish

and game rules and laws that have occurred over many, many decades, when the market pressures got so great that a fish or an animal or a bird couldn't sustain the commercial market, then the commercial allocation was either eliminated or decreased, and the animal or the fish or bird was managed under recreational rules and regulations. That doesn't happen in this area. As we see the allocations change, yes, they go down for everybody, but commercial gets a bigger chunk. We saw that this morning.

The reason I'm leaving is that I'm not doing the offshore fishing that I was. I don't feel like I have the current knowledge and the current experience to contribute like I should be, and so I feel like we need a different recreational guy on here from Florida that has more current information and can be more useful. I have turned in my letter and I just wanted you all to know that.

Mr. Zimmerman: Since I guess this is the time to state our resignations, I am also resigning from the Snapper Grouper AP. I passed in my letter two days ago. I am resigning from the AP because at my board's request to place a fisherman on this panel that is a professional, full-time snapper grouper fisherman that will be able to provide better background on his or her fishery. I have learned a lot in the process, and I appreciate the opportunity. Thanks.

Mr. DeMaria: Well, I'm not going to resign, but I'm really very disappointed with the way the council system is going, particularly the South Atlantic. It just seems like it's really degraded in the direction it's heading. It no longer really seems to have any concern with what they need to do to keep the commercial fishing going or even headboats or charterboats or anything at this point. I'm not sure what direction they're going.

I think this council and particularly you guys really contributed a lot. I mean, it's a lot of years of experience out there, so I don't agree that everything you did was kind of in vain or didn't go anywhere. I think you had a big impact. I'm going to stick it out, but I'm not sure how much longer either. I'm kind of disturbed at the whole process.

Mr. Oden: Well, I've got a motion to make first. This is going to be on snowy grouper, the allocation of, and I'm more than happy as a commercial fisherman to go with Alternative 4, which is on there. I don't know where all the alternatives are, but Alternative 4 was 88-12, and I would be more than happy to give up 7, 8, 9 percent of our allocation to the other community, but I would also hope – you know, the frustration I hear in this room is why do we have an allocation if we can't utilize it?

In our case, at a hundred pound trip limit it will not happen. So, my hope would be that they could put a 200 pound trip limit in there and give the other sector, which it's still not going to make much difference for them because at the 5 percent they're only going to get 500 fish, but at least then they could catch one fish per boat at least maybe for a month somehow. If there's some way they could mitigate the recreational guys, I'd love to help them out because I know they're in a box.

But, I, too – and I know I've got to finish this motion and I will, but I've got it out on the table. I've been in fisheries management for almost 20 years. I started with the ASMFC and also the Finfish Committee, and Bill Hogarth I have to blame for that. He got me into this. I got out of the ASMFC when – interestingly, they're talking catchability now. Well, a gentleman from Rhode Island named Mark Gibson got to talking about catchability; and when he told us that when they get thicker they're easier – no, when they get scarce they're easier to catch, that's when I decided it was time to leave.

Then the inverse relationship of that is when they get scarce like I guess some of these species seem to be, they should be rebuilt, I guess. But, anyway, from there I went to this and I've been on two or three take reduction teams; and like Danny I've put my heart in it, I've put a lot of time in it. I can't imagine how much it has cost me all these trips. When I sit with this council, you know, not in one instance do I ever see anything, when I read all the minutes, where they have actually tried to help us. It's always cut, cut, cut. I bleed everytime I come here.

Nobody is trying to put a bandage on that cut either. I don't ever see anything where we're gaining one ounce or see any empathy for the sector I'm representing. I can't waste anymore time here like the rest of the guys. Anyway, I, too, as of effectively – I don't have a fishery now, anyway. The deep water complex was basically all we had to lose and we've lost that.

Without this motion passing – and I doubt that they will act on it, anyway – I have no reason to come back. I'm sitting here listening to these guys talk gags and vermilions, and I really don't catch many where I live. I'm ineffective to be here as a representative from my state. So for those reasons, I, too, tender my resignation.

Mr. Phillips: Well, Jeff, I've known you a long time and I know you fought a hard battle. Everybody here has. You're a good bunch and I've enjoyed working with you. All I know to do is just keep digging and sometimes – I've lost count of the times I didn't want to dig anymore, too. Rick, if you can write that motion, we'll get that up.

Mr. Oden: Will you help me with it? Well, commercially we would be more than happy to relinquish a portion – what is it? What is the preferred alternative, 5 percent; 95 to 5?

Mr. DeVactor: For the snowy grouper allocation, yes.

Mr. Oden: Okay, we would be willing to relinquish 5, 6, 7 percent to the recreational community. I mean, at 100 pounds I understand it is now less than 17 percent. That's what is being caught to date. So, you know, by the end of the year it may be 50 percent, but last year at 175 pounds it came to right at the quota.

I mean, it was very close, so at least at 175 pounds, I believe if we could maintain that we would be more than happy to give up – and with the real-time monitoring – I'm getting away from the motion, but with a real-time monitoring they could go ahead and cut that back in a timely fashion. It would also tie into the motion where we're utilizing the resource there rather than letting it sit on a vine and rot. **That would be great: support 175 pound commercial trip**

**limit for snowy grouper and an allocation of 88 percent commercial and 12 percent recreational.**

Mr. Phillips: Do I have a second?

Mr. Gray: I second.

Mr. Phillips: Any further discussion? All in favor, raise your hands, 13 in favor; any opposed. The motion passes unanimously. Bill.

Mr. Kelly: Needless to say, I'm pretty shocked here at the resignations that have taken place. I'm new to this compared to a lot of you, you know, six or seven years here with the South Atlantic Council, but I can tell you I've learned a lot of stuff. In fact, today, after the brutal beating I took this morning, I was just starting to enjoy it because Danny and I actually raised our hands at the same time and voted in the same direction on something. He didn't try to cut any of my fingers off or swat at or anything like that so progress is, indeed, being made.

But as I look around and I look at Jim and Scott and Dan and Jeff and Danny, I mean, we're talking, because Kipnis is involved, hundreds of years of fishery experience here. You know, the job has been tough. When we look at what is going on with Magnuson-Stevens and we get a couple of years here to try and bring the whole world back together, and then we look at Miami-Dade, where we are, where they're flushing 300,000 gallons of raw sewage into the Atlantic Ocean, and they give them ten years – they have a ten-year phase out on this.

Brian Lapointe, a marine scientist, he said that charter, recreational and commercial fishermen aren't damaging these snapper grouper stocks. The pollution of the coral reefs and estuarial habitat is what is killing them, and they've got a ten-year carte blanche go-ahead until the phase it out.

Sure, it's very, very frustrating, but I can assure you that all of you have made a difference here on this advisory panel; and, if not necessarily with the council, but certainly by your leadership and your education and training and teaching to young whippersnappers like me, relatively speaking, that have not been on here or served near as long as you have. I commend all of you very, very much. (Applause)

Mr. Iarocci: Thank you, Charlie. I don't know how to start this, but, Danny, Jeff, Jim, Dan – Dan, we go way back. I mean, this is going way, way back. Jeff, you opened up my eyes when you said Mark Gibson. I used to fish in Rhode Island and I dealt with him for a lot of years before I moved out of there and came down to the Keys.

We had a couple of years ago I chaired up in Hogarth's office. Willie Ethridge was there, Sean was there, and Bruce was there, Scott was there, a few people. I went up there with the intention of resigning off the council at the time, and I got reborn. Bill and Roy had told me we're going to do this and we're going to make changes, we're going to do that. To this day I still remember that day where I was going to resign.

I feel in my heart sometimes, and I tell Bruce and tell the guys, “You know what, I’ve had it.” I tell my wife all the time, when I get phone calls in the middle of dinner or I come in from the boat and phone has got all these messages – and I’ve never, since I chaired the snapper grouper meeting in Key Largo, have been so appalled and feel so bad about the fishermen calling me and saying, “Tony, please, you’ve got to help me”.

And, Bill, you make some good comments about Magnuson-Stevens. All I can say, guys, I’ve thoroughly enjoyed the camaraderie we’ve had. I’m not saying we’ve made progress on these issues, but I’ll tell you one thing. This system is what we have to work with right now. Our hands are tied under Magnuson. We’ve got these rules and these things are here. I’ve got one more year on the council.

And like I said, I could make a statement and resign, but I’m going to fight tooth and nail for this industry. Without you guys here, I would really wish you guys would reconsider until we get the ACLs – I mean, by then it’s going to be cut and dry, and I know you guys want to say no to whatever, but we need every – and, Charlie, you’re right, we’ve been digging – we can dig to that little point and not having you at this table it ain’t going to be as efficient a setup. We need guys like you.

Without you here, I don’t know, I’m going to miss you personally, and I hope you’re going to be there for at least us to call and get some support or maybe get somebody to take your place. It ain’t going to be the same without you, but I just want to say I really appreciate all the work. I know what it’s like. I started on the AP and went through this thing, and I’m up – right now this is my ninth year.

I mean, you guys, you have made a change, but with the science and with all that stuff, it’s hard to convey that to the full council. I want to say thank you for the time. I know what it’s taken to be off the water. Thanks for all the help and support you’ve given the council with this even though you feel it hasn’t done anything.

Mr. DeMaria: The way I’ve always looked at the commercial fishing industry, it has been a really good livelihood for me; and if I could put something back in it, then I think that’s what this is all about. Sometimes it’s frustrating, really frustrating, but it’s been a good life for me, and this was just my way of trying to put something back in it. You three represent three of the most knowledgeable people on the Eastern Seaboard.

You really do, Dan. I mean, you’ve been on the Marine Fish Commission. You owe it to the industry; it’s been very good to you all your life. What else do you have to do? Come on! I really think you all should just reconsider, have the staff hold on to your resignations for a while, whatever, but I think you owe it to the industry to stick around for a bit longer and see some of these things through. You’re just going to get some real inexperienced people to sit in your place, and it’s not going to be the same.

Mr. Kipnis: If I might just for one second, Don, I do appreciate it, and I have given 25 years to this cause as a recreational angler, a commercial fisherman, a fish house owner, a conservationist, and a champion of people, as well as the resource. This is done, Bro, it's done. This is a dead end. The resource is going, the people who have used this resource is going. Yes, I'm leaving before the barn door is closed.

Now, I've got to make a statement. This is the most important thing that I can do. If maybe the council looks at five resignations here and says why did this happen, they might get an idea. They can't do anything about it, though, Bro. The Magnuson Act says they must do what they're about to do. That's why it was so important to get that buyout motion passed so that it goes forward with the rest of these actions so they understand how serious this really is.

Now, I will continue to fight, but I'm going to my congressman next. That's where I'm going, and the fight is going to go that way. Okay, but it is that serious for me to say I'm gone. All right, I have been disappointed before. This is not disappointment; this is a whole 'nother thing. You have to understand that. You don't have very long to go, my friend, that's the reality of the situation. I'm sorry.

Mr. DeMaria: I understand, but who is going to provide the after-hours entertainment, though?

**Mr. Gould: As a parting motion – and I thought long and hard about this – I would like to see the Snapper Grouper Advisory Panel encourage the South Atlantic Fishery Management Council to seek funds from NOAA, National Marine Fisheries Service, Congress and any other federal entity to fairly and equitably enforce federal fisheries' regulations through the implementation of permits, VMS systems and logbook trip data for each and every participant in the fisheries, including for-hire, charter/headboat and recreational stakeholders.**

Mr. Oden: Can I get back on the council for a second? (Laughter) Anyway, "NOAA sponsored" needs to be added to that because right now I don't think the fishermen, with the price of fuel, need to pay for a \$3,500 VMS. There is money out there that does go towards that end. In fact, I did receive a loaner, which is still NOAA's, but I got it for the shark fishery. I don't think these guys need another – they don't need cameras, the expense of. They don't need the expense of VMS which is, as I said, \$3,500, not to count installation.

Mr. Gould: Bubba, let me tell you, it's already in the pipeline. You know it's already in the pipeline. What is good for the goose is good for the gander. If you're going to be in the resource, if you're going to partake of the resource, you should report right on down the line. A lot of the recreational fishermen, as you know, commercial fishes just as hard as we do. If they're going to be taking from it, they should be part of the process. Right now they're not.

Mr. DeMaria: I'm not a big fan of the VMS thing, but it looks like it's going to come through and if the motion is for everyone, including charter/headboats and recreational people, then I would second the motion.

Mr. Phillips: Don seconds it. Dan.

Mr. Kipnis: Before I leave, one last dig here. I'm always the one doing figures, okay. There are about 500,000 sport fishing boats, saltwater registered. There is a million in Florida, but 500,000 of them are in saltwater; and if each one of those had a VMS at \$3,500, it would be \$175 million just to put them on state of Florida boats. I just thought I'd run that figure by you guys.

Mr. Gould: I have stock in the company that does this, okay. Just kidding!

Mr. Phillips: Any further discussion? Tom.

Mr. Burgess: I was wondering if they could ever turn this around next door and say, well, we can't do it for the recreational, but we can do it for all the other participants on the board, so we'll just do it for them and leave everyone else out, so that's a concern.

Mr. Gould: You were talking about leaving the recreational out of it?

Mr. Burgess: I'm not saying we should. If it's good for one, it should be good for all, and I agree.

Mr. Gould: That's exactly right.

Mr. Burgess: I was just worried or concerned that next door, when it goes in front of this council, that the council will say, well, according to Dan's information there, we can't really do it for the recreational, but we can do it for the headboats, charterboats and commercial, so we'll just do it for them and leave out the recreational.

Mr. Gould: It's already in the pipeline for the charterboats and the headboats, two years, max. That much I know. If you're going to be a participant in this fishery, you should participate 100 percent. It's right on down. If I'm going to be tracked by Big Brother, anybody that goes in the ocean should be tracked by Big Brother. There's enough scofflaws, and I see it everyday. I think it's a fair and equitable thing. Other than that, this is going to be such a discriminatory process that next year I might not be here. That's the way I feel about it.

Mr. Burgess: Well, I agree with you, and I think it should be for everybody.

Mr. Phillips: Okay, any further discussion? Go ahead, Jim.

Mr. Gray: Just a quick comment. In principle I agree with it, but the expense of putting a VMS on a 23-foot Center Console Boat just doesn't make sense to me, plus the tracking of putting that number of boats on the system, you're just going to collapse the system with the number of boats that are out there running around with VMS. So, in principle I think it's good; in practicality, I don't think it will work.

Mr. Gould: This is just something that can be phased in over a number of years, and the capabilities are being enhanced on the VMS system everyday, believe me, because there are more and more everyday. They're phased in over a couple of years. This is a suggestion. The National Marine Fisheries Service does not have the capability to enforce the federal laws.

Their own agents can't identify half the fish that they're sworn, and I have seen this more than once. So, get the funds, if you're going to do it, do it. If you're going to take and regulate something, you do it to the highest degree, make the Americans proud that you're doing your job instead of just paying lip service to it.

Mr. Phillips: Okay, any other discussion before we vote?

Mr. Kipnis: What is coming is that Homeland Security is mandating on for-hire vessels, partyboats and charterboats, as well as commercial vessels, VMS systems, and that is coming, and that's only a couple of years away; not on private boats but on all the other for-hire vessels. Whether it's a tugboat, a fishing boat, a partyboat, it's been mandated by Homeland Security.

Mr. Gould: I understand that, Dan, but also there the fisheries, if you look at the rate over there in the Gulf of Mexico, they've switched over to VMS indirectly there. After talking to Brian Annon there, the recreational side is also going to be required to have it because it is – look at the dead spot. They've got to regulate it one way or another. It's a bad situation, so why not go ahead and bite the bullet. The people that own these boats can afford it. If they couldn't afford it, they wouldn't own the boat is the way I look at it.

Mr. Phillips: Okay, all in favor, raise your hands, 9 in favor; all opposed, 3 opposed. The motion carries. All right, is there anymore business?

Mr. Cardin: Yes, you know, I'm from Fort Pierce and that's historically where a whole lot of tilefish came from. We still have active vessels there making a good living tile fishing. You know, we did go through some slow times, but this fishery is in good shape. Most of the fishermen I've talked to would like to see a longline endorsement to harvest snowy groupers or tilefish or what have you. They would like to see a longline endorsement that would keep latent effort from entering into the fishery and taking any gains they've got.

Mr. Phillips: Is this a motion?

**Mr. Cardin: I'm sorry, I thought I said motion on that. I'd like to make a motion to have a longline endorsement on South Atlantic snapper grouper boats who have participated historically in longline landings.**

Mr. DeVactor: For snowy grouper and golden tilefish or just longline fishing?

Mr. Cardin: Well, let's say the South Atlantic snapper grouper fishery and just a longline endorsement in general; yes, definitely say "longline landings".

Mr. Phillips: Is that how you want it, Bobby?

Mr. Cardin: We don't have a second. I want to require a longline endorsement for snapper grouper boats that have historical longline landings..

Mr. Phillips: Okay, do I have a second? Phil seconded. Any discussion?

Mr. DeMaria: Are you talking about an endorsement for just golden tile longlines or for all snapper grouper?

Mr. Cardin: All snapper grouper – there is already gear descriptions and what is legal to harvest with it. I'm not wanting to change any of the rules in place. I just want to have to use a longline, you have to have historically used one. I'm not changing any of their rules.

Mr. Phillips: Okay, any other questions? Okay, all in favor, raise your hands, 11 in favor; any against. None opposed so it passes unanimously. Any other business? Hearing none, we are adjourned.

(Whereupon, the meeting was adjourned at 5:55 o'clock p.m., June 11, 2008.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

Transcribed By:  
Graham Transcriptions, Inc.  
June 4, 2008

## **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

### **SNAPPER GROUPER COMMITTEE**

**Renaissance Orlando Hotel Airport  
Orlando, FL**

**June 11, 2008**

#### **Motions**

PAGE 16: The motion is the AP would endorse Alternative 3 for the action to modify sales restrictions in Amendment 15B. The for-hire harvest would count towards the for-hire ACL. Motion failed on Page 21.

Page 21: Motion to adopt Alternative 2 as the preferred alternative for the action to modify the sales restrictions in Amendment 15B. Motion carried on Page 21.

PAGE 22: Move that the council develop the permits and licensing to allow bag-limit sales under the ACL to be developed for the for-hire industry. Move that the for-hire harvest count towards the for-hire ACL. Motion failed on Page 25.

PAGE 30: Move that the council implement a commercial 45-fish limit per vessel per trip for the aggregate of gag, black and yellowfin grouper; do not change the regulations for the other groupers. Motion carried on Page 35.

PAGE 39: Move that the council implement a May 1 opening to the shallow water grouper fishing year; a 45-gag trip limit per vessel; and when the gag commercial quota is met prohibit the harvest and retention of all shallow water groupers. Motion carried on Page 42.

PAGE 45: Since the gag fishery is relatively minor in South Florida, move that the council split the EEZ into two regions for the for-hire and recreational sector. The dividing line would be at the Miami-Dade/Monroe County Line. There would be no closure for the shallow water grouper south of that line. Motion carried on Page 47.

PAGE 47: Since the gag fishery is relatively minor in South Florida, the AP recommends that the council split the EEZ into two regions for the commercial sector. The dividing line would be the Miami-Dade/Monroe County Line. There would be no closure for the shallow water grouper unit south of the line. Motion carried on Page 49.

PAGE 53: Move the AP supports Alternative 4 for the action that specifies the interim allocations for gag of 61 percent commercial and 39 percent recreational. Motion carried on Page 53.

PAGE 55: Move to reduce the five grouper aggregate bag limit to a three grouper aggregate bag limit; reduce the existing bag limit from two gag or black grouper to one gag or black grouper within the grouper aggregate limit; move for 5A. Motion carried on Page 58.

PAGE 58: Motion that the AP supports regional management for all fisheries managed by the South Atlantic Fishery Management Council. Motion carried on Page 61.

PAGE 63: Motion that the council uses the least restrictive measures in the rebuild of all these fishes, coupled with 100 percent electronic dealer reporting. Motion withdrawn on Page 67.

PAGE 67: Motion that the AP recommends that the National Marine Fisheries Service make electronic reporting mandatory for all dealers. Motion carried on Page 67.

PAGE 68: Motion is to manage to MSY, or as close as possible, instead of OY for all species in the Snapper Grouper Complex. Motion carried on Page 71.

PAGE 77: Recommend to the council to take the least restrictive action possible in terms of management regulations that ends the overfishing of vermilion. Use all available information in a new benchmark assessment. Motion carried on Page 77.

PAGE 81: Motion 14, implement a May 1 start date for vermilion snapper and a thousand pound trip limit of vermilion snapper. Motion carried on Page 84.

PAGE 87: Motion not to take any action until some reliable studies have been done on the circle hook issue. Motion reworded on Page 90: Do not take action requiring the use of circle hooks. Motion carried on Page 90.

PAGE 90: Motion endorsing the use of venting tools and dehooking devices as recommended by the council. Motion carried on Page 90.

PAGE 91: Move that the council does not move forward with the emergency interim rule for red snapper. Motion carried on Page 91.

PAGE 92: Move that if the South Atlantic Council goes forward with overlapping closures, the council should consider a buyout program for permits and vessels of commercial, for-hire charter and headboat businesses. Motion carried on Page 94.

PAGE 104: Motion to support 175 pound commercial trip limit for snowy grouper and an allocation of 88 percent commercial and 12 percent recreational. Motion carried on Page 105.

PAGE 107: Motion that the Snapper Grouper Advisory Panel encourage the South Atlantic Fishery Management Council to seek funds from NOAA, National Marine Fisheries Service, Congress and any other federal entity to fairly and equitably enforce federal fisheries' regulations through the implementation of permits, VMS systems and logbook trip data for each and every

participant in the fisheries, including for-hire, charter/headboat and recreational stakeholders. Motion carried on Page 109.

PAGE 109: Motion to have a longline endorsement on South Atlantic snapper grouper boats who have participated historically in longline landings. Motion carried on Page 110.

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(Continued next page)

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Dale Theiling \_\_\_\_\_

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Julie O'Dell ✓

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Cindy Chaya \_\_\_\_\_

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GREGG SWANSON ✓

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

## Snapper Grouper Advisory Panel Meeting Orlando, FL Wednesday, June 11, 2008

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ORGANIZATION

AREA CODE &  
PHONE NUMBER

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

# PLEASE SIGN IN

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

## Snapper Grouper Advisory Panel Meeting Orlando, FL Wednesday, June 11, 2008

NAME &  
ORGANIZATION

AREA CODE &  
PHONE NUMBER

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