

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Hilton Garden Inn
North Charleston, SC**

November 16-18, 2010

SUMMARY MINUTES

Snapper Grouper AP:

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Bobby Cardin
Phil Conklin
Kenny Fex
Rob Harris
Mark Marhefka
Rodney Smith
Gregory DeBrango
Libby Fetherston

Jim Atack
Bill Cole
Blaine Dickenson
Terrell Gould
Robert Johnson
Scott Osborne
Richard Stiglitz
Eileen Dougherty

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Myra Brouwer
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Observers/Participants:

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The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council convened at the Hilton Garden Inn, North Charleston, South Carolina, Tuesday afternoon, November 16, 2010, and was called to order at 1:30 o'clock p.m. by Chairman Don DeMaria.

MR. DeMARIA: Let's get started. We have a lot to go through today. The first thing we need to do is approval of the agenda if anybody wants to make a motion to approve it.

MALE VOICE: So moved.

MR. DeMARIA: Anyone want to second that? Any objections? I guess it's approved. Does anybody want to make any changes to the minutes from the last meeting? I guess nobody does. Anyhow, I want to welcome everybody here and thank you for taking for your time out to do this. That's like three days out of your work schedule. I know that's quite a bit.

Going over the list, it looks like we've got a really experienced and diverse group of people. We've got everyone from recreational fishermen, the commercial, the divers, wreckfish fishermen chemical engineers to environmental representatives, so it looks like every sector including the fish is represented.

What I would like to do is just – we have to do introductions, anyway – is go along and when we do our introductions, just tell us a bit about yourself, what kind of fishing you do and how you got to where you're at today, and about how many years you've had in the fishing business or marine-related industries, from the time you first held a fishing pole to the case of some people that don't fish from the time you first went to the beach. I think it would be good for us to know each other and the council to know the levels of experience we have. It's quite an experienced group. I suppose I could start with myself.

My name is Don DeMaria and I'm originally from Jacksonville. I grew up fishing offshore at Jacksonville on charterboats like a lot of people did; headboats. I went to college and started diving for tropical fish and spearfishing while I was in college; and then when I graduated, I just went right into that and never really even attempted to get a real job.

I've just been fishing ever since. I've tried about every kind of fishing, longlining for sharks, swordfish, even snapper grouper fished out of Southport for a while and a lot out of Mayport. I suppose about 20 years I just realized that I'd much rather be under water than on top of water, and I just quit any other kind of activity that didn't involve diving. Presently today I mainly dive for invertebrates for cancer work. I get to travel around a lot to New Guinea and South Africa. I just got back from a month of diving in Alaska. That's pretty much what I do. My life story; a college graduate that never had a real job.

MS. BROUWER: My name is Myra Brouwer. I work for the council. I've been with the council about eight years. I've met some of you on various occasions although I have not been helping the council directly with snapper grouper related issues until now. Rick DeVictor, our colleague, recently took a position with the National Marine Fisheries Service in St. Petersburg, and I stepped in to take over what he did. I will be helping the council now with snapper grouper issues. I don't fish.

I graduated with a degree in biology and I have a masters in marine biology. I worked with the South Carolina Department of Natural Resources for five years doing surveys of estuarine finfish and doing mainly research activities, reproductive work, spotted seatrout, red drum and that sort of thing. I've been with the council doing this for eight years, so 13 years working and four of graduate work.

MR. COLE: I'm Bill Cole and we will not discuss years. I'm retired from the Fish and Wildlife Service. During those years I worked in Florida; Cross-Florida Barge Canal, your Everglades Jetport, wrote that; and Big Cypress Reserve. Other than that I grew up in the swamps and on the coast of southeastern North Carolina.

I have represented the Fish and Wildlife Service on this council and sat on this council as a council member. Many of you may remember those days. I've probably been on most if not all of the advisory committees for 25 years. I'm basically a retired federale. I enjoy meeting with all of you and I enjoy doing all this. That's all there is to it.

MR. CONKLIN: My name is Phil Conklin. I'm on the group from South Carolina. I'm in the wholesale/retail seafood business. I started fishing when I was five or six years old, and I've been at ever since. I'm 50-plus years in some kind of seafood business. It feels like forever, but it has been good to me. I enjoy it. I have been the Mackerel AP and now the grouper snapper since 1993. I've been around a little while; just about as long as Mr. Cole.

MR. OSBORNE: I'm Scott Osborne. I'm from Jupiter, Florida. I live in Port St. Lucie, Florida now. I've been fishing I guess since I could stand up; commercial fishing since 1985. I've done every kind of fishing except for tuna, sword and golden crab. I fish almost the whole Southeast Atlantic and Gulf of Mexico; snapper grouper and king fisherman primarily. I grew up yellowtail fishing. I've been on the Snapper Grouper AP for two years and hope to fish another 25.

MR. CARDIN: My name is Robert Cardin. I'm a commercial fisherman. I've been holding the federal permits for like 20-something years. I've been fishing for close to 38 or something like that or 39. I use a lot of different gear types. I spearfish, I grouper fish, I kingfish, lobster dive. I do a little bit of everything. Probably 95 percent of my income comes from commercial fishing, and 100 percent of my days off is recreational fishing.

MR. MARHEFKA: My name is Mark Marhefka. I've been in the commercial fishing business for over 30 years. I predominantly just snapper grouper fish. I fish all up and down the east coast. I'm a second generation commercial fisherman. I'm now a licensed dealer for the last three years and hope to go and continue for a long time.

MR. JOHNSON: I'm Robert Johnson. I have a couple of charterboats in St. Augustine. I've been a licensed captain for 30 years. I've been fishing since I was big enough to hold a pole; probably 42 or 43 years, something like that. I just hope to continue to be able to fish and make a living doing it in the future.

MS. FETHERSTON: My name is Libby Fetherston. I'm here representing the Ocean Conservancy in our St. Petersburg, Florida, office. I have been following the council processes in the Gulf and the South Atlantic for five and a half years. I've been on the AP for the one other meeting that we've had.

I grew up in Detroit, and I've been fishing for several years. My daddy was a trout fisherman so I learned to fly fish young. My preferred method is a line sling. I love to spearfish. Grouper is my preferred target personally. I've got a masters degree in marine environmental management. I'm excited to be here.

MR. STIGLITZ: I'm Richard Stiglitz. I've been commercial fishing since 1969. I snapper grouper fish in the Keys. I lobster, stone crab. I've gill netted all over the state of Florida over the last 42 years. I have a son coming up behind me that is in the fishery himself; snapper grouper, lobster, stone crab. I have got grandkids that are wanting to take over underneath that, so we need to keep the fishery going.

MR. GOULD: I'm Terrell Gould, Morehead City, North Carolina; third generation sport fisherman and charter/headboat. It's what the family has done since the thirties. I'm getting ready to go on my ninth issue of a master's license. I've done this all my life from bottom fishing to trolling. Most of my area of expertise is between Cape Hatteras and Cape Fear.

It has been a lifelong passion for me there. I see part of this process of being able to help me to be able to fish later and later, which it doesn't look like sometimes it's going to do, but I'm here to do anything and everything I can for the fishermen and the fisheries to make it sustainable and also fair and equitable to the people that use the resource.

MR. DeMARIA: About how many years have you been fishing?

MR. GOULD: Forty years and some change; eight issues on a master's license is forty years.

MR. FEX: My name is Kenneth Fex. I grew up in St. Pete, Florida, fishing in the bass ponds, cast net mullet out there in the bay, throwing them back just for fun. I went to North Carolina for a summer job commercial fishing and bandit fishing in '94. After graduating high school, I ended up getting an AA in business. I didn't think the fishery would have a future.

They put size limits and started doing more regulations. I seen there was a future, bought a fishing boat in '96 with my cousin. In 2003 I purchased it from it and I've been running it ever since. I have been involved with one other AP meeting, several stock assessments, went to several other scientific meetings. I think there is a future in the fishery. I think management will work. I hope we all can get along and communicate well this week. That's all I have to say.

MR. DeMARIA: How many years?

MR. FEX: Commercially I have been since '84, so that would be 26 years commercially bandit fishing.

MR. ATACK: My name is Jim Atack. I grew up in New Jersey. My father didn't have a boat so I bought my own boat when I was 12. I took my grandfather fishing. Since then I went to NC State and got my engineering degree in 1982. I moved to the Southport/Uganda area in 1982. I'm an avid scuba diver and fisherman. I hold a commercial fishing license and a captain's license. I was a principal investigator on an NCC grant a couple of years ago.

We did scuba diving and underwater stationary video to help look at stock densities and temporal patterns of grouper. I believe that the grouper fishery can be managed fairly and equitably and sustainable in a proactive manner while minimizing adverse economic impacts on fishermen. I hope I can be an asset to the panel. I've been commercial fishing since 1991 and fishing about 42 years.

MS. DOUGHERTY: My name is Eileen Dougherty. I am here on behalf of Environmental Defense Fund. I have been on the Snapper Grouper AP I guess for two years. This is my second meeting. I grew up in Chapel Hill, North Carolina, and spent a lot of time and summers on Emerald Isle and in Ocracoke and Hatteras. I think I first held a cane fishing pole trying to catch ineffectively catfish when I was about four years old. I have been fishing recreationally in South Carolina for the last three, and I have been working on marine issues for about the last five years.

MR. DeBRANGO: I'm Greg DeBrango. I don't even know how long I've been on this panel; I think about, what, nine, six, eight, ten, twelve; I don't know how many years. I've basically been fishing since I was kid, since I was old enough to walk, recreational growing up. I went to college to become a marine biologist. I was fishing on a dock one night and the next thing you know I was commercial fishing. I said, "Well, hell, I like this."

I started out shark fishing; then went snapper and grouper, which was always my love. I went everywhere, all over the Southeast United States fishing; did a stint down in Mexico with Scotty over there; swordfish longline; did wreckfish for a long time. I would say probably the majority of my career was out the wreck grounds.

Now I pretty much am recreational just for fun. I take my kids fishing. I'm an avid spear fisherman, and I would say I do that more than anything. I just want to see the management and there is something that we can do as an AP as a whole to help and bring some better decisions. Maybe we can start getting our voice heard. We do have a lot of experience on this panel, more than in a long time I've ever seen here. It's a good thing.

MR. SMITH: I'm Rodney Smith and I'm a publisher in Florida in Satellite Beach. I publish a magazine called 'Coastal Angler Magazine'. I was a fishing guide and still have my captain's license. I consider myself – let's not go there, but I consider myself a recreational angler, but on the media side here, and I'm just bewildered that there is not a better representation of the biggest user group in the fishery. I think it should be clear that when I applied, I applied to the Habitat – to be an AP on the Habitat, but I was told that was full and that you're perfect for the grouper and snapper AP. I had no idea what I was getting myself into. And what I learned was that it's true that fishery management, it's not rocket science, it's way worse than that. I was born and raised with a fishing rod in my hand; a cane pole actually in Odessa, Florida, in 1957.

MR. HARRIS: Rob Harris from Key West, Florida. I was born and raised commercial fishing in South Texas; left fishing to join the Navy and go see the world and fish in other waters. I came back to Florida in '99, down in Key West and started charterboat fishing. I'm a charterboat captain now. I have two boats.

I had a tackle shop that recently closed just because of fishery regulations and various other reasons. I've been fishing snapper grouper all my life up down the Gulf coast and the Atlantic coast. I really believe that there is a way to do things better and used some of the applied sciences to have to make things better for all user groups. Specifically, I represent the recreational group.

MS. QUIGLEY: My name is Kate Quigley and I work for the council. I'm their fishery economist. I've been working on fisheries issues since 1994 in Florida, Oregon, Washington, New Zealand and now here. I've fished sporadically throughout my life but not many years of actual fishing. I'd say maybe all combined about five years.

MR. DICKENSON: My name is Blain Dickenson. I was born and raised in Boca Raton, Florida. I've been fishing freshwater, saltwater and hunting my entire life. I have two young sons. I am very interested in making sure that there is going to be some fish around for them to catch. I enjoy nothing more than seeing them catch fish.

I'm proud to say my four-year-old son caught his first tarpon in August. Something got in my eye when I was taking a picture of my son, and those are the sorts of things that I live for. Again, I also believe that the science can be improved and that management in the fisheries has plenty of room for improvement, and I wanted my opportunity to be on this panel and add my two cents. As far as how long I've been fishing, I'm 38 years old and I guess I've been probably able to hold a rod – I used to go to Sebastian when I was child, Sebastian, Florida, so I've been fishing I guess 34 or 35 or 33 years, something like that.

MR. DeMARIA: I think this is without a doubt the most experienced advisory panel I've ever been on and I've been on quite a few. That's 706 years of combined fishing experience this panel has. That's quite a bit of experience and I think we can be a lot of help for the council. Let's go ahead and move on; we have a lot to do today. I'll just try to keep this thing moving as quickly as we can.

MS. BROUWER: Okay, again, welcome to the AP meeting, and again I've been assisting the council with snapper grouper issues since Rick left, which hasn't been that long. The first order of business is a disclaimer that I've been trying really hard to keep this all straight in my head, but you'll have to bear with me because it's not that easy. I know you know that as well.

The first thing I want to do is give you an update on Amendment 17A, the red snapper assessment and Regulatory Amendment 10. I don't have a presentation for that. I apologize in advance for having to refer to my notes. I normally wouldn't do that, but as I said I'm still learning as I go. As far as the red snapper assessment, the review workshop was held in Savannah in October. I attended that. I believe Rusty was there and a couple of other representatives were there.

The SSC met last week here in Charleston and they discussed the assessment. They are working on putting together their report to the council, which has not yet been finalized. They're working on coming up their consensus statements for the various things that they discussed. They decide to put forward three runs of the model.

The model, when it's run they do about 45 different scenarios, and they all have different reductions that are associated with them. A lot of things on those runs depend on the indices that you use and the different weights that are put on the various indices. The SSC decided to bring to the council in December three different runs that basically look at three different levels of risk, high, medium and low, and that are going to have different percentages of reduction for red snapper. So the council will look at this in December.

Back in September the council gave us the guidance to start looking at putting together an amendment that would have in it measures to address whatever changes came from the stock assessment. We've been doing that and that's right now in the works. We're going to bring this to the council again at the December meeting.

Some of the other salient points from the SSC discussion, they concluded that the moratorium on red snapper harvest seems to be having an effect to reduce mortality, but they concluded that it would not be enough to get to the reductions that are needed according to the science. The Southeast Fishery Science Center and the regional office have been working since the September meeting on the model that the council has been using as a tool to come up with various management scenarios for that fishery.

That material again will be presented to the council in December. There will be some information in the briefing book which will be available after Thanksgiving that, of course, everybody can take a look at. Are there any questions on red snapper right now.

MR. HARRIS: Will there be an opportunity for the council members to actually review it and then either reject it and send it back for another analysis or are they going to have to – what you lay on their table is what they've got?

MS. BROUWER: Are you talking as far as the red snapper assessment?

MR. HARRIS: Yes. I looked through the SEDAR 24 data, and I found some stuff that just to me as a fisherman hanging out in Key West see as suspect and so I'm just wondering whether or not the council members are going to have an opportunity to address that or if it's possibly being addressed right now because it could very much skew the numbers for what you're saying.

MS. BROUWER: Right. You know, I'm not sure whether the council would be the right body to address that. I know the SSC did have public comment during their meeting and fishermen came and had comments on some of the assumptions and other things that went into the model. I don't believe that there is going to be another opportunity like that, so I'm not sure. There are council members here. I don't know if they have anything to add to that; but as far as I know when the SSC puts forward their report, that will contain the rationale for their recommendations.

MR. HARRIS: Well, is there somebody that can speak to that here from the council because I've just got a few questions that I know were asked, but I never got a response back on what the answers were to it.

MR. WAUGH: The process now is that the assessment has gone through the three steps of the SEDAR process. The SSC has reviewed it and they didn't find any significant problems with it. They have, quote-unquote, approved the assessment. They have provided their direction on what the council should use as their ABC recommendation. It's encompassed by those three runs that they asked to be done.

That information will be added to the SSC report and presented to the council in December. There will be an opportunity for public comment on Wednesday at the council meeting week, but the council is bound by the overfishing and the ABC recommendations that they get from the Scientific and Statistical Committee. Right now there is not a provision for that to go back to the SSC, but there will be an opportunity for people to comment at the December council meeting.

MR. HARRIS: Okay, so at this point right now if there is a problem with the data – and if you all remember we had that discussion last year that was long and painful, especially when they put the numbers up there that said Wave 1 and Wave 2 of red snapper had already caught more than all the fish that the data said were in the ocean.

There are some data sets that were used to come up with this final analysis that still used some of that data to support their findings, and to me that means that they're still in question, but yet they're still being used, and we're going to come up with a final ruling based on questionable data again.

MR. WAUGH: And you're referring to the MRFSS data, and, yes, those issues have been discussed. They've surfaced, they were discussed at the data workshop, and that's the best available science and that is what was used in the SEDAR assessment.

MR. DeMARIA: Rob, if you want to make a motion or something, why don't you do that and then we'll move on.

MR. HARRIS: Well, I'm just trying to make sure that, you know, making a motion because if there is somebody that can just answer some of these questions, then it might not be worth making a motion to, and that's why I was looking for some specific questions. Like in their data sets, they say that recreational anglers caught very few year one and year two fish, that the majority of the fish caught by recreational anglers were three-plus years old, which accounted for 230 percent of the recreational catch in that year group. How do you catch 230 percent of a hundred percent of fish?

MR. WAUGH: Don, I don't know how you want to handle this. We can try to answer these questions during this meeting. We can get with Rob one on one and try and work through his questions.

MR. DeMARIA: I'd rather you just get with Gregg one on one and deal with this. We could spend a lot of time on this, but we've got to move on. Is there anyone else who wants to discuss this anymore? Go ahead.

MALE VOICE: I was just going to reiterate what he said. I mean a lot of these questions were brought up and we have not got answers. We have not received answers about these questions other than best available science. I live in the area that is going to be the hardest hit. Best available science doesn't do me a whole lot of good when it comes time to pay my bills. And 17A has been already been signed into law; am I not correct? So we're discussing something that has already moved past this stage; it's already on the books; is that correct?

MS. BROUWER: 17A has been approved by the secretary. We don't yet have a date for when those regulations will be implemented; but as I said earlier, the council has directed staff and the regional office staff to start putting together an amendment that would address any changes as a result of the assessment. The new model runs may have a smaller reduction that is needed. In that scenario maybe a smaller closure would be more appropriate, and so the council will be discussing those alternatives at the December meeting.

MR. DeMARIA: Is there anymore discussion? Go ahead.

MS. FETHERSTON: Myra, did you say that the SSC report was going to be in the briefing book?

MS. BROUWER: Yes, the SSC report will be available in the second briefing book. I believe the date that we are expecting to receive it is the 23rd of November.

MS. FETHERSTON: And what kind of level of detail does it usually go into; is that going to answer some of these questions or is it really going to be some more top-line –

MS. BROUWER: The report will summarize the deliberations of the SSC. If there were any consensus statements that were made at the meeting that still needed to be fleshed out and formulated better, that will be included in the report. The minutes are always available and you can always refer to those. Those also will be available; they're being transcribed right now.

MR. DeMARIA: Is there any further discussion? What about people in the audience; I'm sure Rusty has something to say?

MR. HUDSON: Rusty Hudson, president of Directed Sustainable Fisheries; also representing the Southeastern Fisheries Association, the East Coast Fisheries Section during this meeting. I attended the SSC meeting last week. I also attended the review workshop and have been a participant on every assessment workshop, webinar and was a participant with the data workshop.

I also helped bring in a scientist to try to be able to deal with some of the uncertainties with the Red Snapper SEDAR 15 and the transition into SEDAR 24. One of the problems that we had with SEDAR 24 was that we ran into resistance starting at the data workshop level in order to

had a continuity run done with the original red snapper stock assessment that is dated April of 1997. That was a VPA, a virtual population analysis.

The Beaufort, North Carolina, Lab claims that they can do that work, but they haven't chosen to do that work. It would have been nice because that rebuilding plan ended in 2006, about the same time our people started seeing snapper in places that they normally see them for the last while. Now, personally, talking about fishing experience, I caught my first fish in 1959 at the age of four.

My family has been four generations out of the Daytona Beach Area. My uncle still currently fishes at 76 years of age, and he says it's the best red snapper fishing he had seen out of the Ponce Inlet/ Daytona Area since the sixties. That's where we started running into the problems that the science doesn't match up with what the fishermen see at the side of the boats, and that's a real important feature.

It may be anecdotal and not empirical, but it is very much disturbing to these people as they're watching their access to the resource disappear. I guess with the low, medium and high risk runs that are going to be done with the headboat index, really. They down-weighted that SEDAR 24, which was according to the data workshop the best data available.

And so now they're having to reweight that, and so we're sort of waiting – and I guess the second briefing book Myra referred which will be right after Thanksgiving, we'll be able to see those results which rumor has it could potentially reduce the closed area and/or possibly modify some of the moratorium on red snapper in the long run, but they can only do – maybe not modify the moratorium, but they can only do like a three-year deterministic run with this.

They can't go look at the whole 37 years that has been spelled out. We had a problem with something that Dr. Erik Williams did when he chose on the webinar in September to ask about average historic weight of the commercial catch. I listened to him say twelve pounds is what he wanted to use.

I said, no, that doesn't sound right; nine pounds; and I was referring back to the early period starting the year I was born in 1955 and going in through early sixties. There was a survey done from Melbourne to Daytona Beach commissioned by the U.S. Atomic Energy Commission, and I made that Reference Document Number 57 at the data workshop. It explains very clearly 1959-1963 the commercial average size was eight pounds gutted.

My nine pound suggestion to Erik was figuring a whole weight. They had in 1962 447 pictures. My family supplied a third of those pictures; and of that, they had an average weight minimal of four and a half pounds for that for-hire component. In 1963 they had field biologists that wound up producing a five pound average weight.

That pretty much jives with what we were knowing, but unfortunately back where Erik applied it to 1982, nine pounds, then grows as average size of 17 pound red snappers back then. That doesn't jive with the survey. We tried to get the SSC to modify that. They didn't. The only

thing they're willing to do is take those three runs and be able to reweight the headboat index and then see what comes out the other end.

Again, we're stuck with an assessment that's probably not going to resemble what we're seeing at the side of the boat; and a lot of for-hire people, where they said they're still fishing at 90 percent of the rate of fishing for the last who knows how many years, we know that the fuel price causes problems. We also know that the headboats, the for-hire boats in our region in particular are probably only doing 30 percent of the business.

I actually checked with the headboat survey guy and he agreed that there has been a significant downturn this year from the moratorium alone. We're having problems with the way this is unfolding because two-thirds of the catch of red snappers is generally from the private sector. They're only allowed to play their food and they have to let it go.

The recreational for-hire guys, they're trying to carry people out, but they can't even – the charters are canceling because you can't bring your fish home, and you can't get away from the red snappers that are on reefs in all different sizes; and, of course, that 54-year age is a big problem. I can on and on and on, Don, but some of the stuff that I gave to both the review workshop was considered very good, but what they didn't realize, being from Scotland, England and Canada, is that the stuff that we gave them was stuff that was already in the process, but it has been sort of pushed to the side.

Just like when I put my timeline up there, I created that for the data workshop from 1840-1990, and yet it kind of got shoved to the side. So what can we do? We're sitting here trying to work with the council. We're trying to be able to save these people's businesses, and we're trying to save the access for the private recreational to go fish, but unfortunately that's not what is in the stars right now, and it's not going to be good.

I've actually got a request in to Alan Risenhoover, who was the head of Sustainable Fisheries, asking him where is the status of the disaster assistance program, the fisheries assistance program, all these types of things. I'm still waiting on an answer but none of that has gone final. But one thing that Luiz Barbieri, the vice-chair of the SSC, did bring up is the cooperation that we're having with a core group of us that are part of a tagging program that the state of Florida is going to finance.

Being that that closed area of 17A is in the majority of Florida, from Central Florida or 28 degrees all up to 31 degrees, that's an important thing, and he's trying to get NMFS to go along with that. And then I think Andy Cooper mentioned at the SSC meeting last week that it would be a wise idea to continue with some of the for-hire guys, headboat guys, private guys and commercial guys fishing in the closed area with some kind of exemption because that would give them some kind of a data stream that then can go into the new update or benchmark or whatever is going to be done three years from now that Roy Crabtree asked for. If anybody wants to talk one on one of these things, if anybody wants copies of some of the documentation, we'll be glad to help, but, you know, SEDAR 24 is not right.

MR. DeMARIA: Rusty, I have to agree with you that a lot of the stock assessments don't reflect what I see when I dive, and we're going to get into that at the end of the meeting under other business when I talk about it, and I hope you're around for that. Okay, if anyone else has anything to say, especially if you want to make a motion, go ahead.

MALE VOICE: I just have a word. I've read some of Mr. Hudson's literature that he has produced that has been disseminated on the internet, and I applaud you for doing that and spending so much time. I realize that's also your livelihood. There is a disconnect between a man who is obviously an expert who is paid lip service when he goes to try to make a difference and the scientists. I don't understand why they would not take the information that you've provided and treat it as close to Gospel as can be. I mean, you've only been fishing for, what, 50 years you and your family. I don't know, but that's sort of important to use the information from a true expert, and I don't see that always happens.

MR. DeMARIA: I agree and we're going to get into that at the end of the meeting.

MR. HUDSON: One closing thing; on the assessment workshop, because of the changes that they made between the one webinar in September and the second webinar, the assessment workshop and our scientist did not get to see the results until after it was sent to the review workshop.

Had we been able to see the results and debated it a little bit more, we could have asked for some sensitivity runs and some modifications of things that would normally have been done, but this accelerated schedule that was put on this red snapper thing with the belief that we could do something in December is tantamount to not being true, because it's going to take another four or six months or longer to get Regulatory Amendment 10 to be able to apply any changes, so we're talking next summer.

MR. JOHNSON: I'll make one comment about it. I was on the SEDAR 24 –

MR. DeMARIA: You've got to state your name for the record.

MR. JOHNSON: Robert Johnson. After the initial meeting, which I was in attendance, there were a lot of webinars and there were a lot more than we thought there was going to be. I wasn't able, like a lot of people, to make all these webinars. They're in the middle of the day, and I have a family to feed. It really excluded – it's bad enough for me to take a week off during the peak of may season to come up and participate; and then it's like every so many days there is another webinar on a Tuesday or a Thursday. I've got trips on the books and I've got mouths to feed and bills to pay. It sort of excluded a lot of people like myself from the whole process.

MR. HARRIS: I would like to make a motion that we've got a lot of stuff on our agenda right now – I would like to make a motion that we bring this up later in the meeting as time permits to give all of the AP members a chance to look at the SEDAR data if they haven't had the opportunity, give someone from the council an opportunity to come here that can speak – you know, like Gregg, yourself, and to get some more recommendations to go forward to the SSC and to the council before they put this final stamp on things and just take a realistic look at some

of this data. I mean, I'm sitting all the way down in Key West and I've got lots of questions about that data, and I'm sure people in this room do. I think it's something that we need to look at before it goes to the council and gets a final stamp.

MR. DeMARIA: Well, make a motion, then.

MALE VOICE: I'll second it.

MR. DeMARIA: What was the motion; you've got to kind of word a little bit shorter than that.

MR. HARRIS: Shorter than that. I make the motion that under other business that prior to the end of this meeting the AP has a chance to make a recommendation regarding the SEDAR 24 data to forward the SAFMC Council.

MR. DeMARIA: Is there a second? Everyone in favor; it's unanimous; anyone opposed. The next item is Regulatory Amendment 9, trip limits.

MR. COLE: Myra suggested there were two updates that she was going to give us. One was on 17A and the other one was what?

MS. BROUWER: I'm sorry; I think I lumped it all together; 17A and Regulatory Amendment 10, which is the amendment that is under development, and I just wanted to make you aware of that. Okay, I've prepared a presentation to walk you through what is currently in Regulatory Amendment 9, which deals with trip limits.

The timing is for the council to approve this amendment for public hearings at the December meeting. The purpose of this amendment is to address effort shifts that have occurred as a result of regulations and prevent the formation of derby fisheries for black sea bass, gag, vermilion and greater amberjack. Also, we're looking to look at split season quotas and spawning season closures as well as the trip limit alternatives.

So first a little bit of background; the harvest restrictions on species undergoing overfishing and other species have led to effort shifts, as I mentioned, in fisheries such as black sea bass. Because the biomass is increasing due to reduced quotas to end overfishing, there is a concern that derby fisheries could develop and so the council is looking to address that using trip limits.

The same is true for gag. Right now the quota is 352,940 pounds. That was put in through Amendment 16, and this is what closed the shallow water grouper when quota is met. Amendment 17B, which is under review, the proposed rule is out for comment right now, would establish a combined annual catch limit for gag, black and red grouper of 662,403 pounds.

Then there is a closure of the shallow water groupers when that combined ACL is projected to be met. Again, that's a proposed regulation in Amendment 17B. There is a concern that these regulations again would result in the potential development of a derby fishery. For vermilion you have up on the screen what Amendment 13C put into place. It capped the commercial landings at 1,100,000 pounds.

The 2008 assessment indicated the stock was undergoing overfishing but was not yet overfished. Amendment 16 implemented that split season quota. And then we have a recreational closure each year that goes from November through March. So, again, there is the potential because of these regulations that the quotas are being met earlier and earlier and derby fisheries could develop.

For greater amberjack there is currently a trip limit already in place, which is effective each year until the quota is reached. However, since the trip limit was implemented, the quota has never been met, and so the council is considering potentially increasing the trip limit for greater amberjack.

I'm going to walk you through the alternatives that are in the document; and just for your reference, the hard copy materials that are available if you want to follow along, these are the alternatives that are outlined in Section 2 of the document. These are the commercial trip limit alternatives for black sea bass.

Some of these changed as a result of public comment I believe at the September meeting. The analyses for these alternatives will be brought to the council for them to pick a preferred in December. Here is a table showing the average catch per trip and the percentage of landings from pots during the fishing years for 2006-2009.

And, by the way, this is very close to the same presentation that I did for the SSC last week. A little bit on the life history of black sea bass; the spawning season in our area is from February through May. They're protogynous hermaphrodite. They're long-lived species. The management measures the council is entertaining is a change in the fishing year and also looking at spawning season closures. These are the alternatives for the fishing year. Bobby.

MR. CARDIN: Kate, on 18A how will that slow down any harvest in the black sea bass fishery; could you tell us?

MS. QUIGLEY: Well, there are three actions with regards to black sea bass in 18A. There is a bycatch one that won't really have any impact. I'm going to go over this after Myra's presentation so we can talk about it more, but I'll just let you know now one of the actions has to do with who can participate in the fishery, and we're looking at some numbers ranging from – I guess it's about 25 to 90 or 25 to 120 people, depending upon the alternatives. It could change participation quite a bit. And then there is a restriction on how many traps per vessel, so that could also slow down effort, and the ranges are from 25 to 100 pots per vessel.

MR. CARDIN: Kate, when we're talking about this 25 to 125; was that just pots or what other endorsements are there?

MS. QUIGLEY: Well, it's not an endorsement system. When I refer to the 25 to 120 vessels, I'm referring to those are the people who can possess black sea bass with pot gear; so you can do hook and line, there is recreational fishing. This is just commercial pot gear specifically, and I'll go over that in detail after Myra's presentation.

MR. DeMARIA: Why don't we go back to Alternative 2, this trip limit thing, and discuss that a little bit and maybe come up with a recommendation for the council.

MR. CARDIN: My question would be to the AP members then when we're talking about trip limits on sea bass, maybe we might consider two different trip limits; one for the pot fishery and one for the bandit hook-and-look fishery. I think with what is coming up, that is something we should keep in mind.

MR. DeMARIA: You can make any recommendations you want.

MR. CARDIN: I'm still listening, but I was wanting to get it straight.

MR. DeBRANGO: What is the average trip for the pot fishermen right now; do we have an average on that, what these guys are going out and their average trip per vessel in weight?

MS. BROUWER: I don't have that information with me. I suspect it's in the amendment.

MS. QUIGLEY: I've got that in Amendment 18A. I'll look for it and I'll bring it up under Amendment 18A.

MS. FETHERSTON: Myra, can you remind me; we have a fishing year for black sea bass that starts in June, June 1; can you remind me when that closed?

MS. BROUWER: I believe it closed October – this year it closed in October.

MR. JOHNSON: Kate, just one more thing; is the council – I know they're concerned about Florida boats jumping into the fishery. That's what this is really all about because a lot of guys like myself being impacted by an area closure have purchased sea bass gear as a means of making a living as one of the few things left, and then they're sort of snatching the rug out from underneath feet as we speak.

But has there been any thought given to having a separate quota for the Amendment 17A area, because this was traditionally, as Roy Crabtree said to me, traditionally a North and South Carolina fishery. Well, that means those fish in Florida haven't been harvested by anyone, so I'm not sure why we're concerned about Florida boats getting into this fishery.

MS. QUIGLEY: Actually Jimmy Hull has been participating I think for 20 years in the black sea bass pot fishery.

MR. JOHNSON: He is the only one; Paul Nelson has been in it, what, three years, and myself a couple.

MS. QUIGLEY: Right, because of all these closures – it's not just 17A; it's also 13C and 16 and 17B and all these regulations that we have coming down – yes, there is concern that people are going to go into the black sea bass pot fishery in North Carolina, South Carolina, Georgia and

Florida and then participate, and that is going to take away profitability from historical participants.

That was talked about quite a bit at the last scoping meetings which you were at, and so, yes, there is that concern, and so there has been talk about what dates do we use for people who are allowed to participate and trying to get 2009 data and can we get 2010 data, et cetera, so that has been talked about quite a bit. What was your specific question?

MR. JOHNSON: Well, it's not a question; it's a point. People are getting into this fishery because you've left us nothing else to do, and then you're going to pull that out from underneath our feet. I mean it's really a slap in the fact, to honest with you. When this was first presented to us, there was the exclusion for commercial spearfishing and sea bass pots; so people like myself – this has only been a year or so ago – went and purchased black sea bass pots, and then now all of a sudden, well, sorry, can't do that either. It's just sort of a slap in the face.

MS. QUIGLEY: Yes, and that's talked about in the social effects section; also, the economic effects. That is the drawback of limiting participation is you're limiting those other people.

MS. FETHERSTON: Myra, I'm looking in the actual document, PDF Page 24, and it looks like, just following Bobby's idea of two separate trip limits for pot and hook-and-line fishermen, and those alternatives have been stricken, if that's the word. Is that due to public comment or – it doesn't look like there is an option for separate trip limits because those have been lined out. I guess that's Documentation 23 or so.

MR. DeMARIA: If somebody wants to make a motion for a separate limit, we can do that.

MS. FETHERSTON: I'm tempted to but I wonder if there is a good reason why those have been pulled out of the document first. I don't want to make a fool of myself on my first motion.

MS. BROUWER: I don't have that in front of me. It was either a recommendation from the team or something that came from the council, and there is some rationale attached to it. I'll have to look for it and get back to you.

MR. DeMARIA: More discussion? Phil.

&&MR. CONKLIN: I'll make a motion that they come up with two separate quotas; one for the black sea bass pot fishery and one for the commercial hook-and-line fishery and for the recreational fishery. You've got to include everybody in it. There are three different user groups there.

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

MR. COLE: I'll second it for discussion. That's what we're here for is to make a motion to move something forward. We've got to start somewhere.

MR. CARDIN: Phil, there is a recreational allocation and a commercial allocation, so are we talking about taking the commercial allocation and doing a pot quota, a hook-and-line quota and a recreational quota out of the commercial TAC; what are you getting at here with this?

MR. CONKLIN: Yes, you can the commercial TAC and you give the pot fishermen 75 percent of what the commercial quota is and the hook-and-line fishermen 25 percent of that. The reason for that is because you've got such a bandit fishery and a lot of the fishery is done in less than a hundred feet of water, and there is a whole lot of black sea bass that would be coming up off the bottom and was being thrown back because of the way that they come up – it's so fast they blow up and they're practically done when they hit surface on a bandit.

MR. CARDIN: I understand that, Phil, but you mentioned the recreational a share of it, and I was wondering how they plays in this motion.

MR. CONKLIN: Well, they've already got their quota set, their TAC for the recreational people; but if you don't put recreational on the motion, then you're going to have a whole lot of flak from it.

MR. CARDIN: As the maker of the motion, I'd request that you change it to take the recreational out. Well, I didn't hear that part of your motion; I'm talking about the recreational now; but we're talking about our commercial quota, you're wanting two separate entities? All right, I'll let this one go, but would someone help me.

MR. DeMARIA: Is that all right with you, Phil, to change.

MR. DeMARIA: Right, go ahead.

MR. COLE: Mr. Chairman, the concept of the recreational, though, is still not in there. There were three separate quotas. There was the commercial quota made up of the pot and the hook and line and then there was the recreational. That's three different numbers. That was I thought I seconded.

MALE VOICE: Is there a recreational quota for black sea bass?

MALE VOICE: Has it ever been reached?

MR. DeMARIA: Your motion is just basically to separate the commercial sector into two allotments?

MR. CONKLIN: Exactly and make sure that it's a 75/25 split. In other words, 75 percent of the allocation is there of whatever they allocated for, and then leave the other 25 percent to the bandit fishing, the hook-and-line fishery. Otherwise, you're going to have a whole lot of discards because everything that is caught here –

MR. DeMARIA: Mark, go ahead.

MR. MARHEFKA: Yes, Phil, what I would like to go and help you with this motion here is to go and say is that 75 percent can be harvested within the pot fishery – hook and line and pot because what you’re saying up there right now is 75 percent of the quota belongs to the pot fishermen and 25 percent of the quota belongs to the hook-and-line fishermen. In other words, my quota could get shut down – you know, my hook and line will be shut down and the pot fishermen will still be able to fish their pots.; Do you see what I’m saying?

You take the hundred percent and when 75 percent of the black sea bass have been harvested, at that time the pot fishery is reduced down and 25 percent, whatever is left over, then becomes hook and line. Because what you’re doing is you’re separating the sectors of what they’re allowed to go and catch now.

You’d have to go back into historical landings and see – I mean, what we’re doing is we’re saying the same way they’re doing with the golden tile is what they’re trying to go and do is that – you know, once it gets to a certain level, then it just goes to a certain poundage of trip limit. I mean, that’s not what he’s saying, but what I’m saying is you’ve got – right there is says 75 percent is the pot fishermen and 25 percent is the hook-and-line fishermen; so you’re excluding hook-and-line fishermen from going and catching anymore than 25 percent of the piece of pie, period.

I don’t go for that, okay, because basically what ends up happening is I can’t go and – you know, my 25 percent gets caught up and there is still 75 percent of pot fishing, and you’re still able to go and harvest fish with a pot fish, but you can’t go and harvest anymore with your hook and line.

MR. FEX: That might not even be historically the way. The pot fishermen might historically have 80 to 85 percent of the history. He was just making the rationale as to how to separate so if the pot fishermen are actually getting their endorsement and their tags aren’t able to fish with just that strictly gear that the hook-and-line fishery can be excluded because the pot fishermen caught them all, too. It could be another way, the opposite way you just said. I mean, the pot fishermen could be the ones knocking the quota out quicker.

MR. JOHNSON: I think you’re going to open up a can of worms because what you put on the screen a little bit ago was 87 to 89 percent of the commercial harvest was pot fishermen; am I not right? If they’re worried about a handful of Florida boats getting in there, there is going to be an uproar when you start talking about you’re going to reduce their quota, which in essence is what you’re talking about doing; am I not correct? I mean, I’m not picking sides here. I’m just stating the obvious. I don’t know the answer; I’m just saying.

MR. CARDIN: I make a motion that –

MR. DeMARIA: Wait a minute; we’ve already got a motion.

MR. CARDIN: Well, can the maker of the motion change that to where it’s an open fishery until it’s 90 percent caught, then the pot fishery shuts down at 90 percent? That goes with the historical levels of 87 and 90 percent. Then the bandit gets to keep fishing them.

MR. CONKLIN: The reason the quota was caught in the third week of October is because the pot fishery was going on in North and South Carolina big time and part of the quota – everything is left and right now is the prime time when a bandit fisherman should be able to keep what he's catching. I mean, we can't keep B-liners and you're out there catching triggerfish and porgies and grunts, and who knows what else; why throw this back. It's a bycatch that needs to be retained.

MR. CARDIN: Phil, if you look at the quota, it's only 81 percent caught. It really should be open now but should be keeping these fish, but it's been hard to count these dead fish.

MR. HARRIS: Yes, the one thing that's being left out of this equation is right now the black sea bass quota, the fishery closed early without even having met its quota, and there is still quota out there that's on the table that I think the council needs to look at reopening that to allow you to get the rest of your quota.

If you had this breakdown the way you have it right now and run into this problem, now look at how many people are being affected because of the fact that NOAA shut down the fishery without the quota even being met. Look what happens to us when we run over our quota. They're quick to shut us down and very slow to give it back. So if you have this big huge fishery that is thrown out there now and you get – you know, all these numbers starting to get crunched and you have another error that gets made like this, it will take you a while to recover from it.

MR. JOHNSON: Just one last comment; talking about black sea bass, I really think the council needs to look at having a separate quota for Florida. There was one Florida boat, and it wasn't Jimmy Hull, that caught 20 percent of the quota this year, one boat. They fished hard, okay. They were trying to make a point that we have a viable sea bass fishery in Florida. I think the way to approach this is it's a separate stock of fish and it should be managed as such.

MR. CURRIN: For Rob's information, NMFS is working on reopening the black sea fishery now. They realize that it was shut down early with quota left. They have to do that in anticipation based on historical records to project when those quotas are met. They undershot it – sometimes they're pretty close – but they're working on a means to open that black sea bass fishery up to allow fishermen access to the last 56,000 pounds, I believe it is, something like that.

MR. DeMARIA: Well, we've got a motion on the floor; do we want to vote on it? Any more discussion?

MS. FETHERSTON: So to clarify, this sets the commercial quota 75 percent of whatever that quota is, is designated for the pot fishery and 25 percent of the commercial annual catch limit is for the hook-and-line fishery, and they're going to have their own separation regulations or fish – that segment is going to close when they catch their – whichever their allocation is. That's what this motion does? Thank you.

MR. DeBRANGO: What I'm looking at here; I just kind of agree with Mark and everybody here. From the numbers that Kate just gave me and everything, you've got 23 boats that substantially catch most of your black sea bass quota, and there are a whole bunch of others

involved in the fishery. After you give the 75 percent – like you start breaking it down like that, you're going to – it's going to kill everybody else on this. Trip limits is going to be tough on this, trying to go and figure, but I don't agree with this 75/25 on this.

MR. CARDIN: I'm going to talk about this, but just to help us down the road, if you notice it's 75 percent commercial – I mean, pot and 25 percent hook and line. When we're talking about an historical fishery of 90 percent pot fishery, here in a few minutes we're going to be talking about tilefish with the exact same numbers, going 75 commercial, 25 to the bandit, other historical 90 percent fishery.

So right now on this motion and here in few minutes, we've got to really think; you know, are we wanting to tell the historical fishermen you're going to lose 15 percent because us in the AP thought that was a good idea today, and I really think it's something to think about.

MR. MARHEFKA: And, also, sort of looking way big out of the box here is as we're sitting around here talking about all this, also understand – I hate to go and say the word – is IFQs are out there looming over us; and the more we sit around this table and argue about it, the more we're going and validating their ideas of having IFQs. So, you need to go and sort of really sit back here and pay attention to what we're trying to go and put together here for a fishery that we want to go and have stay vibrant and alive and so on and so forth. So just pay attention to this because we're just giving them the nails.

MR. DeMARIA: Why don't we go ahead and vote on this motion unless there is anymore discussion and then make another motion after that. Does everyone understand the motion.

MALE VOICE: I think one of your points was avoiding discards and allowing instead of fish thrown back into the sea to be eaten by crabs to allow somebody to sell them. That's certainly a better use of the fish than chucking back a dead fish. I haven't heard any discussion about which of these suggestions that have been thrown around are the best for – will make the best utilization of a fish. Obviously, discards are no good. If one of these ways is better to avoid that, maybe that's a good idea to discuss that.

MR. GOULD: As far as the discard situation with the hook-and-line fisheries, I think the AP Panel should consider a system where – I know one of the shrimp boats there and some of the netters that when they have an untargeted species on the boat, they can keep a certain amount of those fish. Like one of the hook-and-line boats goes into an area, they get in a school of sea bass and start catching them.

Well, why not allow them to have a percentage of their total catch there. That enables them to keep a viable resource and be able to sell it and make some money as long as it's not, say, over 10 percent of their total catch of other fish. That way that will give them an opportunity to get up and get out of that area without wasting a resource. That would be a very viable alternative I think to what we're looking at right here.

MR. CARDIN: To that, that's where it's shutting the pot fishery down at 90 percent would do, it would leave 10 percent for the bandit boats for their bycatch, but we do have a motion on the table.

MR. DeMARIA: Yes, let's go ahead and vote on this motion. **All those in favor, raise your hand, 3; all those opposed, 11 it looks like.** Is there anybody that abstained? Okay, great. Yes, we've got to come up with some type of recommendation on this black sea bass thing, so let's move on and make some more recommendations. Go ahead.

MR. CARDIN: I make motion that in the black sea bass fishery – I know we're still going to talk about trip limits, but as far as quota, at 90 percent the pot fishery shuts down, and there will be some kind of two or three pound trip limit on the hook-and-line boats.

MR. DeMARIA: Does anyone want to second that? Okay, Mark seconds. Any further discussion? Go ahead.

MR. DeBRANGO: I have a question of Mark. Mark, since all the snapper and everything has happened, how much – and even Terry – how much more are you guys relying on black sea bass now in your fisheries as you go week to week? Are you targeting them more now than you ever have; are you using the sea bass to actually try and fill some of those holes?

MR. MARHEFKA: Well, Greg, you know – I mean, commercial fishermen, the way we stay alive is just moving through the industry however we – you know, whatever is available during that time, whether it be a cold water fish that wants to bite in the cold like the sea bass do and things like that. But, I mean, as it is now we're shut down so we're not able to use it at all, anyway, it's shut down. So, no, we're not able to fill the gaps in right now. I mean right now we're filling in gaps with other species and it's tough and we're all sort of sitting here waiting for the next 40 days to go by, so we can get back into some more good fish.

MR. GOULD: I can say that in my business since the five limit vermilion snapper come in last year, I have increased my effort a hundred percent on the black sea bass. I'm fishing places that I haven't fished in years. This is having a detrimental effect because we're discarding a lot of American red snappers while we're doing this there.

So in this chess game I'm being forced to go from one fishery there that there is more than what you could even imagine off of Morehead and start targeting a fishery there that interacts with something there that there is a total moratorium on, and I'm getting boxed all the time. So, to answer the question, yes, I am targeting them. I'm targeting them hard, but I'm also catching a lot of the Americans and a lot of undersized grouper there while we're doing this. I'm having to do it because of the regulations on the other stuff.

MR. FEX: Yes, I'd like to make a comment on that. Since the regulations, just like when the black sea bass closed and the vermilion closed pretty much the same time, I moved offshore. I don't fish up inshore. I don't catch a black sea bass. I diversify and go out chasing triggerfish and groupers; and then when the vermilion open back up, I'm going to move back up inshore and I'm going to find the B-liners.

So, actually, some of the professional ones that have been doing it long enough and know the bottom well enough can avoid and maneuver around fish during seasons and everything. I don't fish at night no more because I catch B-liners at night. When they're open, I can fish all night long and catch them all night long. So, experienced captains can diversity and target certain species.

MR. DeMARIA: Bobby, I want to make sure I understand your motion. That means it's basically open access to all commercial pot and hook and line; and once 90 percent is met, the pot fishery shuts down? That's with trip limits, too, or without trip limits?

MR. CARDIN: Well, that's just talking about quota. We can still talk about trip limits. But let me make this clear, if Amendment 18A or something – if they come up with some other alternatives and other amendments, this would have to mesh in with whatever it was. Then this would apply to the people that got sea bass traps or whatever they're going for. But, yes, just clean that, right, 90 percent it shuts down their pots.

MR. DeMARIA: If there is no more discussion, why don't we go ahead and vote on this? Is there anymore discussion? **All those in favor raise their hand, 12; all those opposed, 2. How many abstain; one. The motion passes.** Is there anymore discussion on this before we move on? Trip limits is next. Go ahead, Mark.

MR. MARHEFKA: Well, before we move forward and see what trip limits are, we need to know what the quota is because you can't sit here and – how much? 270, okay. So, in other words, you're asking us to go and do some work here for you? Okay, we need some figures here; we need to see what the figures are for the quota. Now we have just gone and voted in that we're going to go and be looking at 90 percent before it's shut down and 10 percent is left over. Let's do some quick math and put that up there for everybody to see and understand this, okay? I mean, come on!

And then we can go and sit back and figure out what we're going to go and do with trip limits. And within trip limits, you need to go and sort of look and figure in what does it cost to go fishing for the day, you know. I mean, there is a lot more analysis here that we need to go and put together before we can just throw this out there to the snapper grouper pot fishery or hook-and-line guys. I mean, help us out here!

MR. CARDIN: Point of discussion; I guess mathematically you could work out that quota, but, Mark, I don't at this point if we have to come up with the exact poundages for which user group's trip or whatever. Couldn't we just support trip limits and ask the council to do some kind of trip limits to help extend the season somewhat? You know, they've had a lot more of the public comment than we have. Can we make a motion to support trip limits?

MR. MARHEFKA: Yes, I mean, we can make a motion to support trip limits and then let the council go and move further to analyze what trip limits would go and be able to support a fishery for the pot fishermen. There are other things that the council is looking for, also, as far as pot limits, soak times and all this other stuff. There is a lot of other stuff that comes with this. I'm

just trying to go and throw this out there, but, yes, let's make a motion that the advisory panel entertains a thought of going and looking at trip limits and leave it loose like that.

MR. DeMARIA: That's fine; I think given the information we have, that's probably as reasonable. If you want to make a motion, go ahead, but I guess there's more discussion.

MR. FEX: Jack McGovern did a summary on trip limits and actually handed it out I think at the Orlando meeting, and it did a summary of how if the trip limits were set at a thousand pounds, set at whatever pounds, he did a summary and analyzed that. And then Bobby even made a comment to them, well, the recreational count has been left into that figure, so then he went back and refigured and figured, so he has got an analogy for it.

I actually had the paper and I actually was using for my trip limit ideas. It had the preferred and everything on it, so there has actually been an analogy done for it, and a thousand pounds was for so many more months. I don't have the paperwork in front of me. I wish I had brought it with me, but there has been an analogy done by it, and Jack McGovern did a presentation at the Orlando meeting. I don't know if it was Rita or somebody that gave me the paperwork.

MS. BROUWER: Well, the analyses that have been done – and these alternatives are in Section 4 of the Regulatory Amendment 9 Document, which was part of your briefing book. So whatever analyses have been done to date, that information is in your briefing book in that document.

MR. MARHEFKA: Can you give us that page number?

MS. FETHERSTON: PDF Page 24. So, I think the idea is sort of a generic motion is a really good idea if we support trip limits, but we may want to be more specific, so we support the trip limit that gets to a year-round season. That number looks like it might be as low as 340 pounds for a year-round season. I don't think that breaks up pot or hook-and-line gear. I mean, that doesn't sound like a lot to me, but I don't know in a boat with a bunch of pots.

I think we can be specific in our generic motion about what we want the trip limit to do; but if it's maintain a viable trip for a commercial fisherman to be profitable on a trip, I think that's different from maintaining a 365-day season based on what I'm looking at here.

MR. HARRIS: Mark, here in the briefing guide, there has been some discussion of this at great length because in there this particular AP Council discussed this in June of 2008 and selected Alternative 2, which is a thousand pound trip limit, if you look in the paperwork, Page 29.

MR. FEX: I'd like to make a comment. I've communicated with several people up in Hampstead and areas and other black sea bass pot fishermen. I think rationally about 1,500 pounds would be substantial for a black sea bass pot boat to make a trip. I mean, I kind of do the math, if you averaged it at two dollars and fifty cents a pound, that's still almost \$4,000 worth of fish; and with their expenses and everything, I think that's rational. **Within two to three days, they could have that trip done, so I would make a motion maybe that 1,500 pounds would be considered as a trip limit.**

MR. DeMARIA: Is there anyone that wants to second that? Well, if there's more discussion, let's go ahead but he has got a motion. Will you table it for a minute so we can have a little more discussion?

MR. FEX: Oh, yes, I apologize.

MS. FETHERSTON: So, I'm looking at PDF Page 27 and it says trip limits of 1,250 pounds gutted weight would result in January closures; a 500 pound trip limit would keep the fishery open through February; just to give you a sense of what that does.

MR. FEX: Yes, and I was trying to rational with finances and everything; 500 pounds on a black sea bass I don't think would really cover much effort for fuel, so I was just going in an analogy of what I know of the fishery.

MS. BROUWER: Let me quickly, before we get too far into discussion, just give you a quick summary of what the effects would be. Obviously, that's what really you need to be looking at. Subalternative 2A would keep the fishery open through February and almost two months longer than the no action alternative.

2B through 2D would close the fishery in January. 2E would have similar effects to 2A; and then 2F through 2G would have almost no affect in closing the fishing season. And then, finally, Subalternative 2H would allow the fishery to remain open throughout the June-May fishing year. In a nutshell, those are what the effects would be as far as extending the fishing season.

MR. HARRIS: I hate to sound like a broken record here, Myra, but I really think the council needs to look at separate quotas for the areas. One reason is you have different spawn times; and if you're going to protect any stock of fish, you want to protect it during its spawning time. In Florida it is in February, so, again, just a comment.

MR. CARDIN: I had a question for Kate. Kate, I know that you're in 18, but I'm a little confused as aren't the effects of reducing the traps, of splitting the seasons, all this thing that we're talking about in 18; wouldn't that change the effects of these scenarios of these thousand pound trip limits and everything and how many participants there are? I mean, to me we're putting the egg before the chicken of something.

MS. QUIGLEY: Yes, there are two different amendments going on at the same time that have impacts on black sea bass, and they're going at the same time. Neither one is taking account of the other one. That's a difficult thing to analyze, absolutely.

MR. CARDIN: Okay, so am I correct in assuming that the numbers figured in here are not accounting for anything in Amendment 18A?

MS. QUIGLEY: That is correct.

MR. DeBRANGO: I just want to throw something out there. What about a possible – would it be possible to do like a – because the numbers that Kate just gave me, I'm looking at them and

I'm like I don't know what to think about it, but pot fishermen are specifically out there for black sea bass whereas, you know, the hook-and-line guys are out there an assortment.

But would it be possible to institute a separate trip limit for the pot bass fishermen and then the hook and line? Do you know what I'm saying, almost like if I'm out longlining golden tile and you've got your bandit golden tile, you know, give them one trip limit and then the other one. Do you know what saying, just kind of differentiate the two fisheries right there. It would be bigger boats that are catching most of the fish and a little bit bigger trip limit is going to help them. It's going to keep the fishery open a little bit longer, too. And then cut the other one a little bit, so maybe a dual trip limit.

MS. BROUWER: If you look on Page 25 of your document, there is something that the team suggested that sounds a little bit similar to what you just stated. I'd like to get your feedback on that if that would be something that the AP would endorse. It's at the bottom of Page 25. I guess for the record I'm going to go ahead and read it since everybody is looking at their papers.

The suggestion is to specify two seasons; one in which all gears may participate and the other for all gears except pots. Specify the fishing year so that one of the seasons corresponds to the traditional winter pot fishery. The November/October fishing year probably would fit this objective best. Pot fishing would be allowed from November through April only.

MR. DeMARIA: Is there anymore discussion on this?

MR. CARDIN: Can I ask the maker of the motion is the 1,500 pound trip limit for the black sea bass pots only or for both?

MR. FEX: That would be for the black sea bass pots. I don't think the hook-and-line guy could catch 1,500 pounds; but if he could that would be pretty impressive. I was just throwing that up for the pot fishermen because the pot fishermen I think they can make a substantial trip off of that just from the people that I've communicated with up there in the Hampstead area. I'm just speaking in behalf of them. I don't actually pot fish; I bandit fish for them.

MR. COLE: The language at the bottom of Page 25 that she just read; would that bring this amendment in line with the pending 18A?

MS. QUIGLEY: It would not conflict with 18A. 18A at one point in time had these types of actions in there with spawning season closures. Those have since been taken out. What I'm thinking right now, it would not conflict with 18A.

MR. COLE: Well, in that case, Mr. Chairman, I'm going to move a substitute motion to include the language that she read when she reads specifically that the council specify two seasons; one in which all gears may participate and the other for all gears except pots.

MR. DeMARIA: Is that okay with you Kenneth?

MR. FEX: Yes, that's fine.

MR. DeMARIA: Does anyone want to second that motion? It has been seconded. More discussion? .

MS. QUIGLEY: I just want to clarify something. The 1,500 pounds as a trip limit for black sea bass pots would also not conflict with Amendment 18A. It would perhaps change the purpose a little bit, but it would not conflict with 18A; either of those, a trip limit for black sea bass pots specifically along with a quota for black sea bass pots and the substitute motion. None of those would conflict with 18A; they could work with 18A.

MR. CONKLIN: You're a black sea bass fisherman and you do it for a living, you want to make the most money you can when the best market price is there. And saying that, I think that the council should give a quota for each section, like North Carolina, South Carolina, Georgia and then Florida, where the people that are fishing in that fishery have the knowledge that they do. They know when the market is best. I mean, it gets horrible in December.

And if you leave it up to the fishermen in that area to choose when they can harvest those fish for the most money, I think they would be in favor of doing three sections added because the fish in North Carolina are worth a lot money in the summertime, the same in South Carolina, but come December you don't hardly get a return on it.

MR. MARHEFKA: Yes, I want to echo what Phil said. I'm sitting here thinking the same exact thing. I mean, the bottom line, when we're starting to come down and the amount of fish that we're allowed to catch, we want to make the most amount of money off that product that you possibly can, and it takes a very savvy person to go and pay attention to that. We need a really good economic analysis on a lot of this stuff, so we can go and make these decisions, and we can go and sit around the table and actually say we're doing this for the fishermen and not just the fish, because the game has changed.

MS. QUIGLEY: Okay, so what you're talking about, what we've been calling a state-by-state quotas or regional quotas, so specifically just giving quota to a particular area and they manage it – the state manages it is what I'm talking about. Is that what you're referring to? If that's what you're referring to, that is in Amendment 21. If you want it moved up, you can go ahead and make a motion to move it up, but regional quotas and state-by-state quotas are being considered again in Amendment 21. If you want it moved up, then you should say that. Otherwise, the council might just say, oh, well, that's in Amendment 21.

MR. DeMARIA: Well, we've got a motion on the floor that we need to vote on at some point. Why don't we go ahead and vote on that? Does everybody understand it?

MR. MARHEFKA: I'd like to go and ask Tom Burgess, who is a council member now, he's a pot fisherman, and he is one of the ones that made it shut early. He can come up here and tell us when he got most of the product, the best money for his product, and he can go and say – I personally want to know from a pot fisherman would this fit for him. I don't care if he's a council member or not; I'm asking him off the cuff here if that would fit for him, because 75 percent or 90 percent is for the pot fishery. Tom, I'm asking you to come and speak.

MR. BURGESS: The question, as I understand it, is when we get the most money for our fish.

MR. MARHEFKA: Price per pound.

MR. BURGESS: Price per pound. What I'll do is tell you about what happened this year and that is that when it opened up and the fish first came on the market, the price went down, and that lasted for – we had maybe a couple of weeks of some pretty depressed prices, but then it came back up. Traditionally, in the past several years we have not seen a big fluctuation in price.

We've had a good steady supply of fish. As you know, the prices have been holding steady throughout the summer months. It could be demand. You know, some of these fish go north. I haven't seen really a spike in price to any great degree that I could specifically say I've got a time that I would really like to sell these fish. We've had just a good steady price.

MR. STIGLITZ: Tom, since we've got you there and you're the first person that I've heard talk that is a trap fisherman. Does this work for you?

MR. BURGESS: Well, let me choose my words, if I may, because I don't want to influence your decision, but we've been working on this fishing year since Amendment 13C, which was approved in '05. The fishermen have gotten adjusted to that, so they've been working around this. Last year we were shut down I guess just before Christmas, to the best of my knowledge, and this year was quite a bit earlier.

What works for me personally I wouldn't like to really speak for the fleet, because what has happened is some fishermen have adapted to their schedule, if you will, with the fishing year opening on June 1st and develop the way they do business according to that. Basically, it's just a change; and as we all know, we can adapt.

Without influencing everyone here, I don't see – you know, if you want to change the seasons, it's a tough one to call, to represent other fishermen who haven't had a chance to speak on that. But as far as me personally, I really don't have a problem when I fish, but as has come up around the table, protecting fish during the spawning season is pretty important and to maybe possibly work around that, if that's possible.

MR. STIGLITZ: So a 1,500 pound limit – like I said, I don't know the fishery; I don't fish it, and you're the only person in the room that I know of that is trapping, so you need to sway us a little bit because you're the only man in the room that does it for a living with the traps as I understand here now other than Rob here. Does the 1,500 pounds go along with your fishery? I have no idea; I need to know that.

MR. BURGESS: Yes, I understand and I certainly do. Well, the way the fishery operates now is – I can tell you about what is going on and how people operate and things of that nature. We have some boats that fish on a daily basis and some boats that make trips. The boats that make trips, 1,500 pounds would be a little bit low for them. The daily boats that fish daily would be more than sufficient. A 1,500 pound trip limit would be gracious, if you will.

MR. DeMARIA: We've got a motion on the floor that has been seconded. Why don't we vote on that and then we'll go to a break. Does everybody understand the motion? **All those in favor raise your hand; all those opposed; all those that abstained.**

MR. DeMARIA: We've got to get back to the table again.

MS. BROUWER: You'll likely have another chance to see Regulatory Amendment 9 next year. The timing is for the council to approve it for public hearings in December. Public hearings would take place end of January beginning of February, but we may bring the AP together in May, and that's because there are so many different documents that the AP needs to look at. Just keep that in mind that you don't have to have a recommendation for every single action. It's okay not.

MR. CARDIN: Can the AP come back when the fishing season are closed like in April or something? I'm not joking; that's a request.

MS. BROUWER: It's fine; if there is a recommendation for a time when we could get the maximum attendance from the AP, we would welcome that, certainly.

MR. DeMARIA: Is there anybody that wants to discuss these trip limits anymore or just move on? We don't have enough information on it. Go ahead.

MALE VOICE: Just one more quick comment; I talked to Kate about this. If the council is considering putting trap limitations into this fishery; in other words, the number of traps, that is going to change a lot of this scenario, also, especially these boats that are doing two- and three-day trips; just something to remember.

MR. DeMARIA: We don't have to make any recommendations on the trip limits; but if somebody wants to make a motion, do it. Otherwise, we'll just move on to something else, the next item. Go ahead.

MR. ATACK: I had one question about the black sea bass fishery. Would the panel be open for looking at changing the minimum size to where – and this is the right time or not to talk about making it 12 inch for commercial and recreational versus having two different standards?

MR. CARDIN: I believe at the council level there is already a discussion at 12 inches. That's certainly a good option.

MR. GOULD: The problem with taking the size limit up on the pot fishery is you're going to increase your discard rate, dead fish, by so much. If you start having to put – and I'm not a pot fisherman, I'll tell you that right now, but in their defense there if you take and go from 10 inches to 12 inches, you're probably going to go increase your discards of fish out of the pot fishery by probably 20 or 25 percent. I don't think that would be a option to do that.

MR. FEX: But they do have escape holes that are designed in the traps, so they would actually have to configure their traps a lot differently to allow for the bigger fish to – the smaller fish if

they had to be 12 inches to get out. I mean that could be an idea and actually has been tossed around.

But at the state meeting in North Carolina for some reason the commercial sector thought 10 was fine with them and the recreational wanted 12 for raising and rationalizing that they got more fish or a bigger bag limit with 12. I don't where that regulation – but that was actually a state meeting brought up at.

MR. ATACK: The fish house I talked to would prefer to have a bigger fish. A 10-inch fish is mostly head and you'd have a larger biology mass for recruitment. If you do reconfigure the pots, then the smaller fish can get out so you could reduce your bycatch with those measures. **If this is the right time or not, I'd like to propose or make a motion to make it 12 inches across the board.**

MR. DeMARIA: Anyone want to second that?

MR. BURGESS: Just briefly, as far as the trap fishery and increased size limit, we have done some work with discard mortality of black sea bass and pots, and an 11-inch bass I think would still work with the current traps that we have. There would be a small increase in discard mortality; but from the scientists that have gone with me and measuring the fish and looking at the size of the escape vents, the two-inch panel or the full two-inch trap, it would still be considered, if you will, somewhat of a clean fishery and discard mortality would be pretty low. I think it would still possible be under the 15 percent that is now in the stock assessment as far as a data point or piece of data. Eleven inches has been discussed at public hearings as far as increasing the size to lengthen the season.

MR. DeMARIA: Is there anymore discussion on this motion?

MR. JOHNSON: I was just going to say that the few trips that I have ran, most of your sea bass are legal. The small ones go out the two-inch mesh size. If you raise the size limit, you're going to have a lot of undersized fish unless everybody goes and buys new traps and adjusts the mesh to match the size limit.

MR. CARDIN: Just a point of the motion; the full council went through this several years back. They were given demonstrations on the wire used to build the traps, and they thought they'd have to just totally rebuild all their traps to go with a 12-inch size limit that would still release fish while the trap was being pulled up.

MR. DeMARIA: Is there anymore discussion? Libby.

MS. FETHERSTON: I would just offer that as a rule in the region increasing size limits has been not particularly effective at sort of constraining mortality in the way I think the analysis suggested at the item. I can't really speak to the idea of the pot fishery and the escape vents and the success of those, but I don't support increasing the size limit in a fishery. I think it increases discards and cryptic mortality, and I don't think that's for the fishery.

MR. SMITH: I don't know about this sea bass fishery, but I do know that there is quite the discrepancy between recreational and commercial input here. It seems that the 12-inch minimum size length for sea bass is good for both sides.

MR. MARHEFKA: Well, just to give you a little history about where that 12 inch came from and Steve Amick isn't here. I remember the day that he stood up and he asked for that. He is a recreational fisherman and he asked for it, and so that's what it came down to. He is a charter captain; that is correct, recreational charter person. As far as the difference and looking at the amount of discards that you're going to increase is what we're trying to reduce, actually, because of the mortality rate, I think.

MR. CARDIN: A little more with history; they're looking at either reducing the recreational headcount or size limit and the recreational people commenting to the council wanted to go – if they were getting a lower number of fish, they wanted to have to keep bigger fish to make their stringers bigger. Remember that was part of a lot it.

MALE VOICE: I don't want to go with the 12-inch limit. I don't want the men to have to change all of their traps. That's so costly. I mean, I've been in the fisheries where they've changed net sizes. Rob had to take complete nets and throw them in the garbage. It's just not cost effective to be able to do that; and if they don't change their traps, then there is going to be so many more discards and throwing fish in the water just to let them die or to feed the crabs is terrible.

MR. ATACK: I understand that. How do the traps actually last? I mean, would it be feasible to phase them out so that after X number of years all the traps would be the right configuration for the 12-inch fish and not have the bycatch mortality?

MR. CARDIN: That's a good idea. I don't know where that wire business has went, but Jody Gay and the people on the council back a few years ago, the problem was the wire sizes that were in the industry, you know, as far as making a – it went from two and a quarter to three and a half or something, and there wasn't a product to make a trap that would release fish up to 12 inches. Now if you went with 11, I think there was a high percentage of 11s that could get out of the traps they're using now.

MR. DeMARIA: I've got a question for either Robert or Tom because there is a little bit of a misunderstanding. A sea bass under ten inches, like a nine-inch sea bass or so can readily swim out of any of the mesh?

MR. JOHNSON: That is correct.

MR. DeMARIA: Not just an escape hole but end of the mesh?

MR. JOHNSON: No, the mesh. The way the trap is set up, when you pull it, if you're standing with your hauler, you'll see them. I've literally seen them in clear water leaving the trap. When you get that trap up and dump it in your box, it's pretty much all legal fish except for a few little triggers. The little triggerfish for some reason will go in there.

MR. DeMARIA: But it's actual mesh on any side of the trap, they could swim out and not just escape --

MR. JOHNSON: That is correct, the way the trap is designed is just to let the small fish swimming out and they do.

MR. DeMARIA: Is there anymore discussion on this? Go ahead.

MALE VOICE: I'm aware of the need to decrease catch mortality; I mean, release mortality. And also, if I'm not mistaken, at one time the size limit in Florida for sea bass for recreational take was eight inches. Rusty, am I correct? Wasn't there an eight-inch minimum size limit on sea bass in Florida for a while?

MR. HUDSON: I couldn't answer that without looking through the amendments.

MALE VOICE: Across the board, right, and somewhere it got -- you know, should we keep moving forward with a 12 and 10 because of -- I like Jim's suggestion about phasing the traps out and having 12 across the board.

MR. DeMARIA: Anymore discussion?

MR. FEX: Yes, I have communicated with several black sea bass pot fishermen and they did see a rationale that a 12-inch size limit -- but, like they said, the trap configuration and slowly phasing them traps out and to get a 12-inch size limit trap that would actually be effective, I would support it.

MR. DeMARIA: Do you want to redo your motion for a gradual phase or something?

MR. ATTACK: Yes, I would agree with that.

MR. STIGLITZ: I would like to hear from Tom on that, if we could, on a phase out and the 12-inch size, Tom. How long do your traps last you? If they went to a 12-inch size limit, do they make a mesh that you could use to let the 11-inch fish out?

MR. BURGESS: Actually, I don't know if there would be any manufacturer who would be able to put a specific size together that would accommodate -- to my knowledge, you'd have to have it manufactured. We don't know what the size would be at this time. We'd have to do some work on that to do them; the girth of the fish, measure many of them, and then come up with a size, and then maybe work it as far as an experiment and then come up with something. If that wire would even be available to the industry, I don't know. I don't have that information.

MR. STIGLITZ: Do they make any kind of an escape panel that you could put in the trap that you know of; you know, like they do in a blue crab trap, they put a ring in a blue crab trap with an escape vent on.

MR. BURGESS: One thing about an escape ring in the trap, as soon as that ring gets stopped up with a fish, it's no longer effective. And if you have just two or three in the trap or four, if they get plugged up, then it's longer effective. Because is trying to get out, they see that hole and you're finally going to get big one in there that's going to slow up progress.

MR. STIGLITZ: If you kept your traps the same – I believe you said a little bit ago if they went to an 11-inch size limit instead of the 10, it wouldn't change the release mortality very much; is that what I understood you to say?

MR. BURGESS: Yes, that's correct. I think we have some information to verify that with the people I've been working with, and I think they might even have some actual numbers to say how the discard mortality could possibly increase and to what level.

MR. CURRIN: Just for your information – and I believe we went through this a while back before 13C and had these discussions regarding size limits, and I don't know whether things have changed or not, but at that time there was not a mesh size available that was appropriate to release everything under 12-inch fish. I don't know whether that has changed or not, but we did have that discussion several years ago.

MR. ATTACK: I guess we could consider a size limit of 11 inches and then try to phase into a 12 over three or four years provided they can come up with some type of analysis on bycatch versus increased biomass. I mean, you may still could have net benefit going 12 inch across the board, but the SSC I guess can figure that.

MR. STIGLITZ: How many 10- to 11-inch fish do they actually catch in the traps? I'm hearing that the majority of the 10-inch fish are getting out of the traps, that 11 inch would work with the traps that they're fishing, you know, that they're mandated with a size – on the mesh size of the trap and the 10-inch fish are already getting out other than a handful; and you're releasing them 10-inch fish going out of the trap, they're dying, anyway. This isn't making sense to change it.

MR. FEX: Well, the industry has changed to adapt to us several times with different kinds of gear and stuff like that, so there is probably a manufacturer that would go out there and change their gear type or their mesh size. If the council wanted to make it a regulation, I think they would probably do that.

It's an idea that is being fair because the recreational guys were stuck 12 and the commercial guys had 10, so everybody thinks it's unfair in my area. They always criticize me about it, and I think 12 is fine with me because that 10 inch is pretty danged small. I'll support it as long as it ain't giving more bycatch issues and I'll be fine with it.

MR. DeMARIA: We need to move on. We've got a lot to do and the council really doesn't even have an action to consider a size limit at this point. If we want to vote on the motion, we should go ahead and do that. Is everybody clear on what the motion is?

MR. GOULD: You say across the board; does that pertain to the recreational, too, or just the commercial?

MR. DeMARIA: Is everybody clear on the motion now?

MR. CARDIN: Why wouldn't 11 inches across the board? If you're trying to get an across-the-board thing, why wouldn't that work across the sector? If you're increasing the trap bycatch a little bit, you're decreasing the recreational bycatch even more and they catch a higher percentage, so you'd get more bang for the buck on across the board at 11 inches.

MR. GOULD: One point; this year there bass fishing, invariably the majority of the sea bass that we have been releasing has been in the 10-3/4 to 11-7/8 range. If you want to put that in for the recreational, I'm all for it; do it and we can kill just that many more fish and not have the throw-backs. I'd be comfortable with a recreational size limit if 11 inches.

MR. DeMARIA: Do you want to modify your motion to include recreational?

MR. ATACK: Well, the way it's written does that mean that both would go to 12 when we phase out and change the pots to 12? You're talking about bringing everybody to 11 now and then in three or four years everybody to 12; is that what we're saying?

MR. CARDIN: As the maker of the motion, that could be what you're saying or you can change the four-year period.

MR. ATACK: That would be fine; I would go with that.

MR. CARDIN: Then my question is the question you just asked. After the time period, are you still going to go with the 12? You're keeping that; okay, thank you.

MR. DeMARIA: **All those in favor of the motion raise your hand; all those opposed, 6; how many abstain.** We've got a lot to do and we need to really keep moving along. What is the next item?

MR. DeBRANGO: I just want to give them another alternative to that motion of 11 inches across the board for everybody. Yes, but that one, he is talking about the phase going back up to 12, correct? Yes, well, this wouldn't be a phase to 12 and they wouldn't have to change the traps at 11 inches across the board, recreational and commercial, period.

MR. DeMARIA: Is there anyone that wants to second that one.

MALE VOICE: I'll second it.

MR. DeMARIA: Any discussion or can we just vote on it? **All those in favor; all those opposed; abstain.** That basically gives the council two options to consider.

MS. BROUWER: So can we move along; we've only gotten through one action on the Regulatory Amendment 9. There are many more to come. The next action deals with management measures for black sea bass. This suite of alternatives would make changes to the

fishing year. Alternative 3 through 6 would allow fishermen to capitalize on the resource over a longer period of time rather than in one compressed season.

There would not be a trip limit so there would not be a problem with fishermen exceeding the trip limit and having to release black sea bass from pots, so that would be a good benefit. Early closures under four alternatives would protect black sea bass when they are spawning condition. Those are some of the impacts from the four alternatives that you see in front of you.

MS. FETHERSTON: I think the last time we had a meeting here we expressed quite a lot of support if fisheries have to close, to close them during the spawning season; and so if there some thought that is still holds, I would love to have some discussion about supporting some alternative, 12A through D, something in there. We're not there yet? We're only on, what 3 through 6? I'm trying to skip a few; that was a suggestion.

MR. DeMARIA: Robert, you're saying the spawning season might be different in different areas?

MR. JOHNSON: Yes, to her point, if you do that, the one that is allowed to fish in Florida is going to love it because he's got a few fishing during the spawn. Again, I hate to keep addressing it separately, but I think Florida really needs to be looked at differently, and this is another perfect example of why.

MR. DeMARIA: Well, make a motion.

MR. JOHNSON: I would like to make a motion that the council consider a separate allocation for black sea bass for the state of Florida fishery. I'm talking in addition to the quota that is already there. I'm not talking about taking from the quota. I'm talking about a total separate quota.

MALE VOICE: I'll second it.

MR. DeMARIA: Is there any discussion on that or can we just go ahead and vote. Go ahead.

MALE VOICE: How would you do that, by separating the commercial allocation because of the landings that Florida had prior or just – how would you separate that allocation?

MR. JOHNSON: Florida traditionally has not had a black sea bass fishery other than Jimmy Hull, one boat. And again the reason some of us have gotten into the fishery is to try to make a living. I think that you can look over a period of a couple of years and probably see what is there. We've got a good population of black sea bass in Florida that has never really been figured into the quota. It's never really been part of that quota, so I think it needs to be looked at separately.

MR. COLE: Mr. Chairman, the concept of state-by-state quotas is certainly valid, but I think the council is going to just blow this one right on by because it deals with just one state. Now, if you worded the motion to where the council considers state-by-state quotas or region-by-region

quotas or something to where that, you know, North Carolina feels like its little area or its boundaries are treated the same as however Florida's boundaries are, then I think you've got a chance. Other than that, just to ask the council to look at something unique and special for the state of Florida is doomed for them to say, okay, we heard it and off they go. Just a suggestion; change the wording to consider state-by-state quotas, and I think you've got a chance.

MR. JOHNSON: You say change to state-by-state quotas; change it to that instead of the state of Florida? Okay, well, what if we said the Area 17A; I don't know if that would work or not because that may change. It's a separate stock of fish. I mean it's obvious. I don't know how to say it's separate other than it's separate.

MR. GOULD: Two years ago there, we brought up the idea of doing the same thing with the vermilion snapper and the group, state by state by state by state or North Carolina/South Carolina, Georgia-Florida, like that, and we run into some problems with the wording of the Magnuson-Stevens Act there, which I think – you can correct me if I'm wrong – it states there that a fishery has to be managed by its entire range. Am I correct on that? So bear that in mind as you put this up before the panel there that we have to look at that within the considerations and mandates of the Act or it's going to be spit back at us again, and we're just wasting time.

MR. JOHNSON: Magnuson also states that no allocation should be made in any way that benefits one user group or state other than another. Well, we're already doing that is my point through 17A and a lot of this other stuff.

MR. GOULD: It would be a good point for some lawyers to argue on.

MS. BROUWER: Well, I was going to remind everybody that Kate mentioned a little while ago that state-by-state allocations were going to be considered in Amendment 21, anyway.

MR. FEX: Yes, one problem you might have with that is a land-and-sell license. I can drive down to Florida tomorrow and fish off your coast by having a land-and-sell license. If you make a state-by-state allocation, it's not going to stop me from coming and fishing your quota being that I'm a vested North Carolina fisherman, and that's one of your problems you might run into is availability of me to just drive in your backyard and fish on your quota. If the North Carolina quota got met, I could drive down there and throw sea bass pots if you guys haven't met your quota. That is a problem that you might think of on regional and state-by-state quotas.

MR. JOHNSON: Yes, but I would be willing to take that gamble. I mean that's a long a way to ride just to catching sea bass.

MS. QUIGLEY: Robert, I understand what you're asking for. One way out of this is to – one idea is to make a motion for the council to consider asking staff to analyze possible alternatives that would allocate a portion of the quota to black sea bass pot fishermen, and then you can let staff come up with legal ideas to bring back.

MR. JOHNSON: Thank you.

MR. DeBRANGO: Just a note on that; Florida really doesn't have a huge historical like the other states on the black sea bass, so I kind of agree with what they're saying. As a diver, the sea bass are a very healthy stock in the state of Florida, a very healthy stock. It's just we have not – everything could be weighted, catch, effort, you know, the way it's fished and everything from the northern states, but as a diver you can't get away from them. I mean, to the point where I'm actually impressed with the stock I see on the bottom. If Florida wants to fish in this more, I think we should.

MR. CARDIN: Kate, cleaned that up nicely, and I hate to do this but point of discussion on your motion. At first it sounded like you said you wanted them to look at your own allocation. Because you don't have historical landings, you are not after a part of this 300,000 pound quota.

MR. JOHNSON: That's right.

MR. CARDIN: You're wanting to look at your own quota.

MR. JOHNSON: I don't think that the Florida fishery has really contributed to the total take of black sea bass that much. You've had one boat, Jimmy Hull, and I don't know how he fishes, but that's my point. One boat caught, according to him now, 20 percent of the quota this year, one Florida boat. That shows you how many black sea bass we have in Florida, so that's why I was bringing this motion forward.

MR. CARDIN: But as an AP you're not asking us to vote and say the council give some of these states' quota to Florida; you want council to find quota somewhere like looking at where stock assessments have been taken and stuff.

MR. JOHNSON: That's correct; I want a separate stock assessment done on that biomass of fish off of Florida and then that quota set for that.

MR. CARDIN: All right, there you go.

MR. ATACK: Well, it's really an additional quota, right, when you say – I think you need to put additional in there to make it clear.

MR. DeMARIA: I think you'd have to do the assessment under a different motion.

MR. CARDIN: I went to the independent monitoring workshop and really got a good picture of what MARMAP and MARFIN do – or actually I don't know what they do, but I got a larger understanding of it. There are certainly deficiencies in the range of where the fish are sampled. Most of the money goes to South Carolina Department of Natural Resources. A lot of the collection is around there.

Now, I really don't think council can go find – I don't think the council has the power to go just pull us some quota out of the area, but it would be nice if we could get staff or council to find us some kind of tool that we could develop quotas after developing fisheries. I mean in North

Carolina they've got a heck of a great tilefish fishery that's really not even on the books yet, but here it's being shut down by Amendment 17B.

There needs to be some kind of tool, and I wish staff or someone could help us find some kind of tool to go look for these other pieces of quota that aren't being utilized. The National Marine Fisheries is supposed to utilize the resource, not only sustain and protect it but utilize it. There is definitely some underutilized fisheries and I wish some smart person would come up with a tool for us to find them.

MR. DeMARIA: Okay, we have a motion on the floor. Is there any further discussion or can we go ahead and vote on this one? I think we did have a second; didn't we? **Okay, all those in favor of the motion, 14; all those opposed; and those that abstain, 2. The motion passes.**

MS. BROUWER: Back to the change of the fishing year, these are the alternatives. Do you want to comment on these or should we move along?

MR. DeMARIA: I guess we move along.

MS. BROUWER: Okay, the next set of alternatives deal with what to do with the unused portion of the ACL, and you've got two alternatives in front of you. One is to bring it from the first part of the fishing year to the second, roll it over. Alternative 8 is to roll it over to the next fishing year. The problem with Alternative 8 is if the amount of quota that is carried over is large enough, then you are in danger of going over your ACL and triggering accountability measures. So within season, no problem, but across fishing years it is bit more of an issue.

MS. FETHERSTON: We just had this discussion at the Gulf Council for recreational red snapper. Whether or not we make a decision about this, I think general council and Dr. Crabtree will have plenty to say about Alternative 8 in terms of carrying quota over from one fishing season to the next and if that allows you to exceed the ABC scientists have set or something like that. That said, I certainly support the idea of if there is a split season, carrying the quota over from one to the next so long as the overall annual catch limit isn't exceeded. I think that makes a lot of sense.

MR. ATTACK: Couldn't you do that in such a fashion that the rolling 12 month – I mean it's kind of what you're looking at, that you have a first half and a second half and the second half goes to the first half of the next year and then really in 12 months you have not exceeded the ACL, right? So it's really the six months before and this six months, the two of them don't exceed because you're rolling over.

MS. BROUWER: Right, but I guess it depends on how much that unused portion is. If it's large enough and you roll it over, then you can go over your OFL.

MR. DeMARIA: Is there anymore discussion on this; does anyone want to make a motion under which one?

MR. FEX: Yes, I have a motion. I prefer Alternative Number 7, to carry it over to the second portion of the year.

MR. DeMARIA: Is there a second? Phil. Anymore discussion or can we vote? All those in favor; all those opposed; those that abstain. The motion passes.

MS. BROUWER: Okay, the next set of alternatives deal with the gear closures, so these alternatives would apply to Alternatives 3 through 6 that you saw earlier. Well, I don't have to read them; they're up on the screen. As far as what you can expect from these, Alternative 9 could result in early closures when applied to those Alternatives 3 through 6 that I was telling you about, including closures during March and May under Alternative 3, 4 and 6.

Alternative 10 could result in early closures when applied to those same alternatives, including closures during March and May, peak spawning under Alternatives 3 and 4. Alternatives 5 and 6 could allow fishing to occur during the May and March portions of the peak spawning respectively.

And then Alternative 11 could reduce bycatch mortality to some degree by allowing a small harvest of black sea bass after the majority of the quota has been harvested with pot gear. Do you need me to show the alternatives, the prior 3 through 6 alternatives? It's a bit confusing because they all sort of apply to each either. Eileen.

MS. DOUGHERTY: If I recall, Bobby's earlier motion on the 90 percent, didn't we already address this prior?

MR. MARHEFKA: Yes, Alternative 11 is not the same motion that we voted on. It's close but it's not.

MR. DeMARIA: Is there anymore discussion on this?

MR. CARDIN: As the maker of the motion, you can adjust the motion.

MR. DeMARIA: Is that okay with everybody?

MS. BROUWER: Okay, this is the same wording that I had read prior, so these are some of the suggestions from the team that combines all these various things into what you've already approved. This is the same language that I had read to you that was on Page 25 of the document that we talked about, talking about specifying two seasons for the different gears. This has already been captured in your previous motion. Again, just a reminder on the black sea bass life history, I don't need to put this up for you guys, but like I said that the same presentation I gave to the SSC. Yes, Libby.

MS. FETHERSTON: Just one question; do they aggregate to spawn?

MS. BROUWER: I'm not sure.

MS. FETHERSTON: I think it's a little different for a protogynous hermaphrodite that aggregates to spawn. They're much more vulnerable to fishing during that time period than those that don't; ala red grouper versus gag grouper – well, I suppose everywhere but in the Gulf it's a different scenario, but it's not important.

MS. BROUWER: I believe they do not aggregate, but I'm not a hundred percent sure. These are the alternatives for the spawning season closure and these would apply to both commercial and recreational sectors. 12C is the one that would encompass the entire peak spawning period.

MR. DeMARIA: Is there any discussion on this?

MS. FETHERSTON: I'll make a motion that the advisory panel supports a spawning closure for black sea bass. Well, that I'm open for discussion. We don't have to be specific, but the council sort of support – you know, they could pick whichever ones they – so that discussion can happen some other place but just letting them know that we support this concept in my mind is sufficient, but I'm open to suggestions.

MR. DeMARIA: It has been seconded; do you want to add anything?

MR. GOULD: As far as closing this down there – and this is a greedy comment there because I see my box getting smaller and smaller and smaller. Vermilion snapper for me right now is closed down until April – no, recreational is closed until April 1st, so you close the bass down they're saying in March, I don't have nothing to fish for.

We take in the vermilion snapper – I know this is not the stance of the council and everybody else, but there are so many of them right now I spend the better part of my trip running from them. If the bass is took away from me, the discards on the snapper is going to go up there quite bit. The discards on the bass is going to go up there.

The triggerfish are not really going at time a year due to the water temperatures that I can get to. I just see the box getting smaller and smaller and smaller on me, which means that I'm going to have to go the areas there and try and fish for something else, but yet still throw all these back. There is no real spawning time for the fish.

You know, they say the vermilion snapper spawn there in, what, October, September or October like that there up in my section. We have roe in them all year. I mean, I split fish open every once in a while. I clean fish and I see roe in them all year. The bass is pretty much the same way, so how do you get off and say, well, this is when they're going to spawn and we're going to close this down; except what I'm looking at, this is nothing but another version of control over the fishermen and the user groups, which putting more and more pressure on the discard faction in the thing here. I real, real uncomfortable with this right here, and I just wanted to voice that.

MS. FETHERSTON: I definitely hear what you're saying about the bycatch issue and your discomfort. I don't mean to discount that. We can set out a season. I hear you that there is roe in them year-round, but giving them a break at some point in their spawn is better than not, so if May 1st to May 31st works with –

MR. GOULD: May 1st, that would be a whole a lot better, but then again you run into the different areas because it's not the same in every area. That's the crux of the problem. The Catch-22 is we try and regulate this as one area and it's different. This is Mars up there and Venus down there in Florida; that's all there is to it.

How do you do it without sectioning everything off by traditional fisheries, which it should have been done a long time ago? The spawning season for the grouper up here is different from what it is in Florida. It's all done with water temperatures. It's not season; it's water temperature. I really think we need to look at how this is being put across or we're going to be biting ourselves in the foot later on down the line through more regulations.

MR. DeMARIA: You've got to identify yourself; we've got to keep doing it.

MR. FEX: I would support some kind of spawning closure. We're trying to rebuild this stock. We all want to see it come back. I can tell it's came back already this year with the closure we've had. The months I know it's bad for everybody. We're all going to be closed down pretty much for everything in the March and April time of year, but that's the roughest time of year. Whatever it takes, I think some kind of spawning closure to kind of coordinate for the fish to get a chance to reproduce I will support.

MR. GOULD: One more thing, there, you know, things with the new Magnuson Act is getting so rushed – there is no timeline to see if the regulations is doing their job, whether stocks are rebuilding. It's going like, you know, you're being shot out of a cannon to regulate this stuff. I would be a lot more comfortable with a lot of stuff that we're doing if you had some time to see what the regulations that's in effect is doing for the stock and then take in on.

I've never known a fish that was hooked with a hook and line or a species of fish that was totally driven to extinction. You can do it with nets there; you'd probably do it with the pots there, but a hook-and-line fishery you're not going to do it. We're treating it as if we're going to run to extinction if we don't do this in an artificially quick time, which is hurting all of us, and we've only got one life to live in this. We need to consider that, too.

MR. DeMARIA: Point of clarification; Libby, you're not actually saving a month or anything; it could be an area closure a month or time or an area closure?

MS. FETHERSTON: Yes, I was deliberately being vague.

MR. DeMARIA: It's just some way of protecting sea bass when they spawn?

MS. FETHERSTON: That's it.

MR. DeMARIA: Whether it's month or area or whatever?

MS. FETHERSTON: That's up to the council.

MR. DeMARIA: Is there anymore discussion or can we vote on this one?

MALE VOICE: One comment; if we do, I think we ought make it across the board for commercial and recreational unlike a few years ago where gag was closed to commercial but not recreational for the spawning season.

MS. FETHERSTON: And that was the intent.

MR. DeMARIA: Yes, I think that was the intent. This is just some way of protecting black sea bass when they spawn from everybody and let the council figure out months or areas or whatever.

MS. FETHERSTON: They sort of wider opportunity for public input into what seasons.

MR. DeMARIA: **Okay, all those favor; all those opposed; those that abstain.**

MS. BROUWER: Okay, we're moving on to vermilion, so these alternatives are the trip limits for vermilion. Both of these were suggested by commercial fishermen. And also just so you know, the council has not specified which season this would apply to, so this is something that we'll have to ask them to clarify in December.

A 1,000 pound gutted weight trip limit would be expected to extend the season by about a month for both July-December and January-June seasons. Reducing it to 500 during July-December and January-June would extend the fishing season by approximately two weeks. Alternative 3 could be expected to extend the fishing season by about three weeks for both July-December and January-June. In a nutshell, those are the effects from these alternatives.

MR. DeMARIA: I got a phone call from Vic Lloyd shortly before I came to this meeting – and probably a lot of you know Vic. He has been around a long time fishing. It's not necessarily my thoughts, but I told Vic I would relay to everybody. He claims the biggest protective measure the council ever did for vermilion snappers is when they prohibited the roller trawls on the fish. Vic says there is more of them out there than he has ever seen.

He doesn't see how he'd every hurt with hook and line. Now, I don't know, but I told him I bring that up to everybody and see what you all thought about that. I remember diving off Jacksonville and just never really seeing them when you dive; and then you put a hook down and they would be caught. It's not really a fish that anybody catches other than the vertical hook-and-line fishermen. Go ahead.

MR. CONKLIN: I know exactly what Vic is talking about. Back in the eighties, there was a trawl fishery going on in South Carolina, and I've had them drag right by my boat and they'll haul back, and they get down sea of you or downwind or upwind, however you want it, and they start shoveling these vermilion snapper over.

You would just absolutely die to see what they were shoveling aboard compared to what they were catch. It was amazing, the fish kill that happened. And like we said, I don't see how a hook-and-line fishery could outfish this fishery. We've got a size limit. These commercial fishermen aren't going to make a living catch little fish, especially B-liners. There is a one- to

two- pound species – that species right there in one to two pounds is 90 percent of what is being caught.

MR. GOULD: I do 90 percent of my fishing, we target the B-liners first, okay. In the last two years I've seen the average go from one to two pounds up. We've caught them up as big as six pounds this year, six pounds. I mean fish like that, two at a time. The regulations, the way they were done prior to the further reduction and what we could catch was working beautifully.

I sit there and I listen on the radio to the commercial fishermen because I have to be real aware of what the current is doing offshore of me. We don't fish a lot of current. But if you could hear of the discards that they're having to go during the closed season, you wouldn't touch it. I think it would be a good idea to leave it at status quo just for a simple fact that it would encourage these fellows to have a better reporting of what they're doing. Once we have another re-assessment on it, maybe they can bump it up a little bit. But this is a fishery here that is vastly overregulated. It behooves me to have good fisheries.

If it was going down, I'd say, look, let's just shut it down, but this is something that has blossomed up here the last three or four years, and I think this needs to be left at the status quo, Alternative 1, at least for a year or two and then go back and revisit it. That would be my thought on it.

MR. FEX: Yes, I'd have to agree with him that the fish stock is rebuilding itself with assessments, but it's going to change our numbers. Trip limits, we need them. We had a fishery at the beginning of this year in May; grouper prices were three-five or four-fifty a point. All the fish opening in July. July, August, September our fish prices were good because we had a diverse amount of fish at the dock.

We didn't have just grouper hitting the dock or just triggerfish hitting the dock. We had them all hitting the dock and our fish prices were a lot better. Vermilion is important in North Carolina. A lot of the fishermen in my area are fine with trip limits. We're looking at them as hard as we can. I'm for a trip limit on vermillion because that is an important fish and it's a diverse fish.

It's mixed in with all of our other fish. Some kind of trip limit needs to be put effect; because when 30 and 40 boxes of B-liners are brought to the dock after a seven, eight, ten-day trip, the bottom of the barrel – them fish that are at the bottom them boxes aren't very pretty. I would support some kind of trip limit to bring a better quality of fish and a better price for the fishermen throughout the season. I have trip tickets to show this price analogy.

MR. JOHNSON: Just one more comment towards where Ken was going there; you know, we've all heard that ugly word that was mentioned a little earlier today, and I'm not going to mention it again, but we're going to have to prove to the council that trip limits work or we're going to be faced with something far worse if we're not careful. Again, I'm in favor of trip limits, also, for that reason alone.

MR. DeMARIA: Is there someone who wants to make a motion?

MR. MARHEFKA: Yes, I'll make a motion that the AP adopts Alternative 3, establish a 1,500 pound gross weight trip limit for vermilion snapper.

MR. DeMARIA: Is there anymore discussion?

MR. ATACK: If we set it too high, you're still going to get an early closure like you've got now. The input I'm getting is a thousand pounds; you know, and why not drop it to 500 once a certain percentage is made to keep that season open? These fishermen, if they can keep the season open longer to get their B-liners and their black sea bass and trigger and some grouper – you set the trip limits right, they won't be having to make that trip and pay for it with just one species. I think you need to try to set it low enough to where you can keep most of the species open a longer period of time.

MR. GOULD: By putting it down any lower than 1,500 pounds, I don't know if you realize it yet, but fuel oil is two dollars and seventy-seven cents a gallon. These boats do not run on hydrogen, they don't run on air or anything. It is very expensive to run these boats. You get that limit down too low, they're not going to be able to make it. They're going to be riding on the back of a trash truck; "Hey, Gilbert, there, you know, you used to fish, didn't you"?

If you get it too low there not going to be able to go. They're going to lose their butts. You're going to take viable fish that can be sent upstate to people that do not have the opportunity to go fishing for them that wants to eat them. It's a matter of economics as much as keeping them open. They don't catch nothing but B-liners, vermilion snappers, when they go fishing.

They catch grouper, they catch trigger fish. Some of them catch a few bass on the side, grunts, like that. The majority of the trips is not fully the vermilions. The vermilions is the icing on the cake right there. That's where they make their money at in the grouper right there. If you cut them down too much, it's not going to be worth them to go and you're not going to have any commercial fishermen to supply your people upstate or out in the nation.

MR. DeMARIA: Let me say one more thing, Mark. This is a very odd fish. We don't have very many of them in the Keys. You'd think in areas that aren't fished much – like the Bahamas, when I fished over there, you'd have great big vermilions, but it's not the case. You just have little ones, so it may be a fish as the sizes might even be independent of any fishing pressure in certain areas. It's an odd fish. It's difficult for me to believe that you could really fish them down as low as you guys do with vertical hook-and-line gear. Maybe you can, but I think it might be a little more resilient than people think. Go ahead, Mark.

MR. MARHEFKA: Yes, Don, I agree that they're very resilient and all, but we also have to look at the facts here. The facts of the matter is that we have TACs put in place. How do we go and harvest those TACs now to where it can be economically feasible for the commercial fisherman to go and make a living off of a fish that has been coined by some of the science community as rabbits of the sea?

Now, as Bill said, also, I'm still trying to go and bounce this in the back of my head how do you go and figure a trip limit and we get weights unless we have actual scales on the boat to go and

bring these in, coming up to a thousand pounds. Whether it be 500 pounds, 25 pounds, whatever it is, if you can't weight them at sea, how do you go and make it work at the dock so you don't get fined? There are a lot of different things we have to ask ourselves here.

Now, Jim, I don't know how far out you fish, how fast your boat is, how long you fish, how many people you fish or whatever; but being in the fishing business for the amount of time that I have, I've seen a lot of vermilion snapper. And we've got a lot of them out there, but the point is you need to go and have a base fish that you can go and fish on, that you can go and make your money from and the rest of the fish can go and sort of come and fall in place with it.

I don't believe in the council's numbers that we're only going to go and get three extra weeks per split season in this because I know the boats that are going after these fish, and they're heavy hitters. They go and travel over a hundred miles to get some of the fish that they're after right now. They will not go that extra hundred miles just to go and catch that amount of fish. The whole demographics is going to change.

These fishermen are not going to go and act the same way. They're going to go and stay close to their region. They're going to go and fish more groupers. They'll get their B-lines mixed with it because they'll fish at night or whatever be the case, but it's going to go and be much more blended when it hits the dock than it will be three or four thousand pounds hitting the dock at one time.

It's very frustrating for me when I go out there and I take really good care of my fish, or try to, anyway, and I want a good price for my product, and you have two or three other fish houses up and down the coast there that these heavy hitters are going after. They all hit the dock at the same time, because we're all fishing that pretty weather, and you end up having, Phil, 150,000 pounds of vermilion snapper in your cooler, and you're actually trying to figure out what you're going to go and do with them.

You ended up having to go and shoot them up to every market from here to Mexico City just to go and try to get them out of your cooler. Some sort of level of what we're allowed to go and harvest to me on this pile of fish that we're allowed to have I think would work, but just how do we go and make it work where we can go and get that poundage right when we're not going to having these overages or underage of whatever it may be.

MR. DeMARIA: Well, we've got a motion on floor. Unless there is anymore discussion, can we vote on it? Is everyone clear on the motion? **All those in favor; all those opposed; those abstained. The motion passes.**

MS. BROUWER: These are the remainder of the alternatives on the trip limits. Now moving on to gag, there are only two trip limit alternatives for gag. Alternative 2 would not keep the season open all year based on 2007 landings. However, under Alternative 2A the quota would come within 35,000 pounds of being met. Under Alternative 3 the gag fishery would be expected to remain open until the end of December.

MR. FEX: I want to make a comment. You said one was – I think it was Alternative 2 wouldn't allow the season to last all year if the landings were like the 2007 landings. Were the four months of the year taken out of them 2007 landings because that would give you a different number?

MS. BROUWER: Jack McGovern conducted the analysis and that's something I would have to ask him. I'm not sure about that.

MR. FEX: Okay, because that would be pretty influential since the grouper season is at the beginning of the year.

MR. CONKLIN: When we were in Cape Canaveral at the mega meeting, Mark and I both made a motion for a thousand pound trip limit, and the only way we could see it in the South Carolina and North Carolina area would have been a headcount on fish, which would average about 40 fish, total. That was one of the options we gave them, and now here we are going back to a thousand pounds. I mean, we've already beat this horse dead. It's kind of going right back around again after we did this in 2006.

MR. ATACK: Are you aware that North Carolina has a trip limit on their gag of 500 pounds, and I think they've got a 1,500 pound aggregate for all the grouper.

MR. MARHEFKA: I'm sorry about North Carolina; they're losing some income. I was thinking the same thing there, Phil, is we went to the headcount. And also with the vermilion snapper, too, if we wanted to, we could go maybe go to a headcount on those, also. My only thing – well, okay, but how do you figure out 1,500 pounds?

I'm sorry you guys can't count past whatever you got there, but I know when I'm counting my amberjack, how many amberjack I have to have on the boat to get close to a thousand pounds. We could do the same thing with the gag and you go and do – I mean, come on, a little paper, a little pencil, you're doing your math here. That's my only other alternative there for the vermilion snapper, too.

MR. DeMARIA: Mark, isn't that going to encourage people to toss over the smaller ones?

MR. MARHEFKA: You know, you're going to have high grading in anything if you don't have cameras on the boat. I mean, we can all go and be evil people, too, you know; I don't know. I mean, I understand the high grading part of it, but if you – I don't know.

MR. FEX: Yes, I'd like to make a comment on the thousand pound gag trip limit. I don't know anybody in my region that has caught that many; maybe except for you, Mark. You know where a lot of fish are, but I can't think of anybody that has – once the 500-pound trip limit was stuck on the North Carolina fishermen, a few people were opposed to it, but then once they realized that, hey, the ones that are really catching more than 500 pounds are the guys catching them right off the beach. They're catching the smaller ones.

They accepted it because it's only a day trip and 500 pounds of gag in a day is actually a good trip. The state of North Carolina went with 500 pounds. I don't think nobody should go with that being the Florida main fish is gag grouper, but a thousand pound trip limit is a goal. I don't know; that's pretty high.

MR. DeBRANGO: I agree with what he's saying right there. The thousand pounds, I know a lot of boats like they – the only boats I know that are making that thousand pounds all the time are the guys out there longlining them, anyway, and they're not supposed to be. Alternative 3 seems to be pretty good. If they're already at 500 pounds; I think that's pretty good.

MR. COLE: I'm going to move Alternative 1, no action.

MR. DeMARIA: Does anybody want to second that? We've got a second.

MR. COLE: Mr. Chairman, what it does is it leaves the commercial regulations as they are, and I don't hear any convincing arguments around the table that there is any reason to ask the council to change it.

MR. JOHNSON: Again, not to mention the dirty word, but we're going to have to come up with something or we're going to have catch shares shoved down our throats, so let's just keep that in mind when we vote to just leave things as they are, because the council doesn't want to leave things as they are.

MR. FEX: I know the trip limits don't need to be in effect because our season hasn't been closed yet, but the following years to come the stock is going to rebuild itself. It's going to be easier to go out there and catch some gag; so even with that four-month spawning closure, we're still going to end up being in a derby and it is going to be shut down. I would like for some kind of trip limit to be set so maybe we could fish in that timeframe.

MR. DeMARIA: Go ahead, but let me remind you we've got a motion on the floor that we need to vote on.

MR. GOULD: I just want to remind everybody that the annual catch limit was put down considerably here the last couple of years for gag grouper, and I don't think that we've really had a time to really establish whether this is going any good without taking – you know, by taking action now and not seeing what it's doing. I don't think it's doing the fishermen any good or the resource any good, so I'd leave it like it is for another year or so, anyway.

MR. CONKLIN: We haven't caught the gag grouper quota yet, and I don't see it being caught this year. The fish aren't biting in the summertime, and they target a different species altogether. They catch whatever they can catch; but as far as changing anything, we haven't caught the quota and I look for it to still be open come December, the end of December.

MR. GOULD: We haven't caught the official quota; but if you noticed the little boats, the contenders, that goes out – and I see this down in Morehead quite a bit. They don't always go by their catch limits. The commercial fishermen, the red grouper fishing is better than the gag

grouper. Gag grouper basically that are in 65, 70, 80 feet of water, the commercial fishermen fish offshore of them quite a bit.

But if you've seen the fish that is brought into Morehead off these little boats, you say, okay, well, let's give it a chance here and see what is going on. There is a lot more being caught unofficially than what you can project in this forum here. So always bear that in mind there is a ghost fishery going for them. I don't want to take away from these fellows and let some phantom fisherman catch up what the other fellows would have a chance to do if everything got shut down offshore. I'd leave it like it is.

MR. HARRIS: Are talking about taking this and opening up commercially year-round while the recreational guys can't – I mean, did I miss that somewhere?

MR. ATTACK: We've got to think more past this year. Yes, we may have the quota this year, but we don't get to vote on this very often, and we've got to look down the road. As the fishery rebuilds, which it should – we've got the four-month spawning closure, we've got the ACLs, and it will become a shorter and shorter season if we don't establish trip limits because more fish will be caught earlier in the year. Think about that when you vote on this motion.

MR. CARDIN: Is the red grouper, gag and scamp still tied together?

MS. BROUWER: Yes.

MR. CARDIN: And what is the red grouper quota going to be?

MS. BROUWER: I have to look that up.

MR. CARDIN: Now, what you've got going on in North Carolina, I really commend what Mr. Daniel and the department did up there because North Carolina has become the power in the gag fishery since we can't harvest them in Florida anymore in the wintertime. You boys could really shut down the whole fishery for us.

Now, that being said, as long as your rules are in place, if we do have a bunker year, it will slow the harvest down and maybe won't shut us down in other states. I really think – I mean, you know, we could have a good spawn year and see a good cycle like you did in the red snappers; and without putting some kind of trip limit on these gags, you've got to think of ghosts. One day something is going to jump out of the closet on us and I really think you need to have some kind of trip limit even if it is a goal, but we don't want the fishery to get shut down in two or three months' time because of a bunker year.

MR. SMITH: How long has it been since the quota has been reached?

MR. CARDIN: Well, our hard quota, it has only been in effect for one year.

MS. BROUWER: To answer your question, Bobby, the combined ACL that 17B would put in place would be 662,403 commercial for gag, black and red grouper combined.

MR. CARDIN: That's where our problem is going to be in the red grouper. North Carolina red grouper is going to shut our fishery down; and so we might not only be talking about gag trip limits here, we might better talk about red grouper trip limits.

MR. GOULD: And you're sitting there talking now about the red grouper. The last I read there, the status of the red grouper stock was unknown. It's still unknown, ain't it?

MR. CARDIN: No, they announced –

MR. GOULD: It's unknown, so they don't have any kind of timeline, catch records or anything to get a graph more of less of what this is. We go start putting limits on them, it's going to come back to bite us on the red grouper, which is a very good fishery right now. I don't see any letting off in it the way it is, especially with the amount of boats we don't have fishing for them as compared to the past.

When the regulations or permits first come out, I think there was about 2,500 permits for snapper grouper commercially put out. There is less than 600 now, so people are dropping out of it every year. This is something that we don't need to rush to judgment on. We need to get a timeline and get some real good data in and then address it.

MS. BROUWER: Terrell, there is an assessment that was done for red grouper, and that stock is undergoing overfishing and overfished. We're developing an amendment to put in a rebuilding plan for red grouper, and I'll be giving you all an update on that tomorrow.

MR. GOULD: How many years of data was that on the red grouper?

MS. BROUWER: I don't know the numbers off the top of my head on the assessment, but I can have that information for you for tomorrow.

MR. DeMARIA: Well, let's take one more and then we've got to vote on this motion.

MALE VOICE: Was it Captain Scott Osborne that brought the motion to the table? Who was it that brought the motion to keep it the same and no action? Oh, okay, I'm sorry, Scott, I was going to ask you how often are trip limits breached if there was no change. We don't have a trip limit, but let's say if it was 750 pounds; the guys that are fishing for gag grouper, how often is that – you know, would that stop you from fishing?

MR. DeMARIA: Okay, let's go ahead and vote on this motion. I think everybody understands it. It's basically status quo.

MR. COLE: It's Alternative 1.

MR. DeMARIA: **All those in favor raise your hand; all those opposed; those that abstain. That motion failed.**

MR. CARDIN: I would like to make a motion for a thousand pound trip limit on gags and the starting of the grouper season on May 1st of each year. Can I have a second?

MR. DeMARIA: Is there a second?

MALE VOICE: I'll second.

MR. DeMARIA: When is the peak spawn for gags?

MR. CARDIN: I think really the true peak, the best in my area is March, but you might carry it – you know, 10 percent might be carrying in May. I heard comments that with this trip limit that we might not catch the quota; and now with this May 1st start date, that would allow us the possibility down the road in the backdoor let us carry our quota further into the year.

MR. ATACK: Wouldn't you want to adjust that trip limit as you approach your annual quota so that you can keep the bandit boats and keep the other grouper from getting shut down?

MR. CONKLIN: I don't see a problem with the thousand pound trip limit because 95 percent of the trips that I do are rarely over a thousand pounds of gag grouper. There is just not enough put into it to see that ever happen. I don't think I've had three trips in nine months that have had over a thousand pounds. That why originally we came up with a thousand pound trip limit in 2006 because of that fact. There was more boats fishing then than there are now.

MR. ATACK: Wouldn't you want to, though, change your trip limit when your quota is almost met so that you're not shutting down your red grouper and your scamp and everything else? What harm would that do? Why wouldn't you want to drop it to a hundred pound trip limit or something versus shutting down your whole bottom grouper fishery; you know, on each of these species because that's what is going to happen. If you hit your quota on red or you hit it on your other grouper or you hit it on gag, then you're not going to be fishing for any grouper; so why wouldn't you adjust that trip limit down when you get close to the annual catch limit?

MS. QUIGLEY: I just want to let people know Table 4-25 in your briefing book in Regulatory Amendment 9, there is a table there, and it shows – I can't give you the page number because I've got the Microsoft word document open, but it's Table 4-25. It shows the trips limits over 1,017 pounds – I don't know they don't have a thousand pounds here – 4 percent of trips caught 1,017 pounds or over, so it's a very small amount. You can use that as a guide to see how many people actually catch that amount, but it's 4 percent.

MR. CARDIN: To that point, we've got to remember if we're reducing B-liner boats down to 1,500 pounds, we're going to have a little shift in effort. Quite honestly, that fine, you know, we want to catch each quota, but there is a possibility that number might change in my opinion.

MR. ATACK: Would you consider amending your motion to show a reduction in trip limits when you approach 90 percent or 80 percent of the annual catch?

MS. BROUWER: Jim, just to reiterate, similar wording is already included in Alternative 2, which is now up on the screen.

MR. CARDIN: As the maker of the motion, I would not agree with 75 percent. I'll take discussion on maybe 90 percent.

MR. MARHEFKA: Bobby, I just want to know if you'd like to go and just maybe amend that or add to it a little bit where we can go and put a headcount on there? Once again, I'm trying to go and make sure that we stay within a certain – I'm looking at what the council is trying to go and do by not going over a certain poundage in our total catch.

Would you be interested in putting a headcount along with that, an and/or involved with that because I'm trying to go and see some way we can go and work some trip limits in here to keep our fishery open as long as we can. With that being said, I'm also trying to go and grapple this whole – is gag now considered the same thing as red grouper, so you're also going and saying that we're going to go and do red grouper at the same headcount, too -- if you go 48 head of gag or red grouper? No? And/or a thousand pounds – of course, you know, we all know red groupers are a lot smaller than some of the gags, but I've also seen some pretty chunky red groupers lately, too. Some of them are a lot bigger than some of the gags we've seen lately. How does that work for you?

MR. CARDIN: I'd like to ask maybe for some discussion on that. Would we really want to do the thousand pounds as both – you're saying gag and red or would we do a 48 headcount of gags and a 48 headcount of reds on the same trip? What would work for Carolina and what are you asking?

MR. CONKLIN: I would leave it at the same TAC we've got on gag grouper, and I wouldn't put a headcount on red grouper. I mean, you're going to shut – if you do that, you're going to shut a lot of people down from working that are used to working a minimum of eight or ten days on a trip, and they're riding 150 miles to go and put a trip together.

I would leave the TAC and leave the gag grouper as the indicator species and forget about that 600 and some thousand aggregate; because if you had a 600 and some thousand pound aggregate, I can tell you right now that this fishery would be shut down. The bass are shut. The only thing that would be left open right would be amberjack.

MR. CARDIN: Okay, a point of discussion or a point of my confusion; can I ask Mr. Gregg Waugh is not the gag, the red and the black tied together? I mean, if you caught 300,000 pounds of red grouper; would that shut down the bottom complex or not?

MR. WAUGH: Yes, in 17B that is currently reviewed, there is an aggregate quota that has those three species in it.

MR. CARDIN: Is there terms that gives the regional administrator power to just shut it down if too many red groupers are caught?

MR. WAUGH: Myra may want to clarify here; that is not in place yet, but the way it's set up I think – and Myra may have some more of the details, but if a particular species meets the quota or the aggregate meets the quota, it's shut down.

MS. BROUWER: Either gag or the aggregate.

MR. CARDIN: So it could be 600,000 pounds of red grouper?

MS. BROUWER: It's a combined ACL and it prohibits the commercial possession shallow water groupers when the gag or the combined ACL is met. That's what is under review under now under 17B.

MR. CARDIN: Okay, so we either need to ask for these to be broken apart or the problem we've got in North Carolina is they're allowed 1,500 pound red grouper trips; is that correct?

MS. BROUWER: Also keep in mind that we're going to be talking about measures in Amendment 24, which are just red grouper.

MR. FEX: Yes, that's correct, 1,500 pounds of grouper, period.

MR. CARDIN: 500 pounds of gag –

MR. FEX: Yes, you could have a thousand pounds of red grouper and that's your 15 boxes, yes.

MR. CARDIN: Can your boys catch them; are they there?

MR. FEX: What, the red grouper? Yes, there is a –

MR. CARDIN: So it's a problem.

MR. FEX: Yes, well, the problem is we're voting on a quota right now or a trip limit when 17B is right behind this one. So, yes, we might put a trip limit for gag, but then next month, if they pass 17B, we're going to have to be worried about red grouper being the trigger mechanism for the shutdown, which will be a factor because red grouper seems to be a little bit more dominant than gags. I think what we'll really be looking at is a grouper trip limit next to keep this whole fishery open. I mean, we're going to argue over this gag one, but here 17B is going to kick us right in the butt on that one.

MR. CARDIN: Well, I'd like to amend my motion to read 48 head of gag groupers and an additional 48 head of red groupers. Mr. Chairman, I would like to amend my motion again, please. I'd like it to be 48 head of gags, period.

MR. MARHEFKA: Can I say that since we are going to do 24 here before long, we could go and sort of come back to this a little bit and sort of jumble – because, to be honest with you, I don't think that any of us around the table want to go and see gags and red grouper pulled together.

If we're trying to go and pull trip limits together, we need to go and separate them again, and that way you have red grouper and you have gag grouper. You've got two separate areas that aren't – I mean there are more red grouper than there are gag grouper up off of – well, I take that back. There is a lot of spawning gags up that way; but as far as big gag, they're separate here a little bit.

If we're meshing them together here, it's going to go and shut one end down of our region and the other one is still going to go and be flourishing and going off, and we're not going to go and be able to fish. When you're putting the gags and the reds together, it's sort of mixing things up there a little bit. Maybe we can go and do it with the headcount.

MR. DeMARIA: I've got a question for you, Mark. Isn't it getting kind of complicated with the trip limits and you're only allowed so many pounds of black sea bass, so many of vermilion, and there's going to be so many of gags and reds? Wouldn't it just make more sense to have like a thousand pounds of shallow water grouper per trip, something like that? Otherwise, it's really going to get confusing for you and enforcement.

MR. MARHEFKA: I think enforcement would love it, to be honest with you. You pull to the dock and you say you have this many head of this and that's it; and you walk in and you're got an extra one on the boat, you're up the creek. Yes, I mean, is it going to get complicated? Of course, it's complicated already.

MR. DeMARIA: I think back when I first started fishing and the only limits we really had on us was how much your ice hold would hold. There were no size limits, nothing. It has gotten incredibly complex. I would like to see it so it's a bit easier and we can continue fishing.

MR. JOHNSON: To that point, Don, I don't know, maybe I'm just lucky or something, but I have fish boxes on my boat, and I pretty well – I mean, I'm usually within 20 pounds of what I got. Maybe I don't catch fish as quick as other people or something, but I usually am pretty accurate. When I get to the dock, I pretty well know what I have.

I don't know if we need to get caught up in counting fish. I mean, you've got a 500-pound box, it holds 500 pounds for the most part. It hasn't been a problem with the amberjack, has it? They allow a little bit over, anyway, don't they? Is there a 10 percent overage or something? I don't know; I've always had 10 pounds less.

MR. ATACK: The last question I had was if we set it at this 90 percent; will they data quick enough to change it. I don't know how close they monitor the limit. If we set it at 90, by the time they realize that will it really be shut down, anyway, or does that need to be 85?

MR. CARDIN: Well, the black sea bass was supposed to be shut down at 100 percent and it was shut down at 81, so they could be plenty careful if they want to be. In one of our amendments we do have requirements for a lot faster reporting, so that should help this. Besides, that coming year they'll all be catching in North Carolina and you all have got some jam-up numbers up there.

MR. DeMARIA: Okay, can we vote on the motion? **All those in favor; those opposed; those abstain. Seven to seven.**

MR. CURRIN: Don, it may help us if those of you who are opposed to this might give a little bit of discussion. There is some captured I think in the previous discussion, but it might help the council inform us a little bit more if those of you who are opposed to this particular motion might give us some ideas to why; were those trip limits are too high or you don't like the number of fish or something.

MS. FETHERSTON: With all due respect to Mark, I think his idea of per head of fish is good, but having head of fish for one trip limit and then pounds for another, I think just think is incredibly complicated, so I voted against this motion.

MR. CARDIN: I don't like that thing either, but, Libby, when we're talking about sea bass and small fish in boxes or totes, you know, you can kind of measure the level of the tote; but when you're talking about fish that might be a 15 or 35 or 60 pound grouper or something that go in the box real funny, it's real hard to guess their weight.

MS. FETHERSTON: And I can appreciate that, but I just find this incredibly complicated. Head of fish across the board, great, let's analyze that; pounds across the board, again also great, but for my mind having different things for enforcement to look for for different fish, it might be asking too much of their salary.

MR. FEX: I didn't support it because of the count of the fish. I'm for a trip limit but counting 48 gags for your thing, I don't know how an analogy is going to be done by the scientists or whoever does the analogy, because then what are they going to do, average weight the gag at five pounds or ten pounds or where, I don't know, but I can't support that. I mean, I'd rather go with the poundage. I understand you can't always weight them; but like he said, I'm pretty close to what I've caught when I come in. I think we ought to take that.

MR. JOHNSON: I'm on the same page; a thousand pound trip limit and just leave it at that.

MR. STIGLITZ: I've not caught a lot of gag groupers, but I used to amberjack fish and we always counted the head of fish. At the end of the day I know what I had in my box just from the head of fish. Because what they're saying, you can catch a gag grouper that weighs 40 or 50 pounds and the next one might weight 15 pounds/

And then there was a discussion earlier about selective fishing, taking a 15-pound fish and throwing it back. When you're on a trip, there ain't nobody in their right mind going to dig down through all the fish and take a 15-pound gag grouper out and ruin all of his ice. His fish are bedded in there. You ain't going to disturb all your fish to change out two or three grouper. It ain't going to happen.

It may happen on a day's catch; somebody on the last day of his trip, but the majority of us are professionals and we don't throw good fish overboard to replace them. I think there was a lot people that had a problem with the selective part of it, and that's not going to happen because do

not dig down into them boxes. When you've got three or four thousand pounds of fish and you've got to dig through all of that, it ain't going to happen, because you ain't going to have ice to ice them back when you're done.

MR. DeMARIA: I was just informed that as the chairman whenever I wanted. I sent out the e-mail that I would vote; but I was told if there is a tie, then the motion fails, so the motion failed.

MR. COLE: Mac, to answer your question, I think we're adding complexity to complexity. I think probably the key reason I voted against it is the very substantial sentence – the last sentence in the top paragraph on Page 33; the biological effects of the alternatives would be the least for status quo, Alternative 1. Again, frankly, I think we're making something that is already complex ludicrous.

MR. DeMARIA: Does anybody want to make another motion?

MR. JOHNSON: I would just change the motion back to a thousand pounds; just strike the 48 fish.

MALE VOICE: I'll second the motion.

MR. DeMARIA: Can we go ahead and vote on it? All those in favor –

MR. DeMARIA: Everybody in favor raise your hands again; all those opposed; those abstaining.

MR. DeBRANGO: I agree with the thousand pound trip limit, but I don't think that our status quo fish is ready for that thousand pound yet. Especially down in Florida and everything, I think we should gradually build back up to the thousand pounds. I think we're trying to rebuild the stocks right now and maybe we should give a little bit back, you know, kind of hold back a little bit; and then as they start progressing and getting better, then we should go ahead and give a little bit.

MR. CARDIN: This doesn't change the ACL or the TAC. I mean the TAC is what is rebuilding the fishery. It's still going to be 352,000 or whatever it. Status quo, there was no limit; and like I say we had a bunker year. Some guys found a new sunken spaceship or something covered with mega gags – no, I mean seriously, we see peaks in landings. It's not that we're taking anymore fish because it is a TAC already established on it.

MR. MARHEFKA: Greg, I was also going to say we're still looking at a four-month spawning season closure, too, on these fish, too. It hasn't gone away so they're really getting a big relief there at that time. And the other thing is, too, you know, sitting out there in the ocean this last week and thinking about it, I mean what we used to go and harvesting these fish a long time ago and what the TACs – I mean, not gags but like on vermilion, we used to do a million-one and a million-two for the last probably three, four or five years. And now we've been under this new law of 600 and something or 700,000 pounds; I mean, that's 500,000 pounds each year we're not even interacting with.

I'm just trying to wrap my head around; there should be several more millions of pounds of vermilion out there now than what we have had in the last four years or however long this has been in place. Each year it just builds and builds and builds, and I'm like does that even ever get pulled into the models, and it just sort of blows my mind thinking about that. Yes, I mean, we've never seen cuts like this before, and it likes unbelievable. I mean that's what we used to be able to do, and we'd still be doing it to this day right now, but we're not, and that's what we're saving every year. I mean it's just crazy to think about.

MR. DeBRANGO: I just went by a little bit of old – I actually pulled out some really old stuff the other day, and I was looking at it. And I'm looking at – there was trips where you actually went there and you had 40 grays on a spot; 60 grays on a spot. There ain't person here doing that now. I'm from Florida.

It made me think about myself, too, you know, where was I at, what was I doing, do you know what I mean, seriously, and I saw the light. But, I mean, you know, as the fishery gets better – I know we always say once we take it away we never give it back, which worries me about 17A because that whole area, when are we ever going to get that back; I don't know. I mean, these guys are doing 500 right now in North Carolina, right, and, I mean I kind of like that; I'm sorry. I apologize for my opinion on this.

MS. FETHERSTON: Sort of at my own peril, I'm looking at the agenda and how much more we have to get through, and I skipped lunch, but I'm still willing to stay until six. I'll throw that thought out there and then wait for stuff to hit me, but in terms of how long we're going to stay and how much more we're going to try to get through tonight, we have a lot left to do.

MR. DeMARIA: So do you all want to stay until six and then cut it off at six? Is that okay?

MS. BROUWER: Okay, moving on to amberjack, these are the alternatives. There are four of them. These are the first two. The two subalternatives would increase the trip limit to 200 and 1,500 pounds respectively. And then there are a couple of alternatives that deal with multi-day trips north of the Cape, Alternative 3 and 4.

Based on data from '08, according to the analyses the commercial quota would not be reached with either trip limits under Alternative 2. Okay, increasing the trip limit to 200 pounds would result in landings that are approximately 280 less than the quota. Other things to consider is the stock is not overfished nor experiencing overfishing, and there is a low release mortality rate; so incidental mortality after the quota is met would be low.

MR. COLE: Amberjack is another one that the council has frankly spilled a lot of blood over, and I want to make a motion and then I want to address the last sentence in this subject matter on Page 34 for the council staff;, but let me make the motion first and that would be adoption of Alternative 1, which is no action, which would retain the current commercial regulations for greater amberjack.

MR. CONKLIN: Second that.

MR. DeMARIA: Is there any discussion?

MS. FETHERSTON: It looks like the rationale is that there is probably going to be increased effort in amberjack through restrictions – to name two, 13C and Amendment 16 – and I’m wondering – and I’m looking at Gregg – if there are any projections that indicate that there is movement into the amberjack fishery or is this primarily a preventative measure. I guess I could ask Myra the same question.

MS. BROUWER: I’m not sure.

MR. MARHEFKA: Can I second Bill’s motion?

MR. HARRIS: To kind of help you out with your question, especially for those of us here off the – well, not here but down of the Lower Keys, one of the big shifts that I’ve noticed as soon as that grouper ban went into effect is that all the wrecks off of the Lower Keys were covered with bandit fishermen hammering AJs. The pressure on them was intense.

Kate was actually just sitting here looking up some of the commercial numbers, and we pulled up the recreational figures for the amount of AJs caught down in Florida, and it’s huge. To see that many commercial guys – you know, because those wrecks for us are a short run. When I say these wrecks, I’m talking eight miles from the dock, so it’s real easy just to buzz right out there real quick, boom, boom, boom, a thousand pounds of AJs, and you’re back before lunch. Now, a little bit differently probably for some of you up here, but down there it’s very easy for us to do. We just saw that effort shift and it was overnight literally.

MR. JOHNSON: To that point, it is a lot different north of the Cape. We’re running a lot further; and for a fish that is only worth a dollar pound, it makes it nice on the commercial guys to be able more than ten boxes of AJs. If you did increase the trip limit, it would keep people fishing and it would also take some pressure off some of the other species; just a thought.

MR. ATACK: I agree with the motion. The only question I have is the recreational is one size and commercial is another. Is this a good time to go ahead and we could do it across the board and increase the recreational size to match the commercial size?

MALE VOICE: Hearing that the first time, I would certainly agree with that.

MR. ATACK: Could we add it to the same motion or do we do a separate motion on that?

MR. DeMARIA: It would probably be better as a separate motion. Just one thing about amberjack, I know you all still catch quite a few of them up here, but in the southern part of the range, South Florida, I just don’t see them like I did years ago. It was nothing to see them, especially on the wrecks in the Gulf, the shallower wrecks and along the reef line. We still see them; they’re small, though. I think something is going on with the amberjack; I think there is a problem with them. It just appears that they’re in good shape because you can still – and the CPUE is up. And there is like the Carolinas, but they’re from a lot of areas I dive.

MALE VOICE: We used to have an inshore fishery in Sebastian Inlet, Port Canaveral. It's not there anymore. It would be very rare to have an inshore bonanza of amberjack inshore. It has been at least 15 years.

MR. DeMARIA: There is still some around but they're in the deeper water.

MALE VOICE: Right, and they don't come in shallow like they used to. It's not like fewer come inshore; they don't come.

MR. CARDIN: It's all the artificial wrecks pull the fish off the reef. No, but it's what it has done.

MR. OSBORNE: I want to say something real quick. I've been amberjack fishing my whole life. I used to go catch 6,000 pounds before noon for two months straight out of Jupiter; a phenomenal school of fish. When they went to a thousand pounds, we almost quit fishing them. Aside from that, I did not see large amberjacks inshore for a long, long time. It kind of when – like Bobby was saying, that artificial reef program out of Stuart, and Ft. Pierce is intense.

It split those schools of fish up, those big spawning aggregates of fish, into little bitty pods of fish all up and down that whole artificial reef system. It has took a long time for them to come back. Not that there were less fish there; they were just spread out to where you couldn't target them. But now this year grouper fishing inshore, I usually catch 15 and 20 jacks a day and I've got to throw every one of them back. This year I was catching my thousand pounds of jacks a day in 60 to 80 feet of water and they were 50 to 70-pound fish. I don't know where that came from, but they were there?

MR. DeMARIA: We have a motion on the table; can we vote on it or is there anymore discussion? **All those in favor; those opposed; those that abstain.**

MR. COLE: Mr. Chairman, I promised to deal with the last sentence in the amberjack where it says that the team needs a definition for multi-day. I think that the team can find a council-adopted definition in one of the amendments that was developed for amberjack and snapper grouper or it may have been mackerel for fishing off the Keys several years ago. I will point out that same definition has now been adopted by ACCSP and the Gulf Statistics Program for multi-day. I don't know that we need to create new definitions for multi-day here.

MR. ATACK: Can I make the motion, then, to increase the recreational minimum size to 36 inches to match the commercial?

MS. BROUWER: Could you repeat that; I didn't catch it?

MR. CARDIN: Could I ask Jim to give us some discussion on why he feels the recreationals need to be at – Jim, a point of discussion on your motion; what are you wanting to accomplish by increasing the recreational size?

MR. ATTACK: A couple of reasons; one is law enforcement. Across the board is more fair and equitable and it's easier to enforce. Everybody is catching the same size fish. It should help with the stock rebuilding by allowing those fish to get older before they're harvested.

MR. SMITH: I agree with Jim.

MR. JOHNSON: Correct me I'm wrong, but this stock is not overfished or undergoing overfishing. I mean, I'm predominantly a charterboat captain; that's what I mostly do. Commercial fishing is something I have to do. There is a lot of 35 and 36-inch amberjacks that we catch for our charters. You're going to take that away. Of course, that's going to have a huge impact on your headboats, on all your charterboats. I would have to oppose it.

MS. FETHERSTON: I just restate my earlier opposition to increasing size limits.

MR. HARRIS: There is no point, you know, aside from just trying to equalizing it, because if you said equalize it, we could pretty much take apart every fishery and go across the board like that just to arbitrarily raise it when there is no distress on the fishery. You've got mom and pop's headboats that might run off of a wreck, drop one bait down, poof, their novice angler gets a tug on one 34- or 35-1/2 fish, boom, into the box it goes, and, poof, off you go. Typically those people won't want to keep fishing for that extra half inch when they're talking AJs on 20-pound gear. I'd say let them take that first one out of the water, get him in the boat and move along.

MR. GOULD: I'd have to totally agree with Rob on that; because like he said it's only one person, 28-inch fork length, people have a real fight with it to begin with. On my boat if I was to have to release an undersized fish like that, I have eight foot of freeboard on the bow. I have six foot of freeboard on the stern.

We've got to lift that fish up out of the water, which means having to gaff it, so it's going to die, anyway. The fish that are too small, we try and handline them up; but you take a 32-inch amberjack, ain't no way we're going to be able to pull it up over the side with that gaff in it, so you're going to increase the mortality of the fish. If you go 28 inches, it is a good medium for a recreational fish. You very rarely catch any of them smaller than that.

Every once in a while we catch one bigger than that, but most of the fish we catch there as greater amberjack is anywhere from 28 to 36, 37 inches, sometimes bigger. I don't fish the wrecks. I catch these fish basically off of live bottom. I'm all for keeping it just like it is at 28 inches fork length.

MR. CARDIN: This might be off point, but the 28 inches at 36 was the same. That was because you used to record amberjacks, and core 36-inch amberjack measured 28, just like the recreational whole fish. I understand where you're coming from on law enforcement, but it should be easy for law enforcement to identify a commercial boat with a thousand pounds of jacks or a recreational boat with a 28-inch fish.

Actually, the recreational coming in with a smaller fish, it might actually help to keep it out of the commercial market. Now there is no commercial fish house would have any business of

having a 29 or 31 or 33-inch jack in that commercial house. I don't see the real biological bang that you're getting for doing this. I just don't see why you need to target these guys on these little charterboats and stuff like that when it's just a nice fun fish. I wish someone would tell me anymore biological need for it.

MR. DeMARIA: If there is no more discussion, let's go ahead and vote on this.

MALE VOICE: I do empathize with the charter captains, absolutely. I was a charter captain for 20 years, but I can't accept the fact that a fish can't be measured because I have to gaff it, and it could be undersized and it's going to die as bycatch.

MR. DeMARIA: Let's go ahead and vote on this. **All of those in favor of increasing the recreational size to match commercial raise your hand; all those opposed; those that abstain. The motion fails.**

MS. BROUWER: The last thing I have for you is just a summary of the comments that we got from the SSC last week. Like I said, I gave pretty much the same presentation to the SSC and these are some of the things that came up in the discussions, so I thought I'd just let you all know some of the things that were of concern.

High grading, of course, came up. They had concerns with release and discard mortality, of course. They asked that the analyses include projections of revenue as well as landings. Also, there is a socio-economic subgroup of the SSC that wants to review the analyses before the SSC sees the document again in April.

By then we will have had public hearings, and they just want to have the opportunity to review it once again. They also want to see the frequency distribution of catch per trip, and they cautioned that the assumptions and fishing behavior needed to be explained in the document. Another thing that came up – and actually I believe Libby brought it up earlier – is the council needs to really explain their overall objective in setting trip limits, what is being gained by implementing the limits in these fisheries, what is being lost. That's all I have.

MR. DeMARIA: Has everybody had enough for today? Okay, we'll meet in the morning at 8:30 in the morning.

The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened at the Hilton Garden Inn, North Charleston, South Carolina, Wednesday morning, November 17, 2010, and was called to order at 8:30 o'clock a.m. by Chairman Don DeMaria.

MR. DeMARIA: It looks like everybody is here. First off, Kate is going to go through Amendment 18A and Myra has got some papers to hand out. Also, it was brought to my attention that we've heard from everybody at the table who we are, but we don't really know who the chairman is of the council or anything about him. He is sitting right over there so maybe at some point we could have Mr. Cupka tell us who he is and a little bit about himself.

MR. CUPKA: My name is David Cupka. My background; I worked for the state of South Carolina for 35 years as director of Fisheries Management for South Carolina DNR. I retired from the state five years ago and was appointed to the council as an at-large member by the governor and this is my last year of my second term.

I've been going to council meetings ever since the councils were created in 1976 and have served as a voting member of the council since 1993. I've seen a lot of changes over the years in the council process and a lot of players come and go. I still think it's a good process and obviously one that you all need to be involved in and play an important role in.

We appreciate the time and effort you all put in to providing guidance to us at the council level. That's pretty much my background, and I'd be glad to answer any questions if anyone has any. Again, I appreciate your efforts. I know it takes to be here at these meetings when you could be doing things, but it is important to stay involved in the process as much as you can. Again, on behalf of the council, thank you.

MR. DeMARIA: Just one more thing before Kate gets started. I have a letter from Vic Lloyd that I said I would hand into the record. It's short and to the point just like Vic, but here it is.

MS. QUIGLEY: I'm going to give a presentation on Amendment 18A. There are quite a few actions in Amendment 18A. This has gone through two sets of public hearings already. The comment period ended November 12th and so the plan is for the council to take a look at this again in December and for them to vote on it in March. That's the plan right now.

Amendment 18 all came about when there was the realization that implementation of ACLs and closures in 17A, closures in 17B, and several of the other amendments would possibly result in increased participation in fishing for black sea bass and golden tilefish, which would degrade profits for historical participants, decrease season length even more and make management more difficult.

As many of you know, there is somewhat of a derby fishery in golden tilefish. It's closing earlier and earlier every year. There are a number of actions regarding golden tilefish and there are a number of actions regarding black sea bass, and then there are two actions regarding data improvements.

The council sees data improvements are needed to better track landings, especially if seasons decrease in length so that quota monitoring can be improved. I'm going to go over the actions. What I'll do is I'll go through all the golden tilefish actions, answer any questions that you have after each action, and then perhaps we can talk about golden tilefish so that you know all the actions and perhaps how they work together and how some don't work with others, et cetera.

I'll just give you an overview of the actions in 18A. Limit participation in the golden tilefish fishery through an endorsement program is the first action. The second action, allocate the commercial golden tilefish quota among gear groups. The two gear groups we're looking at are longline and hook and line. Allow for transferability of golden tilefish endorsements. Action 4, adjust the golden tilefish fishing year. Action 5, establish golden tilefish commercial trip limit;

and then Action 6, establish trip limits for commercial fishermen who do not receive an endorsement.

With regards to golden tilefish, the conversations about golden tilefish came about because we have historically South Carolina participants and then we have Florida participants in the longline fishery. One thing that was happening was the Florida guys were able to participate starting in January/February, and the South Carolina guys were not able to participate really until April or May when the weather improved.

There was this disparity because the season is closing earlier and earlier and the South Carolina guys were not able to participate for very long in the fishery. Another issue was the hook-and-line fishermen in Florida who typically participate in this fishery starting in September of each year, because they're participating in other fisheries earlier in the year, were not able to participate because the fishery was closing.

The idea was either do some sort of endorsement program or change the fishing year so it doesn't start in January, it starts later in the year so that everybody can have a more equal chance of participation. Then we have black sea bass pot actions 7, 8, and 9; limit participation in the black sea bass pot fishery; limit effort in the black sea bass pot fishery – that has to do with number of traps per vessel – and reduce bycatch in the black sea bass fishery.

Actions 10 and 11, data improvements; improvements in commercial data, improvements to for-hire data reporting. I'm going to go into the golden tilefish actions right now. Alternative 1 is, of course, no action, do not limit effort in the golden tilefish fishery through an endorsement program. Alternative 2, limit golden tilefish effort through a golden tilefish gear endorsement program, so distribute golden tilefish gear-specific endorsements for snapper grouper permit holders that qualify under the eligibility requirements stated below, and I'll go over those in a minute.

Only snapper grouper permit holders with a golden tilefish longline endorsement or golden tilefish hook-and-line endorsement associated with their snapper grouper permit will be allowed to possess golden tilefish. Individuals that meet the qualifying criteria for both hook and longline endorsements of which there is one person only receive one endorsement. That's just an overarching alternative, and then we have these eligibility requirements.

There are separate eligibility requirements for hook and line versus longline. First, the hook-and-line alternatives; we've got Preferred Subalternative 2A, which was devised by the Golden Tilefish LAP Exploratory Workgroup. That workgroup met in 2008. The point was for them to meet and talk about LAPs or catch shares.

They devised a program for catch shares but said that is not what they preferred until a new stock assessment is done and we could see what the numbers were to see if something like a catch share would be appropriate. Instead what they wanted was an endorsement program and they designed this program. As far as eligibility requirements, Preferred Subalternative 2A was their preferred alternative for hook and line.

I'll just read it; to receive a golden tilefish hook-and-line endorsement, the individual must have a harvest level of 1,000 pounds gutted weight caught with hook-and-line gear when the individuals best three of five years from 2001-2005 are aggregated. If you look at someone's landings from 2001-2005, add them all together – well, you take the three of the best five years and then add them together. If you have a thousand pounds, you're in; and if you don't, you're not. And then we have a number of other subalternatives, so basically the same kind of language.

Subalternative 2B uses the same years, the same language, but instead of 1,000 pounds to qualify, it's 500 pounds to qualify. Subalternative 2C, the same years but instead of aggregating your averaging, so you're going to get a smaller number of participants of people who qualify, 500 pounds. And then Subalternative 2D and 2E use different years, 1999-2008, so they go back further and they bring the years up to be more recent; 500 pounds when 1999-2008 are averaged; and 2E, 1,000 pounds when 1999-2008 are averaged.

The reason for the preferred alternative being 2001-2005 by the participants of the Golden Tilefish LAP Exploratory Workgroup was that they hadn't been able to participate much since 2005 and 2006, so they needed to go back to earlier years. Okay, so those are the hook-and-line golden tilefish eligibility requirements.

And then we have the longline eligibility requirements. These were also devised by the exploratory workgroup. Preferred Subalternative 2F, to receive a golden tilefish longline endorsement the individual must have a total of 2,000 pounds gutted weight golden tilefish caught with long line gear between 2005-2008.

If you take a look at an individual landings in 2005, 2006, 2007, and 2008, you add them all together. If you've got 2,000 pounds, then you're in. As far as longline, that's a very low qualifying criteria. Subalternative 2G, a total of 5,000 pounds, same years; and Subalternative 2H, 5,000 pounds and that's an average. You don't add them together. It's not a total of 5,000 pounds; it's an average of 5,000 pounds.

Just a basic summary of impacts; biological, limiting participants could limit or decrease gear deployed and result in biological benefits; economic, less participants, increased average profitability for those who remain. Benefits accrue to those receiving endorsements. This is just to take a look at the numbers that qualify.

Under hook-and-line endorsements, the preferred Subalternative 2A, you get 23 participants; 23 people receiving endorsements, and that is the second highest. Subalternative 2B would be a little bit higher. Under Subalternative 2E you only get seven participants, so that is really low compared to how many people are actually participating now. You're looking at 23 people who could fish for golden tilefish with hook-and-line gear.

Longliners, under the preferred Subalternative 2L, you're looking at 17 participants. That is very similar to the number of participants for 2008. Twelve participants under each of the other alternatives are very similar to 2005-2007. However, in 2010 apparently there has been an

increase in the number of participants. The numbers, from what I heard, are quite a bit higher, maybe 20 or 23 people actually longlining.

Hook and liners I don't have a good feel for what the increase in participation has been. One of the problems is we're working with up to 2008 data because we're using logbook data, and logbook data, of course, there is this lag of a year and then they have to enter the data, and someone has got to check the data, and so we're not able to actually look at 2009 data; and, of course, 2010 data, the logbooks are not all in yet. We're looking at some old data, and so there are a few more participants now than there were in 2008. Okay, I was going to go on to Action 2, but are there any questions regarding Action 1?

MR. CONKLIN: Do they have a control date for the longline fishery?

MS. QUIGLEY: There is a golden tilefish control date; the most recent one being I think it's December 6, 2008. That's the most recent control date specifically for golden tilefish. It doesn't specify the gear. Prior to that, I think there is one in 2005 for the entire snapper grouper fishery.

MS. FETHERSTON: So is the goal to prevent other snapper grouper fishermen participating in the golden tilefish fishery or is the goal to prevent closure of the seasons due to the TAC being caught really quickly? I thought I heard you say the goal was to keep the quota from being caught, but then they have the least restrictive ones preferred. I just want to be clear on what the purpose is.

MS. QUIGLEY: There are multiple purposes, so the main overarching purpose is we've got all these other amendments and there are people coming into the golden tilefish that either have not participated in the past or they did participate a long time ago and now they're re-entering the fishery. The one goal is to protect historical participation; you know, how they can fish.

The other goal is to lengthen the season, and then the other goal is to make sure that North Carolina and South Carolina can participate. And then the other goal is to make sure longliners and hook and liners can participate, so there are a number of different issues; a number of different goals.

MR. CARDIN: A little more with that, Libby, the longline endorsement started a couple of years ago because it's kind of a little bit of a black eye in some cases with bycatch and things like that, so we didn't really want to grow the universe of the gear. You know, you stick it to the historical participation, and that is where we're at with that.

MR. MARHEFKA: Kate, can you explain to me why we keep moving the control date? And with that control date, the way I remember it from some of the first ones being put in place is that it's read into the Federal Register that those participants may not be able to go and participate in the fishery; is that how that control date reads, the ones we keep moving? How is this working because I'm like why do we even have a control date? It sounds like it's a willy-nilly here; and if we're not going to go and use it why we even put it out there; just to boggle us?

MS. QUIGLEY: My understanding is the control date is simply a heads-up to the fishery. You don't have to use it. You can use it but you don't have to. It's simply a heads-up to the industry that we're think about limiting participating in a particular fishery; so if you're going to think about gearing up to participate in this fishery, think about it, look into what is happening with management. It's simply a heads-up to the fishery.

You don't have to use the actual control date. The snapper grouper control date in 2005, that was established because the previous one was rather old. And then they implemented one for black sea bass and one for golden tilefish because we were starting this amendment and wanted to give people a heads-up that, look, we're starting work on this amendment and it may limit participation in those fisheries; so if you are looking to get into those fisheries, just a heads-up that you might be limited, you might be cut out of this fishery. That's the purpose of a control date from my understanding.

MR. MARHEFKA: So, in other words, the newer control date cancels out the previous one or is it just an amendment at the time? I mean, explain this to because I'm really sort of confused on the control date.

MS. QUIGLEY: Yes, pretty much everyone is confused on control dates. No, the control date in 2009 does not cancel out the one in 2005. It's not a hard-line thing. It's basically just a heads-up to the fishery. That's all it is. It is less significant than some people think it is.

MR. MARHEFKA: Basically, it's just waving the gun, but you're not going to use it? Okay, got you.

MR. COLE: I'm on Page 2, the second paragraph. This language of more stringent regulatory regime, please get rid of that and substitute the three phrases or clauses that you just described to Libby as to why we're doing this. I think if you walked out in the hall and you read this language, okay, and then close your eyes, I think you can just imagine the headlines in the New York Times and the Washington Post, okay.

I mean, this is not very, very constructive for the public or for us. I tend to disagree with you just a little bit on control dates. If the control date is published and established by Federal Register notice of adoption, it has more meaning than just information. It is used by the council to create a baseline for regulatory action. That's what we used it or, so it's more than just a hello, how are you, we might do something. Does that help you, Mark?

MR. MAHOOD: A control date, like Kate says, puts the industry on notice that we may go to some sort of a limited access program. If you're going to enter the fishery after that, you may want to make a smart business decision of whether to do it or not. When a control date gets old, a lot of times the NOAA General Counsel will come to us and say, well, you might want to consider another control date because a lot of people have entered the fishery since that control date, and you're going to impact a lot more people than when you initially set that control date, so then we freshen up the control date with a newer one.

Now when the council goes to implement a program, they may drop back – they make a decision, well, how many people can this fishery accommodate, how people were in it in 2005, how many people are now in it in 2008. By looking at the different control dates, they could go back to the 2005 date, but it's going to have greater economic impact on more people.

It also gives us a timeframe where you can do your impact assessments if you choose that date over the newer date, you know what the impact is going to be. The control dates are used. We've used them in snapper grouper and we've used them in wreckfish and I think back in mackerel. When we set a new control date, generally it's to freshen it up with the understanding that more people have entered the fishery, but you still may want to tell people that we're going to look at limited access in this fishery.

MR. MARHEFKA: Well, with that, Bob, you're saying more people are going to be moved into the industry, and I think what you're saying is more people are making a shift in the industry because there is not more people getting into this industry because you're having to go and buy a two for one or your one for one or whatever may be the case. I'm just trying to make that aware around the table here of how this control date thing is going to go and be working.

MR. MAHOOD: You're correct, Mark, I think golden tilefish is a good example. Just in recent years since we set a control date, there has been more entry into the fishery primarily because of not necessarily new fishermen but they've shifted from other fisheries, and we're seeing more of that. I hope that answers your question.

MR. JOHNSON: There is a stock assessment being done on golden tile right now, correct, so we're basically talking about the allocation may change. It may increase. I mean we're talking about regulating something before we know the numbers. I don't see the logic in that myself. **I would like to make a motion that we table this until SEDAR 25 is finished.**

MR. DeMARIA: We have a motion on the table; it has been seconded. Is there discussion? Do you want to vote on it? While she is writing it down, I've got a question for Richard. Do you know anybody in the Keys who would even qualify for a golden tilefish endorsement for those alternatives?

MALE VOICE: I'm sure there might be, but I have no idea who. Richard Diaz would be the only one I know.

MR. DeMARIA: Kate said she looked at the numbers and there is no one that would qualify in the Keys for a golden tilefish endorsement under any of those alternatives.

MR. CARDIN: Hook and line or longline? Okay, well, there is no longlining in Key West for 20 years, so it would be against the law to use it if they did qualify for it.

MR. HARRIS: Bobby, we do have longlines in Key West because that Florida Strait's demarcation line runs south of Boca Grand, so everything to the west of that line is wide open in longlines.

MR. CARDIN: Gulf longlines.

MR. HARRIS: No, it's still Atlantic because the 83 line is where the Gulf water starts; so everything in between 83 to that Boca Line all the way to the 2400 line, everything north of that is open to longlining. No, from Key West. Boca Grand is a Key just west of Key West. It's before Marqueses. If you draw a line straight south from there to the 2400 latitude line, everything west of there is open to longlining in the South Atlantic.

MR. DeMARIA: We've got a motion we should vote on, so all those in favor raise their hand; all those opposed; and those that abstain. The motion passes.

MR. CARDIN: Can we have discussion? This is the same AP last year that voted for this. I mean, I realize we have a few new members. The tile fishery this coming year will probably last about eight weeks. There is going to be 270,000 pounds of quota under these qualifiers of over 40 boats. That's going to be less than 10,000 pounds a boat. That's barely over 5,000 pounds, so how – I mean, I'm optimistic about the stock assessment. I think the quota should be a lot higher; but even it goes up a hundred or 200,000 pounds, it's still not really enough quota for a really strong, viable fishery with the people that do qualify now.

MR. COLE: Mr. Chairman, the motion to table is very troublesome now that it is tabled. Obviously, if we're going to discuss it, we need to untable it. The previous speaker is right, and the council has already gone through two sets of hearings, if I understood this, and it's posed for action.

I just suggest that if we want to give the council any salient thoughts or advice or anything, we need to untable this and then proceed to do that. The council, having gone to hearing, I do not think can honor our recommendation to table, so they're going to do something. I guess the question is that since they're going to do it, do we have any advice for them or not. If we do, then we need to untable this thing and proceed with recommendations on the alternatives.

MR. DeMARIA: I agree with you; I think with 700 and something years experience between us, we can come up with something better than let's table the motion.

MR. JOHNSON: Well, the concern that was expressed to me by a golden tile fisherman was we're going to eliminate people from a fishery permanently. This man, he qualifies; all of his boats qualify, but in all fairness he said, "Do we really have the right to going forward and just eliminate people because I want it and I don't want them to have it?" We're dividing up fish – and I don't tilefish. I'm going by my conversation with him this morning.

MS. QUIGLEY: We're not tabling the motion. What you're asking is that the council delay implementation of the endorsement program until a new stock assessment is done. Now, that could be nine months or something like that. You can still make recommendations and talk about the endorsement program and say what you like and what you don't like. It's simply asking to wait to implement it, delay implementation until you have a new number.

MR. JOHNSON: That's correct.

MR. FEX: Yes, I support an endorsement for longlining. I think one of the main reasons is the Gulf. They're under an new IFQ system, and them longline boats are equipped with longline gear, and all they've got to do is buy a snapper grouper permit. I own a vessel and I'm not going to put a spool and buy all that gear just to go longlining for that time, but them boats can just buy a permit, come around the corner and start longlining for golden tile for the first couple of months.

I don't want to see that happen and that kind of effort shift because there isn't going to be many people going to go out and buy a new spool and buy gear to start longlining just for that little bit of quota. I think the participants in the South Atlantic are looking for an endorsement to keep themselves safe from the Gulf vessels from coming around the corner and doing what we do. I support it.

MS. FETHERSTON: I admire Bill's commitment to Roberts' Rules, but I don't think that motion actually means we tabled it. It just was a recommendation to the council, but again admirable. I agree with Kenny that the Gulf of Mexico Longline Fleet has just been shrunk to 60 participating vessels in the grouper fishery by Amendment 31.

We're looking at results of a deepwater yellowedge grouper stock assessment that looks like it's going to be overfished and undergoing overfishing, and the available fishing bottom and time for those vessels is getting smaller and smaller. I haven't of that, but that is a deep concern of mine that those boats will just swing around the corner and fish over here. That's worth considering.

MR. CARDIN: Libby, what is it, like a hundred boats lost the endorsement over there or didn't qualify?

MS. FETHERSTON: The fleet was somewhere between a hundred and a 120 and now there is 60 endorsed longline vessels in the reef fish fishery.

MR. CARDIN: Okay, well, that's part of the thinking in this back with the sea turtle problem. You know, we're looking at 60 longline vessels parked over there, we're looking at 60 spools sitting around, we're looking at thousands of hooks, all kinds of gear. All you've got to do is throw it on the boat and run over here.

MR. COLE: Libby is right so I'm going to make another motion. Since we cannot talk about tilefish until the assessment is done, I move that we continue discussion on Amendment 18A regarding black sea bass alternatives.

MR. DeMARIA: Is there a second on that? Mark.

MR. MARHEFKA: Can we not go and discuss some of the other options that are on the table for 18A for the golden tilefish since we're here as an AP and because it's going to go back to the council before we get to meet again. I hate for them just to go and grab what we've brought to them unless you're going to go and convey something else when you go and do your presentation. There is other stuff that's going on with this.

Like Bobby was saying, we don't want to go and see this shut down in a eight-week period. This is just talking about the stock assessment. Whatever goes and happens with the stock assessment can be adjusted, okay, but let's go on through with some of these other measures that we're trying to go and put in place here. I hate to go and just let this go away.

MR. DeMARIA: Is there anymore discussion on the golden tile; what do you guys want to do? Kate has got more actions on golden tile.

MS. QUIGLEY: There are lots of other actions that go along with this, so why don't I go through those and then we can take a look at it as a group. Perhaps what I'm thinking as a better way to term this motion would have been the AP recommends delaying implementation of the golden tilefish endorsement program until a new stock assessment is done. However, I think we can go ahead and talk about the golden tilefish endorsement program; so if people are okay, I can go through those remaining actions.

MR. JOHNSON: Yes, I'm okay with changing that if you want to reword it. I just wanted to make sure that people were aware that we don't have a stock assessment on these fish. We're talking about dividing up and doing all this stuff and we don't even know how many are there.

MS. QUIGLEY: I don't think so. We know what you mean and it's on the record what you mean, and I've put in some clarifying language.

MS. DOUGHERTY: Kate, can you remind me what is the schedule for the stock assessment on golden tilefish?

MS. QUIGLEY: The stock assessment, the data workshop we believe is going to be sometime in March, and then the other workshops will occur this year. I think what we're looking at is stock assessment results later this year in 2011, maybe early 2011. No, in 2011, okay, so we're looking at actual final results in 2011, and the work would be done this year.

MR. JOHNSON: Kate, I'm not trying to be confusing here, but an endorsement is non-transferable; is that correct? My concern is when these 17 boats die; does that mean there is never going to be anybody fishing for tilefish again? That's where I was going with that.

MS. QUIGLEY: They're transferable. Let me go on to the other actions and it will clarify a lot of this. First we've got the endorsement program and it talks about allocation of the endorsements. And then we've got Action 2; allocation commercial quota among gear groups. The idea is you've got hook and liners who have an endorsement, you've got longliners that have an endorsement. When they fish, what does that come out of?

Well, the hook and liners will have a quota and the longliners will have a quota, which is basically a split of the commercial quota. Now, historically, the longliners have taken 90 to 92 percent of the commercial quota. Hook and liners have taken 8 to 10 percent. The highest that they've taken in the past ten years is about 12 percent, hook and liners.

Now, historically, though, if you go back to the eighties and before, they took about 25 percent, and originally it was only a hook-and-line fishery. We've got Alternative 1, no action; Alternative 2, allocate commercial golden tilefish quota based on 75 percent longline, 25 percent hook and line; Alternative 3, 85 percent longline and 15 percent hook and line; Alternative 4, 90 percent longline and 10 percent hook and line.

The current regulations for trip limits for golden tilefish are that there is a 4,000 pound trip limit until 75 percent of the quota is taken, and then there is a 300 pound trip limit. The reason that was implemented is to allow hook and liners to take 25 percent of that quota using a 300 pound trip limit. Now, what we've seen, though, is that longliners are actually using – some longliner are actually using the 300 pound trip limit.

This is the reasoning for each of these alternatives here. A summary of impacts; impacts biologically would similar since pretty much the quota is going to be taken in its entirety; economic, greater profitability increases with a greater quota portion allocated for each gear group.

Action 3, and then we have allow transferability of endorsements; so Alternative 1, no action; Alternative 2, longline and hook-and-line golden tilefish endorsements can be transferred between any two individuals or entities that hold valid snapper grouper permits. Now that means unlimited and limited permits. Now if you remember, limited permits are non-transferable at this point in time, snapper grouper permits other than I believe within the same corporation or within in the same family. Alternative 3 is longline golden tilefish endorsements can be transferred between any two individuals or entities that hold valid commercial unlimited snapper grouper permits.

Alternative 4 is specific to hook-and-line can be transferred between any two individuals that hold commercial unlimited snapper grouper permits. Alternative 2 is very general. Alternative 3 is longline only, focused on unlimited snapper grouper permit. Alternative 4 is hook and line only, focused on unlimited snapper grouper permits. Of course, the council can pick multiple alternatives here.

Alternative 5, hook-and-line golden tilefish endorsements can be transferred between any two individuals or entities that hold valid commercial limited snapper grouper permits, so there are one or two people who are fishing hook and line to actually qualify that hold limited snapper grouper permits.

Alternative 6, hook-and-line and longline golden tilefish endorsements can be transferred between any two entities that hold unlimited snapper grouper permits regardless of gear endorsement category, so that means that there could be trading between hook and line and longline. And then we have different options under each of these alternatives.

It talks about when the transferability can begin. Option 1 is transferability allowed upon program implementation. Option 2 is you've got to wait two years. Option 3, you have to wait three years. Option 4 you have to wait five years. Action 3 summary of impacts; impacts

biologically would be similar; economically, transferability gives fishermen greatest flexibility and potential for profit increases.

If you did not have transferability, as Robert pointed out, when someone exits the fishery or passes away and doesn't pass on that permit, then you've got one less person in the fishery. So, transferability, if you're going to have an endorsement program, is pretty important. The delay in transfers could give people more time to assess the value of the endorsement.

Action 4, adjust the golden tilefish fishing year. If the endorsement program does not occur, the idea was then change the fishing year. You've got the fishing year beginning in January. If you want to have full participation of the fishery, meaning longliners and hook and liners and people in different regions, then change the fishing year.

Alternative 2 is instead of starting January 1st, start September 1st. That would basically benefit the hook and liners. Preferred Alternative 3 is to start August 1st; Alternative 4, start May 1st. Now, if you have the endorsement program, though, and you have this allocation of quota to each of the different gear groups, you don't necessarily need this change in the fishing year. If the council didn't vote for the endorsement, this was something that the fishermen had talked about being important.

A summary of impacts; similar biological impacts; economic, the problem with – I'm going to go back. The problem with Alternatives 2, 3 and 4 is that when you have this closure of other fisheries January to May 1st, you can't fish for golden tilefish. Well, right now you can, and for dealers and for other people, if that's a really thing, and then all of a sudden Alternatives 2, 3 and 4 means you really wouldn't have probably any golden tilefish to fish for January through May. And you might want to have that given the Amendment 16, given the closure. Okay, almost done, Action 5, establish golden tilefish fishing limits.

MR. DeBRANGO: Just a quick thought listening to that; how come there was no split season or anything like that discussed or was there and why wasn't there an alternative listed for that? Because in South Florida, you've got to figure South Florida at that time they can't fish for grouper, can't fish for any of that. That's all they can fish for; so if you change the fishing year – I mean, somebody is going to get cut out of something here, you know what I mean. If you change the fishing year to May, well, what are they going to do for the first four months of the year?

MS. QUIGLEY: Yes, that could have been brought up but it wasn't. This conversation happened in 2008 before we started having a lot of conversations about split seasons. It's just that it didn't come up. It wasn't the preference. Well, I'm not going to say it wasn't the preference of the fishermen because it's not something that they discussed in comparison to what they preferred, so it just wasn't brought up. But that would possibly be another option for slowing things down and to provide more egalitarian opportunities.

MR. CARDIN: Another problem with splitting the season is you lower the total amount you could catch, which makes it harder to calculate and harder to shut down the season on time, so

now NMFS will have to be counting the fish twice a year rather than one, and they're missing a little bit on once.

MR. HARRIS: So I've got this correct; these measures, these are not really intended to protect the fish at all. Right now we're trying to help protect the fishermen and not necessarily the fish?

MS. QUIGLEY: These particular actions are to protect the profitability of the fishermen and to decrease the derby fisheries. In my mind these are economic management measures, management measures for economic purposes.

MR. HARRIS: Okay, I just wanted to make sure because I didn't really see anything in here, because all the options and everything say no biological difference between them, which tells me that they're not fisheries' management; they're fishermen management measures.

MR. FEX: Yes, your comment, the assessment protects the fish. How we get to catch the fish is what the regulations are doing, so that's what they're trying to do, make more profit for the fishermen and extend the season. The fish are protected by the assessment. We're protecting them that way.

MR. DeMARIA: Why don't we let Kate get through this and then we can go back one at a time and discuss the whole thing.

MS. QUIGLEY: Okay, Action 5, establish golden tilefish fishing limits. The idea was that if you go ahead and provide endorsements to people, then do you really need these trip limits anymore. Alternative 1 is to retain the 300 pound gutted weight trip limit when 75 percent of the quota is taken. Preferred Alternative 2, remove the 300 pound gutted weight trip limit, so that basically you'd have a 4,000 pound trip limit year long for anyone, So that way longliners, they've got their own quota, they've got their own endorsements, they can do the 4,000 pound trip limit year long.

And then the hook and liners could a 4,000 pound trip limit although they typically don't take that much at all. Alternative 3, prohibit longline fishing after 75 percent of the quota is taken. This is a measure that was introduced – in you don't do an endorsement program, this could be done to protect hook and line fishermen.

Biological impacts expected; Alternative 2 impacts – that is removing of the 300 pound trip limit – are expected to be minimal. A 300 pound trip limit when 75 percent of the quota is met would shut down the longline sector although we're finding that it doesn't. It might reduce the potential annual catch. Economic; Alternative 2 benefits longliners. Alternative 3 benefits hook-and-line gear groups.

Okay, the last action for golden tilefish; Action 6, establish trip limits for commercial fishermen that do not receive an endorsement. The idea was that there are some fishermen who are out fishing for blueline tilefish and for other species and they are throwing back golden tilefish; and therefore should they receive some sort of bycatch allowance or a trip limit.

Alternative 2 is establish trip limits of 300 pounds for people who don't receive an endorsement. Alternative 3 is a trip limit of 400 pounds and Alternative 4 a trip limit of 500 pounds. Biological impacts; they would be similar between the alternatives. Different trip limits for a small amount of hook-and-line quota is likely to have little biological effect.

The idea is that this bycatch allowance will come out of the hook-and-line quota because most of these people are hook-and-line fishermen, so it will come out of the hook-and-line quota. Economic impacts; the alternatives would be positive for fishermen who do not qualify. But the problem is if all vessels not receiving endorsements that have caught tilefish in the past made even one trip using the 300 pound trip limit and brought in 300 pounds, an estimated 39,900 pounds of landings would result compared to the actual allocation to hook and liners of 27,000 pounds or 68,000 pounds depending upon the alternative.

When you split up the commercial golden tilefish quota, hook and liners receive 27,000 to 68,000 pounds upon the allocation that we have, the 10 to 25 percent. But, using this bycatch allowance, these people who didn't receive an endorsement would land close to 40,000 pounds, could. I mean, obviously, people are not going to bring in 300 pounds all the time, but we don't know what they will bring in.

This is an overestimate, but again we said one trip, if they make one trip; so even though people would probably use the trip limit maybe twice or three times and not in its entirety so we basically estimated that for the entire year people would bring in a bycatch of 300 pounds of people that are fishing currently. It seems like this might be a problem.

MR. CARDIN: Kate, this bycatch rule, this is assuming that 17B doesn't pass? If 17B is in place, what would you be out there fishing for in the first place?

MS. QUIGLEY: Yes, that remains to be seen; are people catching golden tilefish if you've got that deepwater closure. From looking at the data, it's not much being caught. The people that brought this up are people who are doing deepwater fishing right now, and they're fishing for blueline tilefish, we believe. Okay, that's the golden tilefish actions.

MR. ATTACK: I've got a question. You say back under Action 2 about at one time the golden tilefish were only harvested with hook and line. I'm just curious as to when that was and what kind of progress it was to hook and line versus – because they're taking the majority of the fish now, the hook and line.

MS. QUIGLEY: No, the longliners are taking the majority. The longliners are taking 90 –

MR. ATTACK: That's what I said; they're 90 percent now and they used to be zero.

MR. DeMARIA: Well, why don't we go back to Action 1 and discuss it. If you want to vote on an alternative or come up with one of your own, but we have to move through this pretty quickly.

MS. QUIGLEY: For hook and liners, we're looking at Preferred Subalternative 2A, 23 endorsements; and longliners we're looking at 17. Seventeen is pretty similar, like I said before,

to 2009 numbers; 23 is a bit lower than 2008 numbers of people who harvested one pound or more. Now, the requirement is you have to have harvested 500 pounds aggregated from 2001-2005.

MR. DeMARIA: Is there any discussion on this? You don't have to go with any of these alternatives; you can come up with of your own.

MR. CARDIN: Can we really come up with alternatives without this having to be taken out to public scoping again? We can't come up with new alternatives, can we?

MS. QUIGLEY: If you come up with a new alternative, if you suggest an alternative to the council and they think it's a good idea, it would need to go out to public scoping again. If you introduce a new action or a new alternative, the document would be delayed and we'd need to go out to public scoping again.

MR. CARDIN: So we might be better off to pick what we have a choice of here.

MR. DeMARIA: Whatever you want to do.

MS. DOUGHERTY: You said this went out to public hearing twice already. Were there particular options for Alternative 1 or some of these other alternatives that were at the top of people's list perhaps that either participated in hook-and-line golden tile fishermen or longline golden tile fishermen that there was a specific preference from those comments?

MS. QUIGLEY: Yes, in the first round of public hearings – the second round of public hearings, the comments ended November 12th. I haven't gone through the comments yet. The first round of public hearings, though, basically the fishermen that showed up was the entire golden tilefish longline – almost all the vessels owners; and then the hook and liners, we got quite a few hook and liners. In general the people were in favor of an endorsement program and in favor of what the LAP Exploratory Workgroup had come up with.

There are some people who started fishing in 2010 that we've heard from who geared up their boats in 2009 and fished in 2010 who are not going to receive endorsements, and they're obviously dissatisfied with this program. I have spoken to one, but we know that there is more than one.

MR. FEX: I'm not really in support of a hook-and-line endorsement because of that depth problem we already have with the deepwater closure. I mean, a 300 pound trip limit isn't really much to go that far off if that 17B don't go into effect. With a trip limit of 300 pounds for a hook-and-line fishery, I think that is substantial and stopping much effort there. I mean, like I say, going out there, it's deepwater to catch them fish, and I can't support it. I'll support a longline endorsement but not a hook-and-line endorsement. We're closing the door on everybody just because of this and that and that, but I don't think that's fair.

MR. COLE: Well, we need to move something and obviously Alternative 1 is not reality, so I'm going to try to move Alternative 2 and Preferred Subalternative 2F. I think that's what they're looking for.

MS. QUIGLEY: Do you have a preferred alternative for the hook and liners, because Alternative 2 basically just says an endorsement program. It's very general. It is a little confusing; so to be complete what you would want is a preferred hook and line eligibility; so 2A through 2E, one of those is what you would want, but you say we're in favor of an endorsement program, Alternative 2. That's an option.

MR. COLE: Let me try that; let me move Alternative 2 – help me with the language. Write it down and I'll move it.

MS. QUIGLEY: The motion could read AP recommends Action 1, which is the golden tilefish endorsement, Alternatives 2A and 2F. We could say 2, but I think it's implied. If you recommend 2A and 2F, it's implied Alternative 2.

MR. CARDIN: 2A and 2F are basically on the same thing. I think it's 2A and 2L.

MS. QUIGLEY: You're right, so AP recommends Action 1, Alternatives 2A and 2L. Those are the preferred alternatives of the LAP Exploratory Workgroup.

MR. CARDIN: He patted me on the back on his way out so that's the motion.

MR. DeBRANGO: I mean, I'm a little confused with this hook-and-line endorsement, too, and then we're talking about also, well, if you're just out there fishing for blue line tile, put the trip limit later on, also, so you can just catch them, so, really, what good is the hook-and-line endorsement?

I mean, if you ever hook-and-line tilefish, but you're not going out there – you're not going out there and killing the world; do you know what I mean? Without an endorsement, at least some guys down in the Keys or something can run out there and catching a couple of handfuls and guys down in – you know, as we cut other people out, I just think this endorsement – but the longline endorsement, like you said, is good, but a hook-and-line endorsement on going out and catching a few golden tile on the bandit, number one, you've got to mention them.

MS. QUIGLEY: There are hook and liners that target golden tilefish specifically for a period of time. Right, the trip limit that is referred to, the 300, 400 and 500 pound trip limits is for people who don't receive an endorsement because their landings aren't high enough. Just to clarify for people, that's all.

MR. DeBRANGO: Yes, so wouldn't this be like not really worth the paper it's written on.

MR. DeMARIA: Are we talking about basically giving a longline endorsement but just having a trip limit for bandit reels; is that what we're –

MS. QUIGLEY: What this amendment discusses is having an endorsement for longline and having an endorsement for hook and line; and then people who don't receive a hook-and-line endorsement or a longline endorsement can take 300, 400 or 500 pounds of golden tilefish. I think what I'm hearing is how does that make sense?

Yes, and this was introduced at the last minute because there were some people who came forward and said, "I don't want to have to throw away these golden tilefish and they die," and so that's why it was brought forward. The council can go ahead and get rid of that action. One thing I can say is we did not hear support for that action during public hearings.

MR. ATACK: It seems like it's a big bycatch, 300 pounds, 400 pounds, 500 pounds. The other thing is if you go with this 2A, you're looking at 23 endorsements. Depending on what we do about transferability, they all could turn into longline endorsements, especially how you do your endorsement transferability later on, which we haven't voted on yet; because you're looking at maybe giving out 23 here and you're giving out 17 there, you're talking about 40 endorsements for this fishery with the two options on the table – I mean, with the motion on the table, just so everybody realizes that.

MR. CARDIN: Well, we've got several different actions here and we keep getting bumped back and forth; and if we start at the beginning of the page, Action 1, and work our way ahead. When we get to Action 1 subalternatives, the council already has preferreds, the workgroup had preferreds – when we get to these transferability issues and stuff, that's what the council I believe wants some input on, and I think that might be the point that we'll deal with in transferability. But right now can we just deal with getting to that point? Kate, with motion or supporting the council's preferred and the LAP Workgroup's preferred; are we done with this section now?

MR. DeMARIA: Well, we have a motion on the table; have we been discussing it? Does anybody want to second it? I'm concerned if we go with this, it's going to eliminate everybody in the Keys. Is there anybody who wants to second this motion and vote on it?

MR. ATACK: I guess I'm concerned, too, because really this is – if you weren't in the fishery in 2005, you're really cutting everybody out that's gotten in it since then; I mean, just so everybody is aware of that.

MR. DeMARIA: Am I correct, nobody wants to second this motion?

MR. MARHEFKA: I thought it was Bill's motion and Bobby seconded; is that correct?

MR. DeMARIA: Well, we're discussing it nobody – do you want to second it? Okay.

MS. QUIGLEY: Okay, so there is a problem with the presentation. In the actual writing out, I think you're looking at 2A and the preferred alternative of the longline, which is 2F, but then when we go down to the table, which was done for a previous amendment that had more alternatives, it says L. If we say F, I will know what that means. I can clarify in the motion and

saying 2A, hook and line; and 2F, longline. 2F is the preferred longline of 2005-2008, 2,000 pound requirement.

MS. FETHERSTON: While we're waiting, I was just going to express some concern with the qualifying years. I would typically abstain on allocation issues but I have been instructed by my chairman not to do that as much as the last time. I will vote on this but I have some concerns that the narrow scope of the qualifying year period is really limiting. My experience in these kinds of decisions in the Gulf, they try to base it on the longest possible time period, to be as inclusive of people who participated in various years, especially if you can use your best two of any three-year what have you.

MS. QUIGLEY: Right, so for hook and line there is Subalternative 2D and 2E, which use 1999-2008, but for longline you don't have that. You simply have 2005-2008. The purpose of the longliners was let's get everybody in that's currently fishing; and the hook and liners, what they wanted was to restore historical participation because they had not been able to fish in recent years.

MR. DeMARIA: If there is not anymore discussion, why don't we go ahead and vote on this one and then we can move on to another alternative on this? Is that okay with everybody? **&&All those in favor of the motion raise their hand; all those opposed; and those that abstain.** Is there anyone that wants to pick another alternative discuss that and make another motion?

MR. FEX: Yes, I make a motion that we choose the longline endorsement which Bobby had referred to as a preferred, but I would not prefer any hook-and-line endorsement. I'd rather leave it as a 300 pound trip limit.

MR. DeMARIA: Does anyone want to second that? So you want an endorsement for longliners and like a trip limit for hook and liners. Any discussion on that? Let's go ahead and vote on it. Everyone in favor; those opposed; those abstaining. Well, that one passes, so we need to move on to Action 2 now.

MS. QUIGLEY: Recall Action 2 is allocation between gear groups, which even if you have longline endorsement you can still have an allocation between the different gear groups.

MR. FEX: You made a comment earlier that longliners were still using the 300 pound trip limit; is that after the certain percentage is caught and then they still go out there and longline and then they can keep the 300 pound per trip?

MS. QUIGLEY: Some are fishing the 300 pound trip limit after 75 percent of the quota has been taken.

MR. FEX: All right, so then they're out catching rose perch and –

MR. CARDIN: I've seen guys not take a crew, just take their wife. I mean, it was pretty funny watching women that I know sitting out there and getting the tilefish and stuff. But, some guys, just the captains took advantage of it, not crews.

MR. DeMARIA: We need to move along; does anybody want to pick one of these alternatives that you prefer; make a motion or one of your own.

MR. CARDIN: What would the historical levels be, Kate?

MS. QUIGLEY: Well, it depends what years you use.

MR. CARDIN: Let's say from the inception of the grouper snapper permit in '91 until the 13C of 2007.

MS. QUIGLEY: I don't know; I'd have to run it.

MR. CARDIN: Well, the historical is pretty close to 90 percent; is that correct?

MS. QUIGLEY: Recent history is 90 percent longline and 10 percent hook and line; with a high of 12 percent for hook and line and a low of 8 percent for hook and line. That's recent history. That's the 1990s through now.

MR. GOULD: I think with the 240-foot limit there on the hook and liners, Alternative 4 would be the way to go because they're not even going to catch 10 percent of the tilefish; no way. They're having to go inshore, so might as well let the other guys have the bulk of it and just a 10 percent reserve for the hook and liners. I think that would be more than sufficient for them/

MR. DeMARIA: Is that a motion?

MR. GOULD: That's a motion.

MALE VOICE: I'll second that.

MR. DeMARIA: Is there anymore discussion or can we just go and vote on it? **All those in favor of Alternative 4; all those opposed; abstaining. Okay, so that passes.**

MR. DeBRANGO: What about adding in a little thing to that about when it hits 90 percent, no more longlining, gear restriction? It goes straight to the hook and line. That's already a different action?

MS. QUIGLEY: That's Action 5, I think, so we'll get there. We've got Action 3, which is allow for transferability of endorsements. As Jim pointed out, there is Alternative 6 which would allow for transferability between hook and line and longline, which could be a problem because then you could up with 47 longliners, but, of course, we only have a longline endorsement is what you're choosing; but if you really don't like this alternative, we can state that.

MS. FETHERSTON: I don't personally think that having an alternative allows for like sort of increased effort of longline gear in the region. I don't think that's a good idea.

MR. DeMARIA: Is there anymore discussion or does someone want to pick one of these alternatives; make a motion?

MR. MARHEFKA: I'm just looking at Alternative 2 here and trying to see how clean that could be, you know, where you're not increasing any effort in either the hook and line or the longline, but it's just basically – it's a transfer of somebody who wants to – may get out of the industry or want to go and just – is that how I'm reading that on Alternative 2?

MS. QUIGLEY: Yes, it says basically participants in the snapper grouper fishery only; they can be transferred. The only thing it does is limited snapper grouper permits are non-transferable. It makes the golden tilefish endorsement transferable for limited but there are no longline people limited permits, so, yes, it's just longliners would be able to transfer. There would be no increase in participation.

MR. DeMARIA: So could a hook-and-line fisherman transfer his endorsement to someone that wants to longline?

MS. QUIGLEY: No.

MR. CARDIN: You can transfer between user groups or between users? No, we don't need a hook-and-line permit being transferred and call it the longlines, but, yes, the hook and liners can transfer it between hook and liners. It's not changing the gear type; it's just letting you transfer it.

MS. QUIGLEY: Yes, Alternative 2 allows longliners to be able to transfer a longline endorsement to anyone and hook and liners to be able to transfer an endorsement to anyone who holds a valid snapper grouper permit, but you cannot change that longline endorsement to a hook-and-line endorsement and you can't change that hook-and-line endorsement to a longline endorsement. However, under Alternative 6 you can because it says regardless of gear endorsement category. It's not entirely clear in Alternative 2, but, yes, Alternative 2 does not allow you to change gear endorsement category. No, it does not say that, but that's the intent.

MR. FEX: I would like to make a motion that allow the longline endorsement be transferred, and I don't support a hook-and-line endorsement.

MR. CARDIN: Well, if it goes this far, if they go with endorsements, now we're choosing what we would like if it was that way.

MR. DeMARIA: Well, we've got a motion; does anybody second that and then we can discuss it.

MR. FEX: I recommend that longline endorsements be transferable. But it keeps talking about hook-and-line endorsement in those alternatives. I don't support a hook-and-line endorsement.

MR. FEX: I'm just talking about the longline endorsement. Okay, I wasn't reading it correctly, then.

MR. JOHNSON: The difference is one unlimited and one isn't.

MR. DeMARIA: Well, let's see if somebody wants to second this first and then we can discuss it. Does someone want to second it just for discussion purposes? Okay, so let's go ahead and discuss it.

MS. QUIGLEY: Okay, so it sounds like what you saying is Alternative 3, longline golden tilefish endorsements only can be transferred between any two individuals or entities that hold valid commercial unlimited snapper grouper permits. Now, there are no longliners who hold limited snapper grouper permits, so this covers everybody. I think that's your intent and I'm seeing head nodding. Okay, so Alternative 3 is what we're looking at, recommendation of Alternative 3 as preferred.

MR. GOULD: Are we going to include in the motion there the four options there that is right behind that, the Option 1, 2, 3 and 4? I think that should be part of the motion as we go along here.

MR. FEX: I understand but we have them up there. The alternatives were there and I just went with one of them. These others are another alternative.

MR. GOULD: No, this is the options for three right here that goes with it.

MS. QUIGLEY: Right, so these options that we go under each of the alternatives. It's very confusing. If you have a preference for Option 1, 2, 3 or 4, that goes long with these alternatives. We haven't heard support for Options 2, 3 and 4 in public hearings because people want to be able to have that flexibility right away. If you have a preference, that's fine; if you don't, that's fine. You don't need to add.

MR. DeMARIA: And I thought the Health Care Bill was confusing.

MR. GOULD: Well, my main concern is say somebody gets the endorsement, the boat goes down, they can't fish, they get sick during the season and they can't fish; with the options here, Option 2, 2 years of the program not allowed; 3 years, 5 years. If they can transfer it from the get-go, if something goes wrong with them, the resource can still be utilized and they still can make some money out of their endorsement there. That is what I was thinking it was more of an economic thing for the fishermen than anything else.

MR. ATACK: It probably won't happen until probably 2012 or something, anyway, so if you put a two year on that, you know, if it starts in 2012, talking 2014 before they can even do anything with their endorsement. I would agree with Option 1.

MR. FEX: Yes, you could put Option 1 as preferred along with that.

MR. DeMARIA: Is everybody comfortable with that; can we go ahead and vote on it? Go ahead.

MR. CARDIN: Kate, what happens if an individual wants to transfer his grouper permit to his son or daughter or brother or sister, now that's a one-for-one transfer for the grouper permit; How would the language of between any two valid permits work here?

MS. QUIGLEY: Right, I think you've brought that up before and I brought it up to the IPT and I brought it up to Monica, and we're going to work something out that is typically taken up in the regulations, but that is something that the council has yet to discuss or speak in detail about. I think the intention is to make it transferable among family members.

MR. CARDIN: Didn't any council member put it on record that it was intended to be allowed to be transferred between the families?

MS. QUIGLEY: Not yet, so I suggest you talk with your council members or you can make a motion after this one.

MR. DeMARIA: Why don't we go ahead and vote on this one?

MS. QUIGLEY: So the motion reads the AP recommends that the longline endorsement be transferable as preferred. That's Alternative 3, Option 1.

MR. DeMARIA: **All those in favor. That was unanimous.**

MS. QUIGLEY: Okay, Action 4, we have adjust golden tilefish fishing year. Again, this was to resolve problems if you don't have the endorsement program. The preferred alternative is a start date of August 1st. Is there any preference one way or the other?

MR. CARDIN: I think this year the tilefish industry learned a lesson, and with Amendment 16 and all the other closures, you talk to the market and fishermen it was the most stable tilefish prices ever seen in anyone's remembered history. All our dealers want to leave it as status quo, a January opening. Most of the fishermen want a January opening.

Over 70 percent of the quota is caught in one state and that state of Florida likes January. I've only been able to talk to one person in South Carolina that tile fishes, and he said with the correct gag quota, with Amendment 16, even he likes the January opening. **I would urge that we ask for status quo on the season of January be implemented.**

MR. DeMARIA: **Is that a motion?**

MR. CARDIN: **Right.**

MR. DeMARIA: **Does anyone want to second it? Discussion? Okay, let's vote. All those in favor; is there anyone opposed. That was unanimous, also.**

MS. QUIGLEY: Okay, Action 5, establish golden tilefish fishing limits. Alternative 1, retain the 4,000 pounds. When 75 percent of the quota is met, it goes down to 300 pounds. Preferred Alternative 2, remove the 300 pounds, so you just have a 4,000 pound trip limit year-long. And

Alternative 3, prohibit longline fishing after 75 percent of the quota is taken. Now, you've already voted on an allocation of 90 percent and 10 percent, so Alternative 3 doesn't really fit here. This doesn't really jive with what you've previously done; so unless there are any comments, I'm going to move on to Action 6. Action 6 that we have is trip limit for fishermen who do not receive an endorsement. What we've heard previously is that it didn't seem to make sense to some members of the AP.

MR. ATACK: If we don't do anything, what happens as the fishery goes along and 90 percent goes to longline plus the annual catch limit is made by the longline, then what happens; does the whole fishery shut down?

MS. QUIGLEY: If 90 percent goes to longline and 10 percent goes to hook and line, if this is put into place, these trip limits will come out of the 10 percent hook-and-line allocation, so the ACL would be met once the entire commercial quota is taken. It would not all be taken by the longliners because then you have that 10 percent that would be taken by the hook and liners.

MR. ATACK: So you're going to shut it down to two different gear types, then?

MS. QUIGLEY: Yes, this doesn't talk about when it shuts down. What the accountability measure is, I'd have to take a look at 17B to see what the accountability measure was. I can't remember at this point in time, but, yes, it would shut down when that commercial quota is met. Theoretically because longliners are only taking 90 percent, it would not shut down until the hook and liners met their amount.

Right now we don't have enforcement rules or accountability measures in place to shut down the longline fishery other than I assume that NMFS would alert longliners when 90 percent had been taken, and they would be told that you cannot catch golden tilefish with a longline endorsement; so anyone who caught any in their longline endorsement after that time would have to have a hook-and-line endorsement, I'm assuming, but this hasn't been specified.

MR. ATACK: This is an eight-week fishery and you're going to track the total catch so that when 90 percent or whatever is caught, you shut longline or are you tracking them separately?

MS. QUIGLEY: I guess it would have to be tracked separately; I got you now. I guess it would have to be tracked separately. It is not specified here. I mean that's usually an accountability measure, but it's not specified.

MR. FEX: I would like to make a motion that Alternative 1 be the preferred.

MR. DeMARIA: Is there a second on that?

MALE VOICE: I'll second it.

MR. DeMARIA: Okay, it's open for discussion.

MS. FETHERSTON: I don't know that I have a particular preference on this, but I will say if you have some kind of endorsement, maybe a longline or a hook-and-line endorsement to land golden tilefish, some kind of allowance trip limit for bycatch, because it's a deepwater fish, seems like a good idea. It just seems like something that we should consider if you're prohibited from landing golden tilefish unless you have some kind of endorsement. There are other people out interacting with them; and if the discard mortality is really high, it might be useful to have some – 300 might be a lot for a bycatch allowance, but just something to consider.

MR. GOULD: But you have to remember this fishery is over 240 feet. There is going to be very, very little. If I'm following correctly what you're saying, it's going to be very, very little tilefish. The wreckfish are a lot deeper. Hook and line can't fish over 240 feet anymore, so it's sort of a moot point that we're looking at here.

MR. DeBRANGO: They going to be allowed to tilefish and wreckfish. Yes, because I did bring that up in – I don't remember where it was, Jekyll Island or something, because my concerns were in the passage of 17B it would exclude anybody from deep-dropping wreckfish or golden tile, and they said that it would not affect that. That was what the council had told me.

MS. QUIGLEY: Right, once the deepwater closure –

MR. GOULD: I stand corrected. I'm sorry.

MS. QUIGLEY: Right, once the deepwater closure goes into affect, you can still go out for golden tilefish.

MALE VOICE: Right, and being able to go out for the golden tiles, my understanding as a though process is that if you're going out there simply for the golden tile, that's a long way to go just to fish for golden tile because there is nothing else you can fish while you're out there if that 240 and beyond goes into effect.

MALE VOICE: So are they going to be able to sell golden tilefish without an endorsement if they catch them?

MS. QUIGLEY: If you have an endorsement program go into place, they won't unless you have this bycatch allowance; but if you don't have the bycatch allowance, then, no, I guess you won't. Yes, I think the bag limit is one.

MALE VOICE: So, really, you're looking at if you do Alternative 1 there is no hook-and-line sales because the endorsements we're talking about are just longline, so you're going to give all the fish to the longline if you don't have some type of a thing here, right.

MS. QUIGLEY: Not necessarily. I see what you're saying, right, people who don't receive an endorsement would have a trip limit; and if you say Alternative 1, then all of a sudden hook and liners can no longer fish. That wasn't I don't think the intention of the council. Yes, so right now there is, of course, the trip limit in, though, 4,000 pounds and down to 300 pounds.

So I think what might be best is if you make a motion that outlines your intent without specifying an alternative, or you could say an alternative and below it I can explain what the intent is. We still want to have a hook-and-line fishery and have a trip limit for the hook-and-line fishery. Even though we don't recommend an endorsement for the hook-and-line fishery; however, we don't think that it should be a bycatch allowance. I don't know; I think we can clarify what your intent is.

MR. DeMARIA: Why don't we go ahead and vote on this; and even if we vote it down, you can go back and make another motion.

MR. FEX: Yes, I've sat here and read this. I thought the no action was our status quo, a 300 pound trip limit. That is what I was thinking and I'm reading it and I think that isn't right. I want a 300 pound trip limit for the hook-and-line fishery. I want it kept status quo, but the endorsement I'm still again not for it. I think I made a mistake by making that motion, I believe. I would actually like to hear Mark's opinion on it because he is actually a hook-and-line fisherman of golden tile and I am not, so I apologize on that motion.

MR. MARHEFKA: Well, I thought earlier that we voted that we didn't want to have an endorsement, so reading over that saying for the vertical hook-and-line fishermen; so if we just left it at the 300 pounds the way it was until the fishery shut down on the last 10 percent, and just let it stick. I mean, once again you're going to have to have all intentions that you're going out there to go catch, and I would just leave it the way it's set up.

MR. DeMARIA: Well, Ken, why don't you withdraw your motion –

MR. FEX: Yes, that's what I –

MR. DeMARIA: – and then either you or Mark make another one and going from there.

MR. FEX: Yes.

MR. DeMARIA: Do you want to make a motion?

MR. MARHEFKA: So wouldn't Alternative 2 go and handle what we're trying to go and handle? Yes, so let's just make a motion that Alternative 2 as preferred.

MR. DeMARIA: Does someone want to second that? If there is no discussion, let's vote on it. **All those in favor; is there anyone opposed; no abstaining.**

MS. QUIGLEY: Okay, I want to get clarification and I just want to get it on the record. What I'm hearing is that you would like to have a longline endorsement, no hook-and-line endorsement, and maintenance of the 300 pound trip limit for hook and liners. I'm seeing nodding heads. Can someone just turn on their mike and say, yes.

MALE VOICE: Yes.

MR. DeBRANGO: Yes, because always remember with this fishery in the deep water, you're at a hundred percent discard mortality; so a bunch of people fish – it's not nice to sit there and watch a bunch of bellies floating off.

MR. DeMARIA: Why don't take a break and be back at 10:15 or so.

MS. QUIGLEY: I've got a conference call at eleven o'clock. I didn't think going through this would take this long. It's kind of important that I'm on that conference call, so what I'd like to do is if I can just go through the actions real quickly with you and then we'll go back – I'm going to go through the data improvement actions as well.

I'm going to go through all the rest of the actions; and if you have a quick question, please raise your hand. If you don't, just let me get through it and then we can go ahead and make motions, and then at 11:00 I need to go and to maybe – if you still have motions to make, then Myra could take over, but I think we're going to try to stick to what is actually here, responding to what is actually here, and then talking about what you would like to see. That's kind of the approach I'm taking.

Okay, I'm going to start right now; Action 7, limit participation in the black sea bass pot fishery. This basically limits participants in the same way – in a very similar way that the golden tilefish that the golden tilefish endorsement program does, but it's not called an endorsement and it's not transferable.

We've got Preferred Alternative 2, limit tag distributions, so that's a way of limiting participants; limit pot tag distribution to black sea bass pot fishermen with valid commercial snapper grouper permits that landed at least one pound of black sea bass caught with pot gear between 12/08/98 and the control date of 12/04/08, so basically from the beginning of limited entry to the control date.

The rest of the alternatives are variations on that; so Alternative 2A you've got 500 pounds; so instead of one pound, you've got 500 pounds; Alternative 2B, 1,000 pounds; 2C, 2,000 pounds; 2D, 5,000 pounds; 2E, 10,000 pounds. Then you've got Alternative 3 which uses different dates. It's 12/08/98 to the control date 10/14/05. Again, you've got one pound, 500, 1,000, 2,000, 5,000 and 10,000 pounds.

Then you've got Alternative 4 which uses from 1998 to 2009, so it tries to bring the most recent data forward. Again, you've got 1, 500, 1,000, 2,000, 5,000 and 10,000 pounds. Right now we don't have analysis of the 2009 data because it's not yet finalized. We will have that available for the council meeting.

Then we have subalternatives under each of the alternatives. Basically, if you're going to use one pound or 500 pounds or 1,000 pounds, how are you going to add it together over those numbers of years? Is it going to be an average; is it going to be an aggregate; or is it going to minimum poundage based on landings in one year?

Subalternative 1 says it's an average over that span of years, so an average of one pound over that span of years. Subalternative 2 is adding an aggregate, adding them all up. You've got to have one pound if you add it all up or 500 pounds or whatever. The alternative is landings in one year; you've got to have one pound in one year or 500 pounds in one year in order to qualify.

These are the qualifying criteria. Summary of impacts; biological, they would be similar; economic we can't complete with the 2009 data. It's hard to say. A smaller number of vessels could increase average vessel profitability. A larger number of vessels could decrease average vessel profitability but allow for greater participation on the individual and community levels. It's a good thing for people who get in, basically.

We're looking at here are the number of people that would be allowed in under Alternative 2. You've got a range from about 107 people on the high end to 12 people on the low end, so all different numbers here. Now, last year 59 people participated in – sorry, not last year; in 2008 59 people participated in the black sea bass pot fishery, so the numbers that kind of come close to that are Alternatives 2B and 2C under average – no, sorry, 2A and 2B under the average; or if you look in the aggregate column, you're looking at Alternatives 2D and 2D, but, anyway, 59 people.

Now, that's a higher number than previous years, so 59 is the highest number that we've seen participating in the black sea bass pot fishery for a while. Then Alternative 3, you've got a whole set of other numbers. These are all in your summary packet, these tables. So, first you've got who participates and now Action we've limiting effort in the black sea bass pot fishery.

Some people carry 10 traps; others 25; some people 50; and then are a couple of people who carry a hundred or a little bit over 100 that they actually fish. Alternative 2, require that each black sea bass pot in the water or at sea on a vessel in the South Atlantic EEZ have an attached valid identification tag issued by the NOAA Fisheries Service – well, they already have that.

Limit the black sea bass pot tags to 100 per vessel annually, and it just says NOAA Fisheries Service will issue new identification tags each year that will replace the tags from the previous fishing year. Preferred Alternative 3 states 50 traps per vessel annually. Alternative 4 is 25; Alternative 5 is 100 per vessel in 2012, 50 in 2013 and 25 in 2014, and there it would stay at 25 until changed by the council.

Alternative 6, limit black sea bass pot tags to 100 per vessel in 2010, to 50 in 2013, and there it would stay until it was changed by the council. Then we've Alternative 7 and 8, they're a little bit different. They talk about annually issuing tags to individuals based on a 10 percent reduction in the number of tags issued as of a particular date, so they're talking about across-the-board 10 percent reduction; Alternative 8, across-the-board 25 percent reduction.

The analysis, how it was done was – I'm trying to remember. I think they looked at 2008 to see how many tags had been issued and then taking that number of tags and reducing it by 10 percent per year per individual into perpetuity, until changed by the council – I'm sorry, a one-time 10 percent reduction, a one-time 25 percent reduction. If someone had 100 tags issued in 2008, they would go down to 90 and there it would stay.

Summary of impacts; biological, benefits are higher with the alternatives that give a smaller number of traps in the water; however, limiting the number of traps per person will not necessarily limit the overall number of traps being fished unless the number of participants are capped as well, so Action 7 and Action 8 go together.

Economic, in general short-term economic benefits increase with a larger number of traps allowed per vessel; however, the total number of traps in the fishery influences the catch-per-unit effort, so ultimately the economic impacts will depend upon how much is caught in the end, how much each individual can catch in the end and aggregate as well. Action 9, reduce bycatch in the black sea bass pot fishery, so there is concern that some people have quite a few traps or even not that many, leave them in the water too long and then ghost fishing is occurring.

Preferred Alternative 2, black sea bass pots must be brought back to shore at the conclusion of each trip. Some trips are day traps; others are two- to three-day trips. Alternative 3, allow fishermen to leave pots in the water for no more than 72 hours. Enforcement has told us that Alternative 3 would be very difficult to enforce, but that Preferred Alternative 2 is doable.

Biological impacts; Alternative 1 would continue the risks of ghost fishing. Preferred Alternative 2, pots would be in the water for the least amount of time and would have the least amount of risk for ghost fishing or entanglement with protected species. Economic impacts; given that it protects the biological resource, there would be long-term economic benefits as well.

Okay, then we've got commercial data reporting; just two actions; one for commercial data reporting, the other one for for-hire. Right now there is a delay in the information that we receive for trip tickets and for logbooks, so this looks to improve some of that. Alternative 2, require all vessels with a federal snapper grouper commercial permit to have an electronic logbook tied to the vessel's GPS on board the vessel.

There is no word yet on who would pay for those electronic logbooks. Preferred Alternative 3, provide the option for fishermen to submit their logbook entries electronically via an electronic version of the logbook made available on line, so basically NMFS' webpage would have an electronic logbook paper, and you could fill it out and send it in electronically.

Alternative 4, require that commercial landings and catch/effort data be submitted in accordance with ACCSP standards using the SAFIS system. Dealers and harvesters would be required – everyone would be required to go to a particular website or use particular software, which is free, and to type in their landings and effort data and submit that either on a weekly or monthly basis. The council has not yet spoken on what they prefer.

The drawback to this is for people who don't have access to a computer would have to get access to a computer, and we're estimating that would be about \$500, but then you've got to be able to link up online; so is that problem or isn't it? We asked people during public hearing to comment on that. Apparently it is a little bit of a problem in North Carolina because some people just don't use computers. It's not that they don't have access; it's just they don't use computers.

MS. FETHERSTON: In Alternative 4, do all the dealers report electronically into the SAFIS system in the South Atlantic currently? I'm pretty sure the answer is no, and the Gulf Council just recommended or mandated, however you want to phrase that, that all of their dealers report electronically using the SAFIS system.

It makes sense to me to break out Alternative 4 and do perhaps a couple of different things, because you could more easily move to dealers reporting electronically using the SAFIS system. And then some of these other ACCSP standards are going to be more expensive and they would be harder to do, and so to my mind you could – I don't think you can support Alternative 4 not knowing what that requirement under the ACCSP stuff is, but that electronic mandatory reporting under SAFIS is an excellent first step in my humble opinion.

MS QUIGLEY: All right, so one option is to – right now this refers to harvesters reporting and dealers reporting and making that mandatory, but in the Mid-Atlantic and in the northeast it's simply mandatory dealer reporting. It's not mandatory harvester reporting through SAFIS.

MR. ATACK: So on the reporting; I mean if all the dealers report their landings, then why the fishermen have to – wouldn't it be like double reporting? I mean aren't all –

MS. QUIGLEY: Effort information.

MR. ATACK: – the fish that are sold; I mean, it's like double paperwork, right?

MS. QUIGLEY: Well, effort information would be recorded by fishermen; whereas effort information would not typically be reported by dealers.

MR. ATACK: On the North Carolina trip reports, you've crew numbers, da de da de da, so I think the effort is on that same report.

MR. COLE: The ACCSP standard reads "or equivalent". In North Carolina – and this is where this is going to create the most discussion – uses a trip ticket reporting system, and that has been determined to be equivalent. Okay, the Mid-Atlantic has been using it as an equivalent system. I have to agree with Libby that it might pay to break this, but I think the word "or equivalent", 'SAFIS or equivalent – the point is get the harvest information. You can't manage without it. However you get it is fine, but you've got to start getting it, and there are some places we're not getting it. I think the word "or equivalent" is appropriate.

MS. FETHERSTON: And, Jim, I'll just say one other thing. In looking at Alternative 2 that talks about electronic logbooks tied to the GPS, that is going to give sort of spatial data on where things are caught or whatever; but if it's mandatory, you could also have that be discard logbook and get a whole bunch of at-sea information that we currently don't collect regularly. The dealer report gives you some specific stuff outside of North Carolina. Like Bill said, there are some gaps in the system.

MR. DeMARIA: Why don't we move on and let her finish and we'll come back and discuss all these and vote on them.

MS. QUIGLEY: One thing I will say – I'll go on in just a minute, but one thing I'll say is that details regarding Alternative 2 and Alternative 4 are not in the document. There is not a lot – I mean there is as much detail as we could put, but there is not a lot of detail, but we believe we have the cost information. How much it will cost fishermen we do have in there, but there is not specific details on whether the council wants it weekly or monthly and is it only harvesters, is it only dealers; so if you have a preference we can go ahead and write that out.

Let me go through the next action and then we'll be done and we can go back to some of this. Biologically, obviously, there is going to be benefits from Alternative 2, 3 and 4, with Alternative 2 probably providing the most data, Alternatives 2 and 4. Economic, it just talks about the costs that I referred to. Action 11, improvements to for-hire data reporting; Alternative 2, require selected vessels – so that means non-mandatory; it would be a percentage each year – require selected vessels with a federal for-hire permit to report electronically.

Alternative 3, require vessels operating with a for-hire permit to maintain a logbook for discard characteristics if selected. Alternative 4, require the for-hire landing and catch-effort data be submitted in accordance with the ACCSP standards using the SAFIS system.

And, again, there is going to be biological benefits. There is going to be possibly some economic costs, but we don't think that it's going to be very much for these particular alternatives. Now what we can do is go back to the first action, Action 7 for black sea bass, and just get any preferences or questions.

MR. DeMARIA: I just want to remind you that the council does have a preferred alternative on this one, and that's 2. If you want to discuss and anyone wants to make a motion, but we've got to keep moving on.

MR. ATTACK: How much do the electronic logbooks tied to the GPS cost?

MS. QUIGLEY: There is a pilot program going on right now with electronic logbooks, and I'd have to look into the document to see how much that is, but the money was given through a grant so the fishermen did not pay for the electronic logbooks. If anyone else knows the number off the top of their head, otherwise I can look through the document and find out.

MR. DeMARIA: We're on Action 7 now so let's resolve this one and then move on to the logbook.

MR. JOHNSON: The only discussion I would have about Action 7 is the preferred alternative – again, I'm concerned about my fellow Florida fishermen that are facing 17A. I mean, I qualify under this, but a lot of people that maybe would want to get into the sea bass fishery wouldn't be able to do it. We've got to leave them some way to make a living. Just a thought.

MR. FEX: I'm just making a comment under Alternative 12, the preferred, but that leaves 107 participants, and right at the present time you have an average of 59 participants, so you're almost doubling your participants in the fishery. I couldn't support that. I mean, a one-pound average is minute. I would have to go with something a little bit higher than that; because

you've got an average of 59 vessels at the present time, you're just going to expand the fishery. You're really not limiting any other access into it.

MR. DeMARIA: Do you want to make a motion for one of these alternatives or one of your own, somebody?

MR. ATACK: Well, I guess on the alternatives is really the control dates, right, is the big difference between 2 and 3 and 4, so really what period of time do we want to look at, and then we can determine I guess what kind of participation during that time period is probably the way to look at it, right. I mean, what do you guys think is fair as to what period of time do we want to be looking at?

MS. QUIGLEY: Right, so the options you have is under Alternative 2, it's 1998-2008. Under Alternative 3 it's 1998-2005; and then under Alternative 4, I think it was 1998-2009, and , of course, we don't have those numbers for you to take a look at yet. They're still being figured out. And, of course, there is a control date for 2005; there is a control date for 2008; there is no control date for 2009.

MR. GOULD: I think Alternative 2A up at the 500 pounds, that would give somebody that was halfway serious about doing it in the period a chance at it. People that wasn't serious, they could come out, well, we caught one pound there and we're entitled to this. The more people you get in it, the less there is going to be.

Everybody knows that, the quicker the TAC is going to be met. **I think Alternative 2A would be a good equalizer more or less there between being fair to the people down south, and the people there that don't really need to get in it, they might want to get to get an endorsement just to have it to sell it later on. If they can show 500 pounds, let them get the tag distribution thing here. I really think 2A would be the way to go on this one.**

MR. DeMARIA: So that's a motion?

MR. GOULD: You can consider it, yes.

MR. DeMARIA: Does anyone want to second it?

MALE VOICE: Second.

MR. JOHNSON: You have people like myself, Terrell, my permit – I send everything in to get my bass tags, but I couldn't use them until my permit expired the 31st of October, so I had basically a month to qualify under 2008. Again, I'm in Florida and being affected by this more than anybody else in this room. There are other people just like me that aren't here to be represented, so I'm trying to represent them. 17A is going to put us all out of business, and black sea bass was one thing we were hoping we would be able to do.

MR. GOULD: Okay, well, let's do this; can the control date be moved up to cover the people down there in Florida that has done this. That would be an alternative to the motion to move the control date up to say September 2020.

MR. DeMARIA: Wait, we've got a motion already and maybe we should vote on that or you can withdraw it and redo.

MR. GOULD: **Well, after listening to him, let's withdraw it and discuss this another moment.** Now you've got 20 minutes until your conference call, by the way.

MS. FETHERSTON: Just a quick question; somebody from Florida could purchase an endorsement if it's set at something and enter the fishery?

MS. QUIGLEY: No, actually this is not an endorsement, per se, so there is nothing that's transferable. These people are being allowed to fish, but there is no transferability of that right. Regarding including the people from Florida, there are some people who entered the fishery in 2010; and typically when you do an endorsement-type program, it is involved with data. We don't have logbook data for 2010 yet, so the only way to include those people is to delay the amendment until we have that data. However, some black sea bass fishermen in Florida are being included.

MR. JOHNSON: Alternative 4A would be my preferred.

MS. QUIGLEY: So 4A is 500 pounds, 12-31-2009, and we expect to have that data in December.

MR. DeMARIA: Is that a motion?

MR. JOHNSON: Yes, that's motion.

MR. DeMARIA: Does anyone want to second it?

MALE VOICE: Second.

MR. ATACK: A question on that; is that an aggregate 500 pounds; is that an average 500 pounds per year; is that 500 pounds in one year?

MS. QUIGLEY: We don't have the data yet, but, yes, there are options of average, which will give a lower number than aggregate or total in one year. The question is 500 pounds average over that time period or 500 pounds aggregate or 500 pounds total in one year, so you're going to get a pretty high number for – a higher number than 107, I believe – or, no, that was for one pound, so you're going to get a higher number than you would under average.

MR. DeMARIA: Let's take a couple more questions and then we're going to vote on it. Does anyone else want to discuss it anymore?

MR. CARDIN: I guess, Kate, so with Alternative 4A that means if you caught 500 pounds of sea bass in 1950 or just any time in history that you could them with a pot fish?

MS. QUIGLEY: No, it doesn't say that. It doesn't say when it would start by, but we're thinking 12/1998, because that's the data that we have available to us, so it's 12/1998 to the 2009 date.

MR. CARDIN: Yes, but, I mean, with this motion, there is no beginning period with this?

MS. QUIGLEY: I understand the way it's written it doesn't specify the beginning period, but it was implied that it would 1998 since that's the beginning of the data that we have, and that's in line with the other alternatives.

MR. ATTACK: So you're looking at least at 94 participants, then, the way the motion is written because the '08 numbers is 94 and you're throwing another year on to that, so you're going to at least 94 participants if you keep it at 500 pounds.

MS. QUIGLEY: Yes, that's right.

MR. ATTACK: The only way to then reduce it would be to go to a thousand pounds, and then you're looking at 86 or 270. That's the numbers you're looking at.

MS. QUIGLEY: Yes, I would agree.

MALE VOICE: Or the next one for 2,000 pounds.

MS. FETHERSTON: And I think without the specific analysis about how many boats or whatever, it will be a little bit tricky to pick which one of the subalternatives that seems to fit our pleasure, but it seems to me that what Robert is trying to get at is that this more inclusive timeframe is what he is recommending we adopt and maybe not specifically – we don't have any numbers to really base the subalternatives on, and so it might be helpful just to vote on the timeframe, if that's what we choose to do.

MR. DeMARIA: Why don't we go ahead and vote on this. **Everyone in favor; all those opposed; and those abstaining. The motion passes.**

MS. DOUGHERTY: So what I heard you say, Kate, is that now we have – I don't want to put another motion on the table, because I abstained from this – that we have a system to limit participation in the black sea bass pot fishery without a system to allow new entrants via transferability. For those folks that put that on the table, it does seem like there may be want to some consideration of some mechanism for transferring those pots.

MS. QUIGLEY: That's correct; you heard me correctly, there is some thought that perhaps in a later amendment – there have been some discussions that perhaps – but not on the council floor; just kind of behind the scenes that perhaps in a later amendment we could insert some transferability and make this an actual endorsement.

MR. CARDIN: So this is not attached to a permit?

MS. QUIGLEY: That is not clear, but I think that NMFS would take care of it and they would attach it to the permit just as the golden tilefish one –

MR. CARDIN: So then the new entrants would be buying a permit with black sea bass capabilities. That would be a new way for new entrants.

MS. QUIGLEY: Yes, but it wouldn't be separable from – well, it's yet to be determined. That's yet to be determined. If you have a preference for transferable, then you can make a motion to make that clear that in some way that this should be transferable.

MR. FEX: I think at the present time your tags are attached to your federal permit. I think so; I think it would actually have to be transferred. I wouldn't support any motion that you give black sea bass endorsements or whatever and then I can sell it to him, and he has got a snapper grouper permit, and I've still got my snapper grouper permit even though I kept – I mean, I'll support, but it would have to be transferred with the permit.

MS. QUIGLEY: Yes, so if you would like that to happen, I think you should just put in a motion and NMFS can go ahead and make sure it's attached to the permit, which they might do, anyway.

MR. FEX: Yes, I would like to make a motion that it be attached to the federal permit.

MR. DeMARIA: Is there a second? If there is no discussion, let's go ahead and vote.

MS. DOUGHERTY: The only question I have there is what if you're a snapper grouper fisherman that no longer – you did pot fish black sea bass, you no longer want to do that but at the same time you're going to want to continue fishing for other species. I just want to make sure I'm clear the intention of this group is to say you need to be able to – if you decide that you don't want to black sea bass pot anymore, you need to sell your permit so then you can get rid of your – or those pots just don't get passed.

MR. FEX: Well, I would support that you would have to trade it and get a different permit. I mean right at the present time you have a tag program that is attached to your federal permit, so I just think that you could go ahead and –

MS. QUIGLEY: Yes, do you want it separable or not? Do you want to be able to have – I heard one yes – do you want it separable or not, so basically do you want to be able to –

MR. FEX: No, I want it attached to the permit. That way if you want to get out of the black sea bass pot fisherman, you should sell your permit to that person.

MS. QUIGLEY: Okay, your snapper grouper permit, so you would also be getting out of the snapper grouper fishery.

MR. FEX: Because it is presently attached – your tags are attached to your permit. I mean, that's the understanding, so we're not changing really anything.

MR. DeMARIA: So we have a motion and it has been seconded. Can we go ahead and vote on this? **All those in favor; all those opposed; those abstaining. The motion passes.**

MS. QUIGLEY: Okay, we've got limit effort in the black sea bass pot fishery limits the number of pots on board a vessel. Are there any preferences for any of these alternatives? Right now Preferred Alternative 3 is 50 traps per vessel annually.

MR. ATTACK: The feedback I'm getting from the fishermen I'm talking to is 25. They say if a pot fisherman fishes his pots, that 25 is a good number. By the time they get to their last pot and they go back and do the first pot, then you're less likely to lose pots. **I would make a motion to go with Alternative 4.**

MR. DeMARIA: Is there any discussion or can we just vote on it?

MR. JOHNSON: Could you ask Tom over here as far as – I don't know what – I don't carry near that many, but how would that affect boats in North Carolina?

MR. BURGESS: I, myself, personally, I'm a sea bass fisherman and I fish 50 or 48 as do people in my community. Well, the idea behind it was if – I'll share with you comments from the fishermen – and that is if we have to go to 25 we'll fish 25 three times a day where you have 50 you fish them once a day, making a trip and things like that. It has a little more soak time and things like that. That's cut and dried pretty much how it works.

MS. QUIGLEY: There are two people who have 100 pots that they fish or a little bit more, and then there are several people who fish 25, there are some people who do 10, some people who do 5. There is a whole range throughout the entire fishery.

MALE VOICE: How often are pots lost?

MR. BURGESS: Well, not too often. We bring them in on a regular basis when bad weather comes. During good weather, at this time we are allowed to leave our trips overnight, but that will stop with this Amendment 18A most likely with the preferred alternative to return to port with your traps. It's minimal on a yearly basis.

MR. STIGLITZ: Tom, I don't know your boat; I don't even know what size these traps are. Can you carry 50 or a hundred traps on your boats?

MR. BURGESS: Yes, I can carry 50 easily, and now boats will be limited to what they can carry due to the requirement of returning to port with their traps, so they'll have to be able to just take as many as they can carry in and out.

MR. FEX: If there is a trip limit put in effect, do you think having 50 pots you'd be able to – I mean if there is a 2,000 or a 1,500 pound trip limit, do you think with 50 pots you would – I mean, throwing 50 pots, I don't know if you've got an average of, say, 50 pounds per pot I would end up with 2,500 pounds of fish. I was just curious if 50 pots would be needed if a trip limit of 1,500 pounds was put in effect.

MR. BURGESS: Well, what we do is when you start a trip, you go set 50 but they might not all being fished. You might have 20 that aren't and 30 that are; and according to how things work out, you'll have to adjust accordingly. It might turn out that fishermen do cut back. I'm also sharing with you what is going on now in the fishery and how things work.

MR. CONKLIN: If you knew that you only had one day to fish; how many traps would you carry for that day, where you could fish them that day and then pick them up in time to be home, roughly?

MR. BURGESS: I would fish 40 twice.

MR. CONKLIN: So it would be optional what each fisherman decided to fish. I understand the different areas fish different. I mean, I've got some black boats and sea bass boats that can fish six traps and catch a thousand pounds in a day, but it's a different area. We're fishing rocks and stuff and you fish an area.

MR. BURGESS: Yes, things change with areas. I'd rather not say too much of what we've got, but I'm not too worried about a threat from this group, but we have areas that are spread out over miles of bottom and live bottom, and it might not be as productive as an area in a – you know, you've got a five square mile area and if you've got two or three rocks in it that somebody knows about where fish would gather up on that, and it might stack up pretty good if the bait is there. When you have a lot of area, fish have a tendency to spread out as their food source does, too.

MR. DeMARIA: We have a motion. If there is no more discussion, can we vote on that? **All those in favor; those opposed; those abstaining. The motion fails.** Do you want to look at another alternative or come up with one of your own so we can get beyond this?

MALE VOICE: I would have voted yes on that if that was 50 pots instead of 25.

MR. DeBRANGO: Yes, the preferred.

MALE VOICE: I'm just saying I would have voted for it and going with the preferred.

MR. DeMARIA: I think a lot of the problems with pots are going to be alleviated when they have to bring them back to shore. If there is no more discussion, let's go ahead and vote on that. If there is no more discussion, let's go ahead and vote on that. All those in favor; those abstaining. The motion passes.

MS. QUIGLEY: Okay, here is the next action, reducing the bycatch, brought back to shore at the conclusion of each trap, that's the preferred.

MS. FETHERSTON: I make a motion that the AP recommends to the council to adopt Preferred Alternative 2.

MR. DeMARIA: Does anyone want to second that? Can we just go ahead and vote on it or do we need discussion? All those in favor; is there anyone opposed to it. The motion passes.

MS. QUIGLEY: Okay, now we've got the data improvement actions, commercial data reporting.

MR. DeBRANGO: Yes, just a note before we start on this, this is 2010 computer and data bases. After being involved in two SEDARs and I see a poor influx of data; I mean, it so easy to go online and fill out a pre-done form; and it can be improved to where if you do it incorrectly, it's not going to let you go on with the next step.

I use data bases all the time and enter information, and it will be immediate reporting. The government can do their queries and they can find out what is going on, where we're at fish/stock wise, and it will be immediate reporting. If people don't know how to use computers in 2010, there is a library and they can go down to the library and they can help them there on the website to go to and report everything. Like I said, this is 2010.

MR. DeMARIA: I just have something to say about that. A lot of my friends have had their licenses denied because they didn't fill out their logbooks on time and whatnot; and if you do have that paper book, you ought to carbon copy. And when that comes back to you that tells you didn't send in whatever report, you can go ahead send that to them, so that's one advantage of having the paper logbook, plus everyone is used to it now.

MR. DeBRANGO: Well, you can fill it out online but you also have to send in the hard copy of your fill-out. They would match. If you've got that – I mean, you could say, well, it's a double thing; well, not really, it's already filled out when you come and hit the dock and you just fill it in right there and then shoot it off in the mail.

MR. CARDIN: Right now the only report I use is QMS. It's very easy, electronically submit the fish I bought. I hit "submit", send it to NMFS: If it's correct, they take it; it spits me out a copy on my printer and there is my hard copy. I mean, it's a piece of cake. If I catch fish and buy my own fish, I'll do the dealer reporting days and weeks before I do the vessel logbook just because it's so easy and simple to do.

MALE VOICE: The electronic logbook that we're talking here; is this the same as the VMS system that's required in the Gulf or a –

MS. BROUWER: No, I believe it's different.

MR. GOULD: There is one provision here under Alternation 2. If you look at it, it says you have an electronic logbook tied to vessel's GPS, which is telling me there that what they're wanting to do with this alternative is to be able to track where your vessel has been in real time, which I'm totally against something like that.

A lot of these places, I've spent years finding. I'd just as soon keep them to myself as long as I can. That's coming to an end but keep them to myself as long as I can. I think in this – pardon? That's exactly right and that's coming, you know. **But, anyways, I think Preferred Alternative 3 would be the best on this deal here there to have them electronically.**

MR. DeMARIA: Is that a motion?

MR. GOULD: That will be a motion.

MALE VOICE: Second the motion.

MR. DeMARIA: If there is no discussion, can we vote on it or do you want to say something, Libby?

MALE VOICE: Eileen, you're with EDF, correct. You all were just recently running an electronic logbook pilot program in the Gulf; can you tell us about that logbook?

MS. DOUGHERTY: Sure, that's actually for the for-hire sector and I think we're talking about the commercial. It is a very easy-to-use system. I've actually seen it work on a boat in terms of being able to enter your information. Now, I think the intention there is to be able to – there are VMS units attached to that that was covered by the program that we – or the project we're working on, but the intention is to be able to then translate that information through a VMS unit in real time.

So what does that do; it provides you with real-time data about what is coming in in terms of people's logbook information. So, what does that do ultimately; you know, potentially be able to meet that information out to different – you know, to researchers, to NMFS in different confidentiality ratings, so a research may not now be able to get that information because it has to go through such a complex system; whereas, they could already have the information that was not confidential go out to different groups; the information that is confidential, go directly to NOAA. So there are a lot of benefits in being able to do electronic logbooks and thinking about real-time data reporting and how that translates into faster stock assessments' better data.

MR. DeMARIA: Okay, we've got a motion on the floor. Do you want to say something?

MR. BROWN: My name is Mark Brown and I own a charter/headboat here in Charleston and I commercial fish, too. I participated in the electronic logbook program for the headboat fleet. There were about six of us up and down the coast that did that. I think that the main objective was for the program that we were under was just to try to speed up the process of processing the data. I stay in touch with people up there Beaufort and talk to them about it.

One of the biggest problems is getting through the paperwork. They said they've got mounds of paperwork that they try to get through. It's not so much the secrecy or anything of what is going on out in the ocean. I think there is a lot of this realm of worrying about what everybody is doing and everything. I think it's more trying to just get the data together as quickly as possible

and get through all the paperwork. They're just so backed up and that's what causes all this delay and everything. That's about all I wanted to say.

MR. COLE: I have to ask the question what is the difference between three and four, because my understanding is that four encompasses three. In other words, if you've met the ACCSP standards, okay, three could be inclusive in those standards.

MS. BROUWER: Right, I think Alternative 4 would require you to use the SAFIS system, so you would just have to go through that platform.

MR. COLE: Well, I'm going to make an alternative motion, please – I mean, a substitute motion; require that commercial landings and catch-effort data be submitted in accordance with ACCSP standards, period. You do not have to use SAFIS. There are three states on the Atlantic coast that have trip ticket systems, which have been determined to be acceptable substitutes for SAFIS.

SAFIS was specifically developed by ACCSP staff for those states that do not have trip ticket systems. So to specify SAFIS, okay, is not necessary as long as it meets the ACCSP standards, and the coordinating council of the program has accepted those three trip ticket systems. So just put a period there and I think we're covered.

MS. BROUWER: If I may suggest that perhaps what you want to do is instead of a substitute motion maybe amend the motion; and if that's okay with the person that introduced it to retain the wording under the main motion, but then add this specific – is that okay?

MR. DeMARIA: I'm lost on what we're doing. Now we had a motion to vote on. Do you want to amend your motion?

MR. DeMARIA: Well, why don't we go ahead and vote on your motion, then? **All right, all those in favor of Alternative 3; all those opposed; those abstaining.**

MR. COLE: Mr. Chairman, I still believe my suggested substitute, which has now gotten lost somewhere, is still a valid motion, and I'm going to make it again; just put a period after that ACCSP standards, and leave it.

MR. DeMARIA: Do you want to second it?

MR. FEX: No, I have a question; explain the standards. I mean, you said that three states already have this logbook; I mean, dealer reporting and everything – what state don't have that?

MR. COLE: There are only three states that use trip ticket systems. That's Massachusetts and Florida and North Carolina. Okay, SAFIS was specifically developed for those states that don't have trip ticket systems; and in fact trip ticket systems give you more information than SAFIS will give you; but it is tremendously expensive for a state to implement a trip ticket program, and SAFIS was designed as an economical way for a state to meet ACCSP standards. So if you don't specify SAFIS, then you've got – you don't aggravate North Carolina and Florida at the

council level, which have to maintain their very expensive state systems. It's just the way it is, but you get the same information. You just get it a little differently.

MS. FETHERSTON: Well, I admire Bill's passion here but I don't agree with the way this particular alternative is stated. The council has been trying to get the ACCSP standards implemented in the South Atlantic Region of the United States for – and Gregg could tell me to the minute, I'm sure, but well over ten years and it has never happened.

So I think continuing to recommend ACCSP as the only way we're going to collect data in the South Atlantic U.S. isn't helpful. It's incredibly expensive. It's very thorough but only if it's realistic, so in my opinion this could be very tailored to do some specific things that we can do very quickly like require a hundred percent electronic reporting of commercial dealers using SAFIS or some other system.

My other recommendation is that we develop some kind of ad hoc advisory panel to look specifically at data collection, look specifically at electronic logbooks so we can design something that works for the charter fleet, it works for the commercial fleet, if we're going to move that way, but I do not think that continuing to push the ACCSP standards and waiting for the Fisheries Service to pay for it is the way that we go about collecting the data that's required for stock assessments to the degree that we need to manage the annual catch limits.

MR. DeMARIA: We have a motion; does anyone want to second it? Okay, well, the motion dies. Go ahead but we've got to keep moving.

MS. FETHERSTON: I'm trying; I've got my running shoes on. **The AP recommends that the council requires 100 percent electronic dealer reporting using SAFIS or equivalent.**

MR. DeMARIA: Does anyone want to second that?

MR. DeBRANGO: For all sectors; would you add that language in there?

MS. FETHERSTON: I think moving to the charter for-hire that's next.

MR. DeBRANGO: Like I said, after being on the SEDARs, we need to come up with something for the recreational. There is no language in here and that's the most terrible data we have, and that hurt us in SEDAR 24. We need to put –

MS. FETHERSTON: And I'm just going one motion at a time; so we'll dispatch the commercial and then I've got –

MR. DeBRANGO: Well, I would throw some language in there so they look at it and just keep throwing it up there so everybody sees it all the time and saying what are we going to do about the recreational data?

MR. DeMARIA: Okay, you've got a motion; does anyone want to second it? Okay, can we vote; is there any discussion? **All those in favor. Okay, it looks like it's unanimous.** Libby, did you have another motion?

MS. FETHERSTON: Yes, the AP recommends that the council establish an ad hoc advisory panel to develop electronic logbooks for the commercial and for-hire sectors. If I get a second, I'll explain that.

MR. DeMARIA: Does anybody want to second that? Okay, it has been seconded.

MS. FETHERSTON: This idea of electronic logbooks keeps coming up and then everyone is wondering does it have a VMS attached to it, is that going to draw too much power on my boat. I think the AP could get presentations on this Gulf Pilot Program, which I understand has been fairly successful in Texas and the Panhandle, and some other options.

So depending on how the fisheries operate, they can design their own program for improved data collection at sea and electronic reporting when you get to land or however it works best. Continuing to recommend that the council or NMFS develop these e-logbook systems again hasn't really gotten us to where we want to go; so having an AP specifically designing what these should look like, with the input of NMFS, seems like a way to get informed input to the council.

MR. DeMARIA: My only concern about these electronic logbooks on the boats – and a lot of boats in South Florida are small, open boats and another piece of electronics, it really isn't designed to be out in the open weather, and that's going to be an issue for us; just like the VMS was.

MS. FETHERSTON: And I remember some of the Madeira Beach boats like nearly sinking based on the power drop. If I could change that to say electronic logbooks, like slash electronic reporting because then that doesn't require that you have those things at sea; you could just report when you get to land.

MR. DeMARIA: Well, I would agree with that.

MS. FETHERSTON: The AP would examine all of these and then recommend their suite of alternatives to the council; that would be the idea.

MR. DeMARIA: Do we need to discuss it anymore or can we vote on this?

MS. BROUWER: Can you clarify your motion; I think I'm missing one of the sectors? Did you say recreational as well or just for-hire?

MS. FETHERSTON: Go ahead and add recreational, because, yes, electronic reporting, I want that covered.

MALE VOICE: So it's really like the alternative under 10 for the commercial; like Alternative 3, right, provide the option for fishermen to submit their logbooks?

MS. FETHERSTON: Yes, and I think some of the statistical design for like the private sector of how they would stuff electronically to be validated or whatever. I mean, that's not something I'm smart enough to know and recommend, but potentially the advisory panel would be able to put that together based on its composition.

MALE VOICE: Like we just talked about; so if you look under Action 10, if you want to word it to provide the option for fishermen to submit their logbooks electronically, right?

MS. FETHERSTON: No, I definitely want that to read for the council to set up an advisory panel to specifically design the logbook and the electronic reporting and leave it open because the AP should design how that should go based on whatever data collection and priorities that the center and the council have. I don't want to specify any design elements. I want to leave that to the panel.

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

MR. DeBRANGO: Yes, I think that is a good idea, another AP, that's a great idea to get in there and develop and get with all these people. I mean, like I said, 2010, move on, let's get on; we've got too many tools that we're not using.

MR. DeMARIA: Okay, let's go ahead and vote on this. All **those in favor of the motion. It obviously passes.** If we can get through all these actions, I would like to move on to something a little less controversial and maybe like trying to resolve the Mideast Crisis or something like that.

MS. BROUWER: Okay, I believe this is the last action, improvements to for-hire data reporting. Do you still want to discuss these alternatives or do you feel that you've covered it in your previous motions? Well, that does it for 18A.

If I may, Mr. Chairman, yesterday afternoon when we concluded talking about Regulatory Amendment 9, I put up as part of my presentation some issues and questions that the SSC had. At the conclusion of the meeting yesterday, a couple of you came to me and said, "Well, aren't we going to provide some input on those questions for the SSC. Well, I hadn't even thought that you would want to do that.

There wasn't any time so what was suggested to me is that I print out the questions and then provide them to whoever would like to try to answer them and provide input that then can be included in your report, and that will be distributed to council and SSC. If you'd like to see what those questions were, there are only three of them, I've got hard copies here. If you want to provide your input on those, you're more than welcome. I'll just leave them up here.

MR. FEX: Wasn't there about eight of them up there you had yesterday?

MS. BROUWER: Most of those were basically just comments that the SSC had made, so I didn't include them because I didn't really think that you –

MR. FEX: I don't know; I seen some things that I would like to tell them on some of their comments. Give me a full copy.

MS. BROUWER: You're more than welcome to include that in your write-up.

MR. DeMARIA: Well, the next issue is this annual catch limits; do you want to go into that or break for lunch now?

MALE VOICE: The only question I had, Mr. Chairman, was yesterday we tabled the trip limit I think for the black sea bass; so before we move too far along, do we need to go back and reopen that tabling and decide what we're going to do – one of the first motions we made yesterday I thought was tabling.

MS. BROUWER: I believe we did table it, but then a substitute motion was made which is now on your screen, and that one was approved. It does look like you did not pick a preferred for a trip limit for black sea bass. You do not have to; it's up to the chairman if we want to revisit this.

MR. DeMARIA: I think we should just move on. It's going to come up with the council, I'm sure, unless there is someone that strongly wants to do this.

MALE VOICE: Yes, I just thought our charge was to give them a recommendation on each one of these things, and this one we're not giving them any kind of input, I guess.

MR. CARDIN: Aren't you still running numbers on some of this from the last council meeting?

MS. BROUWER: Yes, there is –

MR. CARDIN: I mean, you still have public comment and the staff is still working –

MS. BROUWER: Right, the council has not picked a preferred on any of these. We are expecting that they'll approve the amendment for public hearings in December, so we'll have public hearings at the beginning of next year. You will likely have another chance to look at the amendment if we convene another meeting of the AP in May.

MR. CARDIN: So could we just say that we support a trip limit at this time?

MS. BROUWER: Absolutely.

MR. DeMARIA: Will that work for you, a motion that we – make it and let's move on.

MR. CARDIN: I made it to say that.

MR. DeMARIA: Okay, all those in favor; all those opposed; all those abstaining.

MS. DOUGHERTY: I don't think that necessarily this needs to be in a motion, but one of the reasons that I abstained on a lot of these trip limit motions is because of the lack of socio-economic analysis. I also would like to request that as a part of moving forward on Regulatory Amendment 9, that we're able to see what the socio-economic analysis says on trip limit options. What I haven't seen is an individual breakdown if you fuel, ice – you have all these different considerations that go into what makes a profitable trip. We haven't seen these for any of these options, and so I feel like we need to be able to see that before we can make informed decisions. I can put a motion on the table or I can just give –

MR. DeMARIA: Go ahead and make a motion.

MS. DOUGHERTY: The motion would be to ensure socio-economic analysis is included for consideration of trip limit options at the December council meeting.

MR. DeMARIA: Is there anyone who wants to second that? It has been seconded. Can we just vote on it or do we need to discuss this one? **All those in favor; those opposed; and those abstaining.**

MR. MARHEFKA: I don't like the way it's put up there, and I don't know how to go and change the motion. I'm sort of concerned about what we're trying to go and do right now real quick with trip limits and trying to go and understand the economic issues we're having with our fish. If we go and start going into these major analysis, then we're going to go and start seeing – it bothers me because it could go and take a lot longer time than what we need right now.

We need to fix the problem we have at hand with trip limits. It's hard for me to go and go, yes, let's do this; yes, I want to see it. It frustrates me that does it ever end; that we don't have somebody around the table that can come up and tell us what is going on with the socio-economics because we haven't had anybody on the council level for, what, five years now, almost. We don't even see that in any of our analysis except what somebody read already from some other document.

MR. DeMARIA: Okay, Myra wants to speak to that point.

MS. BROUWER: Yes, I just wanted to remind the AP that the SSC had similar concerns when I presented this Regulatory Amendment 9 to them last week. They asked that the Socio-Economic Subgroup of the SSC be allowed to see these analyses prior to the council meeting in June.

There was concern similar to what Eileen just said – and also to assure you that there will be some economic analysis included in the version that the council will see in December. I'm not exactly sure if the analyses will be complete at that point, but it is being worked on at the moment.

MR. FEX: Yes, my problem with that is some of these analysis are done by, I mean, not even people in the fishery. An analysis right now as an economical impact is the closing of these fish right now, people without jobs. Trip limits are designed to allow the season to keep extending.

We're going to have to diversify and get better at going fishing and making our expenses less to accommodate with these trip limits.

That's what they're trying to do is to keep this fishery open, and that's what trip limits are going to do. So when you get somebody out of the state or whatever to give an economical impact or analysis, they're not always correct. I've read some of them. We're pretty professional in this industry; we all know what is going on and know people that are fishing. Trip limits will allow our fishery to stay open. I know what the social and economical impacts these closures have done.

MR. DeMARIA: Let's move on to the ACL.

MS. BROUWER: Okay, I'm going to walk you through this amendment. There are many, many actions. There were 46 actions at the September meeting. Some of those have been removed. I will not go over the dolphin and wahoo actions or golden crab actions, so I'm sticking to snapper grouper, wreckfish and black grouper in this presentation.

First of all, I'm just going to give you a quick overview of what all the acronyms mean. I'll update you on what the SSC discussed as far as a control rule and their ABC recommendations. And then, like I said, I'll walk you through the actions and the alternatives and we'll talk a little bit about the timing of the amendment.

You've all seen this diagram. The overfishing level, of course, is at the very top, and that is what we try to get from the SSC. The acceptable biological catch is also a recommendation that the SSC makes. It can be set equal to the OFL, but it can't go above it. Below that is the annual catch limit, which is where the council comes in, and it may or may not be separated by sector. The council has chosen to go ahead and separate ACLs by sector.

Underneath that come the management measures, which are to ensure that the ACL is not going to be exceeded. We have accountability measures that can again be separated by sector, commercial and recreational. The council requested that the center provide OFL estimates for all stocks managed by the council.

I believe two requests went to the center and the center was not able to fulfill this request in its entirety, so they advised that the SSC consider average landings for determining OFL. The SSC, in light of lacking some of the information they needed, had to look at average landings to make some of the recommendations for their overfishing levels.

What they went with is they recommended that the overfishing level be set at median landings for the period of 1999-2008. This is for species that don't have an assessment, where we have little information on their status. The Magnuson Act also specifies that there needs to be an ABC Control Rule, which basically is just a specific approach for how to go about calculating the ABC for a stock. The ABC Control Rule should be designed to account for the uncertainty in establishing that overfishing level. It can be more conservative for stocks that have a lot of uncertainty associated with them or less conservative for those that we know more about.

It is pretty straightforward for species that do have an assessment because, as I said, there is a whole lot information about those species. It's not so straightforward for unassessed species, so this is where we've had many delays and the SSC has to go back and reconsider the recommendations for unassessed species.

Back in December of '09 the SSC scheduled a webinar to discuss these unassessed species and see what the group was going to come up with as an approach for their ABC recommendations. In January of this year they looked at various approaches, they discussed the pros and the cons of using various approaches and whether they were appropriate for species in the South Atlantic.

In April they developed a control rule that was then rejected by the council at the June meeting. The council then requested that the SSC basically reconsider their approach and made a motion that gave them very specific guidance for what they wanted the SSC to consider when they again met. The SSC met again back in August and they developed an alternative approach for the unassessed stocks, and they came up with ABC recommendations for certain species.

They had already recommended ABCs for a bunch of species based on that median landings, and so in August they looked specifically at wreckfish; they discussed sargassum, golden crab and octocorals and I believe also mutton snapper. Where we are now is the SSC still needs to finalize the control rule.

In the meantime the council does have a preferred approach for setting ABCs. For assessed species they are looking at using an approach that uses a probability of an overfishing factor, which is called a P-star, and I'm sure you've heard that talked about. And then for species that have not been assessment, the current preferred is to take an acceptable biological catch that is 75 percent of the overfishing level; the overfishing level being that median landings between 1999-2008.

Okay, for some species such as wreckfish, which is the only one that pertains to this group, they had lengthy discussion and this can all be found in the final report from their August meeting, but they had to take special considerations for that fishery for many reasons. It's a very small fishery. It's not well known that the fishery has been under an ITQ program for some time.

There are a lot of issues with confidentiality of the data because it is such a small fishery, so they went ahead and made an ABC recommendation specifically for wreckfish, so we'll talk about that when we get to those actions. Are there any questions so far on the background so that you can then understand all the actions that are going to follow from now on? Libby.

MS. FETHERSTON: Is it the intent for the council to use the SSC's data-poor ABC control rule as another alternative under Action 4?

MS. BROUWER: They were not clear in September. The Chair of the SSC gave a presentation to the council on their recommended ABC Control Rule, but the council did not give clear guidance as to whether that should be included as an alternative. We are going to go back to the council in December and ask them specifically do you want to include that rule as an alternative. Right now it is not part of the document.

MALE VOICE: What was the definition again for the OFL for the unassessed stocks?

MS. BROUWER: The current recommendation is to use the median landings between 1999 and 2008.

MR. DeMARIA: Are there any other questions or can we move on to the first action? Let's move on.

MS. BROUWER: The first action in the amendment is to look at possibly removing some species from the fishery management unit. There are some species for which there is very little information, there are hardly any landings, and so the council is going to consider removing some of these species.

Currently they have two preferred alternatives. They looked at various percentages of landings, and the preferred to remove species that have landings that are 80 percent waters, except mutton snapper and hogfish. They made a motion to retain those species regardless of whether landings were that 80 percent or greater.

They also voted to remove species that are already covered under the Florida Marine Life Species Rule. Under the these two preferreds, when you apply this to the FMU, then that leaves 16 species that would be removed, and that would be them. The ones that are in the green are the ones that would be removed that are covered under the Florida Marine Life Species Rule.

MALE VOICE: Why did they not remove the hog snapper and the mutttons; what were their reasons behind that?

MS. BROUWER: I'm not clear on the rationale for that. That was something that was done before I took over this amendment.

MR. DeMARIA: I would think because quite a few of them are landed in federal waters.

MR. FEX: Yes, I was at that meeting. It was because the landings were higher than a lot of them up there and they are in federal waters. I made a point with the mutton snapper. I've caught a hundred pounds on average each year.

MS. BROUWER: And mutton snapper also does have an assessment, and so there is considerably more information on that species than some of the other ones. Any questions on Action 1? These alternatives are all in the hard copy that you have in your packet so you can follow along.

MR. DeBRANGO: I'm just trying to look at all these, and I'm going down to these tables and looking at the percentages and stuff they're saying are caught in state waters, and these are all fish that are caught in federal waters a lot. I would lean towards not removing everything except maybe a puddingwife, which I don't know what that is on there.

MR. DeMARIA: What about the marine life? I'm sort of familiar with it. As it stands now, there are a few fish that are in the management unit with the South Atlantic that these guys used to catch for the aquarium trade, but they can't catch it now because they don't have a federal snapper grouper permit. This would remove those and it would allow the tropical fish collectors to collect them without the federal snapper grouper permit, like the puddingwife and these other ones.

MR. SMITH: What about this cubera snapper; why would that be – give me some insight on that? Why would remove that from the list?

MS. BROUWER: That one does not look to be included in the list for removal.

MS. BROUWER: Okay, I think I know why that is. I had to make some quick changes to this presentation the other day because the analyses were redone to include additional information and that kicked out a couple of species that would either have been removed or designated as ecosystem components. Lesser amberjack comes to mind and I believe cubera snapper was another one. I'll have to look into that and get back to you on that, but I'm quite sure that it's right now not being considered for removal.

MR. DeBRANGO: All right, so let's make a motion to prefer Alternative 5 the preferred.

MR. DeMARIA: Is there a second on that? Any discussion or can we just vote? All those in favor of Alternative 5; all those opposed; those abstaining. Go ahead. I didn't hear what you said, Bobby.

MR. CARDIN: On Motion 5 as the preferred, which fish does that remove?

MS. BROUWER: Alternative 5 would remove queen triggerfish, porkfish and puddingwife. Okay, moving on to Action 2, this action would address something that was introduced in the Reauthorized Magnuson. Basically you can retain species in the fishery management unit for data collection purposes, but you can designate them as ecosystem components because of their ecological importance.

There are several criteria that need to be met in order for this designation to be applied, and those are up on your screen right. Based on those criteria, the council has as their preferred to designate snapper grouper species with state and federal combined landings that are less than or equal 10,000 pounds as ecosystem component species. That would put 15 species on that list.

It does not mean that they would be removed from the management unit. It means that it's important to keep them, but there is not a lot of information on those, so there wouldn't be, for example, an ACL that is associated with those species or other management regulations such as those. Based on that – okay, well, here are some of the other alternatives.

It just varies the poundages is what is varying there, and in parentheses is the number of species that would be designated on under those criteria. Alternative 6 requires some clarification from the team that put these alternatives together because currently it states that it would designate

snapper grouper species that meet three out of the four NS-1 criteria as ecosystem components. If I can just go back to those criteria, there is at least one, number two, not be determined to be subject to overfishing, approaching overfished or overfished that must be met.

And so it's not clear for that one alternative how they arrived at those seven candidate species. This was brought to my attention during the SSC meeting last week, so I haven't had a chance to look into yet. Here is a table showing you the species that would be designated as ecosystem components.

MALE VOICE: One question on that; what is kind of the advantages of that versus removing them. I mean, some of these they were looking at removing because they weren't a lot of them – most of them were caught I guess in state waters. If you remove them, you don't have to manage them, you don't have to track the ACLs.

When you hit your annual catch limit, you don't have to shut that part of the fishery down or stop bottom fishing for grouper and other stuff I guess is part of the reasoning they were looking at pulling some of these out; or you're looking at these things now going into the ecosystem instead, right, and how does that change rules versus – one category versus the other?

MS. BROUWER: Well, I believe these would still be part of the fishery management unit so they would still be subject to the snapper grouper regulations. The difference is that these are species that even though there are not a lot a landings associated with them, they are considered to be important ecologically, so it's important to keep them in the unit to continue to get information on them. That's my understanding and I don't know if –

MALE VOICE: So would there be annual catch limits on the ecosystem species or not?

MS. BROUWER: No, and the kind of information I'm talking about is these species would be included in fishery-independent surveys and that sort of thing to continue to get information on them.

MALE VOICE: Like on that list of the queen snappers on there; are we talking about the same queen snapper we catch when we're deep-dropping?

MALE VOICE: Yes.

MALE VOICE: That is about to be banned, so how are we going to get any data from it if it's banned from take?

MS. BROUWER: I don't have an answer for these questions, but certainly these are things that you can bring up to the council for them to consider when they are going over these actions.

MR. GOULD: Ecosystem components, that raises a lot of alarm bells right there, because I can see you putting all these fish into an ecosystem component and coming up down the line with a rule there that says we have got to protect these ecosystem components and exclude us from certain areas and everything.

I'm trying to look outside of the box here a little bit down the line. It just seems to me like it's a setup for down the line to be able to shut things down further than what they are and restrict the waters that we can fish on more and more, and this is just the first building block of a plan that's not been fully divulged to us.

MR. DeMARIA: Do you want to make a motion for no action or anything like that? Is there a second?

MR. GOULD: Yes, Alternative 1, motion, no action.

MR. DeMARIA: Is there any discussion? Go ahead, Libby.

MS. FETHERSTON: Yes, if you choose no action, that means that those species are still in the management unit and will then be subject to annual catch limits, so exactly the thing you're concerned about was those species will limit your ability to catch other things – that is what has to happen, so the ecosystem component – I get what you're saying, like you're seeing some grander plan, but the way that ecosystem component species are specifically described in the Act, it's a tool to allow the managers to continue to look at how they function within the ecosystem in the fishery, but not have to be held to annual limits on those species that you know very little about. I can appreciate your concern, but I don't see any benefit to not designating these systems as ecosystem or moving them out of the fishery because they're going to dramatically constrain harvest co-occurring species.

MR. DeMARIA: Do you want to change your motion?

MR. GOULD: No, not right now because I've been stung enough by the fisheries process, and this has raised enough alarm bells now when you start talking about like this. Personally I'm comfortable leaving those other ones into the process because we catch a lot of them and we throw a lot of them back. Some of the people like to keep the margates and the rock bass and the bank sea bass there and eat them. There is no problem with that fishery.

If I wanted to load the boat down with them, I could do it, that's no problem. I avoid them as much as much as possible, but until this ecosystem component species deal is further explained and what they have plans for down the line – you know, I've been here from the get-go, from the time I was told the king mackerel swam all to Florida in the winter through the red porgy fiasco, and I've been stung bad enough there, when I see something there that raises my alarm bells, we just need to leave alone is my opinion of it.

MR. DeMARIA: Yes, I understand what you're saying. I think Libby is saying is by leaving it in the management unit it is going to constrain your ability to catch other species because it will add into the quotas and whatnot.

MS. FETHERSTON; Yes, those species will have to have an annual catch limit and accountability measures or be in some kind of species grouping that has a catch limit. I'm actually going to support your motion because I think some of those should have catch limits just in order to protect them from not having some kind of limit that ensures they don't end up

overfishing. I'm supporting it for a different reason than you are, I suspect. I'm going to vote for this, but my conscience tells me I have to be very forthcoming here that as a fisherman I would not choose this.

MALE VOICE: But the way this is going to be defined as non-assessed species, they're going to look at the median landings on these species. If there are no landings on these species or very little and they do 75 percent of that will be your annual catch limit; and if you start reporting landings on these on your new electronic forms for the charter for-hire or the headboats, pretty soon you're going to be overfished on these species, and then areas might be shut down to bottom fishing.

MR. DeMARIA: Can we go ahead and vote on this it that's okay with everybody. **Everyone in favor of the motion; those opposed; those abstaining. The motion passes.**

MS. BROUWER: Okay, here is Action 3. Now let me warn you this is a little bit confusing and I'm going to do my best to try to explain it to you and not confuse you and confuse myself in the process. One of the things the council is looking at doing to facilitate management because the complex is so large and so many species are included is to look at species groupings.

Some of you who have been around the council for some time know that they have considered this in the past as a management approach. The national standards do provide some guidance on when it is appropriate, so we do have some information on how to go about doing species groupings. The council wants to basically just explore the utility of this approach so that we don't have an ACL for single one of the 73 species that are currently in the complex. That's the rationale behind this.

Currently their preferred is to establish groups for under Snapper Grouper FMU following methodology used for the Gulf of Mexico and Caribbean ACL amendments. Now I will walk through what that is. Alternative 3 is to keep the groupings that are based on similar life histories. For example, you've got the deepwater grouper and tilefish unit, which includes the species that are up on your screen.

I didn't want to put all of them there, but that's also an alternative that's under consideration. Now, their preferred, I'm going to, in a nutshell, explain to you what this approach is like. The groupings are based on life history, catch statistics from commercial logbook and observer data; also recreational headboat logbook and private and charter surveys and fishery-independent data, so the whole bunch of information that has gone into looking at how to group these species.

What the scientists did – and this was done through the Southeast Region with approval from the Southeast Science Center – they established sub-complexes within species complexes, so they used a procedure known as – the name escapes me right now – but they established complex and sub-complex groupings that they can then have their individual ACLs.

The overall ACL of the larger grouping is going to be the sum of the individual sub-complex ACLs. What this would look like, for example, you have your deepwater complex and within that you have three sub-complexes. 1A contains Warsaw, yellowedge grouper and snowy

grouper. 1B contains the tilefishes and 1C contains silk snapper. This is just the way the mathematical model that was to do this using not only life history but also landings and catch information divided it up.

So when the ACL for the entire complex is exceeded – so for the blue box – then all the species in that complex as well as those in the sub-complexes would be subject to accountability measures. There would be measures that would kick into place to prevent the ACL from being exceeded. When a sub-complex ACL is exceeded; so if the ACL for the boxes that are in that tan color is exceeded but is below the combined ACL, only the species in that particular sub-complex will be subject to accountability measures.

MALE VOICE: When you say the complex ACL is exceeded, you're talking about one of those species in the blue box or the aggregate of all those?

MS. BROUWER: The blue box would have an overall number attached to it; so if the landings go above that level, then all the species within the complex would then be subject to accountability measures, so they would be measures that would kick into place to reduce or stop harvests.

MALE VOICE: So that's a sum of all those landings in the blue box?

MS. BROUWER: Yes, it would be the sum of the individual – it would be the sum of the sub-complex ACLs. There would be an ACL attached to 1A, 1B and 1C, and the sum of all those three would be the ACL for the deepwater complex.

MR. GOULD: If you took the combined ACLs of each one in a complex and you grouped them all together, I'm real suspicious. When they group them all together, I suspect the ACL for that complex group is going to go down because they're going to take and shave a little bit off of each one; is that what the plan is to shave a little bit so that the ACL for that complex will get met sooner so it can be shut down sooner or just what the deal is.

MS. BROUWER: No, I don't believe that's the intent. It's a pretty straightforward approach. It's just a way to make it more manageable for the managers to keep track of the ACLs and for when accountability measures would kick in. Like I said, it's so that you don't have to keep track of 73 ACLs. Another thing I forgot to tell you is that this action only applies to species that are left after the preferreds for Action 1 and 2 are put in place. This action only applies to those species that were not removed or were not designated as ecosystem components. That's how we have been developing this amendment.

MS. FETHERSTON: Terrell, I think that shaving you're concerned about happens in Action 8, the annual catch target stuff. The shaving is coming, just not yet.

MR. FEX: So being an example would be like the golden tile is up there. Okay, they were caught in eight weeks this year; so within eight weeks the golden tile would be caught through the quotas and then all them other fish will be shut down for the remaining of the year; am I correct?

MS. BROUWER: If golden tilefish came close to the ACL or the ACL was met, then golden and sand tilefish and blueline tilefish would be subject to accountability measures.

MS. BROUWER: Well, that's a different action. There is whole nother suite of alternatives to look at what would be done if the ACL was met or exceeded.

MR. DeMARIA: Any other discussion on this?

MR. DeBRANGO: So basically what this is looking at is trying to balance a species so if one portion of the species is undergoing extreme overfishing, like you said like the tilefish, well, then the whole subgroup of those tilefish all associated is going to be stopped fishing. I kind of understand it as a balance, but like golden tilefish, the derby – you know, we don't have an assessment on that. Again, I guess one is coming up, but the golden tilefish – and we've got all these blueline tile fishermen that are – you, the golden tilefish, these guys come out there and in a month and shut it down and all of a sudden those guys can't even go fishing. It's a little bit scary there.

MR. CARDIN: This species grouping is a little bit crazy to me. We've got a lot of fish here that live on rock. We've got the golden tilefish that lives on mud. Why they're in the same grouping puzzles me, and I make the motion that we ask council to consider removing the golden tile from this species group.

MR. DeMARIA: Is there a second for that? I guess it has been seconded by Mark. Any further discussion or can we vote on it? Go ahead.

MR. FEX: I think it would be sent down to the individual ACLs that's already on there. Later down on the thing; because it says red snapper, vermilion snapper, black sea bass, they're under ACLs and I think that would be under one of them, but that's my opinion.

MS. FETHERSTON: Bobby, I think the rationale was that some of the species groupings in the past were just based on life history like who grows together and who hangs out in the same places. I think what the Fisheries Service tried to do with this particular – and that's actually another alternative, just the ones based on life history a little bit further down – what they tried to do to the best of my understandings is look not only at life history but then who is sort of caught together, so look at catch statistics and life history and come up with species groupings.

My advice to this group would be to do just what you're doing is to look at the species groupings and what doesn't fit, like what is not in your experience caught together, I think this is the perfect sort of body to review the species groupings for kind of a fishery reality check, if you will, and point out where things aren't particularly consistent with your experience, allowing for the fact that the fishery is quite different up and down the coast.

I think the Fisheries Service for the Gulf of Mexico, when a group of commercial fishermen looked at what they did with their species groupings, the same methodology, were actually quite happy with how it came together but decided that this porgy ought to be in that category or with that snappers, something like that; just a modifications. I think it's a good recommendation, and

I encourage you all to sort of look at the groupings and think about what should be counted together based on your experience of what is caught together.

MR. STIGLITZ: Myra, could you go back to the chart that we had there. The way I'm reading that is if any one of the three tilefish gets up to its TAC, then just the tilefish gets shut down and not the grouper species and the snapper species in there, right? But that's up on the top, Bobby. If a Warsaw grouper gets to where it's getting close to being caught, then all three of them grouper species gets shut down and not the tilefish.

MR. CARDIN: Well, in reality you're more likely to catch a blueline tilefish where you're catching the snowy grouper.

MR. MARHEFKA: I'm not digging this at all. I mean, to save on the Warsaw grouper here because the Warsaw, which is data poor, and to go and say that all of a sudden you have some harvest level on Warsaw grouper and you immediately shut all these other species because of the Warsaw grouper? I mean, that's pretty sad. You'll never open it; it will never come open.

MS. FETHERSTON: I don't disagree with what you said, but I don't think this is what this says. The alternative to what Myra has here, if you're just looking at Box 1A, so this groups the three catch limits for yellowedge, snowy and Warsaw into one lump, and you'd only have accountability measures when that aggregate is met.

The alternative, because you have to have catch limits for species under management, is that Warsaw has its own ACL, yellowedge has its own ACL and snowy grouper has its own ACL, and those are all tracked, and that part of the fishery or some other part of the fishery closes when it's met.

As I read this graphic, the snowy, yellowedge, Warsaw Group 1A is the aggregate of all those catch limits added together; and when that number is met, regardless of what species it was, the majority of that catch limit encompassed, which would be snowies, obviously, that's what that looks like, so you're not going to have like an eight-pound Warsaw grouper catch limit that triggers the closure of that complex. It will be the aggregate of all three of those.

MS. BROUWER: That's exactly correct.

MR. DeBRANGO: So, if we're looking at all these and these are what we're voting on, the 2A, 2B and all this, wouldn't our preferred basically to go down to – shoot down to 2F and look at it and say individual ACLs instead of the groupings; we can do that?

MS. BROUWER: Sure, and, you know, you're hard copy has the current alternatives for species groupings. I wasn't going to put them all up on the screen, but certainly you can pick whatever preferred approach and recommend that to the council. Again, the timing for this document is to get approved for public hearings in December, so there will still be – it's early on in the process is what I'm saying.

MR. BROWN: I was at the SSC meeting there about a week ago, and Nick Farmer did this presentation on the grouping and stuff. I talked to him out in the hallway and he said that this is not set in stone either. I mean this is a work in progress; and if anybody has any suggestions on different species that should be grouper differently or something, then you need to contact them, too, and let them know if it doesn't look right to you and if it needs to be changed.

I know a lot of you feel the way I do. I look at it, too, and I'm suspicious about a lot of things. But in a way I kind of see what is happening, too. They're talking there being an ACL for each of the species; and then with the grouping of the ACLs all together as one, then if that's met, the total amount, then I guess that would impact the – is that what I'm saying – yes, that would shut it down.

MR. ATTACK: The way I understand it, then, is you could actually exceed your catch limit on one of those species and not have an accountability measure for all three measures, say, until the aggregate of all three species exceeds the ACL for that grouping. You could go over a little bit on one species or the other; and if you're under on the other, then you don't kick off this accountability measure. I mean that's the advantage to grouping them versus keeping them as separate ACLs, I guess.

MR. JOHNSON: But isn't that counterproductive when we're starting to look at some of the overfishing that is going on in our grouper species to whereas now if I'm allowed to fish red grouper beyond what my current limits are without triggering and shutting down the complex, isn't that counterproductive to the red grouper?

MS. BROUWER: Well, there are, certainly, disadvantages biologically to doing this, and the SSC did point out at their meeting last week what those would be. In fact, they recommended that the council not consider species groupings, and this has been their recommendation for some time. The reality is that the managers have to figure out how to keep track of all these ACLs, and there has to be a way to do it, and this is a straightforward, more manageable way to get to that goal.

MR. DeMARIA: Let's take one more comment and then we're going to vote on this and take a break for lunch.

MR. HUDSON: Also having participated at the SSC meeting and talking to Nick Farmer myself about this, it seems to me that some of the scientists had a little bit of issue with some of the groupings and had kind of put him on the hot seat with that. Furthermore, I reminded him something I told to the steering committee.

When I was reading the stuff about Warsaw grouper, which incidentally under Amendment 17B we still have until the end of next week to comment on, an ACL of zero, and the reality is with both Warsaw grouper and speckled hind – it says like caught from 150-something foot offshore. Personally off of Daytona, whether it's myself or my family going back historically, we've caught Warsaw grouper as shallow as 65 foot of water, two, three, four hundred pounders.

We've caught the 40 to 80 pounds inshore of 240 foot. We're not allowed to sell them commercially, but recreationally they've been able to keep one here and one there and stuff like that. To tie Warsaw grouper in with snowy grouper is a little problematic, and that was one of the things that I brought up to him, and he said that was good anecdotal information that he couldn't find on his own. It would be nice to see some of that change reflected of the actual range of the animal inshore as far as 65 foot of water.

MR. DeMARIA: Let's just take a couple more on this and then we've got to vote on this.

MR. STIGLITZ: The way I read that it says when a complex ACL is exceeded, all species in the complex as well as the sub-complexes will be subject to AMs; so that means if Warsaw groupers come close to their ACL, everything on that page there – that's the way I'm reading it.

MS. BROUWER: It's the other way around. The blue box is going to have a much larger number associated with it because it is aggregate –

MR. STIGLITZ: That's what it says, all the sub-complexes will be subject to AMs, all of them. It says all, and I'm very –

MS. BROUWER: That is correct, but that complex ACL would be a lot higher than the individual sub-complex ACLs.

MR. ATACK: One suggestion for the next presentation, if you'd put numbers in there, 10,000 or whatever, and then have them over there, they could see then you're looking at 1.5 million pounds or whatever blue is. They've got to track all the ACLs, though. I hear what they're saying, but I don't see how it is going to make it any easier.

They've got still got to know what each specie's ACL is, whether it they exceed or not, and then they've got to add them up to see if they had exceeded the sub-complex, and then they've got to add up the other two sub-complexes to if all three exceeded the complex, so it makes it more complex.

MR. DeMARIA: Well, let's go back and vote. Your motion was just to remove golden tilefish, right? Let's go ahead and vote on that motion to remove golden tilefish. **All those in favor; all those opposed.** Okay, can we go ahead and take a break for lunch now?

MR. DeMARIA: Go ahead.

MR. DeBRANGO: My motion is for 2F to be our preferred, individual ACLs on all of them instead of groupings – yes, a motion for Alternative 1 to be our preferred.

MALE VOICE: And I'll second.

MR. DeMARIA: Okay, do we need any discussion or do we –

MR. JOHNSON: Just one comment. What you're talking about when we were going to do it individually is we may shooting ourselves in the foot there. We were doing red snapper individually and we got 17A because of it. I think we need to be careful; just my observation.

MS. FETHERSTON: Yes, I'm going to vote for this because I think the Science and Statistical Committee had an excellent point about managing these things individually. I think it's a logistical nightmare. And, again, in the spirit of full disclosure, I do not think it gives the fishermen and the fishery the most flexibility. I think this is going to be very problematic for fishermen, but I'm going to vote for it.

MR. DeMARIA: Okay, can we go ahead and vote?

MR. DeBRANGO: Yes, because they've still got to manage everything individually, anyway, and all this, no matter what.

MR. DeBRANGO: Well, they've still got to keep track of individual ACLs.

MR. ATACK: Well, the one comment I guess I've got is like right now with the shallow water grouper, that's a sub-complex, I guess, right, and the difference is we're talking about then adding a complex above that. And these individual ACLs is no complexes at all; is that what you're saying?

MS. BROUWER: No, I believe that the complexes that are currently in place based on life history would remain. This action would not make any changes to that; but for purposes of tracking the ACLs, the council could either use those groupings that are currently in place based on life history or go with this approach, and that's what the consideration is.

MR. DeMARIA: **All those in favor of the motion; all those opposed; those abstaining.** The motion passes and we ought to go to lunch.

The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened at the Hilton Garden Inn, North Charleston, South Carolina, Wednesday afternoon, November 17, 2010, and was called to order at 1:30 o'clock p.m. by Chairman Don DeMaria.

MR. DeMARIA: We need to get going again on this if everybody can come back to the table. Before we get back to work, a lot of this is overwhelming and confusing. I look around the table and I see a lot of people that are confused just as I am. Keep in mind that the council meets four times a year for about five days each, so they've got close to 20 days to go through this and other issues, too.

We meet maybe once or maybe twice a year at the most for two days to try to sort through this. It's really a lot and if you all want to meet more often than once a year, we can make a motion to do that; or if you're satisfied with once a year, we can try to cram it all into once a year like we're doing, but to me it's pretty overwhelming what we're going through. It's up to you all what you want to do. If you'd rather meet more often, we could probably do it. Think about it and if someone wants to make a motion later on, but let's go ahead and get through this.

MS. BROUWER: Okay, I'm going to resume the presentation on the Comprehensive ACL. We've covered Actions 1 through 3. Action 4 is to establish an ABC Control Rule for snapper grouper species that have not been assessed. This is the way it is currently in the document. Depending on what the council chooses to do in December, it may end up being that we have a single action to have a control rule that would apply to both assessed and unassessed species.

I will get into that in a minute. Currently, as I told you earlier, the preferred is to establish the ABC at 75 percent of the overfishing limit. You can see the other alternatives; setting the ABC at the same level as the OFL; and Alternative 4 is to look at the yield at a percentage of the maximum fishing mortality threshold. Right now the team is going to recommend to the council that they get rid of Alternative 4 because the MFMT is a rate that comes from an assessment, and we are talking here about species that do not have an assessment, so it doesn't make sense to have an alternative that is based on the MFMT if you don't have that information for this group of species.

MS. FETHERSTON: Are we going through this whole presentation and then going back or are we going through stuff as we –

MS. BROUWER: I was going to cover Actions 4 and 5 because they both have to do with the control rule and then we can stop and get feedback from you. Action 5 is an ABC Control Rule for assessed species. The council has currently three alternatives. As we mentioned before, the ABC Control Rule that the SSC has put forward does not figure among these alternatives at the moment.

They have not picked – well, actually they have picked a preferred. It's right there, number five, and that is to use the probability of overfishing analysis that comes out of the stock assessment in order to set the ABC. This is only for species that have a stock assessment. What the current thought is among the team putting together this amendment is that the control rule that the SSC has presented to the council is an approach that has four different levels; Level 1 being setting an ABC for species that have a stock assessment and going down from there until the bottom level is an approach that would address species that have very little information associated with them.

It makes no sense to have two separate actions if the council is going to go with the approach that the SSC has recommended, and that's why I wanted to cover both actions together because it may end up being that it just gets combined if the council wants to adopt or consider adopting the control rule that the SSC has brought forward. At this point I'll try to answer any questions.

MR. ATACK: On the landings, these are all commercial landings or is this landings recreational and commercial, total harvest or just the commercial sector?

MS. BROUWER: That's a good question; I'm not sure. I would think that it's total landings. Yes, it is total landings.

MS. FETHERSTON: In looking at the alternatives that establish a control rule for species that have not been assessed, I strongly recommend that we encourage the council to include the

Science and Statistical Committee's Control Rule in their suite of options. They certainly don't have to select it, but they should have the option.

The reason for that is because if you look at the actions under Alternative 3 and soon to be perhaps Alternative 4, those are sort of arbitrary reductions from the OFL level that the SSC has already determined. I think what the control rule would try to do is tie that to something tangible, and so it may be more or it may be less than the prescribed 75 percent reduced from the OFL, but it will be based on something.

As opposed to some arbitrary reduction, it will be based on some analysis of scientific uncertainty or some analysis of vulnerability of that particular fish species, whatever it may be, but it's at least something concrete; and as the data improves, you can reduce that number your ABC is reduced from the overfishing limit. It allows your buffer to get smaller as you know more, but it doesn't appear to me that it allows for that kind of flexibility. It's a reduction and I think the preferred alternative is probably sufficient to account for scientific uncertainty under most scenarios, but the council certainly should consider what the SSC has to say.

MS. BROUWER: I appreciate that comment. The only problem is the SSC's control rule, as I mentioned previously, is still being developed, and the portion that happens to be the one that has not been finished is the very bottom tier for the unassessed species. The SSC has talked about various approaches, the depleted-corrected average approach and all these other mathematical approaches to provide an ABC for stocks that have a low level of information associated with them, but there is still some more work to be done.

From what I understand, the SSC did discuss – well, in light of us not having that completed control rule, would it be okay for the council to go with the 75 percent of OFL, and then it get discussed at the SSC level and the SSC did not object to that. For that reason the council has picked this as their preferred up until now. I'm not sure how they're going to proceed in December.

MR. MARHEFKA: I'm looking on Page 23 here. Some of these species like amberjack, reducing the amberjack; why would they even be listed in here? Is that amberjack the greater amberjack; and if they're not overfished and overfishing isn't occurring, why would they even be listed in this?

MS. BROUWER: Mark, the document that you have in front of you has been changed a little bit since I sent to you all because it's still being developed for the briefing book; so what you're looking at is probably a table that wasn't yet updated. Are you referring to a table in the document?

MR. MARHEFKA: Species table on 23.

MS. BROUWER: Yes, so that table has been updated since you received this document. I was making changes to it a couple of days ago, and greater amberjack is one of the species that was pulled out because it does have an assessment associated with it.

MR. MARHEFKA: Also, some of the other – I guess there are several others; so if you can go and sort of just – I'm not going to want and go and keep on calling you out on, you know – and I guess my other question is if there is a timeline for any of these other species here within the next three years that they're going to be coming up for assessments; and if so, I'd like to know that.

MS. BROUWER: Off the top of my head, the only ones I can think of are black sea bass and golden tile, which are scheduled for SEDAR 25 coming up this year, and I think wreckfish is among the ones that are going to be assessed within the next three years as well as red snapper. I'll have to look at the SEDAR schedule to give you more specifics on that. I don't recall.

MR. ATACK: Yes, and I think hog snapper also had a SEDAR done on it, right?

MR. CARDIN: Florida did one but the committee didn't accept it.

MR. DeMARIA: Does anybody want to make a motion on this on what your alternative would be?

MR. ATACK: I have a comment or a question. I guess when you look at these, it would be nice to know if your landings are dropping as the catch-per-unit effort is dropping. One of the concerns that we have in North Carolina, I know that gray triggerfish is getting a lot of pressure now when the grouper is closed. I know some of the fish houses are filleting trigger and freezing them to be resold in January, February and March. That stock could be depleted based on the pressure that it's getting now with the other management measures.

MR. FEX: Yes, I'd like to make a comment to that. The mandating of the circle hooks ought to eliminate much effort on the triggerfish; so once that happens, you will see the triggerfish landings go down, and they will come back strong.

MR. CARDIN: Why is Nassau grouper even part of this chart; why isn't it in the ecosystem or something?

MS. BROUWER: Yes, that is one of the ones that was removed. I believe black sea bass was still included in there, red porgy was pulled out, speckled hind was pulled out as well because it had an overfishing – I'm sorry, that's an ecosystem component. It was going to be designated an ecosystem component, but now it's not because it had an overfishing status at one point. I apologize for you not having the most current table. Like I said, we were in the process of updating it up until a couple of days ago, but those changes have been made.

MR. DeMARIA: Does anyone to make a motion on this so we can move on?

MR. CARDIN: **I would ask for some discussion on why we couldn't use the 85 percent of OFL?**

MR. MARHEFKA: I would just like to go and say, also, because due to the uncertainty of what these stocks are, until we do come up with a stock assessment on it, I would go and push for the

higher of our ABC also. It's really frustrating that we're going to go and have – and these fish are all within the groupings, too. We're going to go and have an issue where it's going to go and shut some species down; so the higher you go the better, in the fishermen's eyes, we're going to be. That's just my choice.

MR. DeMARIA: Make a motion if you want, Mark, and we'll move on. Is there a second for that? Okay, it has been seconded. Any more discussion?

MS. FETHERSTON: I'm going to vote against this because I think the prevailing wisdom, if you can call it that, is that when we don't know a lot about a population, you should use more precaution, and I certainly support that philosophy for these populations that we know relative little about.

MR. CARDIN: I'm thinking more along the lines is there are a lot of boats being parked these days. There is less interaction and less removals. I think we might actually see some decreases of pressure on these species, so I think that alone will offer a lot of protection with the 85 percent.

MR. DeMARIA: Can we go ahead and vote on this? **All those in favor; those opposed; those abstaining. The motion passes.**

MR. ATACK: One comment; I voted against it because I think you really need more data and you might need to have a different percentage on different species. If you know that certain species have high landings and if you see that the landings are going down and you know they're still being targeted, well, then, that might be overfished. I think without some type of analysis as to what is going on with these, just a blanket 85 percent is, you know.

MALE VOICE: I abstained simply based on the fact that I don't think you have enough data here to say one way or the other. It's kind of like giving the IRS a blank check that you've signed.

MR. CARDIN: The council has to do something with it. I guess it's a year now and they have to do something. If we don't do anything, we're talking about shutting down and the council getting the lawsuits and all that stuff, so, you know, 85 percent of what we've been harvesting I would say we'd be pretty safe with most of these species of what I know of them.

MS. BROUWER: Now, just a clarification, this is an 85 percent of OFL for the ABC. We're talking about the acceptable biological catch and not the ACL. Okay.

MR. ATACK: Yes, I that there is data that could have been presented to the AP here showing what is happening with the different species. If that data is there, it could be presented. That's what I would recommend for the next time.

MS. BROUWER: On the screen I have the recommendation from the team, and again it's to combine Actions 4 and 5 under a single action since there is a single control rule that the SSC has recommended. We will discuss in December with the council and suggest that we add

language that the council can adopt the control rule but use the P-star analysis for the assessed species or the ABC equals 75 percent of OFL until such time as the SSC's control rule is complete and can be applied.

Basically this would give the council some flexibility in adopting a rule; and when it's ready, then they wouldn't have to go through an entire amendment process to apply that rule to all the species. They will have already adopted it so that when it is complete, it can be applied. That is just, again, an alternative that they are going to have to choose from. Are there any questions on that?

Okay, moving on to Action 6, this action specifies allocations for the fishery. The council's preferred is to divide the allocations among two sectors, commercial and recreational, using the equation that is on the screen, which is half of the catch history plus half of the current trend and looking at catch history being 1986 onward and the current trend being 2006-2008.

The other alternatives, Alternative 3 would be the same thing except including the for-hire as a third sector. Alternative 4, the allocation would be a percentage of the ABC and it would be established using a catch history from 1986-2008. There is some language in the alternatives right now that specify the poundage. The team is going to recommend to the council in December that language be removed because we don't know in the future if the ABCs are going to change. We want to be able to have the flexibility of those numbers changing and the council just sticking with that percentage as opposed to that specific poundage. Alternatives 5, 6 and 7, again, is the same thing but looking at different years for the catch history.

MS. FETHERSTON: I'm going to abstain on any vote on the allocation here, but I will just mention that the flexibility of having the council authorized a percentage and so they don't have to go back through – if a certain poundage per fishery is authorized, then they have to change the allocation every time there is a change in management; but if the percentage is authorized and that's what they approve, it's much easier to just sort of follows naturally that is more – it's just a calculation and not an actual allocation decision. Seeing this in the Gulf, it is sort of problematic to go through allocation every time you have some management change.

MS. BROUWER: Exactly; you said it much better than I did, but that's exactly the issue.

MR. JOHNSON: I'm just looking at the allocation chart there, and vermilion snapper is the one that sort of sticks out to me. That's a pretty important fishery for your headboats; and with red snapper being off the table for your recreational anglers, also, I'm not sure about the split there. Snowy grouper in my area aren't important for the charter and the recreational than I know they are in I guess North Carolina and some other places. I'm not sure; it doesn't look very fair to me.

MR. DeMARIA: Are there any other questions? Go ahead.

MR. DeBRANGO: Yes, just one comment here. The wreckfish aren't in this and the wreckfish need to have a recreational allotment, too. I know it complicates things because of the ITQ, but

it needs to be done for the – there is a lot of South Florida charter guys that can go fish them right now. It's illegal for them to have them, but at least a 5 percent allotment.

MS. BROUWER: Yes, there is an action that deals with wreckfish allocations. Wreckfish are separate; there are actions for wreckfish alone and separate from the ones for snapper grouper, so we will get into those next.

MR. DeMARIA: Does anyone want to make a motion to move this on? It's kind of hard when you don't really understand it.

MR. CARDIN: I move that we go along with the council's preferred alternative on applications.

MR. DeMARIA: Is there a second?

MALE VOICE: I second the motion for Alternative 2.

MR. DeMARIA: Okay, that was seconded. Any discussion or can we vote on it? **All those in favor; all those opposed. The motion passes.**

MR. ATACK: I have one question. What do they mean by the 1986 onward current trend, the '06 to '08 for this amendment?

MS. BROUWER: I'll have to be honest; I was wondering that myself just now, so I'll have to get back to you on that. It's not very clear so we will have to clarify that language.

MR. CARDIN: It means the historical '86 until now landings; 50 percent of that and then the other 50 percent will come off of the recent trends in the fishery, so kind of adjust an allocation a little bit more towards more current numbers. Let's say it was 50 percent – historically it was 50 percent commercial and 50 percent recreational; so we're going to take half of that long period of time; and let's say from 2006-2008 when commercially I was shut down from harvesting fish because of the spawning season and recreationals were still harvesting, well, their harvest level increased, so this taking half of their increase and half of our old history and combining the two; 50 percent of the time and 50 percent of the time.

MR. DeMARIA: Okay, we need to move on; there are 30-something actions in this one section, and we're at, what, six now.

MS. BROUWER: Action 7 deals with establishing annual catch limits for the snapper grouper fishery. You've probably figured this out, but Alternative 1 is not represented just because of space, but Alternative 1, of course, is always a no action. Alternative 2 is to establish the ACL equal to the ABC. The council in September decided to include OY in there because the council does need to specify optimum yield.

You will see this was done for all the species that are having ACLs established in this amendment. Alternative 3 is for the ACL to be 90 percent of the ABC with the same

subalternatives as those under Alternative 2. Alternative 4 would set the ACL at 80 percent of the ABC.

MS. FETHERSTON: It's not clear to me how optimum yield can equal ABC. I understand how an ACL could equal OY. You could set your catch limit at optimum yield. I understand you could set your catch limit at ABC, but I do not see how those three things are ever equal; and if they are, it would be like a one in a lifetime thing. I mean optimum yield is applied very differently from allowable biological catch. By its very definition it's reduced from the allowable biological catch to allow for some thing, so I'm not clear on what these alternatives are trying to do.

MS. BROUWER: I'm sorry; I don't think I can provide a rationale for you at this point.

MR. MARHEFKA: Is that why we don't see a preferred?

MR. WAUGH: It was talking about Alternative 2? Well, the SSC will provide us their recommendation for the ABC. The council is supposed to step down from the ABC based on management uncertainty; so if there is no management uncertainty, that would be the rationale for setting ACL equal to ABC.

Given our management structure and quota-tracking capabilities, it would be difficult to argue that there is no management uncertainty, so that's why you have other alternatives to step it down 90 percent of the ABC or 80 percent of ABC. That's stepping down for management uncertainty. And then the feeling is we have to specify the ACLs and that becomes your optimum yield. Perhaps if it's lower – if you're dealing with stocks that rebuilding, then that number is going to increase over time, but in any one year your optimum yield is what you specify as your ACL. That's the rationale.

MS. FETHERSTON: I guess I'm missing something and I'll just follow up with somebody else later.

MR. DeMARIA: Does anyone want to make a motion on this? You could just no action, too, for the motion.

MR. DeBRANGO: I'm just trying to understand this and I was hoping Gregg could answer it. Okay, ACL is going to be equal to the optimum yield; so of the percentage cut that we just talked about with the ABC will be a percentage again for the ACL?

MR. DeBRANGO: So as we set each one of these that we're cutting, we're adding additional cuts?

MS. BROUWER: I can go back to the figure that shows you the step-down – how the ABC and the OFL relate and where the ACL comes in. We're talking about setting the ABC and the ACL at the same level, and that would also be your optimum yield.

MS. BROUWER: Right, exactly, so 2 and 3 would set the ACL below the ABC by 10 or 20 percent.

MR. ATACK: And this is for the unassessed ones or is this for across all the fishing?

MS. BROUWER: This is for the species that do not currently have an ACL that has already been established. Other amendments starting with Amendment 13C I believe have already established harvest levels, so it would be for species that do not have one established.

MR. DeMARIA: So Alternative 2 would allow you to catch the most fish.

MR. DeMARIA: I think so.

MS. FETHERSTON: But, again, optimum yield has been defined as 75 percent of whatever the catch limit was – whatever MSY was; that optimum yield was 75 percent of that. I realize I've already said this, but this makes no sense to me. I mean, that's right, Alternative 2 sets your catch limit exactly at your allowable biological catch, which allows you to catch those fish, but it also puts in the most peril of allowing overfishing and then you can end up with a depleted stock and management measures down the road.

MR. ATACK: And on the other fish that do have assessment, what percent did we use on them?

MS. BROUWER: It has been different for different species, but the council did not want to revisit the species for which there already is an ACL, so they're going to adopt the ACL for those species as opposed to putting them through this exercise, but it varies.

MR. ATACK: Yes, like gag had a stock assessment, red grouper; do you know what they used on those?

MS. BROUWER: Well, the current ACL is being proposed under 17B, so I can tell you – we were talking it yesterday – the aggregate for gag, black and red is what is currently on the table for those species. I could pull it up of you'd like. The current commercial ACL for gag is 352,940 pounds gutted weight. The combined ACL for gag, black and red grouper is 662,403 pounds gutted weight. This is commercial.

MS. BROUWER: This amendment did not establish an ABC.

MS. BROUWER: Right, I can't answer that question because these numbers were not figured out using that formula.

MR. GOULD: You're in a spot. What species outside of triggerfish does not already have the ACLs? I want to know what we're getting on – put them on here.

MS. BROUWER: The majority of species don't have an ACL. That's what this amendment –

MR. GOULD: Tomtates, stuff like that, okay.

MS. BROUWER: Right, so everything other than things that have a stock assessment and a rebuilding plan where there are current harvest levels established.

MR. GOULD: Well, as far as the smaller fish, the tomtates, the bank sea bass, in my neck of the woods there is no problem whatsoever. Most of the time they're discarded. There is a bit of a mortality rate on them. Very few of our customers keep them because they are so small. You start putting ACLs on them, it is just going to ratchet up the paperwork, the whole nine years. I would prefer no action myself and just keep it status for a while and let it go.

MR. DeMARIA: Do you want to make a motion on that?

MR. GOULD: Yes, I will.

MR. DeMARIA: That's no action.

MALE VOICE: I second it.

MR. DeMARIA: Do we need to discuss that anymore or can we vote on it?

MS. BROUWER: I'd like to clarify something before you vote, if I may. Okay, the problem with this is that the council – if those species are under management, they have to have an ACL, so you can't really recommend no action. The council has to set an ACL for these species.

MR. GOULD: Well, why was Alternative 1 put up there? If you've got to have an action and you put up a dummy alternative for us, we go for that, and then you tell us that we can't go for it?

MS. BROUWER: Right, this is an issue with the way we have to do things for it to comply with NEPA. We always have to have an no action alternative, but the fact is that the council does have to take action.

MR. JOHNSON: And the council is going to take action if we don't is what she is trying to say. Do we want them to do it for us or do we want to have a say in it?

MR. GOULD: Well, let's go with the least intrusive there; 90 percent of the ABC, that would give you the maximum yield, wouldn't it. Alternative 2 would. All right, well, let's go with that, then.

MR. DeMARIA: You're going to have to withdraw your motion?

MR. GOULD: Okay withdraw my motion, please, and then we'll do one for Alternative 2, okay.

MALE VOICE: I'll second it.

MR. DeMARIA: Can we go ahead and vote on this? **Is anyone opposed; everyone that is for it; those that abstain.**

MS. FETHERSTON: So by setting your – well, first, I can answer a question. The gag MSY in Amendment 16 was set at 1.238 million pounds and then the optimum yield was set at 75 percent of that, which was 1.217, so that's your difference looking at , the difference between MSY and OY that you referenced.

But as you set ACL equal to ABC, you're essentially saying there is no management uncertainty in species that you know very little about, and so I think that the next action is setting an annual catch target, which is how you make sure you don't trigger your annual catch limit. I don't know that you avoided restriction by setting your ACL equal to ABC because I think you then have to set a catch target under an accountability measure in this section would be my personal opinion, but I guess I'll let Myra take us there.

MS. BROUWER: All right, so annual targets and accountability measures are covered under Action 8. These alternatives would apply to the commercial sector. Alternative 2, after the commercial ACL is projected to be met, all purchase and sale of whatever species is prohibited and harvest and/or possession is limited to the bag limit. Alternative 3, if the commercial sector ACL is exceeded, then the regional administrator shall publish a notice to reduce the commercial sector ACL in the following season by the amount of the overage.

Alternative 4 would specify annual catch targets, and there are three subalternatives under that. These are the alternatives for the recreational sector and you can see the council has only picked 8C as their preferred, setting the catch target equal to the ACL times one minus the proportional standard error or 0.5, whichever is greater.

There are a whole series of alternatives or actions, I should say, dealing with accountability measures and annual catch targets, and they're all very similar. The council has not been very consistent in picking preferreds for them nor have they been consistently worded. You will see that of these are different than previous. It's a little bit frustrating and hopefully we can get the council to give us some guidance to clean this up in December.

MR. ATACK: It looks like they've got sector allocations as one of these alternatives.

MS. BROUWER: No, these are the measures that would get triggered when the ACL is met or projected to be met. This is what would happen, and they're different for the commercial and the recreational. There are different alternatives for each sector, so commercial is now –

MR. DeMARIA: Can we deal with the commercial first?

MS. BROUWER: Yes, Alternatives 2 through 4 deal with commercial.

MR. CARDIN: A question for someone that might be able to inform me. Why does the commercial ACL and ACT need to be different? Why wouldn't they be the same with our dealer reporting and real-time monitoring and all that?

MS. BROUWER: They can be set at the same level. That's up to the council to decide, but they can. But, again, as Libby pointed out, setting the annual catch target below your ACL sort of

ensures that the ACL is not – that you don't go over the ACL. It's sort of a fail-safe measure that prevents the ACL from being exceeded. That's how I understand it, anyway.

MR. CARDIN: But the council prefers on the recreational sector of setting them equal?

MR. WAUGH: Here when you're setting your ACT, on the commercial side if you are interested in recommending that the council set ACT equal to the ACL, that would be 4A. You can present a good rationale for doing that. We have a hundred percent logbook coverage. we have a hundred percent trip ticket coverage, and so there is the ability to track the commercial very closely.

That would be the argument that one could make to see the ACT on the commercial side equal to the ACL because there is the ability there with the reporting. There is a quota monitoring system operational in the states from North Carolina north that track quotas quite closely. There is different system that's in use right now in the southeast that results in overages and underages that we're dealing with now. The ability there is to implement a quota monitoring system that can better track the commercial landings using the hundred percent logbook coverage we have using the hundred percent dealer coverage that we have.

On the recreational side it's different because we're using MRFSS or MRIP data, and that has a variability associated with it. The idea here is you want to make sure that you don't exceed your ACL. If you exceed your ACL, your annual catch limit, then you have to pay it back the following year. It's similar to a checking account. If you exceed your balance, then you have to pay a penalty.

So here on the commercial side, the argument is that the ability is there to more accurately track the commercial landings so there shouldn't be an overage. There shouldn't be a need to pay the penalty. On the recreational side, the data we have are more variable so you don't want to go over your catch, and so this sets the target, the ACT, at a lower level, and then you put in bag limits to keep your harvest down at that low level; and if you're not quite accurate and you go above that target, then you're not triggering your ACL and you don't have the paybacks. That's the reason for the two differences.

MR. COLE: What is the real difference between Alternative 2 and 3? The practice that we're following over on the Atlantic States Marine Fisheries Commission is to monitor both commercial and recreational. If it's getting close to that quota, we shut it down. If we are in error and underestimate and still go over, there is still the payback. You have two actions.

In other words, if you bust that quota, you're going to get shut – or get close to it, you're going to get, one, shut down; and, two, you're going to pay it back. It's just like overdrafting your checking account right now. Count on it; don't even think otherwise. Now, we can do this both recreational and commercial.

Now I'll admit that monitoring the recreational can get a little difficult, but you can do it by doing wave analyses. That's essentially what they call it, but you can do it by using certain wave

analyses tools that we have. I don't see that Alternative 2 and 3 are separate. To me both actions are necessary at the same time. I can't see the separation.

MR. WAUGH: Well, you've explained the difference between the two is you just shut it down. Three is if you do go over, the following year then you have to pay it back. That's the difference.

MR. COLE: But isn't that what the law says, anyway?

MS. BROUWER: If I may add, the council would have to take both of those as their preferred, and they have done that for some of the other species in the amendment. But as I was saying before, it has not been consistent that they've picked the same preferreds for all of them. You're right, the way these alternatives are worded, you can't just pick one or the other. They're not mutually exclusive. It's sort of a combination of various things that need to happen at the same time.

MR. COLE: Well, then, in that case, Mr. Chairman, I'm going to move that the council consider combining Alternatives 2 and 3 for both the recreational and commercial.

MR. DeMARIA: Is there any discussion?

MALE VOICE: Second.

MR. WAUGH: Just for clarification, I think you might want to do Alternatives 2 and 3 just for the commercial and look at the recreational separate, because these Alternatives 2 and 3 talk about sale and it is specific to the commercial sector.

MR. CARDIN: Either Bill or Gregg, I don't see how you could put the commercial and recreational together on this because if we ever catch the commercial quota today or maybe a week or two from now, you see it on the system, but, yes, recreationally you don't see it for a couple of years.

MR. COLE: Mr. Chairman, I'll agree and let's split the question, meaning let's deal with the commercial by combining 2 and 3 and then we'll deal with the recreational.

MR. DeMARIA: Does someone want to section that?

MALE VOICE: Second.

MR. ATACK: The way this reads, I think from a law enforcement it talks about once the – is met, all purchase and sale is prohibited and harvest or possession is limited to the bag limit; so it sounds like a commercial trip can have the recreational bag limit of that fish on the boat when the season is closed; is that correct?

MR. MARHEFKA: Yes. Basically some of the commercial guys do that to go and put some fish in their own freezer, so they can go and have some – it doesn't go and have to go out of their pocket, the bag limit.

MR. ATACK: And I don't have a problem with that except for the Marine Fisheries, when they stop you, they want to know if you got it on a commercial trip or if you got a recreational trip; and if you're on a commercial trip, they have nailed people or tried to nail people for having the recreational bag limit on their boat.

MR. MARHEFKA: That's why I won't come back into Southport.

MR. DeMARIA: Do we want to vote on this or is there anymore discussion?

MS. BROUWER: If it helps, you can think of it as Alternative 2, it's an in-season accountability measure, so it basically says what would happen within the fishing season if the ACL is projected to be met. Alternative 3 is a post-season accountability measure because it's describing what will happen once that ACL is exceeded. As I was saying, they're not mutually exclusive. The council would have to choose both of them.

MR. WAUGH: And just to make sure you all understand what you're doing with Alternative 3 – and you may want to talk about how quotas are monitored at some other point if you haven't already talked about it. Under 3, if there is an overage, you pay it back, so it behooves you to recommend that the quota monitoring program be improved so that it's tracking it in real time. It's kind of like having two kids; you know, one misbehaves and you punish the other one.

MR. COLE: Yes, Mr. Chairman, but I can assure you that when a state has to pay back 50 percent of its future catch in one year, you can bet your sweet bipee that data improvement is automatic. It's almost overnight, Gregg.

MR. WAUGH: But it's not a state issue; it's how we are monitoring the quota at the federal level. States are collecting trip ticket data now. That's just not how we are choosing to monitor the quota.

MS. FETHERSTON: And that hundred percent electronic required dealer reporting that we voted on earlier might get at some of this.

MR. FEX: I've just got a comment for discussion. Okay, it says after the commercial ACL is met, which would be the allowable catch, then you can possess a bag limit. How is that even going to be counted? I don't understand it. Is that going to go under the recreational count?

MR. FEX: Oh, I totally understand that, but I'm just saying I'm a commercial guy and I'm going commercially fishing, and I just filled my ACL and now my season is over, but I'm still going to go fishing and now I can keep this recreational bag limit.

MS. BROUWER: No, Kenny, I don't think that's the intent.

MR. ATACK: Yes, I think it's mainly for bycatch; so that if you happen to get some bycatch, then you don't have to throw the fish back overboard, right?

MS. BROUWER: The intent once the ACL is projected to be met – and it's very important to keep that in mind – when it's projected to be met, you still go out and catch but only your bag limit. So basically it makes sure that you're approaching that limit very slowly so that you don't go over' but then once it's exceeded, no more

MR. FEX: It just reads after the commercial ACL is met. No, I understand exactly, met, but then I can still keep more fish. That's the only problem I have with that.

MS. BROUWER: That explains the confusion, then.

MS. BROUWER: I'm sorry, yes, that again is it's projected to be met is the correct language.

MS. FETHERSTON: But that's typical of the way the language is written in the South Atlantic Regulations for when you reach a commercial TAC. I mean, you're allowed to possess the bag limit because you're then essentially a recreational fisherman and required to have a recreational fishing license and you'll be surveyed under MRFSS by some miracle, perhaps. But that's how the regulations for the South Atlantic snapper grouper fisheries are written, and so I'm sure this was copied and pasted straight out whatever happened in 17B or whatever that you're allowed to possess the bag limit because you're a recreational angler. The commercial fishing season is closed.

MR. DeBRANGO: You've got a good point right there. If you've got a bag limit on your boat, even though you're commercial, do you have to have a recreational license on you, too?

MR. DeMARIA: Are we ready to vote on this or do you want to discuss it for quite a bit longer?
Everyone that's in favor of the motion. It obviously passes.

MS. BROUWER: And I just realized that apparently one of my slides didn't make it into here because evidently there is Alternatives 5 and 6, but they're not in my presentation, so I don't know what happened. If you refer to Page 30 of your hard copy document, I'll go ahead and just read those alternatives into the record.

MS. FETHERSTON: I thought Bill was going to make a motion to have similar language for the recreational sector.

MR. COLE: I can't believe I started this. Before she reads it, what I'd like to see done – and the language is not here, but that the recreational needs to mirror what the commercial does, and this verbiage that's on Page 30 just goes all over the place and doesn't really get there. The bottom line is that if you're going to do quota management, do quota management.

If you're going to bust it, you're going to pay it back, and I'm dead serious. It's amazing what states and the federals will do to clean up data management when somebody cannot go fishing. It's amazing what happens. I'd like to have all of this language condensed into something

similar for the recreational with what we have for the commercial, and I'm going to let you try to figure that out.

MR. DeMARIA: Is there anymore discussion while she is figuring it out.

MR. FEX: Yes, if you do try to go with same things, then you would say, okay, after the recreational ACL is projected to be met, it will be prohibited except for the bag limit, so I'm just reading that. That works pretty good for whoever, but it just didn't look right for me.

MR. ATACK: I had a question on the wording on this; what do you really mean by reduce the recreational sector ACL; what is a sector ACL?

MR. ATACK: The other thing on the table is I guess they're looking at rolling three-year averages versus every year.

MR. DeBRANGO: You've got to have a target in there with that, though, with the recreational just because of reporting, maybe to 85 percent or something.

MR. DeMARIA: Rusty, did you want to say something real quick?

MR. HUDSON: With the SSC meeting last week, Brian Chevront, the vice-chair, was there, and he was discussing about the three-year running average. Myra can probably correct me, but with the Alternative 5, the SSC told him "tell the council to figure something else out instead of that three-year average". That Alternative Number 5 talks about the three-year running average. The SSC told Brian Chevront, after he explained how that was supposed to work, that he needs to go back to the drawing board with the council and come up with something different.

MR. COLE: I'm not going to comment on that other than agree. We've tried it in the Atlantic States Marine Fisheries Commission and it doesn't work. It can be done annually and be done with it.

MR. DeMARIA: Now is this your motion here, Bill, what she has written?

MR. COLE: Very good; I'll move that.

MR. DeMARIA: Does someone want to second it?

MR. JOHNSON: Just to comment, recreational and commercial are so different it can't mirror.

MALE VOICE: I'd like to make a motion.

MR. DeMARIA: Well, we've got one.

MALE VOICE: Has it been seconded?

MR. DeMARIA: No. Do you want to make a substitute motion; go ahead.

MALE VOICE: Well, I'd like to make the motion that we do Subalternative 8C.

MR. CARDIN: How would you do any kind of in-season accountability measures with the recreational sector if they're fishing that ACT and ACL limit?

MS. BROUWER: I was going to say that was exactly one of the problems the SSC had with in-season accountability measures for the recreational sector, because it's going to be very hard to track those numbers and put measures within a fishing season.

MS. FETHERSTON: So that's the point of the annual catch target, right, is to give you a buffer so you don't exceed your annual catch limit. I will say this, in the Gulf of Mexico they have in-season recreational accountability measures for species that are overfished so that they don't blow through their quota; so like greater amberjack closed in like October or something.

The recreational greater amberjack closed in season and they had enough data to say you're projected to reach your quota and they closed the recreational fishery, and they have to pay it back the following year, so in-season recreational closures can be done. They are not preferred just based on the data that you have. I think they got the data like two months too late to close the fishery when it was near its catch target, and they went over by some hundred thousand pounds or something.

It can be done, but the point of using the annual catch target is so you don't have to do any of that in-season mumbo-jumbo because the accountability measures apply when you reach your catch limit, when you exceed that. If you exceed your annual catch target, who cares? That is why you have the target as a buffer.

MR. CARDIN: Well, I thought they were projecting ahead of time, before the season began, how many days the season would be open.

MS. FETHERSTON: Yes, that's how you set the season and then you track it with MRFSS or MRIP or whatever in-season; again, not the most desirable way to manage a fishery, but it's being done in the Gulf of Mexico currently.

MR. CARDIN: Well, that's my point, going with this, in the Gulf it caught them and then they had to readjust and set the seasons. Is this going to ask our council to set ahead of time to project recreational seasons and what have you?

MS. FETHERSTON: Well, they already do, right, like you have the bag limit and the size limit; and if those don't cut the mustard, you've got to have a recreational associated with that that you project will have the recreational fishery catch its limit, so that's kind of already done.

MR. CARDIN: I said we've done the limits here but they've never in the middle of the season told the guys they had to quit fishing other than the red snapper and we see what happened with that.

MS. FETHERSTON: Yes, that's no party, certainly; and, no, it hasn't been done here, but I'm merely saying it has been done. I'll tell you this; the quota closure for amberjack happened in the middle of the Destin Fishing Rodeo that had a prize for the biggest amberjack, and those guys were pretty peeved about it, so in-season closures are really not desirable, which is why I'm supporting using an annual catch target so you don't get that far.

MR. DeMARIA: Okay we have a motion on the floor; can we vote on that? Libby seconded it. **All those in favor; those opposed; those abstaining.**

MR. DeBRANGO: I just want to say something or comment about that last one. My only concern is that we're talking about the Gulf projecting and all that and haven't they had a lot of overages and everything over there, in the snappers and everything? I mean, with that last alternative, without a good ACT on it to buffer the whole thing, we're going to be doing the same thing and then he's going to be going out there for his recreational catches and stuff like that, and he's going to be shut down, and he's going to be giving it back.

Ad next year they're going to be taking even more away from them. It's going to hurt us. I mean, like, that's all I hear about in the Gulf is, oh, we had to give back a whole bunch of pounds the next year and they're crying and complaining about it, so if you look at that PSE, say, at 80 percent you go into a buffer before it goes over; and like you said, it could be two months late in reporting on something. Otherwise, we're just going to be giving back every year.

MR. ATACK: Yes, Chairman, I think we also want to do Alternative 6.

MR. DeMARIA: Well, let's move on to the next action item. Go ahead.

MR. ATACK: I think we also want to make a motion to do Alternative 6 in addition to that alternative.

MS. BROUWER: And just for the record I wanted to read that alternative into the record since we don't have it up on the screen. Alternative 6 reads the regional administrator shall publish a notice to close the recreational fishery when the ACL is projected to be met.

MR. DeMARIA: Okay, one question and then we're going to vote.

MS. FETHERSTON: Just by way of rationale; this will make sure that the fishery doesn't exceed its catch limit and have to pay it back, but the motion we just had was to set an annual catch target; that if that's exceeded does not trigger a closure, so this is primarily just to make sure the fishery doesn't have to have an accountability measure, so I think the combination of the two is a reasonable way to manage the recreational fishery.

MR. DeMARIA: Let's vote on this. **All those in favor. It passes.**

MS. BROUWER: Okay, the next three actions deal with wreckfish. Action 9 is to specify allocations for the wreckfish fishery. Alternative 1 is no action, and I put it there so that you

realize that means that a hundred percent basically would go to the commercial sector. Alternative 2 would divide allocations as 90 percent commercial and 10 recreational.

Alternative 3 would divide allocations as 95 percent commercial and 5 percent recreational. Alternative 4 would be to allocate a hundred percent of the allowable catch to the commercial sector. The difference between 1 and 4 is that Alternative 4 would officially make it a hundred percent commercial fishery.

MR. DeMARIA: Does somebody want to make a motion?

MR. FEX: Hasn't the recreational been able to keep wreckfish?

MALE VOICE: It's illegal.

MR. FEX: Okay, well, I've been to several council meetings and they had made comments about wreckfish.

MS. BROUWER: Right, the regulations are such that wreckfish is included in the aggregate bag limit, but you need to have a wreckfish endorsement. You need to have quota shares allocated in order to be able to keep it. There are some issues with the regulations and that is one of the reasons why the council wants to address this officially and either make it a hundred percent commercial or allocate some officially to the recreational sector.

MR. ATACK: I'll make the motion to accept Alternative 2.

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

MALE VOICE: I'll second it so we can discuss it.

MR. JOHNSON: We don't have a recreational wreckfish fishery off my inlet. Is something that exists in South Florida? Is a part of this quota going to ever be used or is it just – I mean, we going to catch 10 percent of the quota; do you think.

MR. SMITH: Well, personally, I know that a recreational catch is there, but I doubt that you're going to catch 10 percent.

MR. JOHNSON: So why would we not have gone with 5 percent? The only reason I'm saying it is I do know some guys that do it. That's a very expensive fishery. These guys steam a long ways at a lot of cost, and I don't think it's right to take part of a quota that they use just because you might want to use it. Do you understand what I'm saying?

MR. SMITH: There are guys who are heading to the Bahamas and stop to fish that bottom for a wreckfish, but they can't now the way it's set up.

MR. FEX: Yes, I just want to let you guys know that I think the wreckfish was at a 2 million pound quota and now they are dropped down to 250,000 pounds, which is a big decrease. I

mean, no offense to the recreational sector, but them guys just got cut hard; so if you want a piece of that little bit of pie left, you might want to consider them guys that actually –

MR. DeMARIA: Is there anymore discussion or can we vote on this, and you can always make another motion if it doesn't pass.

MR. DeBRANGO: Yes, that 10 percent is a little bit too much. I know the wreckfish fishery, and I know all over down in South Florida there is a viable resource for even charter captains and everything like that so they can go because they're going just beyond the buoy off Miami to catch them. They are there in the Keys. They are all around there.

You're not talking a whole bunch of ways out; whereas up off South Carolina, no matter which way you go, you're going over a hundred miles and you've got to get on the east of the stream and to hell. I mean, I know the North Carolina fishermen, I do know that they have caught some juveniles and some smaller ones up on the wrecks and everything, and these guys are having to let these fish float off. I know they catch them north of there, too.

The recreationals are catching them up off the Mid-Atlantic coast, and they are actually keeping those and bringing them home. They actually get four of them as a bag limit up there, I think it was. There is a fishery down south and I would say it would benefit the charter captains down south and the – there is a big group of people down there that do deep-dropping.

They do the tilefish. I don't know how many of there is, but I just think 10 percent is a lot. If they don't cut the quota – because you're only affecting two boats or three boats because it's really just Paul Reiss and Sam Ray that are still doing it. Everybody else is sitting there with their ITQ and not doing anything; so you're not hurting the whole industry, you're hurting two guys, but I think 10 percent is a little bit high. I mean, 5 percent or even 1 percent – if the quota stays the same, 1 percent would probably be fine.

MR. DeMARIA: Well, let's vote on this and see how it goes and you could always make another motion. **All those in favor. The motion failed; does anybody want to make another motion.**

MR. JOHNSON: I'll move Alternative 3 instead. I'll go with Alternative 3.

MR. DeMARIA: Does someone want to second that? Okay, can we just go vote on this or do we need to discuss it more? All those in favor. Okay, let's move on

MR. MARHEFKA: Don, were the wreckfish – aren't they on the AP; were they not called up this time?

MS. BROUWER: Yes, the wreckfish guys were invited and they're not here.

MR. DeMARIA: Paul Reiss is on here.

MR. MARHEFKA: Well, Paul and Sammy are both on there and I know they're in, too, so I'm just sort of curious why they're not sitting around the table.

MR. MARHEFKA: Yes, he's in.

MS. BROUWER: Moving on to Action 10; that's to establish an ACL for wreckfish. The alternatives are similar to those that you saw for snapper grouper – so ACL equals OY equals ABC – with the same subalternatives; and Alternative 3 and 4, again 90 percent of the ABC or 80 percent of the ABC being the ACL.

I guess I should tell you that the SSC did recommend an ABC for wreckfish and that was 250,000 pounds. Their rationale for that recommendation is included in their report in August, and I'd be happy to point you in the right direction where you can get that information if you're interested. It was based, as I said, on many factors, including the fact that it is a very small fishery. There is, as somebody just mentioned, only two vessels that are actively pursuing wreckfish commercially, and there are issues with the data of confidentiality.

MR. FEX: I make a motion to have Alternative 2 be the preferred.

MR. DeMARIA: Is there a second? Any discussion or can we just vote on it? All those in favor; those opposed.

MR. ATACK: I have one question. We now have a recreational sector on this, maybe, so is it going to be the same ACL equals OY equals ABC?

MS. BROUWER: That will be a question for the council to think about in December. Action 11 deals with accountability measures for the wreckfish fishery. Again, the ITQ system is the accountability mechanism for the commercial sector. If the council chooses to go with establishing a recreational sector, these are the alternatives that they would be looking at. Alternative 2 is the same wording as Alternative 5 that we just went through for snapper grouper.

I should tell you, as Rusty pointed out, that the SSC discussed this alternative at their meeting last week, and they did have some issues with the language, using this running average over the three years, especially for a recreational fishery where the information is not going to be available in a timely enough manner in order to calculate these numbers and have these accountability measures kick in and be effective for in-season.

MR. DeMARIA: Is there any discussion or motions?

MR. COLE: I'll try again; I'm going to move Alternative 3.

MR. DeMARIA: Is there a second on that? Okay, we've got a second. Discussion or just vote on it? All those in favor; those opposed. It passes.

MR. MARHEFKA: We're zooming along here and I have got a couple of questions here because this is what is looming out on the outside is this whole ITQ program. Why are we

having to even visit this with the wreckfish if this is such a wonderful system? Maybe somebody can go and sort of answer that who is around the table. I don't know; why do we have to go and drop their TAC down so low when they're not even reaching the TAC?

MS. BROUWER: As I mentioned, the SSC had extensive discussions about that at their August meeting. They drafted a statement with the rationale for why their ABC is so much lower than the 2 million pounds.

MR. DeBRANGO: Well, the ABC I don't understand it. Like you said, the activity in the industry is like about as low as you can get. You've got two boats with a 2 million pound quota. The industry is not – as far as being with the ITQ, the industry is not conducive to new blood in it because you have to have a serious historical knowledge just to even make it out there where they're catching it.

They go out there and they go running around trying to figure out where your lines go and in 2,000 foot of water and you're going over a 300-foot cliff, but your line is going up 300, a thousand foot, and you're wondering where the heck you even are. It's just a whole different world out there; so just to even know what you're doing out there and make it – it's very expensive to set up, the reels and everything.

That's why everybody that goes out there, they just come back, they can't make it, so there is only a handful people, really, that can. I mean, and a bunch of people are sitting with the ITQ and what captains you have for them to take and put on a boat so they can use that ITQ right now – you don't have anybody. It's a very unique fishery on top of everything else.

MR. WAUGH: I know this isn't the time or place to get into a debate about ITQs and catch shares, but just to answer Mark's question, this action has nothing to do with the fact that there is an ITQ in place. We have to come up with annual catch limits and accountability measures. There is an assessment that was done many years ago. The Southeast Fisheries Science Center does not have adequate resources to update that stock assessment yet, and so the council and the SSC was left with using that old, outdated stock assessment or using landings. The SSC felt that the old assessment was too old to use it, and they recommended using landings.

You have a situation where there are only two boats or several boats operating, but the landings are low and now necessarily due to stock abundance but because that's what the fishery was producing. It's under fairly tight regulation, and so the methodology of using landings resulted in this extremely low ABC.

MR. MARHEFKA: Okay, but I guess my question is the accountability measure. How does that go and fit into an IFQ program? When you have X amount of shares, you're not going over, so what is the – I see the future accountability measures that we're trying to go and put in, but if you're reducing the amount of percentage of the shares that they're going to harvest; doesn't that fit into the accountability measure?

MR. WAUGH: Yes, and I think that's why – if you look at how the document worded, it says on the commercial side the existing system is the accountability measure; but now if we're going

to make an allocation for the recreational sector, then you need to come up with accountability measures on the recreational side. The accountability measures on the commercial are going to be the same way with the coupons, tracking it with coupons, so that's not going to change on the commercial side.

MR. DeMARIA: Okay, can we move to the next item and then we'll take a break.

MS. BROUWER: Did you want to make a motion on this action?

MR. MARHEFKA: I sort of felt when we skipped right on over it and we say if we go and we make a motion of no action alternative because it's policing itself; we're doing the same thing; you know, what we're not supposed to be doing in saying no action.

MS. BROUWER: Yes, I'm sorry, you did make a motion to recommend Alternative 3 under Action 11. As Gregg just pointed out, there are no accountability measure alternatives for the commercial sector since the ITQ program is the accountability mechanism. We're only dealing with if in the event that there is a recreational sector established, these would be the accountability measures that would come into place.

MR. GOULD: I like Alternative 4, implement one wreckfish per vessel per day bag limit for the recreational fishery. There are not that many people that does it, anyway, and it get us moving along here.

MR. DeMARIA: Does anyone want to second that?

MALE VOICE: I'll second it.

MR. DeMARIA: Okay. Is there discussion or can we vote on it? **All those in favor; all those opposed.**

MS. BROUWER: Now we're talking management measures, so these are the alternatives for management measures under Action 12.

MR. DeMARIA: That's if they decide to go with a recreational fishery for it. We're saying one per day.

MR. DeBRANGO: You go down to South Florida and you've got five guys paying on a boat and they're going out there and they catch two or three, you're going to throw two or three back, and they're going to just be floating away, they're dead; or if you drive 80 or 90 miles off Charleston, South Carolina, you're going to go catch one.

MR. MARHEFKA: Greg, I'm going to ask you a question because you just expressed to us how hard it is in 2,000 foot of water to go and drop 200 pounds of weight down; okay, my question is are you going to get five guys in a 20-foot square area on the back of a boat dropping down in 2,000 foot of water to go and catch – I mean, you pick the guy, here is who gets to go and drop

down for this wreckfish. My question is how big are the wreckfish that you're going to average size, too, that we're going to be pulling in here.

MR. DeBRANGO: The average size has actually been growing. They're right around 30 pounds apiece. In the Bahamas the deep-drop fishery is very viable, it's very big. I watched when they used the Lindgren Pitman reels, and they actually fish in 1,700 foot of water on peaks, and they are busting out with six pounds of weight, and they're catching 45-50 pound fish, four, five, six of them, each one. I mean I've seen that personally. And here, you know, when you're going in there, you go out to the deeper water, you've got a couple of reels down, and when you get into a – when you're coming through a school of wreckfish, if you hit the right spot, you're going to get some – it's like fishing snowies.

MR. MARHEFKA: It sounds like the commercial fishery and not a recreational. There is no fun behind that Lindgren Pitman.

MR. DeMARIA: Well, we can argue that, but we need to take a break.

MR. DeMARIA: Go ahead.

MR. COLE: Mr. Chairman, in the discussions during the break there was some consideration given to the correct wordage to reconsider the previous motion, and we have to be on the prevailing side. What we would be doing in doing so would be in the event that the council establishes a recreational component for wreckfish, that what would be that creel limit, and the motion was one per vessel, right, so the correct word would be for the motioner to ask for – if he is willing to ask for reconsideration of the previous motion.

MR. GOULD: Okay, I want to ask for a reconsideration of the previous motion right quick, and we'll get through this real quick.

MR. DeMARIA: Okay, let's do it as quick as we can.

MR. GOULD: Okay, the previous motion there was one wreckfish per vessel bag limit for the recreational fishery. I want to keep that wording pretty much the same, but add in on this for vessels in the recreational with valid snapper grouper permit, which would cover your for-hire sector, the bag limit is one per person the vessel, one per person for each person on the vessel is what I would like to see it changed to.

MALE VOICE: One per person.

MR. GOULD: One per person.

MALE VOICE: On a for-hire vessel?

MR. GOULD: If you've got six people on your boat, in other words, you can keep six wreckfish, and that excludes the captain and the mate.

MR. DeMARIA: Does somebody want to second that?

MR. COLE: I'll second it.

MR. DeMARIA: Okay, it's open for discussion.

MR. DeBRANGO: I don't like that either. I mean, yes, for-hire is going to have to have that – I mean, one per vessel and it should be at least one person – if you're for-hire, you're going out there anyway. What you take people out there to catch right now, you don't have to have a snapper grouper permit to take them out fishing right now to catch a redeye or a triggerfish.

MR. GOULD: You do up here for for-hire. We have to have a valid snapper grouper permit for-hire to do it; charter/headboat permit.

MR. DeBRANGO: You have to have the charter/headboat.

MR. GOULD: That's right, that's what I meant was charter/headboat permit.

MR. DeBRANGO: Right, but not the snapper grouper permit. The recreational sector should also get one per person on the boat at least. I mean one per vessel is just –

MR. GOULD: Well, that's the best that we could come up with on that.

MR. DeBRANGO: Well, see, the thing is nobody else here has done it; I have and I know what it takes.

MR. GOULD: Yes, but you've got the snapper grouper charter/headboat; don't you.

MR. DeBRANGO: I did; I don't need it anymore. I'm strictly recreational now. I go get the fish I want to eat. I just think if we get this, you know, you're going to have a lot – 5 percent, you know, and right now, like I said, the snapper grouper permit or the charter for-hire, yes, if you're a charter, you're going to have to have that, anyway, but the recreational sector needs to have at least one person on there; so if they get into three or four of them, they're not throwing them all back from one drop. It needs one per person.

MR. GOULD: All right, well, let's do this, then; we'll look at Alternative 5, implement one wreckfish per angler per day bag limit for the recreational fishery with a limit of four per vessel – how is that? Okay, let's go with that one.

MR. SMITH: I'd support that.

MR. DeMARIA: Do we need to put whichever is less in there or something like that?

MR. JOHNSON: No, I was just going to suggest something similar to what he just did.

MR. GOULD: The motion is implement a one wreckfish per angler per day bag limit for the recreational fishery with a limit of four per vessel. Is that acceptable to everybody?

MS. BROUWER: Did you want to add for vessels with a valid permit?

MR. GOULD: No leave it out; and the reason, looking at there, this is a hard call there, because you've got to look at everybody. The recreational fishermen, they support your bait suppliers, your tackle suppliers. The for-hires, they also buy bait, they buy fuel there, they buy tackle. If it helps out a little bit there, I doubt that anything will come of this, but I think it would be a little bit fairer than just one per person per vessel or one per vessel per day. We'll do that whenever she can get it up there.

MR. CARDIN: I've got a question for either the maker or the seconder of the motion. At four fish per person – or, excuse me, per vessel, we're talking about a 250,000 pound quota at 5 percent for recreational and that's 12,500 pounds divided by a 30-pound fish equals 416 fish a year; 416 fish a year.

MR. GOULD: You just did the math on that one, so what you suggest, what is fair and equitable?

MR. CARDIN: I don't know; I've heard from people that they're doing swordfish or that and they bycatch some wreckfish and they hate having to throw them back. But when you're talking about four fish, I don't know if that would actually develop a fishery or not.

MR. GOULD: Of course, when the TAC gets met, they'll shut the recreational down, anyway.

MR. CARDIN: But is NMFS is going to track 416 fish out of 17 million recreational trips.

MR. GOULD: They can use the MRFSS program; how is that?

MR. DeMARIA: Well, let's take a question from Richard and then we ought to vote on this. .

MR. STIGLITZ: I'm against that. As of today they can't even catch one. I think one per vessel – a 40 or 50-pound wreckfish will feed everybody that's on the boat. They're either coming out there – if they want four or five wreckfish, they're either coming out there and they're going to see them down the street walking in the back of a restaurant selling them, because four wreckfish at 40 pounds apiece, they're not going to eat them all or they're going to put them in their freezer and two years from now they're going to take them out there and put them in a garbage can and send them off with the garbage truck. That's exactly what is going to happen with them. They're either going to get sold or half of it is going to get throwed in the dumpster, and most of is going to get sold. I firmly believe one fish, where they today can't catch any, that's a hundred percent bonus that they're getting with one fish to the boat.

MR. DeMARIA: Let's go ahead and vote on that motion. That was four per vessel. **All in favor; those opposed –**

MR. DeBRANGO: Just throwing something else out there, too, with that, you're also going to get new data, you're also going to get a new DNA and everything. Every fish has to be – when you bring it in, there's going to have to be stringent rules. When you bring a wreckfish in, it's going to have to be seen by a marine biologist.

They're going to have to get otolith samples and everything because you could be willing with a whole different school of fish than you're dealing with up off the wreck grounds. The one thing we have to do – it's almost a marketing tool to introduce new blood into the industry. You start getting some excitement about it and you start getting some new information and some new scientific information on it and everything, you might actually find something new and find a new place viable fishery and introduce some blood into the industry.

MS. BROUWER: Did I capture that or do you need – okay, can you, please.

MR. DeMARIA: Why don't we remove on that one because I misunderstood this. I think it's probably going to be the same outcome; but now that's it up there, let's go ahead and revote. **All those in favor raise your hand; those opposed.** I understood it as a one-fish per person and there wasn't vessel limit.

MR. GOULD: The gentleman next to me – and I'm sorry, I'm bad on names – Richard mentioned about them selling fish, I've seen plenty of it. I says, well, these fellows need to make a living and tackle shops benefit, so just cap it with four fish per vessel.

MR. DeMARIA: Okay, that's completely different than what I understood.

MS. BROUWER: Okay, the last few actions pertain to black grouper. Just some background; black grouper was combined with red grouper under Amendment 24, and at the September meeting the council voted to take black grouper out of that amendment and put it into the Comprehensive ACL, so that's why those actions are now in here.

Action 13 would establish jurisdictional allocations for black grouper, and the current preferred is to allocate 47 percent to the South Atlantic and 53 percent to the Gulf; using 50 percent of catch history from 1986-2008 plus 50 percent of the catch history from 2006-2008.

MR. GOULD: They splitting this up between the Gulf and the South Atlantic. What is the reasoning behind that?

MR. GOULD: Was this done because of a lack of funding or a lack of time or just what was the reasoning behind it, because it's obviously two different areas and you're going to use one assessment for it.

MR. WAUGH: Yes, the fish don't recognize political boundaries; and when you look at the stock structure of black grouper, it's one stock in the South Atlantic and the Gulf. So when the stock assessment was done, it was done on that assumption as one stock, and so now it's up to the councils to split it up and make sure that each council sets regulations so that total ACL or total ABC is not exceeded. It's just recognizing the biological boundary. We've got black sea

bass that we manage south of Hatteras and the Mid-Atlantic does north of Hatteras. It's just recognizing where the biological stock structure breaks.

MR. DeMARIA: Does anybody want to make a motion on this to accept it? I think that's the council's preference.

MALE VOICE: I'll make that.

MR. DeMARIA: Okay, does somebody want to second it?

MALE VOICE: Second.

MR. DeMARIA: All those in favor. It passes unanimously it looked like.

MS. BROUWER: Okay, once the jurisdictional allocation has been established, now the council wants to do sector allocations for black grouper. Currently Alternative 2 is their preferred, which is to divide the ABC into commercial and recreational sectors. This is again a similar alternative to what you've seen before.

Then there are options for percentages of the ABC to each of the two sectors using different catch histories. Subalternative 2A would use catch history from 1986-2008; 2B from 1986-1998; 2C from 1999-2008; 2D from 2006-2008. The council has picked as their preferred Subalternative 2E, which is to use a similar percentage to the jurisdictional allocation with 47 percent to the commercial sector and 53 percent of that acceptable biological catch to the recreational sector using catch history from 1991-2008 plus half of the catch history from 2006-2008.

MR. FEX: I'd like to make a comment on this. Black grouper is – I mean ever since I've been fishing, we have always stuck in the same box as actually gag grouper. They have always been labeled that. I have never written down true black grouper on my landings. It's hard to justify or getting a rationale of what the landing history is of that fish. That one is going to be a hard one to judge on that one. I figure I'd let you guys know.

MR. DeMARIA: I think that's a problem that has been talked about for years.

MR. JOHNSON: I was just going to make a motion that we accept the council's preferred.

MR. DeMARIA: Does anyone want to second it?

MR. COLE: Second.

MR. DeMARIA: Is there discussion or can we go ahead and vote? All those in favor. It looks like it passes.

MR. ATACK: The comment I would like to make is when they put these alternatives forward, it would be nice to see what the percents would have been had they run the numbers. Alternative

2E is only one with percentages. All the others are X percentages, so you really didn't know what you would have been voting on because the numbers aren't there.

MS. BROUWER: Right, and this is a range of alternatives that council saw in September. The analyses have been underway since then. If you go to Section 4 of your document, that does have more details. Right now we're just going through the alternatives, but it's just difficult to pull out the bits and pieces of information that you need, but the detailed analyses are being conducted as we speak.

MR. CARDIN: Is the same amendment that has been beating around the council for three or four years? We saw all these analyses back – this was even part of Amendment 16 at one time, I think, the black grouper and the gag grouper part of this. They've showed us the numbers before.

MR. DeMARIA: Let's move on to the next item.

MR. ATACK: But when you're asked to make a decision on this right now; I mean, that number would be nice to –

MR. CARDIN: Well, my point I'm making is like the decision has been made. We could either say we don't like it or we do. This has been beat around the council for years.

MS. BROUWER: Action 15 is to establish annual catch limits for black grouper and we have alternatives for the commercial sector and the recreational sector, and they're very similar to what you've already seen for the commercial. Under the recreational sector, we have Alternative 2, which is ACL being 85 percent of the ABC. Alternative 3 is 75 percent of the ABC, and Alternative 4 is the one that includes the proportional standard error.

MS. GOULD: Myra, did you intentionally skip over 14?

MS. BROUWER: No, not intentionally; I thought we had covered that. I'm getting really confused.

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

MS. BROUWER: On Action 15, for the commercial sector the ACL alternatives are to either set at the ABC, set it at 90 percent of the ABC or 80 percent of the ABC.

MS. BROUWER: That's for the recreational sector.

MR. DeMARIA: Why don't we deal with the commercial one first. Is there any discussion or motions? Go ahead.

MR. FEX: Yes, I make a motion that we choose on the commercial one Alternative 2 as our preferred.

MR. DeMARIA: Is there a second for that? Okay, discussion or can we vote? Everyone in favor; those opposed. Do you want to do the recreational one now?

MR. SMITH: I'd like to make a motion that we accept the Alternative 4.

MR. DeMARIA: I guess we should see those again before we – is there any discussion or can we vote on that? Go ahead.

MS. FETHERSTON: In the previous discussion where we picked this ACL equals PSE or whatever, that was for the annual catch target, and I don't think that was an option for it to be for the annual catch limit; so just for the sake of consistency, you may just want to take look at how the alternatives are structured. I think this makes sense for an annual catch target; I don't know if it does for annual catch limit.

MS. BROUWER: Yes, Libby, you're correct, you did pick that as – you endorsed the council's preferred and that is the council's preferred for annual catch targets for snapper grouper species.

MR. DeMARIA: So can we vote on the motion?

MALE VOICE: What is the motion?

MS. BROUWER: The motion is to choose Alternative 4 under the recreational alternatives for black grouper sector ACLs.

MR. DeMARIA: All those in favor; those opposed.

MR. ATACK: Typically what is the percent of error on those types of recreational sectors? I mean is it typically going to be like a 75 percent of the thing or is it going to be 35 percent? I mean what kind of a reduction would it be looking at?

MS. BROUWER: I can't answer that question, Jim. I'm sorry I'm not familiar with the range of the PSEs. Here comes Mac.

MR. DeBRANGO: The PSEs are actually getting better. They were a little bit higher before, probably 20 percent.

MR. CURRIN: The quick answer is it varies a lot, Jim, but the ranges for some species that are encountered very regularly in MRFSS, it can be 8 percent, and it ranges up to 30 plus. I've seen some that are 50 for very rarely encountered species.

MR. CURRIN: I mean you could find some that were some less but it's capped at 50 in this alternative.

MR. ATACK: I just had one other comment on the previous thing we just did. We skipped over Alternative 3, which would have cut into three sectors, the charter for-hire, commercial and recreational. The charter for-hire guys – I mean, when we go to electronic reporting, if we had

done that option I guess the recreational sector could close and the charter for-hire could stay open based on your landings. Right now with charter for-hire and recreational, when it's met, everything shuts down, right?

MR. HARRIS: Black grouper is the only grouper not overfished in the last SEDAR, correct?

MS. BROUWER: Okay, moving on, Action 16 is establishing accountability measures and management measurers for black grouper, and it's split into commercial and recreational. Under the commercial, Alternatives 2 and 3 are both picked as the council's preferreds. Alternative 2 is that after the commercial ACL is projected to be met, all purchase and sale of black grouper is prohibited and harvest and/or possession is limited to the bag limit.

Alternative 3 is if the commercial sector ACL is exceeded, then the RA shall publish a notice to reduce the commercial sector ACL in the following season by the amount of the overage. Again, these are the same in-season and then post-season accountability measures that you've seen before.

MS. FETHERSTON: A motion to recommend the council adopts these?

MR. COLE: Two and three? Second.

MR. CARDIN: I have a question. I don't know if anyone with the council or Gregg or maybe you could help us, Myra. We keep choosing shutting the season down when we catch the fish and paybacks. I know carrying over underages isn't popular, but shouldn't at a point in time we try to consider a percentage of underages that we carry?

MS. BROUWER: Sorry, Bobby, I'm not following that; would you repeat it?

MR. CARDIN: If catch over our TAC, we have payback the next year, but nowhere do we have paybacks for underages. Now I understand that biologically you don't want to bank a bunch a paybacks and then go nail all the fish; it's a bad thing. But I wonder if we should put some and consideration into some kind of low percentage of paybacks on underages.

MS. BROUWER: That's up to the AP if you want to make that recommendation to the council.

MR. DeMARIA: If you want to make a motion, go ahead.

MR. CARDIN: I don't want to make one at this time. I'd like to talk to see if we could get some ideas during the day here.

MS. BROUWER: And, again, let me remind you just as a point of procedure you don't have to make motions for things that you would like to recommend. You can make a recommendation and that will be in the report that goes to the council. It doesn't necessarily have to be in the way of a motion.

MR. DeMARIA: Do we want to recommend that the council consider underages, as we want to call them?

MR. STIGLITZ: I agree. There are weather conditions and there are different reasons why we may not meet a quota. As long as it ain't a hundred percent or 50 percent – if it's 10 or 15 percent, I don't see no reason why it couldn't be added on to the next season.

MR. DeMARIA: So we can make a recommendation that the council do that. Is everybody okay with that? Libby.

MS. FETHERSTON: Yes, I think there is no problem with the council considering it. I recall that general counsel in the Gulf having like a lengthy discussion about some of the pitfalls of this in terms of how the Magnuson Act is worded, but there is no reason the council shouldn't examine this and have their general counsel provide some guidance.

MR. DeMARIA: I think that's all we're asking to do is just to consider it; is that right, Bobby?

MS. BROUWER: Okay, so the screen now I have the recreational accountability measures/management measures for black sea bass, and again their similar to what you've seen before. Alternative 6 has been chosen as the preferred, which is to go ahead and take corrective action if the recreational ACL is exceeded; and then out of the various options of what that action may or not be, 6A is the preferred, which is to reduce the sector ACL in the following season by the amount of the overage.

MR. ATACK: My handout shows 4, 5 and 6 all being preferred.

MS. FETHERSTON: I was going to make a motion that the AP recommends that the council adopt Alternative 5, Alternative 6 and Alternative 6A as preferred, essentially keeping their preferred but removing that rolling average thing.

MR. DeMARIA: Is there any discussion or can we vote on that one? **All those in favor of Libby's motion; all those opposed.**

MS. BROUWER: And we are at the end. Action 17 through 30 of the document deal with setting limits for dolphin and wahoo and for golden crab, so I'm not going to go over those, so those are the actions in the Comprehensive ACL that the council wanted the APs input on. Are there any other questions?

MR. ATACK: I had a question back on like the gag grouper. If the recreational landings are below the ACT and ACL by a significant percentage, at what point do we look at changing bag limits to allow them to catch closer to their ACL or ACTs?

MS. BROUWER: I guess that would be a decision that the council would have to make based on the information, but it would require to go through the amendment process to look at a bag limit change. They would have to analyze the data and do an amendment.

MR. DeMARIA: We need to move on to red grouper next.

MS. BROUWER: Again, the timing for amendment is up on the screen. You and the SSC have had some input on the actions and alternatives, and the council will review the input at their December meeting. Public hearings will be held, if the council approves it for public hearing, in January and February. The council will review those comments in March and final approval is scheduled for June.

MS. FETHERSTON: So this already went out to scoping?

MS. BROUWER: Yes, this was scoped I believe a couple of years ago.

MS. FETHERSTON: It was scoped a couple of years ago, but we got this notification that the fishery is undergoing overfishing in June of this calendar year?

MS. BROUWER: What fishery is that?

MS. FETHERSTON: Red grouper.

MS. BROUWER: Yes, we're still on the Comprehensive ACL. We haven't move on to red grouper quite yet.

MS. FETHERSTON: Right, I was so excited about red grouper; I apologize.

MS. BROUWER: So up on the screen you have the dates and locations for the scoping/public hearings that we're planning for the beginning of 2011.

MR. HUDSON: To the point of seeing the final document to comment on during the public hearing early next year, before January 24th, Sherry Larkin brought up the omission of a lot of socio-economic effects in the amendment. I believe by then we'll have a pretty comprehensive socio-economic?

MS. BROUWER: Yes, I believe the intent is to bring the socio-economic group of the SSC together, but the only thing they said is they would like to meet before April. That's when the next SSC meeting is, so I'm not sure in terms of timing whether they will have a chance to review the document before the public hearings or after.

Now we're moving on to red grouper. Amendment 24 is being put together to address the overfishing and overfished condition of red grouper, which was the result of the latest assessment. Initially, as I mentioned a little while ago, this amendment included actions for black grouper, but then since the council received notification of the status of this stock in June and it has a statutory deadline, so within two years of that letter we to have management measures in place.

This is just background; overfishing/overfished. An overfished condition is when the B over the Bmsy ratio is less than 1, and this is what it looks like. This amendment needs to implement a

rebuilding plan. This is what Magnuson says needs to be done through an FMP amendment process that is going to end overfishing immediately and provide for rebuilding of the fishery.

Like I just said, NMFS notified the council of the status of the stock in June, so we need to implement regulations. By June of 2012 is when regulations need to be in place. The SSC has recommended various parameters for this fishery. The OFL has been recommended as the yield at Fmsy, which is 669 pounds whole weight.

The ABC is the – their recommendation is the projected yield stream with 70 percent rebuilding success, so that translates to 665,000 pounds whole weight. The probability of overfishing is 30 percent. These are things that come from the assessment itself. They have recommended the minimum probability of rebuilding success to be 70 percent.

Actions in this amendment would set Bmsy, would set a rebuilding schedule, would specify a strategy for achieving that schedule, so it would include setting an optimum yield and annual catch limits. It would also have allocations for commercial and recreational sectors and sector ACLs. It would put in place accountability measures and management measures.

I'll walk you through the alternatives that are currently in the document; and mind you, this has not been out for scoping yet, so even though there is a draft – what looks like a draft amendment, we still haven't scoped it, so the timing is, again, during that round of scoping and public hearings in January and February, we'll take this out and get scoping comments on it.

The current no action for Fmsy is to stay within F at 30 percent SPR. Alternative 2 is to go with what is recommended by the most recent assessment, so the Fmsy value would change from 0.28 to 0.221. This has implications for where their limits are set. The team is going to also recommend that the MSST alternatives be added under this action for 50, 75 and 85 percent of SSBmsy.

Right now there is no rebuilding plan for red grouper. Amendment 4 implemented a 15-year rebuilding plan, but that expired in 2006. Under Magnuson the maximum amount of time to rebuild the stock is specified and the council is considering a range of three to ten years to rebuild red grouper.

This is what Magnuson says about rebuilding. The T_{min}, which is the minimum for rebuilding a stock, means the amount of time the stock is expected to take to rebuild to its maximum sustainable yield in the absence of any fishing mortality. If the stock assessment says that T_{min} is less than or equal to ten years, then rebuilding has to happen in ten years. If the assessment says that T_{min} is greater than ten years, then the council has T_{min} plus one generation time.

A generation time, again, is something that comes from the assessment. That is why, for example, in red snapper the rebuilding was set for 35 years. That's because the assessment said that T_{min} was greater than ten years, so they used the ten years plus one generation time for rebuilding. Any questions?

MR. ATACK: Does this take into account the closure that we have right now that is the four-month closure in the South Atlantic and the impending closure for the area off of Florida?

MS. BROUWER: Yes, we have had discussions about that and the analyses will include those considerations. The analyses will. We're at a scoping stage, so we're just now developing alternatives. The council hasn't seen the scoping document yet, so we're very, very early in the process, and that was one of the things that was brought up as being important to include in the analyses.

MR. ATACK: Why is the preferred option changed from a 0.28 to a 0.221 on the Fmsy; what is the science behind that?

MS. BROUWER: The previous value for Fmsy was 0.28, but this new assessment has produced a new value, and so the council has to take action to adopt the new value with the most recent stock assessment.

MS. BROUWER: I would have to dig into the assessment to look into that. I don't know.

MR. FEX: I was just going to make a comment. You had something up there that said something about there is presently no rebuilding strategy or plan or nothing for red grouper; and just like he had made a comment the four-month spawning closure. If that's not a rebuilding plan, I don't know what else would be, so I just wanted to acknowledge that to everybody.

MS. BROUWER: Right, there is management in place. The rebuilding plan has expired. It was set back through Amendment 4, and so it expired in 2006; and now that the new assessment has shown that the fishery is overfishing and overfished, there needs to be a new rebuilding plan put in place. Does that clarify that?

MR. FEX: I'm clearly understanding; but when you say that there is no rebuilding, I'm thinking, well, okay, a spawning closure is a rebuilding tool, so that's a mechanism used.

MR. DeMARIA: Can we move ahead and see what the action items are unless you haven't finished with that?

MS. BROUWER: Okay, another one of the actions in the amendment would establish a rebuilding strategy, which is a component of the rebuilding plan. They go hand in hand, so the rebuilding strategy would define the target fishing mortality rate during the time that the stock is rebuilding. This table shows you the various alternatives right now for the F rate and what the yield would be at those F rates, looking at landings and discards and also looking at just landings.

There is a footnote below that table that says for Alternatives 2 through 6 the ACL specified for 2011 would remain in effect beyond 2011 until modified. The last two columns of the table show you the ACL in Year 1 of rebuilding.

MR. ATACK: What is the current ACL?

MS. BROUWER: The current is an aggregate so red grouper right now are under the aggregate black, red and gag ACL that would be established under 17B.

MR. MARHEFKA: Myra, could you tell me where 17B is right now?

MS. BROUWER: 17B, the proposed rule is out for comment, so that's where we are. NMFS is getting public comment on the proposed rule.

MR. ATACK: The current landings on red grouper for the last couple of years?

MS. BROUWER: I don't have that in front of me. Again, this is so early in the process. Like I said, we haven't gone out for scoping yet; so even though the council has had some discussion on red grouper, they still have to flesh out the alternatives. The analyses have not yet been conducted, so you're welcome to recommend to the council which way to go on these actions, but that's up to you all.

MR. DeMARIA: So if you to make recommendations, you can; if not, we could just move along.

MS. BROUWER: This is showing the probability of rebuilding in various timeframes. The top row is in ten years; so by 2020, under the various alternatives you have different probabilities of rebuilding under the various scenarios. Alternatives 2 through 5 are based on a 70 percent probability of rebuilding success in ten years; whereas, Alternative 6 is based on a 70 percent probability of rebuilding success in seven years. We had a conference call with the team the other day and we're going to recommend that the center provide information to the council for rebuilding in eight years as well to have that in front of them.

MR. DeMARIA: Can we just move on or are there any comments on this?

MS. BROUWER: Other actions would allocate the ABC to commercial and recreational components. The subalternatives are based on various percentages based on different years of catch history like you saw in the Comprehensive ACL Amendment. The council does have a preferred, which is 47 percent commercial and 53 percent recreational with those years being used for the catch history.

There is also an alternative to divide the ABC into commercial, recreational and for-hire sectors. Under accountability measures, the team is going to recommend that those be folded into the Comprehensive ACL since that amendment is already proposing to establish ACL and AMs if they go to species groupings for a shallow water grouper unit, which includes red grouper, so it would make sense to fold that into that amendment.

One thing that came to light is that looking at the 2009 landings with January through April removed to account for that four-month shallow water grouper closure, the results of that are lower than all of the proposed ACLs for red grouper, which means that maybe those measures are having the desired effect and we may not need these measures, so that the measures are

sufficient to limit the landings to below the ACL. We'll bring this to the council's attention in December and see what they would like to do about that.

MR. GOULD: Well, why don't we just table it there and keep it status quo until we see what the deal is instead of jumping feet first into something that we don't really know anything about?

MS. BROUWER: Well, because by law we are required to put in a rebuilding plan because the stock is overfished and overfishing, so we can't do status quo.

MR. GOULD: How much time is left on the rebuilding plan? You've got two years, right?

MS. BROUWER: We have two years for the regulations to become effective, so we need to finish the amendment and submit it to NMFS so that NMFS has six months to implement it. We need to have everything done by June of 2012; so that by the end of 2012 regulations can become effective and we can still be within the mandate.

MR. GOULD: Two years, that's plenty of time to do it; ain't it – yes, a year and a half from now.

MR. DeMARIA: Do you want to make a motion or a recommendation?

MR. GOULD: All right, well, do what I just said, then; how is that? We'll get the stenographer to write it back.

MS. BROUWER: You'll have to repeat that for me, Terrell. Before you do that, I have up on the screen also landings. Somebody was just asking me and I had included a table in here with recent landings.

MR. JOHNSON: Myra, on the next table down from where you are right there, it shows 12 months. It's got landings during the months of the closure; is that discards?

MS. BROUWER: The table that has the zeroes in it?

MR. JOHNSON: No, Table 2; it goes month by month for landings on red grouper, and it has got landings listed every month. Are those discard numbers?

MS. BROUWER: I don't know; I don't believe –

MR. JOHNSON: Well, we're not allowed to fish for red grouper in January, February, March and April.

MS. BROUWER: Well, that must be for a previous year. The closure went into effect in 2009. I don't have the table in front of me. What page are you looking at, Robert?

MR. JOHNSON: Thirty-six; it says 2009.

MS. BROUWER: All right, we'll make a note of that and ask. These tables were generated in the regional office so I'm not sure what that is.

MR. WAUGH: 2010 was the first year that closure was in place, so 2009 it was still open.

MR. DeMARIA: Did you have a motion, Terrell?

MR. GOULD: I've had a brain you know what, and I forgot what I even said. If somebody can help me with it, I'll move along with it.

MR. DeMARIA: I think you said do what I just said.

MS. FETHERSTON: The AP thinks the council should carefully consider no changes to red grouper management because the four-month closure appears to have reduced catch to the allowable limit. So instead of the four-month closure; existing regulations appear to be sufficient to keep landings below –

MR. DeMARIA: If you want to discuss it, you have to turn on your microphone and state your name and do all that for the record.

MR. ATACK: Yes, the new regulation changes; I mean, between the four-month closure, the charter for-hire, you know, can't have the bag limits and the reduced bag limits of the three aggregate grouper have all been an effect, I'm sure, on the cutting of take. In 2009 the table shows that you'd only be a 435,000 pounds, and one of their alternatives was setting the ACL at 660 or something like that for the rebuilding plan, so it sounds like –

MS. BROUWER: Right, exactly.

MR. ATACK: – the landings will be well within the annual catch limits.

MR. DeMARIA: Okay, well, we have a motion; has anyone seconded?

MALE VOICE: I'll second.

MR. DeMARIA: Can we go ahead and vote on this? **All in favor. It looks like –**

MS. FETHERSTON: I'm not going to make this in the form of a motion, but I think the council could consider an increase to the red grouper bag limit outside of that closure in order to reach the catch limit. I think we're in that scenario in the Gulf of Mexico where a bunch of regulations outside of grouper management have changed the way people are able to fish for grouper.

They could increase the bag limit even though their ACL is smaller, because things like a four-month closure means that maybe you can catch more red grouper in the remaining open season. You know, just so long as the fishery is kept within the catch limit, this idea should probably swing both ways. That is just a recommendation that we might want to make. I'm not going to

make a motion to that effect because I haven't looked at the numbers and see what it does, but just something to think about.

MR. DeMARIA: So we'll just put down as a recommendation; is everybody okay with that?

MR. ATACK: Yes, they could review and come up with a number as to whether it's four or five. I mean, they could review the data and come up with a recommended change.

MR. JOHNSON: And, folks, just before we leave this particular subject here with this upcoming amendment, if you have not been following the catch shares and the sector separation issues that are going on in the Gulf, pay attention to it because it's written right there on that table. It's something that you need to pay attention to. It's included as one of the recommended actions to the council. If you're not familiar with catch shares and all, brush up on them quick.

MR. CARDIN: Where was our bag limit on the red grouper; was that a motion?

MS. BROUWER: The recommendation is for the council to consider an increase in the bag limit because it looks like existing regulations are sufficient to keep the landings below the limit. On the screen are the alternatives for the commercial accountability measures. You are familiar with this language, so I will not read it again. Both Alternatives 2 and 3 have been chosen as the council's preferred.

MR. DeMARIA: Does somebody want to make a motion on this? I think it's 2 and 3 and 1 is no action.

MS. BROUWER: These are the two that address commercial AMs.

MR. DeMARIA: Does somebody want to make a motion? Is the basically the same thing we accepted on the black grouper and others; so if somebody wants to make a motion, we can just –

MR. JOHNSON: I'll make the motion.

MR. DeMARIA: Does somebody want to second it? It has been seconded. Can we vote? All those in favor.

MS. BROUWER: So the recreational AMs, Alternatives 4 and 5 have both been chosen as the preferred. There is also an Alternative 6 that is also a preferred; and with that, Option A is also preferred.

MR. ATACK: I make a motion like the other one, Alternative 5, 6 and 6A, I believe.

MR. DeMARIA: Is there a second on that? Can we go ahead and vote? Everyone in favor. That passes, also.

MS. BROUWER: Okay, so that sums up the actions in Amendment 24, and I've already gone over the timing. The amendment is scheduled to be approved for scoping at the December

meeting, so we'll do scoping hearings in January and February. The council will get that input at their March meeting and go from there.

MR. ATACK: One question; so our recommendation earlier to look at underages for like the next year carryover; will they do that for all the species or just the one that we just recommended it for, or do we need to recommend that for here, also?

MS. BROUWER: I think your recommendation was very general. I can't tell you what the council is going to decide to do, but if it's put forward in a general fashion, they will consider it for all species.

MR. DeMARIA: The next issue is red snapper so that should probably be the least controversial of all of them, I guess.

MS. BROUWER: Red Snapper Amendment 22 is the amendment that the council has instructed staff to start looking at to deal with long-term management of red snapper. The council feels that there needs to be management measures put in place as the stock rebuilds. Amendment 22 is now in the scoping stage. It's a very general list. Mainly, it's nothing more than a list of various things that the council could potentially consider.

You have that in your packet. The council did see this list in September, and they instructed us to add a few things, which are included in the list that you have in front of you. What will happen is the council will revisit this in December and approve it for scoping. This is another item that will be included for scoping in that series of meetings in January and February. This is very early in the process. If the AP would like to comment on that list of items, then this is the time to do it.

MR. JOHNSON: I think anything that has catch shares in it should be just struck from the paper.

MR. DeMARIA: Is that a motion?

MR. JOHNSON: Yes, that was a motion.

MALE VOICE: Second.

MR. DeMARIA: Is there any discussion or can we vote on that?

MALE VOICE: Let's vote on it right now.

MR. DeMARIA: Wait a minute; we have discussion.

MS. DOUGHERTY: I know you guys are all going to be surprised that I have a point of discussion here. Of course, I will vote against this motion. I think at this point being so preliminary in looking at long-term management for red snapper that it makes sense to leave catch shares on the table as an option.

MR. JOHNSON: Just out of curiosity, what exactly is it – you know, this is all fisheries management related and helping the fisheries – what exactly is it that catch shares does for the fish?

MS. DOUGHERTY: I think a lot of the management options that we're discussing here today and yesterday have been looking at the economics of the fishery and the economics for fishermen. I think particularly for the commercial fishery and I think as catch shares are looked at more for the recreational for-hire sector, there are – at least for the commercial sector there are established benefits.

Particularly economically there are established benefits in terms of biologically in staying under the ACLs. I can certainly talk about this to you more offline, but I think that there are established enough benefits for catch shares to leave them on the table for consideration.

MR. DeMARIA: Okay, we've got a motion and let's go ahead and vote on it. That motion is do not consider catch shares for red snapper management. **All those in favor; all those opposed. It passes.**

MR. SMITH: Can we discuss it a bit now? I'm sure when we started talking about MPAs in this process that everyone said you're not going to close my waters, and we're looking at lots of tools to rebuild the stock. For me it would have done a lot of good if we could have had a little bit more of a discussion on catch shares, so I could have gotten your opinions of where you sit because I don't learn anything when we close the door that quick. Thank you.

MR. FEX: I just wanted to make a comment. I have been track of the people in the Gulf. I visit there quite often. I was born and raised in the St. Pete/Madeira Beach area; IFQ Central. I got an article I actually had copies of it and I wanted you guys to read. I don't have it here for you, but for protecting red snapper, being in fishing or whatever, in that article there are longliners in the Madeira Beach area going offshore and catching red snapper, getting four dollars for the fish, but then paying an IFQ holder three dollars a pound for the fish.

That fisherman made a dollar off catching that fish, and then somebody else somewhere, wherever he is, made, made three dollars for not going fishing. I don't think that's fair to the fishermen, them other guys that are out there risking their lives. That's one of my negative sides to it. I could sit here and rant and rave against the catch share idea, but I don't want to down it that bad, so I just figured I'd let you guys know.

MR. DeMARIA: We could go on and on about catch shares. I think there are some pretty feelings on both sides. What I saw happen in the Gulf was not the right way to do it. Maybe there is a right way for certain fisheries like Richard said with his nets. I think what happened in the Gulf was rushed and it was the wrong way. It's a shame that it went that way because it put a bad taste in everybody's mouth. Let's take one more comment and then let's move on.

MR. JOHNSON: I just wanted to comment earlier. Bobby over there was talking about all these boats coming from the Gulf over here and jumping into this golden tile fishery. Why were they coming from the Gulf; why are there no longer longliners over there?

MR. CARDIN: Because they didn't meet the 40,000 or 50,000 pounds a year qualification.

MR. JOHNSON: To get what; their catch?

MR. CARDIN: To be allowed to use the longline in the Gulf.

MR. JOHNSON: So it has nothing to do with catch shares?

MR. CARDIN: It was a consolidation. It was to pull boats off the water to lower the interaction with sea turtles.

MR. DeBRANGO: Okay, catch shares, a trip ticket like, I mean that could be good. I mean catch shares are a bad thing the way they're using them, but does it got to be – why do you got to tell somebody how many pounds they can catch. Once you give them some coupons, regardless – do you know what I'm saying, once you use a coupon – if it's a management tool, just give him a coupon, issue them coupons with their grouper and snapper and they use that up, give them more instead of having somebody paying somebody for them, so you know how many pounds of fish come across the board.

Because I know with wreckfish, I signed my ticket, there you go, this is how many pounds of fish I caught, it goes in and they track of it that way, but why does it got to be where you're going to get 5,000 pounds and then you got to buy more. You're going to get 10,000 and you're not going to get but a hundred pounds and stuff like that – you're going to use a ticket; use a ticket like that.

MR. DeMARIA: Well, I'm sure this is not last we're going to hear of catch shares, but let's move on. There are quite a few other things.

MR. JOHNSON: Myra, are we supposed to be discussing the alternatives, the ones we do prefer or just looking at them?

MS. BROUWER: Right, I don't have a presentation prepared. Like I said, this is very early in the process. We haven't fleshed out any alternatives, really. The council will take a look at this again in December, but this would be the time for you to give your recommendations or state your preferences to the council.

MR. JOHNSON: And as a body earlier, I guess yesterday, we talked about trip limits, and I think there was some support for trip limits, if I recall, so I think we would be supportive of trip limits in the red snapper fishery.

MR. DeMARIA: Is that a motion? A recommendation, okay.

MR. CURRIN: Personally, what I'd like to see you guys do or think about – and it doesn't have to be done today; it could come anytime, but look at the types of alternatives, the range of alternatives that we have; and if you have some additional or different ways that you think the council should consider long-term managing red snapper, then add to this list at this time. If

there are some that you don't think will work like you did with the catch shares, that's fine, too. Just give us your input, but make sure we've got as much as we can possibly have covered as far as possible ways to go about looking at managing red snapper long term. Take a good look at that to make sure it's comprehensive enough for you.

MR. DeMARIA: So you made the recommendation that they should look at trip limits.

MR. JOHNSON: Trip limits and spawning season closures. I mean, a lot of the stuff on here is really good; a lot of these ideas that we've talked about at numerous meetings.

MR. MARHEFKA: One of the recommendations that came up a while back, too, is including red snapper in with the gag grouper closure for the spawning season closure of the four months; and then also looking at possibly we can and do with some trip limits; and within the trip limits using a headcount again on those species in the commercial sector. It's just a recommendation on my own.

MS. BROUWER: Mark, I'm sorry, could you rephrase that, include red snapper in the –

MR. MARHEFKA: Include red snapper in the gag grouper – in all grouper closures, spawning season closure. Now, I don't know how that shakes out with the snapper spawn at that time or not, but the point being is that if you're dropping a hook down for a grouper and a snapper gets on it by chance and you're not really trying for them or whatever, you're not going to be doing it at the same time, so you won't interact with them as much during that timeframe when you're trying to go and snag a gag or a scam or whatever would be down there at the time; and then also looking at the trip limits for commercial but using a headcount of some sort again.

The other thing I would like to go and try to go and see is that it has been long time since we had a LAPP Committee or LAPP AP, and I would love to go and see – I know ED is like 90 miles an hour on this thing, and I would like to see them come to the table with the AP again at some point and give us some more findings about what is going on and then what your development is, because I know you guys are going nuts on it – just a little suggestion that you don't go and shut out the people who aren't for IFQs and getting the people who are for IFQs on board your little train, because we're the ones who are going to be able to go and give the scenarios that we want you to go and make the criteria right if we happen to go forward with this.

MS. DOUGHERTY: Mark, if you'd like to put a motion on the table to reconvene the Exploratory LAPP Workgroup, I would be happy to second that.

MR. MARHEFKA: That sounds fine; I would love to. Let's put a motion up that we reconvene the LAPP Exploratory Workgroup.

MS. DOUGHERTY: Second.

MR. DeMARIA: All those in favor –

MR. MARHEFKA: Before we go any further, I just want everybody to understand don't take the tools out of the toolbox yet because look at what is going on up in D.C.

MR. DeMARIA: Hold your hands up so she can get a count. All those opposed. **The motion failed.**

MR. CARDIN: Point of discussion on a failed motion; you know, we're talking the grouper and snapper fishery. We've talked catch shares, IFQs, and as a Grouper Snapper AP member, that we get to meet once a year, a week ahead of the meeting we get the paperwork, it was somewhat insulting that the LAPP Workgroup met eight times, which I was part of, but it was about the grouper snapper fishery in the first place, and I really think this is the place where catch shares should start would be within the Grouper Snapper AP.

MR. DeMARIA: Well, I agree with you.

MR. SMITH: Don't be surprised if I'm always a couple of steps behind and I apologize, but isn't Bobby's suggestion just what we did the opposite of in some way when we took that off the table. I understand why because we've got a lot to do, and this isn't all about catch shares.

MR. DeMARIA: I guess we're on other business now. Kate is not here to give her presentation, so under other business. Rusty wanted to say something.

MR. HUDSON: Quickly to the point with regards to Amendment 22; something that, Don, you and I have talked about a great deal is the spawning aggregations. As you know, red snapper, there are certain areas that have been identified as long ago as 50 years ago that are spawning aggregations by area. But by season you're talking June through September and that does not jive with January through April with grouper, so you can't coincide the spawning of those two animals.

MR. WAUGH: Kate had a sick child she had to go and pick up so she asked me to give this information. 18B has to do with extending the fishery management unit up into the Mid-Atlantic area. Initially we were told that those fish would have to count towards our ACLs, and so we were extending the management unit.

Now NOAA GC is looking into that and we'll get a report at the December meeting as to whether those fish will have to count or not. If they don't count, then we won't be extending the management unit and that amendment will die. Amendment 20 has to do with changes to the Wreckfish ITQ Program.

Given the small number of participants and the very low ACL, that has been put on a little slower track given all our other amendments that we need to work on, but that will be worked on once we get our other amendments caught up. Twenty-one is the Comprehensive Catch Shares Trip Limits Amendment, and the council will be looking at the issues in that at the December meeting, approving that for going out to scoping, and that will also be scoped at our January/February scoping meetings. That's it.

MR. DeBRANGO: When we were at the AP meeting, and it's all the way back to the last time I remember was 13C, we used to all sit with the council. Maybe we should look at doing that again for like even one day; just sit with all of them so they can question us and we can question them; so instead of all just meeting here one day, you know, all of us as a group kind of separately from everything, just take it to where one day during these meetings we sit with them and we sit in there and we talk to them again like we did back in 13C.

Like with the wreckfish, it was like July we were down in Jupiter, down in that area, we sat with them and they were able to ask – there was the three of us, me, Paul, and Sam, and they were able to ask us questions about it and we were able to talk and everything like that. I think that's a good thing.

MR. DeMARIA: Did you want to make that in a motion; that we sit down with the council. Well, make a motion.

MR. DeBRANGO: I'll just make a motion that the AP is allowed to sit in with the council for one meeting. I don't know how to word that; but when we have the council meetings, the AP is allowed to sit with them just for one day for information sharing and questions.

MR. DeMARIA: Does anyone want to second that?

MALE VOICE: I'll second it.

MR. DeMARIA: Okay, can we just vote on it?

MS. BROUWER: Let me read it into the record real quick. The motion reads suggest to the council that the AP meet jointly with the council as appropriate. Does that capture it?

MR. DeMARIA: **All in favor; is anyone opposed.** You had some more questions on the SEDAR thing; can we go through that pretty quick?

MR. HARRIS: Gregg, who was it you said was going to come in to answer those questions about the SEDAR 24?

MR. WAUGH: John Carmichael, who on our staff attended those and he heads up that SEDAR assessment, so he can come over tomorrow and handle that or he can work with Rob one on one and answer those questions; however you all want to handle it.

MR. HARRIS: Yes, I think it would better because of the fact that I wasn't the only one that had questions about that, and this way we can get everybody's input at once. Can he be here the first thing in the morning?

MR. WAUGH: Should be able to be. We had thought it was going to come up later, but I can get with him and get him in here.

MR. DeMARIA: What do you all want to do; do want to have him just get together with Rob or have all of us ask him questions? Somebody make a motion.

MR. HARRIS: I think we already made that motion the first day and approved it.

MR. DeMARIA: Okay, so is that what we want to do.? Are we going to have time, Gregg?

MR. WAUGH: Well, you are scheduled to run through what tomorrow?

MS. BROUWER: We were able to get through all of the amendments today, so what we have left is a couple of items under other business, so we would have time in the morning.

MR. DeMARIA: Under other business I have spawning protection put in. I can't make a motion, but my concern was that the council is not really looking at spawning protection of fish. At the last meeting we had I made a motion that the council consider the protection of spawning fish or something to that – in fact, I can't remember the exact wording. I just wanted someone to reiterate that; another motion that the council look at the protection of spawning fish, just something general, whether it's seasons, areas or what, but just to have it on the record again that they consider protecting spawning fish.

MR. HARRIS: I can make a motion to that effect; that the council puts in protective measures to protect fish during their spawn. They first need to figure out when the species all do spawn, but I think we have a good idea, really – red snapper we know, gags we know, mangrove snapper we know, and I'm not just talking about those species, but all species really need some kind of protection during their spawn.

MR. DeMARIA: Well, I agree just a general statement so that we can go back and say this is twice now that we have recommended it was my only –

MR. HARRIS: She has got it; that's fine.

MR. DeMARIA: Does somebody want to second it?

MALE VOICE: Second.

MR. DeMARIA: Is there any discussion?

MR. STIGLITZ: I have a problem with the spawning season. In the Keys in the summertime, June and July, we catch mangrove snappers, and that's the only time we catch them is when they're spawning. The fishery is not in any kind of overfishing. I talked with Rob earlier. The only time you catch them is in the summertime. Yes, you might go out there and catch one or two, but if you take the spawning season out of mangrove snappers, you'll ruin the whole fishery in Monroe County.

MR. HARRIS: Let me reword that then maybe to apply to fish that are undergoing overfishing.

MR. HARRIS: I'm on the other side of that fence, and I live in the same area and fish the same waters, and it's my belief that if we start protecting these spawning aggregates when they're spawning, you'll be able to catch them more often throughout the year. We looked at that, both Don and I, and applied that to the Riley's Hump with the mutton spawn that was happening out there.

It has been closed for years, and myself, you know, charterboat recreational guy that would love nothing more than to see the mutton spawn off of Key West and the Lower Keys shut off, because that's the only time that guys go out and catch – you know, 60-120 a day is not uncommon. This is your breeding stock and you're pulling them out of the water while they're trying to make babies.

If we protect those stocks while they're doing that, especially in these areas that we have identified such as Riley's Hump, Eyeglass Shoal – we know where these areas are, and we were originally speaking to it with regard to the red snapper spawning aggregates. At the time it was actually up on the wall there, there was a chart, a historical chart for the known spawning aggregations.

Unfortunately and one of the reasons why I think that it failed, because Don made the motion and I seconded it, but the majority of those were up in the Carolinas and Georgia. I'm not saying that you guys were picking on us, but it got shot down because of the fact that those spawning aggregations coincided with a lot of the other fishery stuff that they were doing.

If we took and we targeted some of these – even the ones that are not in an overfished status or undergoing overfishing and we could isolate these small groups, not this 200-mile track that we've got off the east coast of Florida right now looking at us, but these small areas that we know where they are, then we wouldn't have to go through a lot of these issues that we're going through right now.

MR. DeMARIA: And protecting of these spawning fish may be an alternative to some of these more stringent measures was my hope, like we did with muttons at Riley's, but, of course, they're still open everyone else. But if you can go and find certain places where they do spawn or fish that are susceptible to overfishing when they spawn, it may be able to alleviate some of the other really drastic restrictions if we can protect them.

MR. ATACK: Would you want to reword to maybe something like consider closing the spawning season and/or areas as appropriate, because maybe you really need to close the spawning area in some species versus the season.

MR. DeMARIA: Well, that's sort of what the motion did; it just left it open, so just protecting the spawning fish.

MR. STIGLITZ: If you do this, you're going to destroy mangrove snapper fishing in Monroe County to the commercial sector and you're going to destroy the yellowtail fishery to the commercial sector in Monroe County. It's traditional that June and July is the two months of the year that the guys can go catch a mangrove snapper.

You can catch one here and there all out across the bay, in the grasses. You will completely decimate two fisheries if you do that right there. Two fisheries are going to be gone because – not so much the yellowtails, but the mangrove snappers will be definitely be gone. The yellowtails, there would be a lot of guys hurting.

If you shut down a spawning season on yellowtails in the summertime, our crawfish ends, the crab season ends in May, and traditional there is not a lot, but there is quite a few guys in Monroe Country, Key West and Marathon, up the Upper Keys that depend on catching them fish in the summertime, and it's not an overfished fishery.

If it was being overfished, if it was being hurt, I would agree with you, but this fishery has – I've caught them mangrove snappers on a reef when I was a kid at 16 years old and I'm 57 now, so that's 40 years that I've been doing it and there are as many now or more as there has ever been out there on that reef. If you do that, you're going to decimate two fisheries in Monroe County.

MR. HARRIS: That's why I changed it to species of fish that are undergoing overfishing, so that wouldn't apply to your yellowtail or your mangrove snapper at the present time.

MR. STIGLITZ: For some reason they have a very easy way of making stuff overfished.

MR. SMITH: Has there been a stock assessment on the gray snapper, one; and, two, have the sizes of yellowtail – and I'm asking you this, Richard, on this because I respect your experience – has the size of mangroves and yellowtail; have they declined over the years?

MR. STIGLITZ: No. Mangrove snappers, when they start in June – they normally start on the new moon in June and you catch your big fish then, your two- and three-pound fish; and on the next set of dark nights is when you catch your smaller fish. The big fish come out and spawn first, and then the next month your pound or pound and a half fish come out and spawn. With our yellowtails, my son has been yellowtailing and his last trip I think he had 1,300 pounds in two days and almost 90 percent were large, a pound and up.

MR. SMITH: Now, was a pound and pound and a half yellowtail large when you started fishing when you were a kid there; that was large then?

MR. STIGLITZ: When I started fishing as a kid, there wasn't no grade on them. If he was that big or if he was that big, you could sell them. There wasn't no size limit on them.

MR. DeMARIA: I think if you look in areas that are closed where there is no fishing like Tortugas, under the dock there, you can see that average size of the mangrove snapper is much larger than outside the areas and the same can be said with yellowtail inside Looe Key. Even that is a small area where there is no fishing and they're protected, they're larger.

I think by fishing them, we have driven the size down a bit. Now whether all fish need to be protected when they're spawning, that's debatable. The last time we brought this up you voted for it because it was unanimous for the council consider the protection of spawning fish. It's just a general – just consider it.

It doesn't mean all of them have to be shut down when they spawn; just consider the protection of spawning fish. That's all this is, a general statement. I agree with you on mangrove snappers; there is quite a few of them. I think the size has dropped some, but there is a lot. When you go through the mangroves and it's just astounding how many there are, but they're smaller fish. This is just a general motion.

MR. HUDSON: To Rodney's inquiry, I was one of the first if not the only person from the public to attend the steering committee meeting with all the council people and Roy and Bonnie and all them last month. Florida is going to lead the yellowtail stock assessment here shortly under the SEDAR auspices.

When John Carmichael comes here tomorrow, he can give you the exact year. I think it's next year but it's probably 2012. And then besides Florida doing yellowtail, then the mangrove snapper was also considered in the flurry of species, but here is the problem. They only have X amount of lead analysts up at the Beaufort, North Carolina, lab, and they have to train some journeymen analysts for a year before they can become a lead analyst.

They can't even start putting these analysts to work until the year after next, the year after that, and then they can start to catch up on this backlog of assessments. They had a long laundry list of stuff to do all the way through 2015. John tomorrow could actually clear the air if anybody is here for them.

MR. DeMARIA: Is that how you want to leave your motion, just how it's written? Did we get a second on that?

MALE VOICE: Yes.

MR. DeMARIA: Okay, can we go ahead and vote. **All those in favor; those opposed.** We still have a little bit of time left today if anybody wants to bring anything else up.

MR. JOHNSON: I was looking at the bag limits for the recreational sector. We already have those. Can you talk about modifying what was existing before they closed red snapper; number three.

MS. BROUWER: Yes, I'm sure based on the new assessment, they're, you know –

MR. JOHNSON: Well, when you look at the data, you can tell that since '92 and the two-fish bag limit and the 20-inch minimum size limit, that the stock of red snapper is in a rebuilding mode; maybe not as fast as the council would like, but they are rebuilding. I think that's a direct benefit of what happened, so I don't know why we couldn't – you know, if they do let us catch snapper in the future – maybe raise that minimum size limit.

I know that flow flies in the face of the discard mortality issues, but I for one don't – I'm not real sure about those discard mortality numbers. They're all over the board on SEDAR 24. I think some consideration should be done to raising the minimum size limit of red snapper and reducing the bag limit.

MR. HARRIS: Is there a way that we can get the minutes from the meeting because the last time that we had to talk about red snapper, we spent almost three full days on it. I know from that particular meeting there were ideas from all over the place that included a lot of what is on this paper. Is there a way that we can from the council those meetings that just isolate those motions so that we can have them, not necessarily tomorrow or anything but just get them e-mailed out to everybody so that we're not completely reinventing the wheel and we can look at what we've already done and what we talked about and did, and then just kind of look at it again going forward in 22.

MR. DeMARIA: Since we had an overage of about an hour yesterday, can we take it off of today's time and leave an hour early, kind of like the quotas, or do you want to stay?

MR. SMITH: I second that.

MR. DeMARIA: Okay, and John Carmichael will be here tomorrow at 9:30, but I guess we can meet a little earlier. She has still got the AP report, so why we meet at like 8:30 again?

MR. HUDSON: David Cupka talked to me after he spoke with Charlie Bergmann out of Pascagoula NMFS Lab, and Charlie supplied me with a bunch of circle hooks with appendages of five different sizes. I had brought them with me, and I told David I'd let you see them, as fishermen to see this idea of reducing hooking injury to the animals that swallow the hooks.

That's just an idea that is out there. This is an older prototype. They've developed a newer prototype by Mustad with a circle hook; and with the circle hook requirement going in with 17A, this might be a logical step later to reduce hooking injury to red snapper, which accounts for 49 percent of discard mortality.

MR. DeMARIA: Okay, you're going to be here tomorrow?

MR. HUDSON: Yes.

MR. DeMARIA: Okay, well, let's do it tomorrow.

MR. MARHEFKA: Rusty, I'd love to go and see the way they go and they – if these hooks are really going to go and work as far as with other fishes, also. It's not just about the snapper.

MR. HUDSON: I agree and that's why I brought all of them, and I've been sharing them between North Carolina and Florida, and you're welcome to – at least five of each size as a minimum is what I've been trying to give away.

MR. DeMARIA: So we're recessed.

The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened at the Hilton Garden Inn, North Charleston, South Carolina, Thursday morning, November 18, 2010, and was called to order at 8:30 o'clock a.m. by Chairman Don DeMaria.

MR. DeMARIA: Myra, has a presentation; and once we're finished with that, we can kind of spend the rest of the time just going over whatever issues you want to go over. I'm sure everybody has got ideas and whatnot and we can spend the rest of the time doing that. I knew you wouldn't, Richard, but I'd like to talk about the mutton snapper when Myra is finished.

MS. BROUWER: This is somebody else's presentation; I'll start off saying that. It's a presentation that the chairman of the Mid-Atlantic Council gave to the National SSC meeting when they met here in October – I think it was October, maybe November. Anyway, it basically outlines the Mid-Atlantic Council's plan to have their advisory panels put together a report that the SSC and council can use to inform their decisions.

I sent this to Dan and I said, "Well, do you think the AP would be interested in having discussions about maybe having something similar in the South Atlantic?" And he said, "Well, you know, let's talk about it and bring it up." I figured I would just quickly run over the presentation and then see what you think if it's something that might be useful in our region as well.

Like I said, this is someone else's presentation, but I wanted you to see some of the benefits and the main points of it. Basically what happened was the SSC was having discussions about ABC recommendations and all the recommendations they have to give to their council. They came to squid and in those discussions they ran into a situation where they could see trends and landings that they didn't really have a very clear idea why these fluctuations were happening.

They started thinking, well, it would be very useful if we could get the industry to give us a report on their outlook of the fishery so that we could use that as well as the information that we have in front of us to make a better recommendation. They were struggling to interpret this information and then they decided that they probably should get the AP to put together a report, so that's how the whole conversation and the whole idea started.

They thought it would be useful for, like I said, assisting the SSC with developing various recommendations. Especially for species that don't have assessments, they would provide the SSC with additional information in context that they could use in addition to the scientific data. It would be beneficial because it would integrate the AP into the whole process, so it would make sure that the information coming from the industry would be added formally to the process of coming up with these recommendations for the council and make it more transparent process and bring in that expertise into the decisions.

These are just some more of the benefits; providing the SSC with important supplemental information; acknowledging and addressing gaps of information. It just provides a lot of good information that the council can use. Then they started talking about logistics, how would they go about putting this together, what would need to be done, and these are some of the things that they came up with; that the SSC, jointly with the AP, would identify what information would be most informative, so the AP would have some guidance directly from the SSC as far as what they wanted to see in the report; that the AP would have input in developing the format of this report.

There would be a lead person from the AP that would be then assisted by staff or SSC to put together the report, and that the council would come up with terms of references, you know, more guidance to make it an easier process to facilitate development of this report. Again, these are just more idea for how to develop this and coming up with basically a polling instrument to get input from the AP on how to go about developing the report, resource issues, workload issues; and then, of course, keeping in mind that the complexity of the reports would vary by fishery.

Now, I'm bringing this just to you as the Snapper Grouper AP because this is I think where our council would need the information the most. Again, just some more metrics, the kinds of information that would be included, price information, changes in market opportunities, effort shifts, changes in fishing practices and behavior. The SSC in the meetings that I've been to talk a lot about fishing behavior and that sort of thing, which is very difficult information to gather, changes in economics of production, field prices, other factors that come into play; externalities, bycatch of prohibited or protected species, changes in gear size, selectivity, all kinds of stuff, weather patterns.

And then as far as the periodicity of the report, they decided in the Mid-Atlantic Region that it would be useful to look back three to five years and have an annual update. Right now the Mid-Atlantic Council is working with their SSC to figure out the logistics of how to do this and to develop the metrics for that report.

They are going to consult with their socio-economic subcommittee of the SSC as well. They're, as we speak, developing the format for this report. That's the gist of it, and I just wanted to bring it your attention not only so that you knew it was happening in other regions, but also for you to think about potentially having something like that happen in our region as well. I would be happy to try to answer questions or just open it up for discussion.

MR. FEX: I think that sounds like a good idea. There are some regulations that seem to change our effort. A lot of times we don't fish in certain areas when things change. The only problem I might see is that communicating with the SSC it seems like they take our opinion as ad hoc. Unless they start putting a little bit more clout in our opinion, it bewilders me on that one. I'm worried about that because we tell them things and then they just do what they think. I sometimes think unless it's viewed again by somebody else, I don't know.

MS. BROUWER: Well, that is why I thought that formalizing the way in which you provide your input in such a way as a report that would be coordinated through the SSC, through the socio-economic subcommittee, with help from staff would be a way to make it a more direct way to provide your input and in a way that is more formally into the process.

MR. DeMARIA: I think we're making a big mistake relying so much on these complex mathematical formulas to manage our fisheries, the stock assessments. A lot of these were based on work done in New England on the codfish fishery; and we all know what happened there, it collapsed; so it's almost like it didn't work there, let's bring it down here to a warm water fish that is not caught in trawls, change the sex like grouper, really different from codfish and see if it will work.

I think it has got its faults. There is a lot of other information that can be used out there. I think diver observations are good. They guys are in the water; they see what is going on; especially underwater video. We've got video from wrecks off the Keys going back 20 years, and these wrecks are 210 feet, 230 to 325. Obviously, they're mixed-gas dives, but we've got the video.

Since we have been out there, that's 20 years ago or so, 18, Mike Barnett has been out within the last few years, and he's a NMFS employee. He's got video of these same wrecks. I think you can compare them and actually count fish and see what is going on. You could also mount lasers on your video camera and measure hundreds of fish on a dive. We're not taking advantage of that, and I think that could be a good tool.

I think in the case of amberjack, if you look back in our area, you're going to see a decrease; but I think another fish like red snapper, if we had video from 20 years ago – and we do – if you were to look at that and compare it to today, I think you're probably going to see more red snapper. If it could be incorporated somehow in the stock assessment, it would be helpful, but so far we've unable to do that, and I think it would be a valuable tool.

MR. HARRIS: On this report are they going to send like a list of specific things that they want addressed; is that what I'm getting out of that, or is it going to be just – how is that going to work?

MS. BROUWER: Yes, it would be a coordinated effort so the SSC and council staff, from what I understand – and, again, this is under development – from what I understand they would provide guidance on the kinds of information that would be most useful, that should be included in the report.

MR. CUPKA: At the council we haven't had an opportunity yet to discuss this because it was brought up at the National SSC Meeting, which was subsequent to our last meeting. I think overall it's a good avenue to pursue, because in one regard it does formalize your inputs more and give more weight to it. I think it's very important to get your input in regard to species in which we don't have good assessments.

I'll give you a good example of that was golden crab. We got a recommendation from the SSC on our golden crab that was just based on landings, and there was a lot of other information out there that was available that wasn't used when they made their recommendation on the ACL for golden crab. We sent it to them and asked them to consider some of these other types of information.

For example, some the fishermen were keeping very good records on catch-per-unit effort data, price and things like that, and so they've reconsidered it and gave us an ACL level that was higher than what was just based originally just looking on landings. In terms of species for which we don't have good assessments, the more of that type of input that we can get I think the better off everyone has. It gives us a much better picture of what is going on in the fishery.

We used to get what we call SAFE Reports, which stood for Stock Assessment and Fishery Evaluation Reports, that supposedly the National Marine Fisheries Service was supposed to

provide, but we haven't gotten those in a number of years. To me what you're talking about here is kind of like an industry SAFE Report that gives us input from what you seeing on the water and more information on just what is going on in the fishery.

I think it would not only be useful for the SSC; it would be very useful to the council if there was some way that you could put this together. Now, having said that, of course, the last thing our staff has is a lot of spare time, but I think it's important enough that we ought to go ahead and look at this and consider getting such a report.

The role I think you can play is getting the ball rolling on that. If we had a recommendation come to us from this group that you think is something good that we ought to pursue, then we would take a look at it and see how best to accomplish that. I really think it's a really good idea and we could get an opportunity to consider this and see how we can move forward with it. Hopefully, it will be better for you and better for us, too, and give us information that we don't have now in a more formalized look on how the industry is looking on some of these things and an explanation of what is going on rather than just looking at formulas and whatnot. I hope you will consider at least making some kind of recommendation where we could take this up at our next meeting.

MR. COLE: Robins also presented this to the Atlantic States Marine Fisheries Commission, and there was a tremendous amount of interest at the commission in participating with the Mid-Atlantic. Mr. Chairman, I think what they're doing there is a good thing, and I have to support David's belief that we certainly send as strong a recommendation as we can to the council to consider either this or something very similar to it. I think it has got a high opportunity of succeeding.

MR. DeMARIA: Why don't you make in the form of a motion?

MR. COLE: Mr. Chairman, I'm going to move that the council give strong consideration to the AP Report – let me get the correct words here. Let me read it; the AP strongly recommends to the council to consider an annual AP report to inform management decisions.

MR. DeMARIA: Is there a second on that? I guess we can discuss it now. I think this is an excellent idea. With the amount of experience this AP has, I think the council would certainly look at it and consider it heavily. I would really like to see us move maybe not away from the formal stock assessments but be able to incorporate some of your knowledge into it. It would really help.

MR. CONKLIN: What about doing a grant for a pilot program for videos on a boat where you – a hook-and-line boat drops a video down there. I've seen them. I mean, we've got a pilot program for the surfaces – for cameras on boats now and electronic logbooks and all, but we could either – North Carolina Sea Grant or the ED, somebody could put half a dozen cameras up and down the South Atlantic here and take pictures of various species that boats are targeting, whether it be vermilion snappers, show the amount of porgies on the bottom, show the jacks, grouper, scamps, wherever the boat is fishing, American reds, whatever they come in contact with.

MR. DeMARIA: I think it's an excellent idea and it's easy to count them on a video. You can measure the light.

MR. CONKLIN: There are a lot of Americans that are migrating from the south and they're catching them in spots where they very, very, very rarely ever see an American red snapper up to the north of us, in the northeast of us in the Carolinas. There is a lot of migration of the fish.

MR. GOULD: I don't know how much fishing you done up there around the Cape Lookout area down south, but we've always had a big American snapper stock up there; east of Cape Lookout; especially between east of Cape Lookout there to about south/southeast of Ocracoke out to 60 fathoms. Anywhere from 15 to 60 fathoms, there has always been a big stock of them.

They were beat down pretty much in the sixties and the seventies, but there are plenty of the juveniles, 15-, 18-, 19-inch fish and everything. I don't disagree with you about the migration, but we've always had them up there. Whether it's part of the same stock from down south or whatnot, I don't believe it is, but I just thought I might correct it a little bit on that. Right now we're catching them in places that we haven't caught them in years, which is telling that the regulations before was working, and it's going to get worse and worse with no retentions, though. I just hope that the council and the National Marine Fisheries Service comes around a little bit and starts relaxing it because I'm seeing a big increase all around, all over the board.

MR. HARRIS: We had a lot of discussion about the merits of video at the Fisheries-Independent Data Monitoring Workshop, and I think cost was the main issue that the council had a problem with. I mean if funds are available, I think they're all for it. It's just you've got to find the money somewhere else when you start talking about putting cameras putting on boats. It's a great way – other than the visibility of the water, it's a great way to actually see what is down there. I mean, they were all for it; it's just a money issue.

MR. DeMARIA: Well, I think some of the video already exists. I've got some and Mike Barnett has some and Mike works for NMFS. A lot of it is there; it just has to be put together. If there is no other discussion, can we vote on this? **All in favor. It looks unanimous.** We've got some time before John comes, so go ahead.

MR. COLE: Mr. Chairman, I think we had – and I hope this an appropriate time – had talked certainly the first day and I think again another day about scheduling future meetings. I think we had discussed maybe having another meeting in April or May. I think that was still a little bit open. Maybe while we have some time, this would be a good time to do that.

I would like to throw out something for what it's worth. Having sat over the last decade, decade and a half on both sides of this table, as a council member and as an advisor for years, I remember those days when the advisory committees met with the committee earlier in the week; say, like Monday and Tuesday.

I remember also that those can be very productive because it gives the council members a chance to interact with us as people rather than sitting across the table from each other. I recognize and

appreciate the notion that was adopted several years ago of having a two- or three-day meeting separate from, because we wanted to be able to talk amongst ourselves and all this.

But, you know, that works out great; we've done that, but, Lord, have mercy, we've still got the council members here so we're not really talking among ourselves. But, I do think there may be some value in that, and I would just like to throw it out and let's see where we're going. I think if we all think about the number of products that are going out for scoping and the number of products that are going out for public hearing, just what we've learned in the last two days, I think personally I'd like another shot at some of that when it comes back, to give the council more specific advice based on what we learn from scoping and from the hearings.

MR. MARHEFKA: Don and Bill, maybe we can go and ask the council if we can come back during their March council meeting in Jekyll and it will give them time, after scoping, that we could come back at that time. We could have a three-day meeting then, meet for two days, and then be able to go and sit in with the council and be able to give them our recommendations and a little more idea about what is going on at that time. And with that also being said, I don't know if I'll be able to make the New Bern meeting or not, but, Don, you're supposed to go and being giving a report to the council, is that correct, of our AP meeting; is that my understanding; is that how it's working out?

MR. DeMARIA: Well, under this last motion? I don't think so.

MR. MARHEFKA: Well, I'm not talking about the motion; I'm just talking about the report from the AP. I thought you were supposed to be taking that.

MS. BROUWER: There is, Mark, an item on the agenda to present that to the council. We haven't yet ironed out who is going to present it. Don is certainly more than welcome to come to the December meeting, but for now it's an item on the agenda, so we'll have to talk offline about that.

MR. MARHEFKA: Well, I thought at last AP meeting that we had here that was a discussion, that the chair was going to go and be taking a report to – but, anyway, I don't know, maybe I'm wrong.

MR. CARDIN: That was Amendment 16.

MR. CURRIN: Let me give you something to chew on at least as far as meeting with the council, with the committee or with the council and during the council week. I've been around here long enough to have done it both ways. We kind of settled on this because of some problems and frustrations by the council members and from the AP about having it set up the way it's set up now with you guys meeting separately and having the committee chair and vice-chair and other interested council members attend these AP meetings.

The one problem is the time factor. You guys know how much you had to do this week and you had two days basically to do it. And you've done a wonderful job, by the way, I think getting

through your agenda and I applaud you for that. If we meet jointly at the council meeting, we're not going to be able to afford the time.

It's not the money necessarily, although that is a factor, but it's the time for you guys to be there two days for the Snapper Grouper Committee to meet jointly with you two days and then have to do that – well, that's the problem, Mark, well, three hours is assigned, but could you have addressed this agenda that you had before you today in three hours?

I don't think so, not in any way whatsoever. That's one of the problems is just the time thing. The other problem that we tried to address by separating it was a feeling that I had and was shared by a number of the other council members when we were meeting with you is the feeling that the council committee members were perhaps influencing or tainting your guys advice into the process.

So, just a couple of reasons from my perspective as to why we are where we are with you guys meeting separately and why I think it works a little better. I mean whatever the council wants to do, that's fine; and one of you guys can advise, and we'll certainly look at it and think about it again if you think there is more value than that, but I just wanted you to understand my perspective and I think shared by some of the council members, anyway.

MR. COLE: Mac, what I'm thinking is not to substitute this kind of meeting for old historic joint meeting. My thinking is that, yes, we need to have this where we go through a long agenda, but I do think there might be value in the next several council meetings – okay, let's just take the next year of maybe having us come in for at least an afternoon and a morning to meet with you on a specific thing you have on the agenda. I don't want to substitute.

I think you need both kinds of meeting is what I'm trying to get across. I recognize the cost, I recognize the time investment, but I do think that the council would benefit particularly with some upcoming decisions it has got to make by maybe having us meet with you and let's all kind of talk amongst ourselves and sort of get on the same direction. I'm not in any way advocating an either/or here.

MR. CURRIN: Yes, I understand what you're saying, Bill, and we can think about that and see. Again, I look back to what the Snapper Grouper Committee itself has to try to accomplish at the council meetings. We usually meet over a two-period and it has oftentimes run longer than that because we can't get through everything that we've got to get through.

Adding another three hours or four hours on to that committee's work meeting with you guys is going to perhaps impinge upon the other committees and meetings that occur at council meetings. It's a logistical thing. I understand what you're saying and I think there probably is some value there. We'd love to have you guys there to interact with on especially difficult and contentious issues. It would benefit us as well, I know, but it's kind of a logistical thing as well that we've got to work out.

MR. FEX: Maybe have like one or two representatives from our AP to attend the meeting and then that way if the council did have questions, they ask the AP; and then maybe even if the AP

couldn't the questions, they might be able to contact other members of the AP that might know the answer. That might something to consider.

MR. CURRIN: Yes, just quickly to that point, Kenny, it's a great idea and we do try to encourage the AP chairman to come when he can. If the vice-chairman wants to come, that's great. That's part of the reason we make sure we've got some council members here; because before when you guys met separately, we'd get a summary report and there would be questions about, well, I wonder why that came up.

That's why I asked you guys to explain on the record yesterday about your votes, because when we see a vote from you guys and it's seven-seven, it's tied, it's hard to interpret why did it end up that way, what were the guys that were opposed concerns. So having somebody here like that helps I think and then having you guys at the council meeting to give a report from the AP, a couple of guys, can also help facilitate that and answer those questions that might come up.

MR. CUPKA: That was pretty much what I was going to say, basically. About a year or two ago we formalized it where we wanted to make sure that at least the committee chairman attended all the AP meetings, but on the other hand we wanted to try and encourage the AP chairman to make the committee meetings during the council week.

I know sometimes that's hard to do; but for the very reason that Mac brought up, maybe what we need to do is look at having the chairman and the vice-chairman because one person can't always come. We understand there are things going on, but it does help to have someone there who could answer questions because sometimes the committee does have questions of why a vote went a certain way.

If we don't have somebody there to expound on it, sometimes it's difficult to do. I think that is important and we need to try and continue to work on that to make sure that we're well represented. The other point I would make to you is the fact that even though we have the committee chairman here, you'll notice that Mac hasn't had a lot to say.

We do that purposely because this is your meeting; and if you call on us and ask something specifically, fine, but we don't want to try to interject ourselves into your meeting because we want what comes out to represent what you are thinking about. That's why we're here but haven't said a lot because we don't want to intrude on what we consider your meeting; but certainly if you have a direct question, we're available to try and address it.

Again, I think it has been working some, but there are always ways to improve it. The report that we've talked about earlier would be a way to even further improve it to get more input from you on why some things are happening in these fisheries and get your slant on it. Anything we can do to increase that exchange of information I think is going to be beneficial to everyone.

MR. MARHEFKA: I guess since we're just of rolling around with business here, I guess we also need to go and be looking at a vice-chair just in case you're not here, Don, since there is the possibility that if we're going to go and send somebody to represent us.

MR. DeMARIA: We have one; he is just not here.

MR. MARHEFKA: I don't know; we do have one?

MR. DeMARIA: Yes, Zack, but he's not here. I think he is in Kansas hunting.

MR. FEX: I would like it to be known in fact didn't attend any of the red snapper stock assessments and that is his fish, and that's a shame. A lot of people were offended by that in my area. It isn't really a major fish for me, but I tried to attend everything I could of it. I just wanted to let that be known. His hunting over the AP meeting, I can't see that because his future is a fishery, I thought.

MR. DeMARIA: Bill, did you want to make a recommendation on that so they would at least have a recommendation?

MR. COLE: Well, Mr. Chairman, I think we already have a process and procedure for the chair and/or vice-chair to attend and so forth, so I don't know what kind of motion or anything here to make. I just wanted to throw it out. Several of us had talked about it, particularly those of us who have been around a while and experienced it both ways.

I guess the test here would be is the current system working. If it is, then that's the test that says we don't need to do anything. If the current system isn't working, then, yes, we need to do something, and I can't judge that. I don't think we have enough experience with it yet, so I don't really know what kind of motion to make.

MR. DeMARIA: I think everyone got your message. If we could move on, we've got some time before John comes in. Go ahead.

MR. ATTACK: I would like to make one comment. Since the vice-chair is not here, I think it might be a good idea to have an alternate vice-chair so that we have somebody to represent us at the council meeting if the chairman can't go. That would be my proposal.

MR. CARDIN: Have two vice-chairs is what you're saying?

MR. ATTACK: Well, the existing vice-chair can't really inform the council of what was said this week because he is not here; and the chair, if he can't go, then don't we want some voice to be there to help answer questions or explain what we said?

MR. CARDIN: So do we want to elect a new vice-chair; is that what we do?

MR. HARRIS: I was going to say is it possible for us just to make the motion and move to have Zack removed as the vice-chair and re-elect another one?

MR. DeMARIA: I think you ought to be allowed to miss one meeting.

MR. MAHOOD: No, there is a much easier way to settle it. If the vice-chair is not here, which he is not, and the chairman can't attend our meeting in December, the chairman can appoint somebody to go on behalf of the – you normally don't have two vice-chairman. That is a much easier way to deal with it; so if Don can't make, then he can appoint somebody as spokesman. We know Bobby Cardin will be there.

MR. COLE: And Bob is going where I was trying to go. **What my experience has been in other situations like this is the chair and vice-chair and/or their designee, and maybe that is the motion we need to make to correct our previous motion is add the chair and vice-chair and/or their designee to attend. Let me make that motion so it is in there, because I think that was not in the earlier one from last year. Does that work for you, Don?**

MR. DeMARIA: I think I could tell you now who I would designate and that would Libby. She has got an incredible grasp on what is going on. She is very well-spoken, she is intelligent, and I think she would be fantastic.

MR. FEX: I was going to say I'll be attending that meeting, but I understand Libby is very well-spoken; but when it would come knowledge of the fishery, I don't think she is wetted as many hooks. I don't know if that would be a very good idea, for that reasoning. That would be the only concern there.

MR. DeMARIA: Well, I guess we could jump off that bridge when we come to it.

MR. CARDIN: Don is our elected chairman; can we be assured that you will attend the meetings and not designees?

MR. DeMARIA: Yes, but I work – you know, I've got a job collecting invertebrates and stuff and often I'm gone for a month. I was in Alaska for a month; so if one of these trips comes up during a meeting, I have to take off. I would have to designate somebody. Well, I'd be happy with you all electing someone to replace me, too, that's fine. It doesn't matter to me, I just –

MR. CARDIN: This was a joke before, Don/

MR. DeMARIA: No, I suggested Libby because she really has a grasp on the issues.

MR. CARDIN: Well, I would just like to make a statement that I would hope when we ask someone if they would accept elections for chair and vice-chair that they were accepting the responsibility and would make an effort to attending a meeting would be more important than going hunting or something.

MR. DeMARIA: Well, I'll make every effort to be here, but usually several weeks a year I'm traveling somewhere; and if it happens to fall on that, I pretty have to go, that's my job. Otherwise, I'll be here.

MR. MARHEFKA: With that being said, then maybe, Don, if you could go and if for a reason, some reason or another – and I understand because we all have jobs here – that maybe you could

just go and send a note or an e-mail to the all AP members and let them know what your situation may be, and we can go and make a choice whether or not we want to go and attend and sort of just being there for a fill; not to take your place, not as a designee, but to be there just in case as somebody to go and reinforce whoever you decide to. It's your decision.

MR. DeMARIA: Yes, no problem.

MR. MARHEFKA: And just basically let us know and that's all we need to know, period.

MR. DeMARIA: We have a motion and I guess that was seconded?

MALE VOICE: Yes.

MR. DeMARIA: Can we vote. **Everyone in favor. Is that unanimous?** Let's move on. I've got one other issue I would like to discuss before John Carmichael comes. That's the issue with mutton snapper particularly in South Florida. This is a fish that aggregates to spawn at specific areas and specific times of the year, and we know right where those areas are at and unfortunately so does everybody else.

It gets published in sportfishing magazines the exact GPS coordinates and when to go and what to use for bait. As a result we've got people that are just pounding these fish to oblivion. I suspect they're on natural bottom. They're probably areas that have used for hundreds and hundreds of years, thousands of years by these fish; I don't know.

But you have headboats anchoring on them, commercial boats, and right now the only regulation really is on the commercial industry. It is reduced to ten per person; so if you bring out five people on your boat, you can have fifty fish. The recreational is the same; it's ten per person. I've got newspaper articles from Key West of a headboat that won't even mention the name of it, but it said that a certain headboat, they enjoyed a fun day of fishing for mutton snapper with 754 mutton snapper. That's close to 10,000 pounds of fish for recreational fishing.

I think that's a bit overdoing it. Those are spawning fish. There has been a lot of talk; and most of the people I've talked with would go with closing it for those two months to protect the fish, but it would have to be done on both sides. It's a shame; there is one area right off Key West, Western Dry Rocks, where these fish come back year after year.

You'll see the people out there. They've got their wife and their kid just to have a headcount to get those ten fish, and the fish never get to re-aggregate really to spawn like they do at Riley's which is an area that is closed. I have been diving that every year since it has closed. Last year I was there and it was like swimming in a sea of muttons. There is just thousands and thousands of them. We even saw them spawning last year. It's just incredible.

I think that same thing could be happening up the Keys. I don't know of any aggregations further north than Dade County so I'm not suggesting that it go into effect for like someone out of St. Augustine. There is no reason, say, Robert, if he catches a mutton in May or June would have to throw it back, but I think those of us in the Keys could probably – if it was across the

board, everybody leaving them alone for those two months, I think we would benefit greatly. I'm sure you have something to say on this.

MR. HARRIS: Yes, last year at this council meeting we made the recommendation to the council itself to visit this issue because to us it is a big issue. It's a very important fishery, it's a very important species to us, and there is just no need for the wanton slaughter of it. I'll mention the name of the boat; it was Florida Fish Finder, which coincidentally is no longer actively chartering on their long-range stuff.

Now they've left themselves open just to private charters, and so what I can see happening is every spawn they're going to be sitting right out there pounding away at it. We have charterboats that operate out of Key West, we have commercial boats operating out of Key West. For the charterboats, they will go out there with six passengers and they will do a morning trip, an afternoon trip and an evening trip.

They'll get 60 fish per trip, which is well within their rights right now as it stands, but yet the rest of these of season is – kind of like where we were talking about the mangrove spawn, the rest of the season they'll complain that they can't find a mutton snapper. I'm like, well, no kidding; you know, you took out 100,000 pounds during the spawn; what do you expect to be left?

So what we would really like for the council to do is to take and look at a specific area of closure, both recreational and commercial, during those known aggregations. I can give you the specific lat and longitude to where it is happening. It is not broad area; it's not an expansive area. They are just known little pinpricks that are no bigger than a half a mile across, but these fish are just piled up on them. We have to do something to protect those fish.

If you look at the mangrove regulations that we have, we're allowed, what, five fish, and we could catch them year round. The muttons is a ten fish per person and accept during a spawn people have a hard time filling the bag limit. Well, why is it ten fish per person when the only time people hammer them is during the spawn?

That's something that I would like to recommend to the council – I would recommend again to look at these areas and Don or I and I'm sure Richard could probably provide you with the areas that we're talking specifically and having a two-month spawning closure in these particular areas.

MR. DeMARIA: Do you want an area or a time closure or just protection during those two months and leave it at that?

MR. HARRIS: Protection during those two months.

MR. DeMARIA: And let the council figure it out. Let me say one more thing. I didn't want to beat up on the headboat industry too bad, but we dive and I've dived on some on some of those aggregations and the fish are just stupid. We call them – there is city fish and country fish. We call those the country fish. You can tell that they've just moved in. They come up from the deep and you can swim right up to them. I think diving on these things and spearing in the middle of

them is incredibly disruptive to any behavior, so it's not just hook and line. It's diving, it's all of us pounding these things. Go ahead.

MR. JOHNSON: What is the status as far as buy and sell during that time? Are you looking for something that sort of mirrors the gag? You know, the gag for a while was open – closed commercially and no sell and then it was still open recreationally. In my opinion that wasn't right so now they've got it closed for everybody and the sale is prohibited. Is that what you're looking for, something along those lines?

MR. DeMARIA: It can't just be sale because the headboat that caught 754 of them, those weren't sold or are not supposed to be.

MR. JOHNSON: Well, yes, that is the thing. I mean there is a reason people are going out and catching that many fish. You can't eat that many.

MR. DeMARIA: Well, they want to load their freezer or give them to friends and I'm sure some of them get sold, but I don't think just a prohibition on sale and just restricting the commercial industry is going to do it.

MR. JOHNSON: So you're making a motion for not only a spawning season closure but a reduced bag limit as well of ten to five or are we going to get some numbers? What are we talking about?

MR. DeMARIA: A bag limit of zero during those two months.

MR. JOHNSON: I understand that but Rob mentioned that you've got people that are not filling their ten-fish bag limit on a regular basis the rest of the year. To me that means there is a problem. I mean that has been an argument about red snapper. We catch our bag limit more than we do anything else, but yet we're going to close that, but you've got a fishery you're leaving open that people aren't on a regular basis reaching their bag limit. I'm talking about recreational anglers. I'm not talking about the commercial guys that really know what they're doing. I'm just talking about Joe Schmoo.

MR. HARRIS: Well, I like to see for the remainder of the year outside of that spawning season is to have a reduced bag limit down to five fish. If we did that, now people are going to be more conscious of what is going on. I'm not saying that the muttons are in jeopardy. It's just that it's a much more realistic bag limit; because these fish that we're talking about, we're not talking about small fish. We're talking about 15- to 20-pound fish and to have ten of them per person in your boat – I mean, you've got guys like me that can run down to the west, you've got other boats that can run down to the west and consistently fill a ten-fish bag limit.

An average angler can't do that. They're happy to get one or two. I think if we were to bring that bag limit down, then we would see an expansion of the habitat and an expansion of the numbers of these fish so that now Joe Angler, commercial guy, recreational charter guy, you know, we're going to be able to go out there and consistently catch that bag limit without further injuring the stocks.

MR. DeMARIA: I've got one more thing to say. Several years ago I was part of a study. We went out to Riley's Hump and took like a thousand little vials that floated just to the surface level and dumped them right in the middle of the spawn so they would drift. They were supposed to mimic the larval drift. The eggs probably drift about 30 days or so before they settle down.

With phone numbers to call back – and these bottles were collected all the way up the coast, up to Islamorada, West Palm Beach, which would sort of indicate that whatever we protect down there to spawn is going to benefit people to the north. Michael got a lot of calls back from these bottles that were returned. They drifted inshore, up on the beach in Jupiter and whatnot. I think by protecting the spawn area, it's going to be good for everyone else up the coast.

MR. FEX: Well, I guess I make a motion to make a spawning area closure for them fish. I don't know where you want it to be, but let's make a motion and go with it. There would be benefits to it.

MR. FEX: Just a two-month closure in a certain area.

MR. DeMARIA: What about just protecting spawning mutton fish and let the council decide whether it's an area or a time. Does you want somebody to make a motion to that?

MALE VOICE: Yes, I'd like to add the reduced bag limit to five as well. I fish for them recreationally all the time and never in my life have I kept ten nor would I ever need to. Five is more than enough.

MR. DeMARIA: When I get back to the Keys, I'll look up that old newspaper article about the 754 muttons and I'll send it to the council and they can e-mail it out to everybody.

MR. SMITH: I think five is too many; the reason being is that up on our way, Sebastian and Ft. Pierce – I mean I didn't focus on snapper, but we caught so few muttons; I mean, to catch five in a day would have been a rarity.

MR. JOHNSON: You may be getting to the northern end of their range, too. There may be a reason for that. I don't catch many mutton snappers. I think your cutting a bag limit in half, you're similar to what you did with the vermilion. You went from ten to five per person. People can still catch enough to eat at least.

MR. STIGLITZ: Since the closure of Riley's Hump, what is the rebuild on the stock? I don't understand the reasoning for doing this. If the stocks have rebounded with the closure of Riley's Hump, why are we – I can understand the five fish per angler, but closing down bottom where we have all these marine protected areas in the Keys for this two-month period – and I'm asking now; what is the stock on the mutton snapper?

You tell us that you go to Riley's Hump and you can't see through them; there is millions of them there. I know they haven't fished there for years and years and years in their traditional place and now you want to just keep closing more stuff down. I don't understand why we want to close more stuff down.

MR. DeMARIA: It can be an area or time closure. As far as Riley's goes, that just indicates that's a spawning aggregation. Who knows where those fish come from? They could come from anywhere. That doesn't mean because there are thousands at Riley's everything else is okay; and if people can't fill their bag limits out side of the two spawning months, I think there is a problem.

MR. STIGLITZ: You didn't answer my question about the stocks on them. If you go to five fish instead of ten fish, is that going to be enough other than closing down more bottom. I'm not very agreeable to closing down more bottom. We've got marine protected areas up and down the Keys. We've got Riley's Hump that is closed down. We've got the Dry Tortugas that is closed down. We have so much bottom that is closed in the Keys and now you want to close more of it. I'm very much against this.

MR. DeMARIA: It doesn't have to be an area closure; it can be a season closure, too. The motion is and/or; we just reread it.

MR. STIGLITZ: But you didn't answer me about the stocks yet, because –

MR. DeMARIA: I don't know and I don't put a whole lot of faith in the mathematical equations. I put more faith in what I see and I don't see them like I did years ago. I think that protecting them when they spawn is the thing to do, these fish that aggregate.

MR. STIGLITZ: Okay, well, I'm against this.

MR. CARDIN: We've already got somewhat of a spawning season closure and size limits. Why can't we do something within the law that is already there; maybe just through May and June the commercial limit is dropped to five; maybe drop the recreational limit to five. And to be quite honest, to fill these kinds of limits at ten per person on a boat with ten people, you probably are fishing on spawning fish if you catch that many fish. So perhaps maybe just switching to a boat limit during May and June or something, but I'd like some discussion on that.

MR. SMITH: I'd support a boat limit and other ways to protect, but boat limit is a good idea.

MR. FEX: We did make a motion earlier through the AP about making spawning seasons and protecting fish while they're spawning, so we're just kind of going and deciding what we were talking about. I would support it. We are trying to protect the fish.

MR. DeMARIA: I think with the number of boats in South Florida, if there are a hundred boats out there fishing, whether they catch ten or five per person, it's still a slaughter.

MR. CARDIN: I understand that but we keep running into these bycatch fisheries and we totally close something. I mean, right there are boats off of Georgia catching mutton snappers. I mean, is that your goal to actually stop a fishermen in North Carolina, too?

MR. DeMARIA: No, if we wanted to add to in here below Dade County would be fine with me. I see no reason to restrict you up in your area when they're not aggregating there to spawn.

We're just talking about areas – if somebody wants to amend to say below Dade County, that would be fine with me.

MR. GOULD: How about if you put in there a traditional spawning area in the Monroe Country area?

MR. JOHNSON: I still think you don't have to say area. You're just going to close the fishery during the spawning months. That's all you need to do to protect the fish. You know, those headboats are not going to go out there and anchor up on that wad of fish to catch them and throw them all back.

MR. DeMARIA: No.

MR. JOHNSON: I agree with Richard; I don't think we need to leave the door open for more – I don't live in South Florida, but I know they have a lot of closed areas already. We really don't need to leave the door open to encourage that and say, hey, we want to close more ocean to fishing, but what we want to do is protect fish when they're spawning so they can reproduce and replenish the stock.

MR. DeMARIA: I think a seasonal closure would be better than an area closure, and I don't see any reason to impact you up off St. Augustine.

MR. JOHNSON: Well, it doesn't matter to me. I'm sure there is some mutton snapper spawning somewhere up the eastern seaboard. How much of everybody's catch are mutton snappers? Is it an incidental catch; I mean how bad is it going to hurt you to throw one back for two months?

MR. DeBRANGO: I actually saw more muttons off our house this year than I've seen in a while. Just because we're not catching them, it doesn't they're not there. They were up in the ledges. I actually do better on the muttons if I'm spearfishing, too. In answer to his closed areas down there, probably the best piece of fisheries management I've seen diving has been diving the sanctuaries in Keys.

I'm sorry if you don't like closed areas and everything, but when you're diving somewhere and you're sitting there and you've got lobster stacked five high on top of each other and you're sitting there swimming in a school of gags; I mean, that's just nothing but a positive breeding ground for the fisheries. I think we do benefit from anything they do down there. You could follow that tropical bottom all the way up through St. Augustine and all the way up and where you do catch the traditional muttons, and it's almost like being in Key West. I think the stream down there – what we do down there is going to help all of us; so a spawning closure with a zero bag limit; I mean, protect our fish when they spawn.

MR. STIGLITZ: I agree with you; we do have all these marine protected areas. There is just one right after the other the whole length of Keys, and I don't feel like we need anymore. If we're going to do this, I would like to have you put what areas you want to close on. Put a marine protected area up there, give us some numbers of what you guys want to close on.

MR. DeMARIA: It doesn't have to be an area; it can be a seasonal closure.

MR. STIGLITZ: I'm against the seasonal closure. What about the yellowtail fishermen that are yellowtail fishing down there at the Tail End Buoy and they catch mutton snapper; and they pull it out of a hundred foot of water, his stomach is blowed out of him and you kill him, and now you're going to throw it away and it's going to float away. They're not fishing where you're talking about.

What about the guy up there off of Marathon that's mangrove snapper fishing and he catches a mutton snapper in a hundred foot of water and he kills it? You know, you're just throwing it away and it lays up there and it's doing nothing. If you've got an area you want to close for the spawning area, I think you ought to zero it out and tell us what you want to close like you did Riley's Hump.

MR. DeMARIA: There are plenty of other closed areas in the Keys, but there is no mutton snapper aggregations in those closed areas. There is nothing in Looe Key or Sand Bows or any of that. The only aggregation is in Riley's, so I think a seasonal closure would probably be better. Doesn't the state of Florida prohibit the sale during May and June?

MR. STIGLITZ: No, they're not ten per person.

MR. DeMARIA: You allowed to sell them and I thought –

MR. STIGLITZ: And you're allowed to sell them; just like when that headboat comes to the dock with 754 of them, whatever, the people did take off of his boat. He took it right over to Fish Busters and Charlie bought it and was all happy to have it.

MALE VOICE: I'm with Richard on being as specific as possible because I don't think that spawn – if there is a spawn in my area, you know, Palm Beach, Broward, Brevard, et cetera, county, I don't think there is much one, if there is any, and I see no reason to just make further closures for those fishermen for no reason. We have enough closures as it is.

While I personally can't stand closed areas, I think that's how you make this as specific as possible. I am all for closing that slaughter because I've heard all the stories, too, but why are you going to punish the guy who wants to go out and catch two off of West Palm Beach when there is no spawning.

MALE VOICE: No, I understand that, too, but I'm also trying to make that point. I don't want to see anymore closures.

MR. DeMARIA: Okay, but we're not punishing those off West Palm Beach. It's just area where they're known to spawn.

MR. CARDIN: As the maker of the motion, Kenny, do you realize that right now there is a May and June is considered as their spawning season closure; May and June on the records. Is that a timeline you want up here?

MR. FEX: I was just making the motion to go ahead and go with something so we could put it up for discussion. We were all on the same page, so I was just going with everybody's ideas and just trying to go along with it; so if you have something to interject or change that motion, you're more than welcome to do it. It isn't even my fish, so I'm just trying to get the ball rolling.

MR. DeMARIA: It's May and June.

MR. CARDIN: So do you want May and June in this motion?

MALE VOICE: Yes.

MR. SMITH: Bobby had a suggestion there and I would like to see how he adds more to that per boat, number of fish kept per boat. I thought that was a good idea and maybe we could follow up on that.

MR. CARDIN: Well, on a commercial boat there is usually one or two of us; and if it was mutton season, we'd have to shut down at ten regardless of how many people were on board. The commercial harvest is actually at a lower level during their peak spawn or what is considered their peak spawn.

On the other hand, with ten per person recreationally, they're biting it so you get four or five more guys to go with you, and you're actually increasing your harvest at that time. So basically a commercial guy is looking at ten per boat is what we basically deal with during that time of year, and I was just wondering if the recreational might have something that they might be willing to live with.

MR. HARRIS: I know myself, outside of a zero take, I could find it within my heart to go to a reduced bag limit during that timeframe because that would also stop the commercial kill and take and sell. It would also put an end to those boats going out and do because now who is going to pay \$400 to go out for a night of fishing to take two fish, to take three fish, so I think that will alleviate that problem.

I just know that somewhere within the confounds of these four walls or the four walls that they're going to be meeting at, there is something that can be done that will help better the fishery without putting anybody out of business or crushing anybody's income that overall is going to benefit everybody. I think that action needs to be looked at and taken regardless of what method it is that – you know, because obviously I feel that we're having a little hard time deciding how best to do that, looking at the Miami-Dade/Monroe County Line, looking at a zero take, a zero sale.

I mean, I would have no problem with a zero sale and then the guy that is out off of Tail End that is catching them, well, he can keep them for himself to eat. It doesn't mean that fish is going to be wasted; but if we remove them from the commercial market, if we remove them from all the guys coming and chartering the boats, that in itself will be a protective measure just by reducing the bag limit.

MR. DeMARIA: The main area that I'm concerned about is southwest of Key West by Western Dry Rocks, but that is state waters. The council I guess could make a recommendation to the state that they'd like to see that area closed. It's not a very big area; but if you want to go with another closed area, if you feel more comfortable with that, that's fine with me and then people could catch them outside of that area.

I think something definitely needs to be done to protect especially that spot right there. Either a season or an area is fine with me just as long as those fish are protected – that particular group of fish right there; Western is protected during those two months. If somebody want to modify it for a specific area, that would be fine with me. I just thought the other way would be easier on everybody.

MR. STIGLITZ: It's back to what I asked you to do, and it says right there traditional spawning area – come up with your traditional spawning area, of the area at Western Dry Rocks, and close that down and go to a five-fish per limit or two or three fish per person during a two-month period, and I'll go for it a hundred percent; but to close down all of the Keys – and there are recreational people that can't catch them the rest of the year. The recreational people don't have the expertise as a lot of us do.

MR. DeMARIA: Well, if somebody wants to modify the motion, but let's go ahead and –

MR. STIGLITZ: Well, we've been discussing it and I'm telling you my opinion that the recreational sector, people that don't go out for people for-hire, they go out there, Johnnie or Joe, that just gets in his little boat and goes out there, well, he's has got a pretty good opportunity to catch a mutton snapper; and he catches one or two a year, and now you're going to tell him he has got to throw it away?

MR. HARRIS: You could modify that, Richard, by just stating traditional spawning area to be provided by the industry or something along those lines, maybe. It's not my motion to modify, but I'm just making a suggestion.

MR. DeMARIA: Would that be okay with you, Richard, something like that?

MR. STIGLITZ: Well, if you're going to do it, I would like to see the traditional spawning area that you want to close since it says it in the motion, put it in there.

MR. DeMARIA: Traditional spawning area; e.g., Western Dry Rocks.

MR. STIGLITZ: If you put that in there with a five-fish bag limit, you'll get my support.

MR. SMITH: I would support that with a three-fish bag limit; exactly like Richard said it.

MR. HARRIS: And that's part of the problem is the fact that this particular area that we're talking about is in state waters, but there are also some aggregations that are further to the west that most of the recreational guys haven't caught on to yet. They are way to the west and they are in federal waters, and that's why I think it would be more powerful coming from the SAFMC

council with the recommendation to the state and then get us within the state talking to our regulators to get this further refined for these particular areas. It would be very easy for the state to manage it because all they've got to do is just go park a boat right on top of it.

MR. DeMARIA: I suppose you ought to have a second on it.

MALE VOICE: I'll second it.

MR. DeMARIA: Kenny wanted us to wait until he got back.

MR. JOHNSON: Don, just food for thought; okay, we're talking about mutton snapper. Has there been a stock assessment?

MR. DeMARIA: I don't know.

MR. JOHNSON: There has been a stock assessment and it shows that they are not undergoing overfishing? I'm all for this, by the way, what we're talking about, but I'm just trying to make a point here that we're expecting the council to take our recommendation as a group about this. And then we've got I don't know how much testimony about red snapper, and I've heard right here today people talking about North Carolina red snapper, big schools of snapper migrating north. Do you see where I'm going with this? We're talking about a stock of fish that is not undergoing overfishing, it's not overfished, and we're going to protect them, the flipside of that coin. Just food for thought for people here.

MR. DeMARIA: Do we actually have to wait until something is overfished to protect it or can we be a little proactive so that we don't get –

MR. JOHNSON: No, I'm all for being proactive. I said I support this a hundred percent. I've always support spawning season closures wherever they've been brought forward because I think that makes common sense. You protect anything when it's reproducing.

MR. DeMARIA: Okay, why don't we go ahead and vote on this because John has to give a presentation and we've still got a few more things to do. I think everybody has read the motion. **All those in favor; those opposed; abstain.** You wanted a couple of minutes to say something.

MR. GOULD: Just real quick, and this concerning a stock assessment that is schedule for 2014 with the vermilion snapper. I would like for the AP Panel to recommend to the council to move that back a little bit to 2012. The reason I'm doing that is because each year that I've been on this boat I've seen the stock going more and more and more. We're at a five per person limit right now. These fish go anywhere on average one to five pounds. As it stands now during the peak season, which is basically May to November when we're fishing for them, I'm throwing back anywhere from to five to ten times more fish than what we're able to retain.

This is after picking up and running sometimes as much as eight or ten miles away from where we were catching the fish previously. I think by having this stock assessment in 2014, it's going to really cause more and more problems on my part, create more discards because the stock is

blossoming all the time, and I would like to see a sooner stock assessment than 2014 on this so that we can make any adjustments there to cut down on the discards if we have to. That's what I wanted to say.

MR. DeMARIA: Is that a motion?

MR. GOULD: You can consider it a motion that the AP Panel request the South Atlantic Fishery Management Council to move back the stock assessment of vermilion snapper from 2014 to 2012.

MR. DeMARIA: Do you want to second it?

MALE VOICE: Yes.

MR. DeMARIA: Can we just ahead and vote on it or do we need to discuss this?

MR. CARDIN: Is it back or is it forward?

MR. DeMARIA: Forward.

MR. ATACK: Any question I've got on that is if we do that, is there some other stock assessment that they're not going to do or have they got enough people to do this in addition to what they're doing. Is it some other fishery that we're also concerned about?

MS. BROUWER: The SEDAR Steering Committee is the body that drafts the schedule for assessments, so they would have to take this up in their discussions and shuffle things around, but perhaps when John Carmichael is up here in a little while he can answer more detailed questions about stock assessment scheduling.

MR. ATACK: Yes, because we're asking them to do something, but we don't know what the cost is.

MR. GOULD: What is the cost between the American citizen making a living out of something that is being overregulated to begin with and the cost of a government agency that is supposed to be serving your public? I don't mind inconveniencing them if it benefits the overall health of my industry, and I'm including the motels, hotels, restaurants, tackle shops, the people there that clean the fish, the whole nine yards.

If this stock assessment being moved to 2012 helps everybody, I'm all for it. The government workers, they work for the public, and they should bend over backwards to do anything and everything that they can help the people that pay them.

MR. ATACK: I'm not arguing that. The point is, is it black sea bass or something else? I mean, if they can do it in addition to, that's great.

MR. MAHOOD: I don't have the SEDAR schedule in front of me but the way it works is the SEDAR program is administered by our council, but it's for the Gulf and the Caribbean, also, as well as highly migratory species. We have a steering committee that is made up of each of those entities.

We get together and we project out five years what is to be done, and it's not based on – it's based on cost, obviously, but mostly it's based on manpower and scientists available to do the work. Whoever said it is right – and we do this horse trading all the time, and we certainly could take this to the SEDAR Steering Committee of the council and then have them take it to overall body.

If you put something new in or move something new up, something has to move back; and since I don't have it in front of me, I can't tell you what that might be. Sometimes we horse trade with the Gulf and they may want to move something up and we agree to move something back or vice versa. We can look at this. This would be a valid motion to take to the council and to have the council look at that, but we can't – even our council doesn't decide the schedule for the SEDARs. That's done by the SEDAR Steering Committee, but we certainly will take it forward and look at it and determine what the tradeoffs are.

MR. DeMARIA: Well, I think all these motions are just recommendations, anyway.

MR. MAHOOD: It all is and, of course, when it goes to the committee it's a recommendation to the council and finally the council takes action, but in this case even our council doesn't have total control of the scheduling of the SEDARs.

MR. DeMARIA: Well, why don't we go ahead and vote on this? **All those in favor.** Did you want to take a break before John gives his presentation? Okay, let's go ahead and take a break.

MR. CARMICHAEL: I just wanted to talk a bit about the Red Snapper Assessment and what the SSC ended up doing, and we can then take some questions and stuff on that. What I've prepared here this morning was a handout with some figures from the assessment output and then some pictures from the presentation that the SSC looked at that really honed in on a couple of the key uncertainties that drove the SSC to the recommendations that they made.

The first figure there, Figure 1, shows the fishing mortality rate of the population, which is the gray line with circles that gets kind of spiky there in the middle years; and then the numbers of fish in the population and the landings and numbers with the numbers in the population being the black line and the landings' numbers being the faint gray line.

This is showing the full time period that was used in the assessment and it shows how the numbers in population are declining there from the fifties through about the eighties, and then you see the fishing mortality going up pretty high. You have that period in there from about the early eighties through around mid to late nineties where things are pretty jagged, and we see that the F has kind of stabilized some but still saying there is an affinity of around 0.6, which was MSY estimates ranging around 0.15 to 0.2, and that's considerably higher than what the sustainable level is.

As a result the population has kind of gone down and stayed fairly low in numbers, and we've seen some increase in the population in the recent years. The general trend has been that things – and on this long scale you can't see it quite as well, but you can in the figure below is that since the council put in the regulations with the size and bag limits, the population has been generally improving.

Most notably was a couple of good year classes in recent years which started recruiting to the discards a couple of years ago is when people first became aware of them, and they really showed up in the fishery in 2009, last year, and probably quite a few of them out there this year that we're seeing, also.

That just sort of gives you a picture of how the overall population looks and shows you what you're catching kind of relative to what is really out there. If we look down at the next figure, it shows similar information, but this time we're talking about pounds for the population in the catch, and we've focused in on the year since 1975.

As you know, there is a lot less data, say, prior to 1981 when the MRFSS started than what there has been since then, and that was one of the key issues within this Red Snapper Assessment is dealing with that terminal year and dealing with those early years in the recreational catch. A number of changes were made in the SEDAR 24 assessment to bring those recreational catches down quite a bit from the values that were used in the previous assessment which looked solely at the Fish and Wildlife Survey.

They ultimately ended up with a ratio approach, looking at years when you had overlaps from like '84 to 1992 to develop a commercial and recreational ratio and carried that back in time. But the model is not highly sensitive in terms of where you are now and what you're going to have to do to what is going on in that prehistoric period. It's kind of like a funnel.

There are a lot of uncertainties so the model can pick a lot of solutions in that period, but it's going to funnel down into this kind of mid-eighties to the current period to what you see now, because that's where you have lots of length information and lots of age information, and that's what is really determining the mortality rates.

That's where we have more confidence in the catch, which is then scaling for mortality and such that is giving us the population abundance. If you look at this Figure 2 and with the population in poundage being the gray line with the circles, you can see from like 1990 until the present that's a pretty steady increase from maybe 1.5 million pounds up to nearly 5 million pounds.

What that reflects is that in terms of what people would see, yes, they're seeing a lot more fish. They're seeing bigger fish out there so things over that time period look markedly better, but the problem that we're dealing with is that despite things being better, they're still not better enough. The overfishing hasn't been ended; hoping that the regulations that are coming in now are going to do a lot more to end that overfishing and bring that fishing mortality down to the target and keep it below the limit.

The SSC looked at this and they also looked at a number of other figures, which I'll get to them next as we talk a bit about the SSC. The SSC reviewed this assessment and they looked very carefully and spent over a day talking about this. They looked at what the assessment workshop did, they looked at the review workshop.

They noted how the review workshop recognized a number of the uncertainties in this assessment, considered doing different things like base runs, did some explorations of some key uncertainties, and the SSC wanted to build on that. What the SSC really wanted to focus, though, which is their primary job at this time, which is specifying an ABC for 2011.

As we know, Amendment 17A was recently approved that specifies a long-term rebuilding strategy chosen by the council, which is fishing at 98 percent of the F 30 percent SPR, with F 30 percent being a proxy for the Fmsy, the long-term sustainable level. There is a lot of uncertainty in that Fmsy, as there often is because to reliably estimate Fmsy you need to know what the long-term productivity is, and in this stock that's a very hard thing to get hold of.

Because as the figures show, during most of our period of good observational data, the stock has been at a pretty low level; and now we've had a couple of really good year classes with better recruitment than has been estimated in 20 or 30 years, and that sort of throws things off because it shows you that a stock can produce an awful lot of young fish from a relatively small adult population. In these situations that's not unusual.

A lot of fisheries that are on the cusp of rebuilding and are at this stage have exhibited this kind of behavior. A great example was the striped bass population in the Mid-Atlantic coast. That population rebuilt off a couple of really good year classes in '88 and '89. Those weren't fish that were saved from the moratorium that went in. Those were big, mature fish that existed, and just a few year classes really exploded that population.

That was a very low spawning stock and it took a number of years before the analysts on that population really understood whether those year classes, are they truly outstanding circumstances that will never occur, are they something we can expect once we get a good spawning stock. Red snapper is kind of the same way.

Are those year classes we've seen in the last couple of years, is that just a fluke, is that just the planet is aligned and the environment is perfect and you had this amazing survival, and you'll never see that again; or is that something that when we get the spawning stock biomass up closer to its sustainable levels, that we'll think perhaps, yes, that's more of the kind of average that we can expect to see.

Well, because we don't know that, it's really hard to get an idea of what that real long-term productivity is. Given that, the council has recommended looking at a proxy, the 30 percent SPR, which means you're going to try to retain 30 percent of spawning stock that would be there if there was no fishing. The SSC believes that is an appropriate approach. They also don't believe that there is really information in looking at the base runs and everything to overturn any of that. They don't recommend changing the long-term rebuilding strategy.

They have a lot of uncertainty in the long-term projections that come out of the base run, and so they wanted to focus on the short term, because what is driving the regulations right now is not the long-term rebuilding. It's not the biomass levels of the population. The council is obligated to end overfishing, and the rebuilding strategy ends overfishing.

They can't fish in any one level – in any year at a level that's going to result in overfishing, but the biomass they have 40 years to rebuild that, so you know that there is going to be more recruitment down the road. The population will get better, we expect to see more fish. There is a lot the council can do to allow that biomass to recover over this long timeframe.

We've seen from just these figures that a couple of good year classes can really start driving that biomass up rapidly, so that's not really what is driving it. What was really driving it is ending the overfishing. The council is pushing the limit pretty hard on this rebuilding plan in the short term to rebuild at this 98 percent of F 30 percent.

They're really rebuilding it at about a 2 percent reduction off of the maximum that they can take. The SSC understands this and they understand the uncertainty and they said, you know, we don't have any information right now to change this long-term rebuilding, so what we're going to focus on is how to get ABCs.

And that's the third bullet is they said they really support deriving ABC not from the base runs they were presented because a lot of discomfort was how that base run from the review panel fit to the terminal values of the headboat index. If we flip over here and look at the Figure 4, which is an excerpt from the presentation the SSC saw, and the top graph there, the circles are what the headboat has observed to be, and then the different lines show how well the estimated values match that.

The base run that they had is the heavy black line, which is if you look at far right over between 2005 and 2010; that heavy black line that drops down there and is a long ways from the circles, that was the base run. And what the base run ended up doing was not fitting very well to those terminal points.

And what has been recognized and was discussed at the review panel and certainly supported at the SSC is that we tend to believe that the headboat index is one of our most reliable indicators of how many fish are out there and that the CPUE of the headboat is a good indicator of the overall health of the population.

You can see that headboat index had been kind of low there for a number of years and it really goes up. Well, that's the fishery encountering those couple of good year classes. The SSC recognized that and the review panel discussed this quite a bit. Now, they stopped short of picking another base run.

They could have picked another base run; but much like the SSC, they recognized the overall uncertainty in this population and realized that picking one base run over another, there are a lot of plausible things, and they really focused on the uncertainties within the assessment and not so much can we pick just one base run that we think is the one. They really focused on how there is

a range of plausible runs and said, you know, have this base run and here is the starting point, but there are a lot of plausible things out there.

They put effort into how this kind of base run performed, which led them to examining this series of uncertainties here, to really examine that fit and to consider other ways of weighting that headboat, other ways of getting the headboat to have more influence essentially to reflect what everyone believes is the most appropriate source of data.

The SSC then built on that and they looked at this issue and they, too, discussed quite a bit about, well, you know, picking another base run versus not another base run. One thing that a base run could do is you could go in then and reconsider all of these long-term rebuilding things. The SSC, as they had already said, they didn't that was really an effective thing because there is a huge uncertainty.

And it's reflected in the last figure, as you scroll down to Figure 6, this shows that huge uncertainty. This shows all of the different variations and the variance in all the key parameters that the SSC looked at. This cloud of points, each one represents an assessment's run, a configuration essentially with the range of parameters based on the things that are allowed to vary such as recruitment, how many fish are born, the relationship between adults and recruitment, the weight parameters, the selectivity, the catchability.

All the things that are known to influence the outcome vary over this. It shows you the F over F_{msy} on the bottom, and that's the degree to which the stock is being overfished – I mean the degree to which overfishing is occurring. As you can see under the base run, it runs from a little below 3 out to about 6.

Well, the SSC looked also at all the different uncertainties and the sensitivities and the other possible base runs, and they noted that this range here within a model is far greater than the range that you see when you take a particular configuration and just apply it one time to a run. They really felt that was important because what they showed is that this is the real picture, this is the real uncertainty, and they could pick another base run that might shift that kind of mark in the middle a little bit one way or other.

They ultimately ended up basing their recommendation on just kind of shifting this whole uncertainty when they said really the key uncertainty seems to be that headboat fit; we need to think of that; we think it's appropriate to fit to that better. What that is going to do is essentially shift this cloud from centering around 4, which is close to where the base run is, to centering down maybe around 3.

They could go through doing all of these runs, but it takes ten days to produce one of the runs, and they weren't going to have time to do that and they don't want to hold the process up because this is absolutely critical to getting an ABC to the council in December so they can consider this regulatory amendment which can potentially modify the closed area that is being considered.

They said you know what the council really needs is an ABC recommendation, and we think what is really important to that ABC recommendation is that fit to those headboat values. Here is the uncertainty, you have the base run, it reflects all of this, but let's move beyond that and let's focus on the task at hand, which is how do we get ABC? Their recommendation was to take this figure right here, which was requested by the review panel, and it shows some different ways of looking at the headboat weighting.

The base, of course, is the top and you can see the headboat – the F over F_{msy} , that determines how heavy you're overfishing, which directly determines the amount of reduction the council has to take to end that overfishing is around 4.12. Then they looked at the range of 0.2, 0.25 and 0.3, and that is just saying it's just a measure of how influential the headboat is going to be within the general indices.

The higher that value is, the closer the model is getting to those couple of headboat observed points, and they looked at the 0.2 and 0.25 and 0.3. The SSC got a small group together that spent maybe a couple of hours or so looking at how each of these models, looking into the nuts and bolts of each of these to see if there is any issue with these; did they blow up, are they different in terms of their overall performance the base.

They determined it was not; the issues that the base model had these models still have; but what these models do is they get closer to the headboat. As a result, because the headboat shows more fish and a lower exploitation, the bottom line result of these is that the degree of overfishing is a little bit lower. The 4.12 is pretty high and that was recognized, and bringing it down to around 3 will have a very significant impact on what the council ultimately has to do.

The SSC thinks that this is a reasonable range of outcomes. Each one of these has that cloud of points around them, as we show in the other figure, so picking one of these is really a choice of saying how much do you think the abundance has gone up and how well do you think the headboat fits it, and that is the decision the council is going to make.

It's not the same as if we have taken a run and varied things and gave you some, say, quasi-confidential confidence limits around it and you could say picking one is more is more risky than the other. It's really kind of different than that. It's really about what do you think is the best fit, and then there is a range around it, and these are really essentially midpoints around that point.

The SSC felt that taking these and using the time that they had and the analysts have to get some good projections from these runs to specify what the ABC option is and what essentially is the amount of fish that can be harvested given that rebuilding strategy would be the best use of time. That's what they ultimately did and they recommended these runs and we requested projections be made off of these runs, which I think are in the draft form and being reviewed by the science center.

We hope to have them and append them to the SSC report and certainly expect to have them available for the council meeting and ideally in the second briefing book when that gets mailed out; but if it's not it will be posed on the council's website as soon as we have it, e-mailed to the council members and all of that.

The red snapper assessment, SEDAR 24 made a lot of changes from SEDAR 15. They changed the historical recreational catch a lot. They changed the selectivity pattern which was a big issue that is flat versus dome. They changed to where it says that the fishery doesn't remove as many of the old fish as what are out there, which we think is a pretty significant change in a lot of ways and has led to some increases in the biomass.

They changed the discard mortality rate being used in some of the fisheries. Most notably the commercial fishery went down to like a 40 percent discard mortality rate from a group that looked in depth at the different discard mortality rates that were estimated and how they might apply to the stock. The remaining questions then are going to be how productive is the stock going to be, how fast is the biomass going to increase, do we have another good year class out there right now, are we going to get another one in 2011?

Those are the kinds of things we have to know and what we see coming on line, which will hopefully help us answer some of these questions, is some new data. There is a longline survey that was started where they're trying to get an idea of is there a big population of large red snapper farther offshore, beyond where most of the fisheries are going?

That could be and if those fish are never encountered by the fisheries, and, yes, sure, they might not show up very well in this model. Part of the dome-shaped selectivity would reflect some of that, but it could be even more. It could also be that there is more out there than what the model thinks, and that was some of the discussion at the assessment workshop.

Some people's feeling was that despite all the changes, the dome-shaped selectivity, change in historical recreational values, that they didn't really feel like the model really captured as many older fish as what should be out there. It's just some problems probably within the general data streams and in a lot of case lack of a really good survey.

We have got some survey effort that started this summer that is getting out into this core red snapper area primarily to try and answer some of those questions. In a couple of years having some of those data series come on line could change the picture some more. We might have a better idea of what that long-term biomass is looking like and how many really big, old fish are out there.

The other big question – and the SSC also mentioned this – is how effective is the moratorium that's in place here in 2010, how much has effort reduced as a result? It's really not known. The projections that were done were using like 10 percent, and the SSC commented that the effort reduction could be a lot more, and some suggestions were made to try and look at that before the council meeting.

We're looking at things like the headboat survey data and looking within the MRFSS program to see perhaps within the North Florida area how many trips targeted or caught red snapper this year versus a couple of years leading up, because the anecdotal information that they understand is that a lot of people are saying, you know, effort reduction is a lot more than 10 percent.

I think that would be a great topic. You guys probably know more about the effort reduction than anybody else, it's potential to have some influence on how effective the moratorium is, which then obviously directly translates to what more the council needs to do beyond the moratorium. Where we are now with these base runs is the F ratio is down quite a bit and the moratorium provides a pretty big reduction, so it's possible that the area that they're looking at closing could be smaller.

Now, that's going to be tied into how much has effort gone down, how much you expect effort to continue to go down and things like that. When we get to the next assessment in a couple of years – we're expecting to be looking at it again in three years based on the timeframe laid out in that Amendment 17A – is at that time we'll have data on 2010.

We'll be able to look at how the fishery performed under a moratorium. We'll be able to look at what the survey values are telling and what we're seeing in terms of coming in for the fish and get an idea of how effort might have changed. Now, of course, with a moratorium and no possession of red snapper, our sources of age and length samples are going to be limited, but we do have the fishery-independent sources going out there and capturing age-and-length samples.

The other thing is the SSC wants to really encourage is ongoing efforts to continue bringing in those age-and-length samples; you know, if there is a closed area, continuing it in there and certainly during the moratorium so that we do have those age-and-length samples to be able to get an idea of what the mortality is going to be under these closures.

Another thing suggested was a tagging program because under a moratorium tagging programs have proven fairly successful at giving you an idea of the mortality rate. And if you have no possession at all and you have a tagging program, you're going to have some mortality and your tags are going to evidence that.

If there are no fish being retained, then the mortality that you see is really just discard mortality and natural mortality, so it's going to get you a lot closer to a good estimate of natural mortality, which was another lesson from striped bass. Their tagging programs were fairly intensive and gave them a good idea of what the potential natural mortality of that population was because you had no fishing. From the data standpoint, it's just a huge experiment.

It's too bad we didn't have that going in 2010, but hopefully if some tagging programs could get started the SSC noted that could be some really useful information. That is kind of what the assessment showed and a quick overview of some of the changes and where it came out and how the SSC handled the key uncertainties. I'll just see if anybody has any questions.

MR. DeMARIA: I just have a comment, John. When I first came to Key West in '78, some of the wrecks we dive in Tortugas have red snappers on them in 150 feet or so. It's my understanding like when a population collapses you see it collapses from the outside in and then rebuilds back out from the center. The Keys would be kind of the edge of the range of those fish.

MR. CARMICHAEL: Yes, that kind of collapse is pretty typical I think. It sounds like there used to be more off North Carolina, they're weren't, and now we're hearing that more are showing up there this year.

MR. DeMARIA: And slowly over time we caught them out and they were gone, myself and others, but some of those wrecks a year and a half ago and there were fish on them again; you know, eight- to ten-pound fish. It looks encouraging. I'm not saying we're saying out of the woods yet, but it does look encouraging.

MR. CARMICHAEL: It does look encouraging and when you get huge year class – and maybe there were two really good ones. The model thinks perhaps there were two going on right there; like '05 not as good as '04, but twice as good as the average leading up to that. You get such a crowd of fish and all kind of the same age; and if their age and size is determining the niches they like to occupy, that sort of forces them to spread their wings a bit and get out to another area. It sounds like we're seeing that pretty rapidly from what we're getting anecdotally.

The fact that occurs, though, is one of the problems of why a fishery collapsed can be hard to believe or to envision from the people who are located in the core area, because they may never see the loss of fish. I doubt if as many people that really fish from Key West to North Carolina, but there is going to be a good gradient in there.

Most people fish within a relatively small area and if you're kind of the core of where that fishery occurs and where that species occurs, a lot of times these kinds of collapses can be masked. It why when you do indices and they start doing an abundance survey, a lot of times fishermen say why are you fishing way up here, that fish doesn't live up there. Well, maybe it doesn't live up there but maybe it could in ten years. Surveys often, they try to cover the whole range where something will be. If you get an independent survey that shows expansion of the range, that's very strong evidence that the population is doing better.

MR. MARHEFKA: John, I hate to put you on the spot here, but in your opinion under the current MSA if we didn't have to go and rebuild within one year; would we be having to go and do these really ugly management that we have going on right now with the stock assessment and the SEDAR 24?

MR. CARMICHAEL: Well, you have to end overfishing in one year and not rebuild. My opinion and given how the council has handled these issues before and how the council was willing to do what we call phase in the ending of overfishing, I don't the council would have considered this in all honesty.

I think they would have gone with the moratorium on the possession because that would likely end overfishing within a couple of years was always my opinion. I think they necessarily would have because of the impacts to the other species in the complex. I think if you look back to other cases where the council has put restrictive regulations and phased them in, they phased in red porgy and they phased in black sea bass because of impacts in dealing with a multispecies fishery.

MR. HARRIS: Thanks for coming here, by the way. I've got a couple of questions or actually several in several different parts, but we'll spread them out. I know that you did somewhere around the area of 42 model runs for the analysis, and a lot of that information that you do those from – my understanding, 12th grade level, just a fisherman – that you put that in and then it runs it, chews on it, spits out an answer.

From those numbers that are derived that get put in, if there is a variation or something not right with those numbers, well, obviously, the output is going to be wrong. Looking through the data, I see a lot of information – you sat here just a little bit ago and talked about how valuable the headboat information is, but yet it was decided to remove the last two years of the headboat data from the model run because it didn't fit the model run.

MR. CARMICHAEL: Well, no, the last two years, which are the two points that I was showing that were the main point of contention was trying to fit to those points. They weren't removed. The base run did not fit to those points very well and the goal of the SSC was to come with a configuration that did.

MR. HARRIS: Okay, so are we trying to provide data into the system that meets what we want it to meet or are we trying to let it show the numbers that it's going to show, and that's maybe where I'm confused. I look through it and I see several areas where there were data points that were made such as the initial baseline weights of the fish.

I mean, I can never recall seeing a 17-1/2 pound average-sized fish. I'd like to be catching those ones that were on the high side that made that average 17 pounds; but if we're using that number to start with, that's going to skew the entire data run.

MR. CARMICHAEL: Well, I did a plot here that shows – and it's the Figure 3 that shows the average weights, and the population average weight back in the early years was around 16 pounds; and the fishery, it's about 14 pounds, and then it comes pretty quickly. That's in this early period.

Part of that is the model has a growth model that it uses to estimate how heavy a fish is, and it has the selectivity pattern which tells it the ages at which the fishery is removing fish. And then it has the population that is out there. A lot of the removals are the recreational fishery. We have some observations for the weight from the commercial fishery from those years.

All of that sort of goes into that saying what the model knows or thinks could have been the average weight. Now, one of the things is that average weight perhaps is a parameter that is not constant over time, but we don't really have information back in that period. That's just one of the things that give you a lot of uncertainty in that sort of left-hand side of that graph.

By looking at different start times and looking at different parameters, what you see from the model is that end, F over MSY, is not highly sensitive to what goes on in that left panel. The long-term amount of fish the population will have in it and the long-term yield that you can take is going to be much more sensitive, but we know from doing these and looking at rebuilding

stocks and watching populations perform as they recover, every scientist knows to not put a lot of stock at sort of that long-term picture at this point.

We need to see what this population does as it turns the corner, so there could be issues with that, and the SSC recognized that. They're kind of encompassed in that cloud, and so they focused on sort of the endpoint. Yes, I mean, knowing what the average weight is, it's uncertain, but what the model did was it didn't really put in average weights for these fish.

They used some average weight information to try and get some commercial numbers so that they could get the ratio of commercial to recreational to scale that historic recreational, and that's fairly uncertain information, and this is just the base sort of picture of how the model put all those pieces together. It just has to be taken with a pretty big grain of salt.

MR. HARRIS: Understood; but when we have that level of uncertainty, especially in an area of the model run such as the baseline, it seems to me that when there would be that level of uncertainty, that you would rely on your subject matter experts, which are the people that you could actually go to that may have been fishing back then but definitely are still fishing now; and if they are providing you information that says there is no way that those average size of 17-1/2 – because as I look at the chart here, I see where it actually scales down as you start to become more data rich to where it actually meets up with the observations that we've had.

What would happen if you ran that model back using current information – and bearing in mind that the last time – I believe it was you that was here the last time when we were looking at the amount of stocks that were left in the water, and we had already caught more than what the SSC said existed. You do not recall that?

MR. CARMICHAEL: No, actually. You've never caught more fish than what existed.

MR. HARRIS: But on your paper last year, it said that right up on the screen.

MR. CARMICHAEL: Well, that claim was made. However, what that totally ignored was the fact that time had passed. A good year class was born. You were catching more fish than what might have existed a couple of years ago, and the model doesn't really have a good way to know – like this terminal year is 2009.

It really doesn't have a good handle on how many fish are in the population until they recruit to your fishery, which is around age three or four. The knowledge about the potential good year class came up when those fish showed up in the B-2s. That is what led to the council at one point looking at higher recruitment estimates and requesting more runs that considered higher recruitment when they did the initial closure for 17A, because all the evidence was that there is a really big year class out there.

The model has no way of knowing. There could be a great one out there now, but we have no way of knowing. We don't have a juvenile abundance index. Maybe recruitment in 2010 was three times what it was in 2005. There is no way to know. We'll get some idea if we see a

bunch of discards in a couple of years; but now the problem with that is with no possession, discards include fish that you otherwise would have kept.

In 2008 most of the discards were undersized fish; so when you see a spike of discards, that's a signal that, wow, there is a lot of little fish out there. We've kind of distorted that relationship so that's another that's going to be hard to understand that signal. It might have been apparent that like, say, in 2008 we're catching more fish than what those guys said existed in 2005, and that's very well possible because this is a very truncated population. It's recruitment driven.

MR. DeMARIA: John, I've got a suggestion. We don't have a whole lot of time left here, and I know Mark wanted to make some recommendations and so did Greg and a few other people. Why don't you and Rob and whoever else is really interested in this just maybe go off in the hall and talk about it and answer some questions. It was really informative; it was great, but we could spend the next several days asking you questions.

MR. CARMICHAEL: Yes, we've spent weeks on this already, the SSC spent a full day, the review panel spent –

MR. DeMARIA: I know. I want to move on. I told these guys they could make their own recommendations of what they think need to be done on anything.

MR. CARMICHAEL: I think that would be good. I think that would be important.

MR. CARDIN: I think it would be very relevant to hear a little bit about the rebuilding plan because we have been asked to make suggestions on how to open the snapper fishery back. What are we looking at as far as available harvest in the future?

MR. CARMICHAEL: The actual numbers is what will come out of the projections, and so I don't know the specific number. I haven't seen them yet. I think it's 300 to 350,000 pounds might be what they can remove. What they're looking at is the percent reduction that you have to get for the F, so you look at the landings over the areas and you look at how much is going in different areas, and you can look at the percentage of the catch that is in there. And then if you needed to reduce catch by 10 percent, you'd cut out 10 percent of the – that's kind of how they're looking at it. We don't exactly know how it's going to pan out at this time.

MR. DeMARIA: Yes, let's move on. Did you want to get together and talk with him?

MR. HARRIS: Absolutely.

MR. JOHNSON: I just want to ask one question, John. When you talked about allowable catch, are envisioning a scenario where we'll still have an area closure in place and the ability for people allowed to keep red snapper?

MR. CARMICHAEL: I'm not and I don't think any of the council members are. I'm talking about sort of allowable removals. We're just sort of used to thinking about this in catch, but

what you're really talking about is the total allowable fish that could be removed that would not exceed the limit.

MR. JOHNSON: So we're talking about dead discards?

MR. CARMICHAEL: Right, it's the dead discards; so you figure if you could remove 300,000 pounds of fish and it's 40 percent discards, so approximately half, that means you could encounter the equivalent of 600,000 pounds of fish or slightly over. That's where this thing comes in because you're throwing them back and a portion of them are dead, so things that reduce the discard mortality. That's one of the things the model does.

If you have a closed area and you're not having people out in the deeper waters – and a lot of the discard mortality comes in at these deeper waters. Within a hundred feet it's very small and that is what has been incorporated in this model. So effort going on in a hundred feet is not going to really – you can encounter red snapper. You're not going to count as many but they're going to be throwing them back and most are going to live. That's why there is a depth component to the closure, but, yes, it's all about how many could be thrown back that die.

MR. DeMARIA: Okay, let's move on. Mark, you had something you wanted to bring up, and I know Rusty wanted to show his hooks, and Greg had an issue, too.

MR. MARHEFKA: Well, I guess just sort of piggybacking on what we're doing here, then, I'd like to make a motion to the AP that we do a mandatory VMS on all vessels who interact with snapper grouper species in the EEZ, both recreational and commercial, and accountability measures if you don't have you don't fish it.

We've got these huge areas up out there. We've got marine protected areas. We're talking about mutton spawning closures. It's time for us to go and put some VMSs on these boats because I'm not going to go and continue to do what I have to go and do while other people are going to go and be in these areas that shouldn't be in them.

MR. GOULD: We visited this a couple of years, if you remember, in Orlando, I believe it was. In order to do that, if you remember correctly, it was pointed out to us that in order to do this, that you would have to have a permitting system for the recreational fishermen. There is a lot of opposition to that.

Judging from what we went through a couple of years ago, all the recreational fishermen, the weekenders, everybody would have to have a federal snapper grouper permit, and I don't think that is going to go. Plus a video monitoring system on each and every boat –

MALE VOICE: That is not the motion.

MR. GOULD: Okay, vessel monitoring system, you're still going to meet a lot of resistance from the recreational sector. I'm for it myself, but I don't think that the recreational is going to let this happen.

MR. JOHNSON: Who is going to pay for it?

MR. MARHEFKA: That's not my decision to go and who pays for it. I'm just trying to go and protect the species. I'm also trying to protect the fish so I can go and continue to catch them. If you've got these closed areas and you've got people who are going to go in there and poach in these areas, it seems silly to me to go and even put this huge area up off of Florida unless they plan on going and having 48 hour or 28, whatever, surveillance, why are we even putting it up there, seriously.

MR. JOHNSON: I'm not saying I'm disagreement, but all I'm saying is if you're looking at me whose business is down 50 percent and looking at a closed area is going to probably take it down another 50 percent, and I'm going to go spend money to prove that I'm not bottom fishing inside this area that I'm going to have to go through if I can get someone lucky enough to pay to go trolling. I've got two federally permitted vessels. I don't know what the cost is of one of these things. If I could see that, that would help me.

MALE VOICE: 3,500 bucks.

MR. JOHNSON: That's a lot of money for me to spend; okay, \$7,000 I'm going to pay.

MR. GOULD: Plus the system right now, from my understanding, if you get an influx of over, say, 10 or 12,000 boats, the system is not going to be able to handle it. The satellite system wouldn't be able to handle at this time.

MR. JOHNSON: Mark, I'm in agreement that there is going to be a lot of people bending the rules and I don't know how to address that. That is very troublesome to me how when I go out and fish inside that closed area and I come to the dock and somebody in an outboard comes flying in and throws a bunch of nice fish on the dock, and I know in my heart that he wasn't fishing where he was supposed to be. He is going to make me look bad. My charter is going to be like, what in the world, Cap, where did you take us? I mean, this is a can of worms we haven't got open yet.

MR. DeMARIA: Well, is there anyone who wants the motion?

MALE VOICE: I'll second it.

MR. DeMARIA: Okay, we can discuss it.

MR. MARHEFKA: I would just like to go and say that this was a recommendation from the LAP Advisory Panel, one of the many recommendations that we put together. I was hoping we would have had a list of those here already because it sort of falls in line with a lot of about what is going on right now.

MR. DeMARIA: It seems like this always falls back on the commercial sector with VMS and whatnot. Like it did in the Gulf, the commercial people have to have it but the recreational ones don't. Someone like you whose boat probably goes 8-10 knots or so would have to have a VMS in the Gulf. It's going to be hard for you to sneak in and out of one of these areas, but a

recreational boat, a Contender with twin outboards that goes 30-40 miles an hour, doesn't. That seems to be where a lot of the poaching is coming from now.

MR. CARDIN: Well, if I had to pay a price to be part of a fishery to comply and have accountability measures, as a commercial fisherman I'm more than willing to pay the money.

MS. QUIGLEY: Apparently there is money available for the actual VMS units or receiving a voucher, which has been done in commercial fisheries, but, of course, they can't pay for the installation and the maintenance, but we don't know if that would cover for-hire vessels or not, and that's something that we can look into. But there is money available at least for the commercial vessels. We know that is available, so it is being considered in Amendment 21.

MR. STIGLITZ: I have a VMS on my boat. The government paid for my VMS. It cost around 500 bucks to have it installed. You can't install it yourself; you have to pay somebody. If the government is paying for it, it's not like a VHF radio, you can't go install it. You have to have an installer install it. I believe it costs me 55 or \$58 a month for the monitoring of it. If you guys want it, I'm a hundred percent for it so long as it don't just go towards the commercial guys. It has to go right on up to the recreational guys. Anybody that is in there fishing has got to have that on their boats.

MR. DeMARIA: If that is what the motion for, for everybody across the board, I'd support it, but I don't like to see this commercial sector singled out like they were in the Gulf.

MR. CARDIN: Well, I wouldn't mind being singled out if that made it easier for them to keep track of my TAC and what I catch and to keep track of keeping us from overfishing or what have you. It's fine if it just falls on me. I don't mind being a little more accountable.

MR. MARHEFKA: We can word however way you want. We can change the motion. If you're a vessel and you interact with reds – I'm not saying red snapper; I said snapper grouper species in the EEZ. Basically, it's whatever you're going after; and if you don't have it, you don't go after it, you can't go get it, you can't interact with it. This is a public resource that you're going out there to go and enjoy, to go and catch, to go and provide food for other people. It's a public resource and if you can't go and have some kind of accountability of what you're going and doing, get out.

MR. GOULD: Mark, can I make one suggestion about this. Where it says "that interact with snapper grouper species", I would change it out from snapper grouper to "federally regulated species". I'm saying that because a lot of the small boats will go out wahoo, dolphin and tuna fish; and if they get the opportunity, they're going to drop it down. They can hide the fish. There are plenty of places to hide the fish, but if you put this in such a wording that anybody that fishes for a federally regulated fish, it would cover the whole spectrum.

MR. MARHEFKA: However way you want to work it; if you want to go and do that, if you want to say fish outside the demarcation line, if you want to say fishes outside the state waters, however way we want to go and make this work, I think the ideal and the justice here on the table and hopefully the council go and sit here and listen.

MR. SMITH: Well, I empathize with you; use it, pay for it, right, but I don't see it flying, not now. I know we had other things that we wanted to accomplish in our next hour or hour and a half. This is not disrespect to your motion at all. You've got to look at where the recreational sector is right now, how far they've been pushed and where they're getting the push from, and does this continue to push, and is it something that is going to happen, is this happen? What is the likelihood of this thing happening?

MR. CARDIN: Well, to be honest with you, it would be a lot of VMSs and a lot of user groups. I would assume that council would probably say 10 percent recreational or 10 percent charter. Our small user group, we'd probably all be mandated, but I think Mark's motion is the starting point to go ahead with stuff like that.

MR. DeMARIA: Can we go ahead and vote on this since we've got other issues, too? Is it okay with you to vote on it, Mark? All those in favor –

MR. WAUGH: Don, would you just clarify what the motion is and do all the changes?

MS. BROUWER: I'll read the motion into the record. **The motions reads recommend a mandatory VMS for all vessels (commercial and recreational) that interact with federally managed species in the EEZ and accountability measures that would prevent fishing in the absence of VMS.**

MR. MARHEFKA: Accountability measures would be if you don't have one, you don't fish in it. If you don't have one, you don't interact, you don't fish, you cannot fish from federally managed species – you cannot be out there with your line in the water trying to go and interact with whatever you're trying to interact with down on the bottom.

MR. SMITH: So you're saying down on the bottom; we're talking about wahoo, dolphin, kingfish, cobia, swordfish. Your original was grouper snapper complexes and now we've opened it up and expanded.

MR. GOULD: They expanded it there because of the exact reason that I said there a while ago; a lot of the small boats will take and do a bit of both. I've seen it plenty of time. They go out and wahoo, dolphin and tuna fish. If you cover the spectrum from the get-go, you don't have any problems. If you're going to do it, it should be good for the goose and good for the gander, everybody.

MR. DeMARIA: It's basically everybody for everything.

MR. SMITH: One last comment here; the for-hire sector better look at this and consider it strongly because I don't know – it just seems like the recreational guys, they're falling out of it, and I think that the for-hire sector will feel the consequences in the future.

MR. MARHEFKA: Rodney, we used to have 3,000 permitted vessels here in the South Atlantic for the commercial industry. If you want to talk about falling out of it, we've fallen out of it,

okay, and we're still falling out of it. Hopefully, this will make a few more fall out of it, so I would like to go and pull back to snapper grouper species at this time.

MR. CARDIN: This is the Snapper Grouper AP.

MR. MARHEFKA: Yes, and if they want to go and adopt it into the dolphin and wahoo plan or anything else, so be it, but right now I'm just interested in this right now.

MR. JOHNSON: I have to wonder is the goal to push the recreational guy off the water because now we're looking at, what did we say, \$3,500 for the units, \$55 a month maintenance, and then there is the installation and then there are problems with it, and now we've got a recreational guy that has got a 17-foot boat, a little bay boat, who wants to go out and catch a few snapper.

He is going to pay almost as much for this complete system as he did his boat to go out and catch a few snapper for dinner. To me that just doesn't seem fair because he is not making a living at it, he is not a charterboat that is taking people out to catch fish. He maybe does it four times a year, but yet now we're going to saddle him with almost ten grand to put this system and maintain it on his boat to catch a few fish. This seems like it's more of a way to push that recreational guy off of the water; and if he wants to eat dinner, he can pay you to go catch it for him, and then he can go buy it from him so that he can have that fresh snapper. I just don't think that's right.

MR. SMITH: I just want to know do longliners have VMS, also? Not all of them? Okay, so we can add longliners to that, too?

MR. DeMARIA: I think everyone understands the motion now; can we go ahead and vote on it? **All those in favor; all those opposed; those that abstain. The motion passes.**

MR. CARDIN: Mr. Chairman, can we put a reference on there that – never mind. I wanted to say commercial supported it, but never mind.

MR. JOHNSON: I would actually like to put a little caveat on there that when the council looks at that split, they see that split is commercial to recreational for-hire.

MR. COLE: It's not going to happen.

MR. DeMARIA: It's not going to happen, right.

MR. JOHNSON: But I would just like it noted that those nine are commercial and the seven are recreational.

MR. DeBRANGO: Right now it's not economically feasible. I mean they don't have the technology to come up with a little attachment to your GPS yet. It's still meant for the commercial sector; so if they can do that and they make it just as an add-on price to your GPS, yes, sure, bring it on.

MR. JOHNSON: The reason I would like to have that mentioned is twofold. One, it shows where that VMS issue is going, but it also shows the disparity on the AP between commercial and recreational.

MR. DeMARIA: Let's not get into these arguments. Greg, you wanted to bring up an issue; let's move on.

MR. JOHNSON: I want to address that real quick because I have commercial permit on one of my vessels, so I'm one of the few individuals that really walks both sides of this deal. A dead fish is a dead fish. It doesn't matter who killed him or how they killed him, he's still dead. I mean we're all in this together.

I think the commercial guys feel like they get all the punishment and the recreational guy – and I know for a fact in my part of the world, they're not regulated in any way. We have no idea what they're doing and this is a step trying to get accountability in the recreational sector. Unfortunately, there is not funding and there is not going to be any way it's going to happen.

MR. DeMARIA: Let's move on to Greg; he had an issue.

MR. DeBRANGO: My issue is with the closed area in 17A. The closed area in 17A obviously we know, yes, it's closing down the whole area, will it work? Well, I'm sure you're going to gain some additional snapper from that, but it really doesn't address the issue of the spawning stock, because outside the realm of that is the spawning stock such in inshore Flagler where the spawning biomass is almost close up on the beach when they come in there and they pool and the fishermen take great quantities of them when they're in there.

I think that we need to have some kind of motion for the council when they go to set an area like that, there is historical knowledge and there is a better historical knowledge before they shut an area down like that. There is a big stretch of areas within that closed area that don't even house the red snapper; that these guys off St. Augustine can bypass these areas and they can still go fishing in there, because they're not going to interact with red snapper.

As they closed this area in 17A, I don't think they looked at any of that. I don't think they looked very hard at the spawning aggregations because there are spawning aggregations that happens outside of that offshore and inshore. I think as Don said earlier those mutton spawning aggregations that happened in that one area need to be protected.

As well the red snapper, if we're looking at our juvenile recruitment, which we have absolutely no knowledge of and nobody can tell me anything about it, the one area off Flagler needs to be really looked at as a closed area from shrimpers going in there, everything. I've heard stories down in the Keys straight from them that they can show you pictures of juvenile snappers being caught in the shrimp boat nets down there, too.

I think we need to reassess that 17A closure area and actually try and do something with it, and let's look at spawning aggregations of the red snapper and try and close those areas and trying to help the stock because it's not going to stop Joe Schmoe who is now inside of a hundred foot

from going in that area and just catching all the snapper while they're boiling up on the water off Flagler.

MR. CARDIN: I need to ask the maker of the past motion to define VMS. You're not talking video; you're talking about the beacon?

MR. MARHEFKA: No, not video; we're talking about the beacon.

MR. DeMARIA: Did you want to put that in the form of a motion?

MR. DeBRANGO: Yes, I would like the council look at readdressing this closed area and taking into account for historical knowledge of spawning areas, which Mr. Rusty Hudson over there is very knowledgeable in that, too, and he can help you with that. There are a lot of people that can help you with that to take account more into effect of the spawning areas where they aggregate and look at those areas as closures. – I don't know really how to say all of it – and then to reassess the area that they have closed that don't house the red snapper; that those areas particularly can be opened in there, too.

MR. DeMARIA: Is there anyone who wants to second that?

MR. CARMICHAEL: Essentially what you're saying is if the council could modify the closed area, you'd prefer the modification to be centered on the spawning season and perhaps the spawning area.

MR. DeBRANGO: Robert right there can shed you some light, too, on those areas, and they're off his house, that you can go in there and you're going to see yellowtails and muttons and you're not going to see a red snapper. It's very tropical in nature.

MR. DeMARIA: This is sort of what happened with Tortugas. The first round when NMFS proposed an area south of the fort, it was a huge area, and there wasn't much in there that spawned that we knew of and I opposed it, and I'm very much for closed areas. We were afraid is it would shift effort off to the west of Riley's Hump where the fish spawned.

Peter Landigan and myself and a lot of others opposed it; and to Billy Causey's credit he went back and he formed a working group and we came up with some decent areas. It was a small area, but it was more precise and it was better. It was Riley's Hump and Tortugas or north and we firmly supported that. I think the council could probably do the same thing with this closed area, put a little more thought. If you shrink it down and closed some spawning areas and make it smaller and less disruptive to the fishing industry, I think that's what Greg was trying to say.

MR. JOHNSON: I want to address that. Flagler – when we talk about spawning areas, you talk about Riley's Hump. I've never been there – you're talking about just a couple airplane wrecks and one piece of natural bottom. I think that, yes, those are historical bonanzas or big groups of spawning red snapper. I think there are some reasons.

I think there were probably big groups everywhere else, too, in other places besides just there. That's where the partyboats were going so that's where they caught the fish. I'm not against protecting fish in known spawning areas, but I think red snapper – I really think there needs to be a lot of work done on really their spawning habits.

I don't think that all the red snapper in the whole world were going to Flagler to spawn. I myself have fished a couple of spawning aggregations of red snapper and they were on very small places. They weren't on big, large, giant pieces of bottom. I think that if you talk to some of these commercial fishermen and they honestly could tell you that these occur even on up the coast from Florida that these fish spawn.

Maybe picking out a known area like Flagler, but Flagler doesn't encompass that much bottom. If I was going to pick a spawning area, I would pick some areas maybe in 21 and 23 fathoms that I know have consistently held snapper over the last 30 years as I've always caught them there. If you protect them there, they're going to live and spawn.

MR. DeBRANGO: Well, that's where you come in and guys up the coast, too, because I don't think that we should just shut down a whole area like that without protecting the whole region. Like I said, Flagler is one I know off the top of my head, that I've been there; and even in deep water off Flagler I've been there and you know that there are guys up the coast that know their little spawning aggregations up there, too. So instead of encompassing a whole area like that, let's be a little bit strategic to it to where there are areas that people can still go and fish and make it more of a sanctuary for these snapper to go in and spawn.

MR. DeMARIA: That's exactly the argument we used with Tortugas. It's the same argument. I think the mutton snapper thing is a little easier; their exact spots. The red snapper is going to be a little more complex, I believe. They're kind of spread out, but I still think it could be done. It's worth trying rather than these huge areas that are so disruptive.

MR. JOHNSON: You could do something such as the Red Snapper Sink, but I just think that what we voted on earlier and talking about protecting all of these species during their known spawning, period, is the way to go in the future and not just on certain – I'm not totally against known – you know, like the Red Snapper Sink, maybe shutting it down forever to fishing, and I'm sure there would be a huge spawning group of red snapper there. They're there right now as a matter of fact.

But, I think that you just close during the spawn, all of your species, identify the spawning months and close them to all user groups, not just commercial, and that's going to be benefit going forward.

MR. DeMARIA: Does anyone else want to talk about this? Can we vote on it? Do you want to read it?

MS. BROUWER: The motion you're voting on reads the council should reassess the closed area in 17A and take into account historical knowledge of spawning aggregations.

MR. DeMARIA: And I think the council can either decide a time or a spatial type closure with this recommendation, I believe. All those in favor; those opposed. I think, Rusty, you wanted to talk about your hooks.

MR. HUDSON: About a month or so ago I was up in D.C. at an HMS meeting. Charlie Bergmann was there and, of course, we're going to be looking at that circle hook symposium next May in Miami. Circle hooks are going to be required under Amendment 17A once the final rule is published in the Federal Register, and that will be from 28 degrees north up to at least I guess North Carolina or something.

There was some work done in New Zealand with a snapper, which is more like our porgy, that they had a lot of hooking injury issue with. The New Zealanders developed a circle hook with an appendage, and that appendage made it so that they didn't get gill-hooked and gut-hooked as often or hardly at all once they started using this appendage hook. They did a lot of tests.

Charlie Bergmann, who is out of the Pascagoula NMFS Lab in Mississippi, said to me that he had the old prototypes of this appendage hook – that is with the straight appendage – and so he sent them to me, five different boxes of sizes from 10 ought circle up to the larger 14 ought. Keep in mind that this is with a straight appendage; this is not with the little circle that has been added as an innovation by Mustad since that time that it has developed.

I figure that if I can at least get them out to fishermen, which I've been attempting to do from North Carolina all the way down to Florida, that at least the experts can start letting me know. I also know that I was contacted by one of the NMFS scientists that I respect a great deal, Trey Driggers out of Pascagoula that goes out on the research vessels, so the man has gills, he understands fishing.

He is going to be doing kind of a survey where they'll do a circle hook and a circle with an appendage and a possible rat gear, and then they're going to flip them back and forth so that the appendage might be on the top hook or it might be on the bottom hook, but it's going to be an experiment while they're out there through the course of the years to come to be able to see the efficacy.

Charlie tried to give these hooks to some of the Gulf coast guys once they had to go to the circle mandate there back in June of 2007, but he never could get a report back from anybody. Now, if they don't work, I want to know. If they work for some fish but not other fish, I want to know. I'll tell you down in South America they had an experiment with a couple of different fisheries, and the one that it didn't work very well with was the mahi mahi fishery; and yet with certain other ones they noticed that there was this real reduction in hooking injury and stuff.

So, again, we're here in the United States. We're not in South American and we're not in New Zealand. We're going to have to develop a technique with red snapper. That discard mortality that was being spoken of is real for hooking injury, 49 percent. It doesn't matter what depth you're in, the baro issue is only one of out of six of the red snappers. I mean, it's just not as big an issue with red snapper over all with the hooking injury.

The way a smaller red snapper competes for a bait – Karen Burns did a great dissertation that was published in 2009 that she made available for our data workshop. They did a lot of stuff and they were able to see the baro animals were able to actually come back pretty good. Some of the hooking injury animals came back pretty good.

But, again, the hooking injuries where there is bleeding, torn gills, tore up guts and stuff like that, that was a problem and so that's where we have to find a way to reduce that issue if we can and if we're going to want to ever be able to get past this moratorium on red snapper and be able to get back to fishing them.

Another thing is if they open up the red snapper at some point in the future, the 16-inch minimum size that was embraced by the recreational and stuff in the Gulf of Mexico greatly reduced the discard mortality numbers that went into the model. Again, that wound up making a difference because it was a recruitment thing that was used or applied so that it doesn't matter if it's two of a 16 inch or two of a 20 inches, it is being taken as a bag limit, there is way to be able to make it fit and reduce that number.

They find that, you know, where we're going to be confined to a lot more inshore fishing with the red snapper interaction; you've actually got a lower number that could be applied for the baro issue but not for the hooking, and that's the type of things that we need to encompass. Now, what was a failure in the Gulf of Mexico starting in June of '07 is the Gulf States Marine Fisheries Commission had a study that had been going on from northeast Florida all the way around to the Gulf coast there, which Karen was part of for many, many years, where they were looking at J-hook and circle hook – well, suddenly the circle hook got mandated and suddenly that money dried up and so that survey has no longer been done since '07, which is another problem.

This is the work that NMFS needs to do, and doing stuff as a cooperative proposal with industry, what is left of it, both the private guys where there is a real lack of data that came into the SEDAR 24, the for-hire guys and the commercial guys – I mean, this is the people that when you talk about this idea of sectors, each of those groups have information that needs to go into the model, so these hooks I'm making available.

I'm trying to give five of each size to each people, so I'm trying to spread it out. We've got five different sizes so it would be 25 hooks you can play with and try them on any and all different fish. If you can get a circle hook of a comparable size and if you happen to be able to do some kind of way to compare, that would be useful. I'll be glad to give you my card.

I'll be glad to give you Charlie Bergmann's phone number. He would like to come and meet with the fishermen, whether it be at a council meeting, whether it be at a different thing, maybe even at the advisory panel meeting, and have him come in, but I wasn't going to have him fly in late October or early November and have him just waste his time, and so I have to return his call.

I think, David, you've been in communication with him and so our chairman is able to also expedite communications. That's really the short of it, and anybody that wants these, I've already made them available to some folks, but I'd really like to see us get our hands on the

newer style with the little loop in the back. I've actually got one hanging up in my office. I had it for three years and didn't know what I was looking at until Charlie made all this data available from these foreign efforts. I'll be glad to send you via e-mail any and all of that data, too, so you can examine that for yourself.

You know, going back to my time when I was running a shrimp boat back in the eighties, I wound up multi-tasking, bottom longline, bandits and shrimping, but I wound up working with NMFS in Protected Resources for that period in the eighties voluntarily developing a turtle-excluding device, and we wound up doing some good innovations to where it eventually got mandated. All of you have the opportunity to do the same thing so you can keep yourself fishing and to be able to do whatever you like to do best, and that's probably catch a fish. That's pretty much the short of it.

MR. DeMARIA: Okay, thanks a lot. Before we break up, we're getting kind of late, there is just one other thing I would like to get on the record. I'm going to put Rob on the spot. When we were talking, you related the story about catching those mutton snapper off Key West to Mark and I. While the chairman is here and some council members and everyone else, I want them to hear your story if you could tell it just like you told us.

MR. HARRIS: I've been anti-spawn fishing specifically for the muttons ever since I've lived down in the Keys and even prior to that. I catch a lot of flak from my own community, especially from the recreational guys and everybody down there over my stance with it. This year I took the opportunity to take some of my buddies out, and I'm like I'm going to show you why I don't fish the spawn and I don't advocate it.

We went out and in a matter of less than three hours ran from my dock out to the snapper fishing spot. We completely limited out the boat with about two hours of actual fishing time and were back at the dock by 10:30. After we got back to the dock – I've got two really large fish boxes in my boat. I held them up and, of course, they're all happy about all the fish that are in there.

I'm like, all right, before you do anything, start picking those fish up; and as they are picking these fish up, you can see in the fish box puddled, poured across the rest of the muttons, roe, sperm, everything that makes those fish show up in that area was puddled in my fish box. What happens is down in that area, that scene gets replayed up and down the island/

But from the charterboats, the private boats, they can literally make that run out there, go get those 60 fish, come back to the dock, offload them into coolers, into the back of the trucks, many of which probably show up in fish houses, and then take those same clients right back out, do it again and back in time to consider it a half-day, and they do that three times a day. And you ever looked in my fish box and you saw what that looked like, all you can see is literally tens of thousands of muttons that are never leaving that fish box, and that's one of the reasons why I'm so anti-fish the mutton spawn.

MR. DeMARIA: Okay, thanks. I just wanted you all to hear that while we're together.

MR. FEX: Mr. Chairman, I had one other thing; have we got time to do it?

MR. CARDIN: I would like to make a motion. Well, first, a little history here. You know, 18, we were talking about expanding the management unit north. Then in 17B it closed off a lot of deepwater fishing. Now, in North Carolina they are developing gray tile fishery and caught over a million pounds of fish in the past five years already. Up in that northern area in the colder water, it doesn't seem to be – Kitty Mitchells and Warsaw groupers don't seem to be a problem. I would like the council to address looking at perhaps opening up the 240 deeper closure from the Sea Bass Line, but from the Mid-Atlantic Sea Bass Line northwards to open the 240 closure.

MR. DeMARIA: Is there a second on that?

MR. JOHNSON: As a point of conversation, is there any reference anywhere that says that there is no Warsaw up there?

MR. CARDIN: I saw a minority report on this Amendment 17B from the council, and the Kitty Mitchell and the Warsaw interactions looked very low. Now, after talking to North Carolina – I was up in Hatteras last year fishing, and after talking to North Carolina fishermen and some people in the DNR, from their landing records they're not picking up the Kitty Mitchells and the Warsaws to the north of the Hatteras Line. It's SEDNRs numbers I think will help you with that.

MR. DeMARIA: Can we go ahead and vote on that? Go ahead and read it and then we'll read it.

MS. BROUWER: The motion reads request that the council consider opening the deepwater closure from the Sea Bass Line (Cape Hatteras Light) northward to allow for blueline tilefish fishing.

MR. DeMARIA: **All in favor.**

MR. CARDIN: Excuse me, open the deepwater closure itself, the 240 deeper closure.

MR. JOHNSON: I know they do catch snowy grouper there, and is that going to affect any kind of quota or are we opening up a can of worms there?

MR. CARDIN: Actually it might help us meet a quota.

MR. JOHNSON: Because I've got a friend that fishes up there and he says they don't catch that many snowies but they catch some wahoo.

MR. CARDIN: But basically the whole South Atlantic isn't getting to use that resource. At least someone gets to use it with this. Maybe you and I could go on up there for a charter or something and we would get to use it, also.

MR. DeMARIA: **I think that motion passed. Is there anyone opposed.**

MR. ATACK: I just want to talk about hog snapper for a minute. Do you know the way the biology is on hog snapper? Generally, they're all females. They go to males at a certain size.

Florida has a limit of I think 12 inches. Most females in North Carolina won't turn to males until they're probably 28.

The literature I've been reading is I think they recommend an 18- or 20-inch length for the minimum size for them to have to spawn. **I would like to propose that we change the minimum size from 12 to like 18 or 20 based on the scientists' recommendations on what the spawning size should be.** From what I've read, it should be 18 or 20.

MR. DeMARIA: Jim, what about just changing the minimum size and not put a –

MR. ATACK: Okay.

MR. DeMARIA: That would be okay.

MR. CARDIN: Excuse me, may I ask the maker of the motion a question? Biologically, what are you hoping to accomplish with this size limit?

MR. ATACK: In Florida they are overfished and overfishing is occurring in talking to some of the people at NMFS in St. Pete. I've done some DNA sampling for them and sent them the stuff down. It will improve the fishery in Florida. There should be more hog snapper in Florida. There should be more recruits and more juveniles. The fishery down there is stressed. The fish are having to switch from female to male at a much younger age .

MR. SMITH: I'll second that.

MR. CARDIN: Okay, and the point of being how big they are in North Carolina has nothing to do – you just want the whole – from Florida, the whole EEZ closed. Okay, thank you.

MR. DeBRANGO: Yes, that is spear fishing.

MR. STIGLITZ: Where I'm at in Marathon, we never get to keep one. I don't think I've ever seen a hog snapper around Marathon 20 inches long. I've caught hog snappers in the Tortugas that weighed 15 or 18 pounds. I've shot them in the Bahamas that weighed 28 pounds. But around Marathon, in the Bay, we would never get to keep a hog snapper, never.

MR. ATACK: Yes, that's part of the problem is with all the scuba divers and whatnot, as soon as they get above 12 inches they get shot; so if you've increased that minimum size, you will see them at a bigger size and there will be more because you'll have more juveniles and more eggs being laid, and it will come around. It ain't going to be next year, but it will take a couple of years and it will come around.

MR. STIGLITZ: I've been catching them things for 42 years, before all the scuba diving and all that stuff got real popular down there. I still ain't caught one around Marathon 18 or 20 inches long. I mean, I catch them in my crawfish traps. I catch Jewfish in my traps that weigh 40 or 50 pounds, so don't tell me I just catch little fish in my traps. I've never seen a big hog snapper around Marathon.

MR. SMITH: Richard, I empathize with you and I've been going to the Keys snorkeling and diving and fishing. In fact, I just got an e-mail from a charter captain in Marathon and the picture was his angler with two 12-inch hog snappers and they said, look, this is dinner tonight. My stomach just got a pit in it thinking here is – like yourself, he has caught them 30 pounds. You hardly ever see them in your waters over 18 inches. Well, there is a real, firm chance that they've been overfished in that area, so that's what I think Jim is addressing here.

MR. DeMARIA: Well, let me say something here.

MR. STIGLITZ: Well, what happened back in the late sixties and seventies, they were not overfished back then. I'm telling you the area that I'm in, we don't catch them – all we catch is them 12- and 14-inch fish.

MR. DeMARIA: Let me say something here. You know, my experience diving – when I kept my boat in Key West, I dive Key West and to the west; and the further you got away from Key West, the larger the hog snappers got, further to the west. Now, if you went up to the east, they got smaller, but it seemed like anywhere around any big population center like Key West or Big Pine the fish are smaller. I would support a larger size, maybe not 18. If we don't have to put a number on it, I think that would be a little better, but a 12-inch hog snapper is pretty small. It's about the size of good-sized speckled perch or brim.

MR. SMITH: Can we compromise and start with 15 inches; would you do that, Jim?

MR. CARDIN: So is that to say that the lobsters are overfished in the Keys because they're not big. I mean, some things are by size geographically distributed.

MR. DeMARIA: No, that's what I said about the vermilions in the Bahamas. Even in places where they weren't fished, they were small. With hog snapper, I think they could be a little big bigger in the Keys if we manage them a little better. Twelve is pretty small; that's a small fish.

MR. CARDIN: Well, I would hope no one really thinks there is a 30-pound – you could ever create a 30-pound average thing off the Keys; because from my experience the further north I've dove, the bigger they've got. The biggest one I ever got in the Marqueses was maybe 12 pounds where it's 38 pounds in Ft. Pierce.

MR. DeMARIA: I think I'd be scared to get in the water if the average size is 30 pounds.

MR. CARDIN: No, I mean these are geographically distributed.

MR. DeBRANGO: Yes, that's all you see on the spear board is 12 inch. You see a bunch of 12-inch hog snapper, it's kind of – but I mean the 20 inch, we get some big ones off our house. We'll get 18 pounders, 18-20 pounder and that's like a monster hogfish, do you know what I mean, so a little bit bigger size, yes, that's good.

MR. ATACK: We need to change the verbiage I think to recommend the minimum size.

MR. HARRIS: Yes, and especially down in our area, you know, because you have so many inexperienced divers that come down there shooting, I would love to – well, I'd probably cringe if I saw the number of 10 and 11 inch fish that get shot; and they get them up to the boat, and they go, oh, this one is too small.

MR. DeMARIA: Can we go ahead and vote on this? **All those in favor; those opposed; those abstaining.** I think that's about enough; that's it.

(Whereupon, the meeting was adjourned on November 18, 2010.)

Certified By: _____ Date: _____

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February 13, 2011

INDEX OF MOTIONS

PAGE 14: Motion that under other business prior to the end of this meeting the AP has a chance to make a recommendation regarding the SEDAR 24 data to forward to the SAFMC Council. Motion carried on Page 14.

PAGE 17: Motion to consider two separate quotas; 75 percent for the black sea bass pot fishery and 25 percent for the commercial hook-and-line fishery. Motion defeated on Page 22.

PAGE 22: Motion that when 90 percent of the commercial black sea bass pot fishery quota is met, the pot fishery shuts down. Motion carried on Page 23.

PAGE 24: Motion that 1,500 pounds be considered as a trip limit for black sea bass pots. Tabled for discussion on Page 24.

PAGE 26: Substitute motion to include that the council specify two seasons; one in which all gears may participate and the other for all gears except pots. Motion carried on Page 29.

PAGE 30: Motion to consider black sea bass minimum size limit of 11 inches and then to 12 inches in three or four years across the board with a gradual phase-in of trap configuration. **Result of vote not given on the record after vote was taken on Page 34.**

PAGE 34: Motion to consider a black sea bass size limit of 11 inches across the board without a phase-out. Motion carried on Page 34.

PAGE 35: Motion that the council consider a separate allocation for black sea bass for the state of Florida. Motion carried on Page 38.

PAGE 39: Motion to consider Alternative Number 7 as the preferred alternative. Motion carried on Page 39.

PAGE 40: Motion that the advisory panel supports a spawning closure for black sea bass. Motion carried on Page 42.

PAGE 44: Motion that the AP adopts Alternative 3, establish a 1,500 pound gross weight trip limit for vermilion snapper. Motion carried on Page 45.

PAGE 47: Motion to adopt Alternative 1 for gag trip limits. Motion was defeated on Page 49.

PAGE 50: Motion for a thousand pound trip limit on gags and the starting of the grouper season on May 1st of each year. Motion was defeated on Page 54 after several amendments to the motion.

PAGE 55: Motion to consider a thousand pound trip limit on gag grouper and starting the season on May 1 of each year. Motion carried on Page 55.

PAGE 56: Motion to consider adoption of Alternative 1, no action, which would retain the current commercial regulations for greater amberjack. **Result of vote not given on the record after vote was taken on Page 58.**

PAGE 58: Motion to increase the recreational minimum size to 36 inches to match the commercial. Motion was defeated on Page 60.

PAGE 66: Motion to table the golden tilefish endorsement program until the stock assessment results are in. Motion carried on Page 67.

PAGE 75: Motion that the AP recommends Action 1, Alternatives 2A and 2F as the preferred alternatives. **Results of vote not given on the record on Page 77 after vote was taken.**

PAGE 77: Motion to recommend an endorsement for longliners and a trip limit for hook and liners. Motion carried on Page 77.

PAGE 78: Motion to recommend Action 2, Alternative 4 as the preferred alternative. Motion carried on Page 78.

PAGE 79: Motion to recommend Alternative 3, Option 1, to allow the longline endorsement be transferable, as the preferred. Motion carried on Page 81.

PAGE 81: Motion to recommend Action 4, Alternative 1 as the preferred. Motion carried on Page 81.

PAGE 82: Motion that Alternative 1 be the preferred. Motion withdrawn on Page 84.

PAGE 84: Motion to recommend Alternative 2, Action 6, as preferred. **Results of the vote not given on the record on Page 84 after vote was taken.**

PAGE 90: Motion to recommend Action 7, Alternative 2A as preferred. Motion withdrawn on Page 91.

PAGE 91: Motion to recommend Action 7, Alternative 4A as preferred. Motion carried on Page 92.

PAGE 93: Motion to recommend that the black sea bass limit on participation is attached to the snapper grouper permit and not separable. Motion carried on Page 94.

PAGE 94: Motion to recommend Action 8, Alternative 4 as preferred. Motion was defeated on Page 95.

PAGE 95: Motion that the AP recommends to the council to adopt Preferred Alternative 2, Action 9. Motion carried on Page 96.

PAGE 97: Motion to recommend Alternative 3 under Action 10 as the preferred. **Results of the vote not given on the record on Page 98 after the vote was taken.**

PAGE 99: Motion that the AP recommends that the council requires 100 percent electronic dealer reporting using SAFIS or equivalent. Motion carried on Page 100.

PAGE 100: Motion that the AP recommends that the council establish an ad hoc advisory panel to develop electronic logbooks for the commercial, recreational and for-hire sectors. Motion carried on Page 101.

PAGE 102: Motion that the AP supports a trip limit for black sea bass. **Results of the vote not given on the record on Page 102 after the vote was taken.**

PAGE 103: Motion to ensure socio-economic analysis is included for consideration of trip limit options at the December council meeting. **Results of the vote not given on the record on Page 103 after the vote was taken.**

PAGE 107: Motion to recommend Alternative 5 under Action 1 as a preferred. . **Results of the vote not given on the record on Page 107 after the vote was taken.**

PAGE 109: Motion to recommend Alternative 1 for Action 2. Motion carried on Page 110.

PAGE 112: Motion to recommend to the council to consider removing golden tilefish from the species groupings. **Results of the vote not given on the record on Page 115 after the vote was taken.**

PAGE 115: Motion to recommend Alternative 1 as the preferred under Action 3. Motion carried on Page 116.

PAGE 119: Motion made but not read into the record to recommend Alternative 3C as the preferred under Action 4. Motion carried on Page 120.

PAGE 122: Motion to recommend the council's preferred alternative on sector allocations, Action 6, for the snapper grouper fishery. Motion carried on Page 122.

PAGE 125: Motion to recommend no action for setting ACLs for snapper grouper species. Motion withdrawn on Page 125.

PAGE 125: Motion to recommend Alternative 2 under Action 7 as the preferred. . **Results of the vote not given on the record on Page 125 after the vote was taken.**

PAGE 128: Motion to recommend the council to consider combining Alternatives 2 and 3 under the commercial AM/ACT Action, Action 8. Motion carried on Page 130.

PAGE 132: Motion to recommend Subalternative 8C. **Results of the vote not given on the record on Page 133 after the vote was taken.**

PAGE 133: Motion to recommend Alternative 6 under Action 8 as a preferred. Motion carried on Page 133.

PAGE 134: Motion to recommend Alternative 2, Action 9, as a preferred. Motion was defeated on Page 135.

PAGE 135: Motion to recommend Alternative 3 under Action 9 as the preferred. **Results of the vote not given on the record on Page 135 after the vote was taken.**

PAGE 136: Motion to recommend Alternative 2 under Action 10 as the preferred. **Results of the vote not given on the record on Page 136 after the vote was taken.**

PAGE 136: Motion to recommend Alternative 3 under Action 11 as the preferred. Motion carried on Page 136.

PAGE 138: Motion to recommend Alternative 4 under Action 12 as the preferred. **Results of the vote not given on the record on Page 138 after the vote was taken.**

PAGE 139; MOTION NOT READ INTO THE RECORD: Motion to recommend Alternative 5 under Action 12, but with a limit of 4 fish per vessel excluding captain and crew. **Results of the vote not given on the record on Page 141 after the vote was taken.**

PAGE 142; MOTION NOT READ INTO THE RECORD: Motion to accept the council's preferred black grouper jurisdictional allocation. Motion carried on Page 142.

PAGE 143: Motion to accept the council's preferred sector allocation for black grouper. Motion carried on Page 143.

PAGE 144: Motion to choose Alternative 2 under the commercial alternatives for the black grouper sector ACLs. **Results of the vote not given on the record on Page 145 after the vote was taken.**

PAGE 145: Motion to choose Alternative 4 under the recreational alternatives for black grouper sector ACLs. **Results of the vote not given on the record on Page 145 after the vote was taken.**

PAGE 146: MOTION NOT READ INTO THE RECORD: Motion to choose Alternatives 2 and 3 as preferred under black grouper AMs. **Vote not taken on the record and results of the vote not announced on the record.**

PAGE 147: Motion to recommend choosing Alternatives 5,6 and 6A as preferred. **Results of the vote not given on the record on Page 147 after the vote was taken.**

PAGE 153: MOTION NOT READ INTO THE RECORD: Motion to recommend the council to consider no changed to red grouper management because existing regulations appear to be

sufficient to keep landings below the ACL. **Results of the vote not given on the record on Page 153 after the vote was taken.**

PAGE 154: MOTION NOT READ INTO THE RECORD: Motion to accept the council's preferred alternatives for red grouper commercial AMs. **Results of the vote not given on the record on Page 154 after the vote was taken.**

PAGE 154: MOTION NOT READ INTO THE RECORD: Motion to recommend Alternatives 5, 6 and 6A for red grouper AMs. Motion carried on Page 154.

PAGE 155: Motion to not consider catch shares for Red Snapper Amendment 22. Motion carried on Page 156.

PAGE 158: Motion to reconvene the LAPP Exploratory Workgroup. Motion was defeated on Page 159.

PAGE 160: Motion to suggest to the council that the AP meet jointly with the council as appropriate. **Results of the vote not given on the record on Page 160 after the vote was taken.**

PAGE 161: Motion to recommend that the council consider spawning season closures to protect species that are undergoing overfishing. **Results of the vote not given on the record on Page 164 after the vote was taken.**

PAGE 169: Motion to strongly recommend to the council to consider an annual AP report to inform management. Motion carried on Page 170.

PAGE 175: Motion to recommend that either the AP Chair and Vice-Chair and/or their designees attend the council committee meetings. Motion carried on Page 176.

PAGE 179; MOTION NOT READ INTO THE RECORD BEFORE VOTING: AP recommends the council consider a traditional spawning area (e.g. Western Dry Rocks) and/or seasonal closure in May and June (both commercial and recreational) to protect spawning aggregations of mutton snapper and reduce the bag limit to three fish per angler per day. **Results of the vote not given on the record on Page 185 after the vote was taken.**

PAGE 186: Motion to request to the SAFMC to move forward the stock assessment for vermilion snapper from 2014 to 2012. **Results of the vote not given on the record on Page 187 after the vote was taken.**

PAGE 202: Motion to recommend a mandatory VMS for all vessels (commercial and recreational) that interact with snapper grouper species in the EEZ and accountability measures that would prevent fishing in the absence of VMS. Motion carried on Page 203.

PAGE 206: Motion that the council should reassess the closed area in 17A and take into account historical knowledge of spawning aggregations. **Results of the vote not given on the record on Page 207 after the vote was taken.**

PAGE 210: Motion to request that the council consider opening the deepwater closure from the Sea Bass Line (Cape Hatteras Light) northward to allow for blueline tilefish fishing. Motion carried on Page 210.

PAGE 211: MOTION NOT READ BEFORE VOTING IN THE RECORD: Recommend increasing the minimum size on hog snapper. **Results of the vote not given on the record on Page 213 after the vote was taken.**

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