

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER ADVISORY PANEL

**Crowne Plaza Hotel
North Charleston, South Carolina**

October 21-22, 2014

SUMMARY MINUTES

Snapper Grouper Advisory Panel Members:

Jim Attack, Chairman
Robert Thompson
Dr. Todd Kellison
Don DeMaria
Richard Stiglitz
David Moss
Scott Osborne
James Freeman

Kenny Fex, Vice-Chairman
Jimmy Hull
Kerry Marhefka
Fredrick Kruse
David Snyder
Red Munden
Terrell Gould
Robert Johnson

Council Members:

Dr. Michelle Duval
Mel Bell
Mark Brown

Zack Bowen
Chris Conklin
Charlie Phillips

Council Staff:

Bob Mahood
Amber Von Harten
Myra Brouwer
Dr. Mike Errigo
Dr. Brian Cheuvront
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Gregg Waugh
Kim Iverson
Chip Collier
Dr. Kari MacLauchlin
Julia Byrd

Observers/Participants:

Francine Karp

Additional observers attached

The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council convened in the Crowne Plaza Hotel, North Charleston, South Carolina, Tuesday morning, October 21, 2014, and was called to order at 9:00 o'clock a.m. by Chairman Jim Attack.

MR. ATTACK: Good morning. Let's everybody grab your seats and we'll get started here. My name is Jim Attack, the chairman of the panel. I would like to start out; we'll go around and everybody will introduce themselves for the record, your name and where you are from.

MR. HULL: Jimmy Hull; Ponce Inlet, Florida.

MR. THOMPSON: Robert Thompson; Murrells Inlet, South Carolina.

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

MS. MARHEFKA: Kerry Marhefka; Charleston, South Carolina, commercial dealer and fisherman.

MR. DeMARIA: Don DeMaria; Key West, Florida, commercial.

DR. KELLISON: Todd Kellison; NMFS Southeast Fisheries Science Center. I am out of Beaufort. This is my first meeting on the panel. I just want to say that I'm happy to be here.

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

MR. ATTACK: Jim Attack; North Carolina spear fisherman.

MR. SNYDER: Dave Snyder; restaurant chef, St. Simons Island, Georgia.

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

MR. MUNDEN: Red Munden; Morehead City, North Carolina, retired from North Carolina Division of Marine Fisheries with 43 years experience in fisheries management.

MR. GOULD: Terrell Gould; Carolina Headboats, Morehead City, North Carolina, charter/headboat.

MR. KRUSE: Fred Kruse; fishing out of Georgetown, South Carolina, commercial.

MR. MOSS: David Moss; Fort Lauderdale, Florida, recreational.

MR. FREEMAN: Jim Freeman, Ponce Inlet, Florida, commercial sector.

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

MS. BROUWER: I wanted to let the AP know that Bill Cole couldn't be here, his wife is not well. Rodney Smith also had something come up unexpectedly so he sends his apology for not being here.

MR. ATACK: I guess we'll move into the status of amendments under development and recently implemented. Okay, so we need to have a motion to approve the agenda and the minutes. Does anybody have any recommended changes to the agenda?

MS. BROUWER: I should let you know when this was sent out I was trying to coordinate an invited guest to come talk to you guys about electronic reporting. Francine Karp is going to be here tomorrow, and under Item 10 of the agenda she is going to give a presentation of a pilot that was done in Rhode Island, where the fishermen themselves worked with her as a contractor and her team and developed an electronic reporting. It is really interesting and she will be here tomorrow. That is the only change I have for the agenda.

MR. ATACK: Okay, if there is nothing else; is everybody in agreement that it be approved?

MS. BROUWER: The first order of business is for me to give you a status of amendments that are currently under development or have been recently implemented. That is Attachment 1A in your briefing book. I am just quickly going to go through. If you have questions please stop me. It is just a general overview.

Some of these amendments we are going to get into in more detail. The first one is Regulatory Amendment 14. This one has been a while. We submitted it back in January of this year, I believe. The proposed rule was published, the comments were due by May 27, and we have been told the final rule package is under review.

This is the amendment that would modify the commercial and recreational fishing years for greater amberjack and the recreational fishing year for black sea bass. It is going also make changes to the accountability measure for black sea bass, to bring it in line with everything else. The same thing for vermilion and it is going to put in a step-down to the 1,000 pound trip limit that is currently in place for gag; and that is it. That is Regulatory 14.

Regulatory Amendment 16 is one that we are going to talk about after I'm done with this. This is the one that considers removal of the closure for black sea bass pots in order to prevent interactions with right whales. This one has been under development for a while. I will tell you a little bit more about it when we get to that item. Then there is Regulatory Amendment 17. If you recall at your last meeting you received a number of presentations on the various MPA alternatives and all that stuff.

Well, at the June meeting, I believe it was, the council decided to basically retire this amendment. All the information and the input that went into preparing that amendment is still going to be used. The council is now developing Snapper Grouper Amendment 36 in order to implement similar spatial management.

Now Amendment 36 looks at spawning special management zones. It is similar to what Regulatory 17 was going to do. It is a little bit more of a focused process; and Gregg is going to be talking about that amendment in more detail. Again, that is one of the ones where we are going to be asking for your input.

This one is going to be approved for public hearings at the upcoming meeting in December; and we'll have public hearings for this in January 2015. Snapper Grouper Regulatory Amendment

20 is the one that deals with snowy grouper; changing the ACL for snowy grouper in response to the latest assessment, which was SEDAR 36.

This one was approved by the council at the September meeting. We are trying to get this one out the door and submit it to NMFS. Snapper Grouper Amendment 22; this is the one that looks at a possible harvest tag program for deepwater species. If you recall, this one has sort of been on the back burner for a little bit, because NOAA General Counsel was trying to determine whether what the council is considering would be considered a limited access privilege program.

If it is, then there are certain requirements that need to be put in place for a LAPP. We did get some guidance from NOAA GC at previous council meetings; and then finally in September they decided to postpone any further development of this amendment. They instead requested that somebody from the North Carolina Division of Marine Fisheries come to the December meeting and give the council a presentation on the catch card program that division has put in place and has been in place for a number of years.

That is where we are on that one. We still don't know what the council is going to do, whether they are going to tell us to continue putting it together or not. Snapper Grouper Amendment 29; you guys saw this a bunch. This is the one that adopted the Only Reliable Catch Stocks Methodology that the SSC incorporated into their ABC Control Rule.

It actually modifies the control rule to include the methods to specify an ABC for species that don't have stock assessments. This one also puts in place regulations for gray triggerfish. This is the one where we were looking at changing the size limit and putting in the commercial split season for gray triggerfish.

This one was actually submitted to NMFS last week. There will be again a comment period on the proposed rule and final rule and all that stuff. Snapper Grouper Amendment 32 addresses blueline tilefish based on the results of SEDAR 32, which was completed last year. If you recall, this is one where the council requested emergency action in order to give them time to put this amendment together, because blueline tilefish is undergoing overfishing.

As you know, the council needs to take action immediately to end overfishing. We are putting the finishing touches on this one. This one was also approved for formal review at the September meeting. We are going to be submitting this one to NMFS soon. Are there any questions so far?

Snapper Grouper Regulatory Amendment 21; this one was recently approved and it is one the council put together in order to modify the MSST definition for species that have a low natural mortality. They did this so that those stocks would not be constantly fluctuating between an overfished and a not overfished condition due to environmental variables or something other than fishing activity. This one actually changed the MSST for blueline tilefish, which consequently the council did not have to put in place a rebuilding plan for that species, because it is not considered to be overfished it is only overfishing.

This one has been approved, it was approved recently. I didn't have time to update my little thing here. Then there is Snapper Grouper Regulatory Amendment 22. That is one that we're

going to talk about in more detail at this meeting. It looks at gag and wreckfish and making changes to those ACLs based on the stock assessment.

It also looks at a modification of the bag limit for gag. We will be talking about this one some more at this meeting. Snapper Grouper Amendment 33 would modify what is currently allowed by fishermen to bring snapper grouper fillets from the Bahamas. The council received input on this amendment from the Law Enforcement AP at their March meeting. They are scheduled to take final action on this one in December.

Snapper Grouper Amendment 34 is one that standardizes or makes all the accountability measures consistent; because if you recall, once the reauthorized Magnuson came to be and the council had to put in ACLs and all that; the accountability measures were being put in place sort of in a piecemeal kind of fashion.

We ended up with accountability measures that were not consistent throughout. This amendment would make those changes to make it all the same for all the snapper grouper species. Snapper Grouper Amendment 35 looks at removing four species from the FMU; these are four species that landings are very low.

Again, this is one that we're going to talk about in a little bit more detail at this meeting. At the September meeting the council added an action to this amendment to address the issue with golden tilefish endorsements where the folks that received a longline endorsement have been reportedly fishing – once the longline ACL is met, they have found ways to fish under the hook-and-line AC.

I will tell you a little bit more about that when we get to that amendment, but this amendment would address that loophole. Those are the amendments to the snapper grouper plan. Then we have a couple of generic. There is one in the works that would look at a commercial logbook, making it consistent and modifying the timing of reporting.

This one is more of a long-term project. There is a pilot that needs to be completed before the council proceeds with development of this amendment. You are going to be seeing this one and hearing about it a lot more next year and the year after that – no, next year 2015. We still have Comprehensive Ecosystem-Based Amendment 3 out there. This is one that addresses improvements to bycatch and discard data collection methods.

We are awaiting an assessment from general counsel, which will take place at the council's December meeting, in order for this one to go forward. That is my update for you. Does anybody have any questions about these or recently implemented amendments? Okay, then we'll move right into Regulatory 16. Regulatory Amendment 16 is going to address the current closure of black sea bass pot gear during November through April.

This closure was put in place when the council increased the ACL for black sea bass in response to the latest stock assessment. Black sea bass were doing great. The stock assessment said the ACL can go up quite substantially. It was anticipated that because the ACL would go up so much, that effort would increase; and that would put the risk of interactions with the right whales would increase that risk.

The council basically said, well, we can't give this increased ACL on black sea bass, and the closure had to be put in place in order for the ACL to go up, basically is what happened. Then the council turned around and said, all right, now we're going to have another amendment to address removing that closure and see what other modifications to that closure can be done.

That is where this came from. What I have for you unfortunately only at this meeting is the alternatives. There has not been a whole lot of development on this amendment thus far because we were waiting for some analyses to be conducted at the Regional Office. Because we're dealing with marine mammals, the NMFS Protected Resources Division has to be involved in the analyses and then preparation of the document.

It is taking a little bit longer than we would have liked. The analyses are going to be presented to the SSC next week. The Regional Office did a rather complex modeling exercise to look at the risk of interactions between the whales due to the increase in effort for black sea bass. Those analyses, like I said, are going to be reviewed by the SSC next week.

We decided that it was probably too soon to bring that to you and attempt to explain the very complicated analysis. It probably would have taken half the day and a lot of frustration for everybody involved, including myself. We are going to be getting the SSC's input; and then depending on that; whatever comes out of those recommendations and the council decides to do in December, then you would be seeing the analyses that go into this amendment at your spring meeting, the one that we have before May 1st.

That is when you can expect to see more concrete information that would allow you to give the council some recommendations. All I wanted to do today was update you on the little changes that have been done since you last saw this. The purpose for the action remains the same; it is just to reconsider that annual closure on the use of pot gear.

Then the need for the amendment, which the council tweaked at their last meeting – no, they tweaked it in June – the need is to increase socio-economic benefits to black sea bass pot endorsement holders, while maintaining protection for ESA-listed whale. Then we have eight alternatives.

We've also included what is currently in place through the Atlantic Large Whale Take Reduction Plan, what the requirements that are currently in place are. The council wanted those to be displayed, so they are in Table 1.6.1. This map shows the times and the areas where those requirements are in effect. Then we get into the alternatives.

Obviously Alternative 1 is no action. That would retain the closure that is from November 1st through April 30th. One thing we did include in here is the regulations that went into place when Amendment 18A was implemented, because those regulations addressed effort in the black sea bass pot fishery in a very significant way.

There were only 32 vessels that were eligible for black sea bass pot endorsements. Then each one of those was limited to just 35 pots that have to be brought back to shore at the conclusion of each trip. All these things have not really been taken into account with how this has reduced the risk of interactions with whales. That is one of the issues we're having is like the council has really not gotten credit for having taken these actions.

That still is going to need to be included in whatever analyses are prepared. Alternative 2 is simply to just go ahead and remove the closure. Then we get into the more creative alternatives. Alternative 3 is to keep the annual closures but just in currently designated critical habitat for right whales.

This is one that you guys saw last time; and I believe it was the one that you had recommended as your preferred. You see the area in the red would be where the closure would be in place. Alternative 4 applies to waters that are inshore of the boundary that I am about to show you, approximately from Ponce Inlet to Cape Hatteras.

Here is the map that shows where that would apply; so inshore of that line in the shaded area. Then you've got your depth contours. Alternative 5 goes from Cape Canaveral to Cape Hatteras, and it is waters that are 25 meters or shallower. Here is what that would look like. Alternative 6, again from Cape Canaveral to Cape Hatteras; and this one was developed based on a suggestion from a non-governmental organization that commented on this amendment back when it was just very early on.

They actually suggested that the alternative consider an area that represented the 75th percentile of sightings of right whales. That is how this one came to be and it looks like this. You can see how these areas are all fairly similar to one another; the depths are different. It is going to be hard without any additional information for the AP to really say a whole lot about them.

One thing that you could possibly comment on is potential shifts in effort for each of these alternatives. That is one thing that would be useful for the council at this point. Here is Alternative 7. This one goes from Sebastian to Cape Hatteras; and it is also based on comments from NGOs.

It includes an area off North Carolina that has been designated a seasonal gillnet restricted area. This one would look like this. Finally, Alternative 8 is one that is still in the works. This would take the right whale critical habitat in addition to waters off of Georgia to Cape Hatteras; because if you recall from Alternative 4 the critical habitat designation pretty much stopped midway through Georgia. There is nothing that goes up.

What the council did is sort of combine Alternative 4 and kind of extend an area north that would also be included in the closure. The subalternatives are the closure would apply annually from November 1st through December 15 and then March 15 through April 30th. Then a Subalternative 8B; it would be different for the area North Carolina and South Carolina. Then for Georgia and Florida, it would be November 15 through April 15.

This was an attempt to basically capture more specifically where the whales are located. They are going to be in the northern part of the council's jurisdiction early on. We crafted this alternative to try to capture all that. Here is what that one would look like. Here in the bold is the existing critical habitat; and this alternative would extend it north along this contour. That is what I have on Regulatory Amendment 16 for the AP.

MR. GOULD: I was just wondering, Myra; is there any hard data there on interactions with the black bass sea pots between Hatteras and North Carolina; any known interactions that you know of?

MS. BROUWER: There have not been any documented interactions with black sea bass pots and right whales anywhere in the South Atlantic.

MR. HULL: Myra, I would just like to make a couple of comments. I am a pot fisherman. There has been an awful lot – if you take the Atlantic Large Whale Trap Reduction Plan requirements that we already have in place; we have breaking strength on the line. We have line markings and we have various restrictions already in place.

Then you take Amendment 18A, which drastically reduced effort in the fishery; it took it down to 32 participants and a maximum of 35 traps. You fish the gear; it turned it into a day boat fishery. You keep moving your gear all day long and you bring it home when you are done at a thousand pound trip limit. It has taken to where in my opinion there is no risk.

I mean, obviously there is some risk, somehow, but common sense tells you that there is really no risk. That is why the council has done the right thing in proposing to get this open; they see that. From my point of view, we are up against Protected Resources Division, which this is an endangered species mammal. We're really up against a hard rock here to move.

But, hopefully, I don't know if you all read the analysis that they just put out, or model; they never answer the simple question of where are the whales. Here we are pot fishing and everybody is fishing the mean in 75 feet of water. They just don't do that; they figure that the whales are in the entire habitat from the shoreline out; in some instances where the temperature or the isotherm that they are using for the whale's habitat.

The reality of it is hopefully the council's suggestion will go through; it should. There is an awful lot of debate to be talked about. None of us want to entangle with a whale and we never have. The way we work out gear now it is not going to happen; and it didn't happen in the past when we didn't have all of this. They were setting pots out like crab traps, and they would live out there. Again, we're talking light weight gear to begin with; it is a glorified blue crab trap.

MR. ATTACK: Go ahead, Don, but I would like to remind everybody to say your name when you first start talking for the record.

MR. DeMARIA: I think in close to 40 years of diving and fishing in the Keys, I've never seen a black sea bass, much less a black sea bass pot. It is something that doesn't really impact us at all. I just bring that out kind of to point out the differences in the Keys and the rest of the area, too. It is just another one of the differences.

MS. MARHEFKA: Myra, what did you say the AP's current preferred alternative was? It is not Alternative 2, correct?

MS. BROUWER: No, it is Alternative 4. I'm sorry, it was Alternative 4; and it is now I believe Alternative 3. I have to look at it. It is the one that has the current critical habitat designation.

MS. MARHEFKA: I am just wondering, being new to the panel – I don't even think I got to sit in on your last meeting – what the rationale behind that was for the panel versus just choosing the complete removal as the preferred alternative. In other words, if I read this right, Alternative 2 is less restrictive than the current preferred alternative.

I'm wondering if the panel, based on what you just said, may want to consider changing the preferred to the complete removal; and if you think that is a realistic possibility that once the analyses come back, it would support that. Do you follow what I'm saying?

MR. HULL: Yes, we chose the current whale – it is a calving area, basically is what it is. There is whale calving that definitely goes on there. I do witness that; I see that. You can drive up 1A and Flagler Beach in February and see whales in the surf sometimes with their calves. Then the fact that that would probably fly, because it is already in place.

There is the current one; and then you can see the last slide where they propose extending that from where it stops in Georgia all the way up. I think it was 75 feet maybe up that way, too. I don't know what that does to the guys north of me. If you look at the mean pot fishing depth, it is 75 feet.

That is where everybody, pretty much their average is, and then it slides off on both sides. I think the reason that we chose that is because we thought that was the most plausible or the best way to go. I think probably these alternatives are all going to change a whole bunch more, too. It seems like there is a lot more this is going to get kicked down the road again.

MR. JOHNSON: I used to be a sea bass pot fisherman, but I lost my ability to do that. In the state of Florida, Jimmy, how many are there; three, four, are there any in the state of Georgia? The area of critical habitat really doesn't even have anybody pot fishing in it, really, if you think about it. North Carolina has always had the bulk of this fishery, North and South Carolina. I think that is something that needs to be on the record as well. You are not really talking about a lot of effort in that area even if you completely removed it.

MR. HULL: To that point, as you said, a comment on a shift in effort. If you read that model that just came out, it talks about; oh, these guys are going to come in and move in off of Georgia if we remove this and start pot fishing off of Georgia. That is not what we're going to do. We're going to stay close to our inlet. We're in small vessels.

We're not going to move, but that is the way that it is written up like; well, these guys are potentially going to shift here or they are going to shift offshore and try to pot fish in 200 feet of water or something. It is just not going to happen. They don't understand that but that is what these documents say. I know the council understands that and that is the good part, because they realize how we fish with these pots.

MR. ATACK: I hear you, but I guess with Amendment 18, where you now have 35 pots and they have to be brought in every day; basically all the pots fit on the boat. It is a very mobile fishery now, right? I mean, you could come into any port you wanted. You could fish each day and bring it in. It is not as permanent to the home port as it used to be, maybe, when you could leave pots out and run back and forth. I guess effort could shift up or down the coast based on the way the number of pots is and they have to be brought in each day, right?

MR. HULL: I guess it could if you think that people are going to do that. Yes, it could. You bring out that point. The potential is there, but that is not what has happened. I don't think it will. Again, even if it did and you had an effort shift, we're still dealing with all of these

restrictions that we're working with, which every single one of them is a real buffer as to ever having interaction with a whale.

Further, again, to bring into the fact that because it is light weight gear makes it mobile; okay, we're dealing with – this is one step above heavy rod-and-reel fishing. Think about all the vertical lines are in the water, not just with pots but with all the lines that are going in and out of the water. If you have to bring them home with you at the end of the day, it is pretty similar.

It is just a little bit heavier, but it is a similar theory of how we are fishing these things, and, of course, it is in a commercial effort. Yes, it is light weight gear. My boat only holds 27 pots. Not everybody can fish with 35 pots either. There are some people fishing with a lot less. If we could fish in the wintertime when the fish move inshore, I could fish with a lot less than that. It is very productive. Right now they've got us scrapping in the summertime, which is counterproductive to what we need to be doing.

MR. SNYDER: Yes, in Georgia there is obviously no effort right now. I think the only person that is talking about trying to do something is Charlie Phillips, who, of course, is on the council. If this were to go in, you would only be affecting one person who is not even doing it yet; so not a whole lot of effort in Georgia.

MR. MUNDEN: Just one editorial comment as a member of the Atlantic Large Whale Take Reduction Team; I have argued for all the years I've been on the team against a NMFS mindset of one size fitting all. The black sea bass pot fishery from the North Carolina/Virginia Line to Key West is totally different than the lobster pot fishery that occurs in the New England states. That is where the real problem is, but yet they want one size to fit all. As a team member I have argued against this, and I will continue to do so.

MR. JOHNSON: Just a question; when they put the – and the reason for this is they are not harvesting the ACLs, is that correct? The reason for removing this is they feel like they are not going to be able to harvest the current ACL? Is that what I am hearing? All these restrictions have been put into place; limits on the number of sea bass pots; they reduced the fishery from I think it was 50 active participants to 32, and now they can't catch them all. We have to have a longer season. It seems like a solution might be to look at some of those people you excluded like myself and Mark Marhefka and some of these other people and let them back in. If that is the problem, we're just not catching the fish.

MS. BROUWER: Robert, I don't think that is the problem. The problem is that this closure is limiting socio-economic opportunities or benefits, because the price of black sea bass, from what I understand, is higher in the winter. It is a better quality product in the wintertime. The folks off of North Carolina that used to rely on that winter fishery want that back. That is I think more so the driver; because now that the ACL has gone up so substantially, really, I have not heard anybody saying we need to extend the season. It is fine.

MR. JOHNSON: Okay, I guess my point was we didn't have this problem before; but when they raised the ACL and got rid of the effort, now there is a problem. That was just the point I was making. When the council made that recommendation – and this is a little bit of sour grapes, because I was told to invest in that fishery when 17A was being kicked around.

That was one of the few things that were going to be allowed to have in that closed area. Some of you probably remember when they were going to close most of the ocean down because of red snapper discards. I was told by the council, by Roy Crabtree, to be exact; hey, black sea bass pot fishing, you can do that. I invested in the fishery, bought the gear, did participate.

But the last year when it started opening up later in the year, it was during charter season, I did not participate. Then the same council came back, pulled the rug out from underneath; not just me but a lot of people. Jack Cox lost his endorsement and ended up paying \$20,000; bought one from somebody. Now we want a year-round fishery, because we don't have enough effort to catch the fish, a year-round pot fishery. Anyway, that is all I'm going to say. I just wanted to get that on the record.

MR. HULL: In response to that, Robert; traditionally we have fished our pots in the wintertime, and that is when the best fishing is. It would be kind of like in North Carolina running a pound net in the heat of summer. You need weather and you need wintertime fishing. The wintertime is when these black sea bass move inshore in spawning time and when we catch them.

They have taken what we have traditionally had as a wintertime fishery and turned it into a summertime fishery when we pull all our pots off the boat in the summer. Right now at the end of this month, your pots have to be off the boat. Well, this is when we used to put them on. They've got everything backwards is where we're at. We're backwards.

Here we are scrapping all summer to try to catch these fish in the summertime when they don't pot up. That is where we need to get back to; and that is where the impetus from the guys in North Carolina where the bulk of the fishery was, is let's get this back to the wintertime fishery that we had. They are much better fish, much better price, a lot easier to catch. You can use less gear, less chance of whale interaction. There is actually less chance, because we will be bringing the pots home quicker than staying out there and working day and night maybe in the summer.

MR. ATTACK: Do you know if they've run the numbers on – if they were to do these alternatives as to when the season might close? The black sea bass right now opens June 1; and we're moving it to May 1 in these other amendments? Right now you are at 29 percent of the ACL with the current 32 potters and hook and line.

But that will be higher next year once that amendment goes through, because the season will start May 1 instead of June 1. Has there been any analysis on if they did Alternative 3, or 4, or when the ACL might be caught; you know what I mean; therefore, when the season may close again?

MR. JOHNSON: To that point, Jim; is there a separate ACL for the hook-and-line sector on black sea bass like they do with the golden tilefish? If you are going to have a gear endorsement and you're talking about a species that the whole fleet fishes for; it seems to me that the council does need to look at some kind of separate ACL for the hook-and-line sector simply because if you open this up in the winter like Jimmy says; and they can fish all winter long, they are probably going to hit that ACL.

MS. BROUWER: Currently there is no separate ACL for the hook-and-line sector, but there is a trip limit for that sector during the time that pots are closed. During the time that pots are closed,

the hook and liners can land 300 pounds of black sea bass; and then come May 1, everybody's trip limit goes back up to 1,000 pounds.

That is how the council decided to work it. It is in Regulatory Amendment 14, so that has not been implemented yet. The other thing I was going to say in response to your comment, Jim, there has not been such an analysis. If there had been, I would be showing that to you, so we don't have those numbers.

MR. ATACK: Isn't there also –

MS. BROUWER: Okay, so we were just told that the SSC next week is going to be looking at those analyses and then we are just going to have to wait for the SSC's recommendations and their review of that information.

MR. ATACK: Isn't there a thing when a certain percentage of the ACL is caught that the pots are closed?

MS. BROUWER: There is currently no step-down for that for the pots.

MR. HULL: That was it. The latest stuff has all those analysis on the ACL being caught under different scenarios; this, that and the other, but it is not ready for us yet.

MS. BROUWER: One more thing I meant to say in response to Robert's comment is that the council did at one point talk about perhaps separating the ACL for pots and hook and line. Certainly, that is a recommendation that the AP can make, and you guys can make all sorts of recommendations, as many as you want.

MR. HULL: We could make a recommendation on these alternatives that are before us now, change a recommendation, which is where she was getting at. I don't know if anybody else wants to strike that up. It would seem to me that we need to – for the black sea bass pot fishery to thrive we need to be able to pot fish in the right depth.

Some of these alternatives push us out so far that; and then, oh, well, they are going to develop a deepwater pot fishery, and blah, blah, blah and go on out there. I don't know that is going to happen. We would need to possibly pick an alternative that will protect the whales, where we all think the whales are, and where there are documented whale sightings, which is what we were kind of looking for from that analysis that just came out was show me where the whales are, where you've seen them and we know where we pot fish. The mean is 75 feet, 25 meters.

Maybe pick an alternative from here other than the one that we've already picked, which pretty much protects the calving area. We can still pot fish off of Florida with that. I don't believe it affects North Carolina at all. I don't know that is going to fly down the road with the council. I think the pot fishermen for – are there any other pot fishermen on board here from North Carolina, possibly? That is the other thing would be I can speak for my area, but I can't really speak for North Carolina or South Carolina, and what they would prefer. Maybe I don't want to change anything without that. It needs to be a unified voice here.

MR. FEX: Yes, what are you considering if you are talking about North Carolina? Are you trying to get a depth contour? Are you trying to go out to a depth of one of these other analysis? Are you trying to keep it in the zone that we're talking about, calving area?

MR. HULL: I think at this time, the more I think, I would just stick with what we've already chosen until you can get some input from some people in North Carolina that are going to be affected by this as it goes down the road; because if you look at the analysis that is done already from the logbook and the depths are reported, it shows that just about everybody fishes in a mean of 75 feet.

That looks like that is the depth that we're all using as our mean depth for pot fishing. It makes sense to me. If you could make the closure inshore of 75 feet, that sounds good to me, I can live with that. If there is something like that here; and there is; there is some of this that goes along the 25 meter curve all the way up. That's it.

MS. MARHEFKA: I can't help but think maybe it is more complicated than that needs to be; and, Myra, if you can speak on behalf of staff's assessment of this issue; the way I'm taking it is that the argument could be made that with all the measures in place for Regulatory 18A, and also considering all the other requirements that are already in place through protected species with line breakage and all that; the argument could be made that was sufficient enough on its own, and no other measures would be needed.

The least restrictive thing is actually sufficient. My suggestion would be – and I'm getting a nod from Myra that I think staff sort of feels the same way – would be that our preferred alternative would be Alternative 2, which would be remove the thing all together. It sounds like that may fly once the analyses are done. We'll see it again, so we can come back if it doesn't fly. But why not be the least restrictive as possible would be my recommendation. Again, I don't have a dog in the fight, because I lost my endorsement, too. You sound like you have more of a – you know.

MR. HULL: That's fine. That line, with what we've chosen already, this calving area closure, the existing – we don't pot fish in there, anyway, so what is the difference? We don't pot fish in there, anyway; so it really isn't doing anything, anyway. I agree, we could go that way, too. As I said, we chose this because; hey, this is already there.

This was the critical whale habitat, which is already in place. We don't pot fish in there, anyway, bingo. But if you don't want to have any type of closure, that is fine, too. Do I think it is going to fly? You need to wait until the SSC releases this analysis. It is something that you will just be really astounded by what they can come up with.

MS. BROUWER: I just wanted to address some of the questions that were posed. The council's original intent in developing Regulatory Amendment 16 was to get rid of the closure. They feel that, as you pointed out, Jimmy, enough has been done in the way of reducing effort. There has never been a documented interaction with the black sea bass pot and a whale in the South Atlantic ever.

However, there is a biological opinion, which is an assessment of each fishery that the Protective Resources Division puts together. The biological opinion on the snapper grouper fishery was

done back in 2006, before any of these regulations were implemented. But the only way, apparently from what we've been told, that the Protective Resource Division can do another opinion on the snapper grouper fishery is if the council chooses a preferred that would trigger that. This is also the council's way of saying, okay, we need an updated biological opinion for the snapper grouper fishery. This amendment is going to trigger that. That sort of gets at what Kerry was talking about.

MS. MARHEFKA: I'll go ahead. **I'll make the motion that the Advisory Panel changes its preferred alternative to Alternative 2, which is to remove the November 1 through April 30th prohibition completely.**

MR. ATACK: Okay, Terrell seconded it. Is there any discussion?

MR. GOULD: During all this hoopla about the right whales and everything; I don't think the government really knows where they are at, what their true migration patterns are. I would really treat the information you get with a bit of disbelief until they can institute a tagging program, an electronic tagging program such as what they do in the bluefin tunas.

The University of California has got a real good tagging program where they know where these fish migrate and the whole nine yards. We're still in a bit of darkness. I've seen right whales out there 150 fathoms off Cape Lookout before. I've also seen them up inside the inlet, there in Beaufort Inlet. There is a wide range for 300 fish, and they really don't know where they are. It might be that down the line where it is recommended that they do an electronic tagging program for these mammals and we wouldn't have all this waste of time discussing a non-issue.

MR. SNYDER: If Alternative 3 doesn't affect us because no one is fishing there; it might be a nice compromise with other people out there.

MR. JOHNSON: To his point; I think that is why the AP had moved with that alternative in the past because we really felt like swinging for the fence was not going to happen. But, again, I will support this. I don't have a dog in this fight anymore.

MR. ATACK: Yes, it sounds like you are really not costing anything to do that. The other thing is if it is a calving area and somebody does start pot fishing there down the road, and a calf winds up on the beach with a black sea bass pot around its tail; that would not be really good. If it is not really costing you anything and it is a calving area and you are helping to protect the resource; then why not do it? Any more discussion? All right, we'll go ahead and take a vote. **All opposed; all in favor.**

MR. JOHNSON: I would like to make a follow-up motion. I would like the council to consider; because in my heart I know if this does go through and they can black sea bass pot all through the winter, they are going to catch that ACL. I used to do it in the winter. I think it's important that the hook-and-line sector has a separate ACL set aside for them, just like we've done with the longline endorsement for the golden tilefish fishery. I would like to make a motion that the council consider a separate ACL for the commercial hook-and-line sector.

MR. ATACK: Any discussion?

MS. MARHEFKA: Myra, if that is added to this amendment – because the purpose of this amendment was strictly to deal with the right whale situation. If that is added to this amendment, my guess is it complicates things a little?

MS. BROUWER: Yes, it would. It would mess up the timing; but certainly if this motion does get approved, the council can decide to put that in any amendment that they are working on, depending on whether it needs to be a framework or an amendment. Also, the previous motion was approved by the AP. We need to make sure we say that on the record every time a motion is approved.

MR. ATTACK: **The previous motion was approved.** The other comment on Robert's suggestion is it may also be good to look at the trip limits at the same time. I know up our way last winter I think there was a problem when the pot fishery was closed that people were actually pot fishing still and bringing in quite a few pounds and leaving their pots out there.

There was an enforcement issue with that and you have to go out and search the ocean to find a pot to really prove that they're doing that. But if the trip limit was smaller when the pots were closed, then that would kind of make that incentive go away. I don't know what everybody else thinks about that.

MR. JOHNSON: Well, the purpose of my motion was I am going to say that they are going to lift the closure, because there is really no reason for it to be in place. There is nothing that backs up having to have that closure during those months. I would say whatever the trip limit is for the sea bass pot fishery, then it should be the same for the hook-and-line sector.

I'm okay with how it is set up now during the closure at 300 pounds. I don't think we can worry about enforcement issues. That is not our problem; that is law enforcement's problem. That is up to fishermen to police their own docks in my personal opinion.

MR. FEX: On your motion it says recommend the council consider separate the ACLs for hook and line – can you put at the end “if the pot closure is removed” on your motion? I really don't want to go into separate ACLs if this pot closure is not done. That is the only point I'm trying to get to.

MR. JOHNSON: Yes, I'm good with that.

MS. BROUWER: **Let me go ahead and read the motion the way it is now. It reads recommend that the council consider a separate ACL for the commercial hook-and-line sector for black sea bass if the current annual closure on black sea bass pots is removed.**

MR. ATTACK: Any more discussion? Okay, we'll take a vote. All in favor of the motion raise your hand. **The motion is approved.** Any other motions or discussions?

MR. DeMARIA: I just had a question. Does that mean that if that goes through; then once the trap fishermen have filled their quota, that they can hook-and-line fish after that?

MR. HULL: Yes, we're going to, obviously. This provides us rather than throw back our black sea bass that we hook when we're fishing; we will at least be able to keep that as a bycatch to

other hook-and-line fish that we're catching. It is great; it is a good thing. We're not wasting fish, throwing dead fish back, which we've got us doing now.

MR. FREEMAN: What is the difference between black sea bass and golden tile then?

MS. BROUWER: The way that it was structured for the golden tilefish endorsement you've got separate ACLs for the longline sector and the hook-and-line sector; but once the longline ACL is met, the longliners are not technically allowed to fish on the hook-and-line ACL. That is the way the council structured it. Of course, they could do it differently for black sea bass if the rationale that Jimmy just presented is something that they think is important.

MR. JOHNSON: I think I understand that fishery a little bit; it is a derby fishery. The ACL is being caught up pretty quick; and I think the council's concern was that being caught so fast, then the guy is going to jump right into the hook-and-line portion of that. I don't believe it would happen in the black sea bass pot fishery simply because I don't think they are going to catch it in two months. But that is a valid point; and I'm okay with them not being able to participate. Either way I'm good with it.

MR. FREEMAN: Not to get off on a separate subject; so then the ACL is probably set too low for the golden tilefish if it is being caught that fast and the sea bass can go year long.

MS. MARHEFKA: I may be wrong; but if I am correct, there is also a regional component there in that the guys off of Florida were catching it very quickly and therefore the guys off of North Carolina were not getting a shot at the hook-and-line golden tile. That was my understanding when I was in Hatteras. The guys in Hatteras were sort of making that comment.

MS. BROUWER: That is correct, Kerry.

MR. ATACK: Okay, does anyone else want to make motions on this amendment? All right, we're going to move into Amendment 22.

MS. BROUWER: This is Attachment 3 in your briefing book. This Amendment; the council reviewed it at their September meeting. They are scheduled to approve it for public hearings at their December meeting. We are in the process of updating all the analyses. What I have here for you is the summary of the document that gives you just a summarized version of all the various effects; biological, economic, and social.

I'll just walk you through that and feel free to make any recommendations or motions as we go along. As I mentioned, this amendment addresses the changes to the ABC for gag and for wreckfish. That will obviously result in the change to the ACL and the optimum yield for those two species. It also looks at modifying the recreational bag limit for gag. The wording of the no action alternative here is rather lengthy, but we had to include everything that is currently in place.

This is Action 1; this is revising the ACL and OY for gag. Gag is one of those species where the ABC and the ACL are not at the same level. The current ABC for gag is 805,000 pounds gutted weight. The overfishing limit is the yield at FMSY, which is 903,000 pounds gutted weight.

The total ACL, commercial and recreational, was put in place at the yield at 75 percent of FMSY. It is currently 694,000 pounds gutted weight.

Then you've got your commercial and recreational allocations; 51 percent commercial/49 percent recreational. There is a directed commercial quota for this species in order to account for the post-quota bycatch mortality. The portion that goes to the commercial sector is subsequently reduced by a certain amount to account for that mortality.

That is the way we have it set up for gag. The preferred currently is to put the ACL at the same level as the OY and the ABC, which are the projected landings from 2015 to 2019 with a P-Star of 0.3. The P-Star methodology is something the SSC uses to recommend the ABC level, and it has to do with the probability of overfishing.

Then the ACL for 2019 would stay at that level until the council modifies it. Then Alternative 3 through 5, just step-down the ACL from the ABC by a certain amount; 5 percent for Alternative 3, 10 percent for Alternative 4 and 20 percent for Alternative 5. This here is what the numbers look like.

This table shows the ABCs and the ACLs in gutted weight. For 2015, your total ACL would be 666,000 pounds. Your commercial ACL, which is 51 percent of that, would be 339,660 pounds. Then you step down by 27,000 and some change to account, like I said, for that bycatch mortality. Your directed commercial quota would be 312,442 pounds.

Here you see how those ACLs would increase over time from 2015 to 2019 and then remain at that level. By then hopefully we have a new stock assessment or something that will trigger the council to take action to change it. Then you have Table 2 shows you what Alternative 3 is and so on. Table 3 looks at Alternative 4 and Table 4 at Alternative 5.

The AP can make a motion of recommendation or support the council's preferred, whatever you decide for this action. Are there any questions? I should point out that the first two years of this, if this is implemented, would give you a smaller ACL than what is currently in place for the commercial sector. Currently 326,000 pounds is the commercial directed quota. If you look at Table 1, your directed quota would be 312,000 pounds. There is a little bit of a reduction for the first two years and then it goes back up.

MR. GOULD: Has the ACL been met any time in the last few years on the gags and how much time was left in the season when it was met?

MS. BROUWER: Yes, it has been met. I don't recollect exactly how much was left. I do remember there was a time when it closed and then it reopened again I think because NMFS determined that it hadn't been caught, so, yes, it has.

MR. ATACK: I believe last year it was like around mid-October, and the year before it was like November, and the year before that it was December. The one year they talked about closing it December 15th for the last two weeks of the season, and they couldn't actually do the thing quickly enough so it actually didn't close. It has been moving further forward each year. Right now I think you are at 80 percent was the ACL a couple weeks ago.

MS. BROUWER: Once Regulatory Amendment 14 goes into place; that is when you are going to have your step-down; and so that is going to work to extend the season and hopefully not have the early closure.

MR. FEX: I would like to make a motion that we choose Alternative 2 as a preferred.

MR. ATACK: Anybody second it?

MR. JOHNSON: I'll second.

MR. FEX: My rationale is to keep ABC equal to ACL equal to OY. The rationale is we are going to go to a trip limit and a step-down, which will keep us within our quota. If we do exceed it, we still – the recreational hasn't met theirs and I am not trying to take away from that; but if we don't exceed the total allowable catch, then we don't have any overages, no paybacks and those regulations need to be done. That is why I chose that as a preferred.

MR. ATACK: Yes, the current landings right now are 82 percent of your ACL.

MR. JOHNSON: The directed commercial quota, that number; does that take into consideration the four months, the discards?

MS. BROUWER: Exactly.

MR. JOHNSON: Wow; that is pretty excessive, it would seem to me. Have they looked at that; any talk about that?

MS. BROUWER: The council looked at this in Regulatory Amendment 15, I believe it was, when it removed the accountability measure that closed the shallow water groupers once the commercial ACL for gag was met. By removing that accountability measure, they had to account for the possible level of discards that that would create. Regulatory Amendment 15 was developed to do that and that is where that number comes from. I couldn't tell you right off the top of my head exactly how we got to it, but it was analyzed and looked at in Regulatory Amendment 15.

MR. JOHNSON: That number changes every year; do you know what I'm saying as far as the amount of time. In addition to the four-month spawning closure, you are talking about the additional time period that fishermen were fishing for scamp and red grouper and interacting with gag. I get that; but that number changes. I'm glad I don't have that job, because that seems very difficult. How are you going to figure that when you don't know when the season is going to close; on past projections?

MS. BROUWER: Yes; it is an estimate and the council is aware that it is not going to be the same every year, but I guess it is the best estimate that can account for that mortality. I don't know how else to explain it.

MR. ATACK: Right; and then the other side of that coin is the overall ACL is not being met, you know what I mean, because the recreational is leaving a lot out there each year. The

estimate on the directed difference between the ACL, we're not going and overfishing and overfishing is not occurring because the total ACL is still way below the bar as far as landings.

MR. GOULD: Over the last few years, if they are closing the gag grouper down early; it is pretty well showing a pretty good stock of fish, if they are catching them up early. Now what I am thinking that what we are trying to do is to penalize the fishermen for being successful in their endeavors by cutting them down on their ACL from – let's see, Alternative 1, 312,000 pounds for the directed commercial quota down to 295,000 pounds. It is hard enough for the commercial fishermen to make a living now to chip more of it out of the way without the data. Do you see where I'm looking at, Jim, Alternative 2?

MR. ATACK: Yes, Alternative 2 has a directed quota of 312 versus the 326, so it is about 14,000 less the first couple years.

MR. GOULD: Okay, I'm looking at Alternative 3 here.

MR. ATACK: Right; and then 2017 it will go 10,000 above where you are.

MR. GOULD: The point is I'm not interested in penalizing a commercial fisherman for being successful within the limits of the law or taking anything down on him. I just misread that. I was looking at Table S-2 and Table S-1 thinking it was Alternative 1, where we were looking at Alternative 2. Shows you how smart I am, but, anyway, but that is my thinking on it. Anything to penalize a commercial fisherman in a situation where the ACL is going down and it is being met early; I am not for at all.

MR. HULL: Can you explain to me why we're doing this, just in simple terms. Why are we choosing this alternative?

MR. FEX: I just gave you my rationale a minute ago, and the rationale was we're about ready to have step-downs and trip limits on the gag to keep the commercial sector within their quota, and the recreational hasn't exceeded or met their quota at all. Even if we do exceed it a little bit, we are not going to exceed the total ACL, which will cause any more regulations to be in effect. I was just trying to be the less restrictive on the commercial sector with more amounts of fish that we can harvest.

MR. HULL: Thank you; I agree.

MR. ATACK: Of the alternatives, this gives you the highest directed quota. If you pick another alternative, it is going to be a lower number, 3 or 4.

MR. GOULD: Kenny, you just sparked a little something in me, you said that the recreational sector hadn't met their quota. Well, they probably have, but you just don't know about it. There are a lot of boats that fish out of Morehead I know that does nothing but grouper fish. They are on the same spots day after day after day catching their groupers.

Until such time that the fisheries managers decide that they should be permitted and report what they catch, you are going to be in a bit of darkness from what is going in on the recreational side.

You can't depend on the MRIP or the MRFSS and everything, so it is a cloud of darkness as far as what the recreational fisherman is doing.

MR. FEX: Yes, we regulate on the best available data, so that is what I'm going on.

MR. ATTACK: Okay, any more comments, discussion? Are we ready to vote? I guess we need to reread the motion.

MS. BROUWER: The motion reads recommend Alternative 2 as the preferred; and Alternative 2 would set the ACL equal to the OY equal to the ABC at a P-star level of 0.3.

MR. ATTACK: Okay, everybody in favor of the motion. **That motion passes.**

MS. BROUWER: Action 2 would look at modifications to the bag limit for gag within the aggregate limit. The council had a lengthy discussion about this during their September meeting. Initially they had given staff guidance to look at developing alternatives that would increase the number of gag to two or three fish, but they never said whether they wanted to modify the existing aggregate or not.

When we brought the amendment back to the council in September, we had a draft alternative that would do that; that would actually modify the composition of the aggregate and take gag out of it. The council clarified in September that they did not indeed want to do that. They wanted to simply look at increasing the bag limit for gag within that three-fish aggregate to either two or three gag.

What you see now is the alternative as we tweaked them after the council gave us this guidance. No action is the aggregate grouper limit is three fish; and within that limit only one can be a gag or a black, which by the way is something that the council wants to maintain. Whatever ends up happening with gag, the limit of black grouper is still going to be one.

Alternative 2 would increase that limit to two fish within the three-fish aggregate. Then Alternative 3 would increase it to three fish. Because this guidance was given to us at the September meeting, we haven't had enough time to analyze all this stuff, but there was a bag limit analysis that was put together in the region.

Table S-5 shows you all kinds of statistics about the number of trips that caught a gag within the aggregate or any species within the aggregate. This table here; Table S-5 uses only MRIP information. Then Table S-6 looks at the same sort of thing using the headboat survey data; and that is broken down by years.

Basically what it all ends up meaning is that it doesn't really matter if you increase the bag limit for gag within the aggregate, because the recreational sector is not really catching their limit. They catch their limit very seldom. It looks more like the reason that the ACL is not being met or has not been met in recent years has more to do with the size limit for gag. We haven't looked at that.

We haven't teased out the information, but it is looking more like where people are fishing they are just not encountering fish that can be kept. A lot of them are ending up back in the water.

The council does not currently have a preferred for this one; and this is where if the AP feels they want to make a recommendation for a preferred, you can do that.

MR. JOHNSON: As fishermen we always want the council to listen to our anecdotal testimony. Red snapper; we see lots of red snapper and yet we had an eight-day season, one fish a person. I am a pretty good fisherman; I've been doing it for 35 years. I am the only charterboat in my marina that I'm aware of that caught a limit of gag grouper last year or the year before.

Out of 140-something trips this year, I probably caught a limit of gag grouper five times. I guess what I am getting at is why would we raise the limit; just because the numbers say we can? That to me doesn't make a whole lot of sense. Talking to recreational fishermen in Florida, not commercial guys; most of you know I do both; but talking to recreational fishermen, there is not a whole lot of support for this.

The only support that I've heard from is the guys that dive. Recreational divers, they would love to be able to shoot three gag grouper, and they are the people that do get limits of gags; but your hook-and-line guys, it is not happening. I'm not sure why – and my concern is I know the numbers say that the ACL is not going to be met; but my concern is this, Florida's gag fishery is a spring and late fall/winter thing.

Our fishing obviously was the best now when they are closed. That is when we used to really catch them. I'm not asking to get that back; but I would hate to see a situation where Florida, who does have business in the wintertime, recreational anglers aren't going to be able to keep a gag grouper.

I know the numbers say it will never happen, which disturbs me. A healthy fishery, we should be catching our ACL, I would think. That is just food for thought. Again, in northeast Florida at least, and I think even in central Florida from the people I've spoken with, there is no support for raising the gag recreational trip limit.

MR. ATTACK: Any other comments? I believe if you go back and look at the landings; recreational, I think they changed with Amendment 16 when they went to the spawning season closure and they took the bag limit down to one. That is when the gag landings dropped on the recreational side.

Terrell is saying that they are catching a lot of gag grouper up that way. The hook-and-line guys I talk to say it depends on where they go to fish. They can either catch some gags or they can't. But if they are catching gags in a certain area, then that is what they are going to catch and not the red grouper and not the scamp.

But what happens is they get limited to one grouper per person on the boat unless they want to drive another 20 miles in the ocean to maybe hit a different area. That is kind of what you get into; it is not that they are getting three grouper on a trip. Depending on where they go to fish, they may only get one grouper per person, because they are restricted by the one gag per person bag limit.

MR. DeMARIA: I've just got a question for Robert. Do you think if it was raised to two or three gag per trip per person, then more recreational fishermen would go offshore where these bigger fish are and catch them and the ACL would be filled quicker?

MR. JOHNSON: No, I don't; I don't think that would happen at all. I don't live in South Carolina or North Carolina, but I know that their fishing is different than ours. Maybe they have the opportunity to regularly catch their limit of gag grouper if somebody from those regions wants to speak to the point. I just know in Florida it is not happening.

The dockside intercepts show that. They show they are not being caught. If we are not catching our limit, why are we going to increase it? That is just a question. I don't want to see again a situation where Florida doesn't have a recreational gag season up until January 1; because where the fishing was good during the late summer, that ACL got harvested.

MS. BROUWER: I don't have an answer for you as to why would the council do one or the other; but the council basically hasn't chosen a preferred so it may be that they are going to go with no action. They do want the public to be able to comment on it. I should correct myself. I misspoke earlier when I said that public hearings would be held in the spring; they are not. We are actually going to have a webinar public hearing for this amendment on November the 6th. Then in December it will go for final approval. That is where we are in this one. They all run in together in my head; so sorry.

MR. ATACK: I guess to your comment; there are different regions; fish are different in different sections. We never catch our mutton snapper limit in North Carolina. The red snapper, we certainly don't catch the amount of red snapper that you catch in Florida. Some of the fish that we target up our way are more grouper, gags and stuff.

Do we need to lower the mutton snapper limit to one? Some of it is regional. Just because you guys aren't getting your bag limits down there, it doesn't mean the fishery – why not give something back to the recreational people that you took away from them when you have the opportunity without even concern about hitting the ACL.

MR. JOHNSON: I guess my question, too, with giving it back to you is because nobody is catching it, except for recreational divers. Those are the only people that are harvesting these fish, which is a very small component part of the fishery. I don't see the reasoning behind increasing a limit when it is never being reached.

You want to talk about increasing the red snapper limit; I am all for that. Want to talk about increasing the B-liner limit; I think we could probably justify that. Everywhere I know that B-liners live, we're catching our five fish per person every trip just about; very rarely do we not catch our limit. But gag grouper, it is a rare occasion when you catch one per person on your boat.

MR. GOULD: I'm probably going to shoot myself in the foot. Until such time that we can get a true handle on what the recreational fisherman is catching, my preference is to keep it at one gag per person and two of the others or three of the others and no gags. It is not good for my business; but from a standpoint of looking at the longevity and the lack of information on the gag

groupers, you've got to understand where I'm from off the Morehead City area; you can catch your limit of gag groupers in a small boat on one stop in 40 feet of water.

These aren't small fish; these are 24-, 25-, 26-, 28-inch fish, which is the area down off of the big breaks off of Cape Lookout Shoals. That bottom stretches right on out. I see it every day when I head out southeast what these boats are doing. Some of them have commercial permits, some of them don't; but we need to get a handle on what the true recreational take is before any kind of limit for them is brought up, and then we will know what we've got.

MR. MUNDEN: I agree with Captain Gould. I move Option 1, no action, as the AP preferred alternative.

MR. ATTACK: Seconded by Kenny. Any more discussion? **Okay the motion is to recommend Alternative 1, no action as preferred. Are we ready to vote? All in favor of the motion. The motion passes.**

MR. JOHNSON: Just one more thing; I don't know if this would be a subalternative to this, but I struggle with why we are counting a black and a gag as the same in that limit. I know there is misidentification of species; but it seems like that might be something that the council might want to look at letting people keep a gag and a black, because they are two separate fish. It is almost like we are counting them as the same, and that doesn't make any sense. I can tell the difference between a black and a gag grouper, and I would hope law enforcement could as well.

MR. ATTACK: Yes; I think Alternative 2 or 3 had them separated where you still had one gag or one black, right? Yes; one black or two gags.

MS. BROUWER: As Robert correctly pointed out, the reason that is either a gag or a black is to minimize or address the issues with misidentification. That is why it is that way. I can't remember; black grouper had an assessment a few years back, and I think it is due for another one; so that might be a time when the council would consider making any changes to management for black grouper.

MR. JOHNSON: The only reason I mention that is for folks in south Florida who might be able to go out and catch a limit of black grouper; and then they catch a gag and they have got to throw it back. It seems like you are unfairly penalizing them for that reason.

MS. BROUWER: If it is a regional issue, the AP could certainly recommend that this be discussed by the Joint South Florida Issues Committee, or I forget what they call themselves; but if it is just a south Florida thing.

MR. MOSS: I can attest. You and I both obviously and most of the people here can tell the difference between a black and a gag. Myself as a recreational angler who goes out with recreational anglers, I can't tell you the number of times that it has been misidentified. I am sure that is why. Trust me I get it, and I get the laughter, but especially in south Florida where I'm from, the number of times that people catch blacks and swear up and down that they're gags; it almost gets to fisticuffs where what does it matter, anyway? Trust me, there are a lot of people who can't identify the two.

MR. DeMARIA: Yes, I understand what you are saying about some people. I think if you are going to be a responsible fisherman, you ought to be able to tell the difference. It is kind of like duck hunting. I don't know if you've done much duck hunting, but there are different points for different ducks.

If you are supposed to be able to identify a duck flying at, what, 50 miles an hour and limited visibility before you pull the trigger; you ought to be able to identify a fish when you've got it in your hand. You've got the option of letting the fish go, not with the ducks. It is sort of; I don't know, I never really bought this misidentification thing. I think fishermen ought to know what they're catching just like you ought to know what you're shooting before you pull the trigger.

MR. MOSS: I agree with you, trust me. But, again, being a south Florida native and dealing with south Florida people; I love south Florida, but the people – what you should be able to do and what they actually can do; as you well know being from the Keys, there are thousands of recreational fishermen down there. Again, what you should be able to do and what is actually done are definitely two separate ends of the spectrum.

MR. OSBORNE: Don, in my mind that was never about identification; maybe it was. Once you get south of Palm Beach, or even down there you've got black. Once you get to the north, you've got gags. Those are your two larger targeted species on the reef. To me that one could either be a gag or a black. That helped the north with the gags and the southern end with the blacks.

Both of those species they are saying are stressed, then they need to be protected. If you throw another large grouper into the mix, it is kind of defeating the purpose of either the gag or the black. That is how it always worked in my mind. Maybe it was identification, but I sure don't have a problem identifying a gag or a black. It just kind of blanketed both regions with the management plan.

MS. BROUWER: Moving on to Action 3 in this amendment; the action would revise the ACL and OY for wreckfish. The no action explains what is currently in place. The ABC is 235,000 pounds whole weight; the same as the ACL, the same as OY. The allocations are 95 percent commercial and 5 percent recreational.

The commercial ACL is 223,250 pounds, and there is a small ACL for the recreational sector. I should also mention there is a season for the recreational sector, a two-month season. Currently their preferred for this action is again Alternative 2, which would set the ACL at the same level as the OY and the proposed ABC.

It says proposed ABC, obviously, because the ABC is going to go up in response to the stock assessment that was recently completed for wreckfish. We do have additional alternatives for the council to consider as usual underneath. You have to have lots of alternatives or a reasonable range. I thought I had a table showing you the ABC. Anyway, this is what is currently the council's preferred.

MR. FEX: Yes, I make a motion that we choose Alternative 2 as preferred. The rationale there is they are under a catch share program so they are highly unlikely to exceed their ACL in the

commercial sector. It is unlikely there will have to be any management measures to correspond with that. That also goes along with the last motion I made.

MR. ATACK: Seconded by Robert Johnson. Any discussion?

MR. FREEMAN: There are only five participants in this. Out of the five, there is only three people actually currently fishing for it on the commercial sector. I lease King Seafoods and Scott Base Coupon to do it, so it is only Pete Boehm and I and Paul Reese that is even fishing for it. We have caught – the last three years; we have all caught the commercial limit of it. Going to Alternative 2 will be good.

We will get our increase on it, but on that study that Dr. Butterworth presented, he did 12 runs. The highest run was 1.2 million pounds. The lowest run I believe was 285,000. Then the second to lowest was for 294,000, which will be the preferred two. The other nine runs were between 600 and 900,000. The fish can definitely withstand the increase on that.

However, something I just wanted to bring up to be put on record is the recreational. Here in September Dr. Crabtree said that I know the last two years, but I believe it was the last three years recreational has had zero landings. Why is there currently 11,000 pounds allocated to them? If it would get the increase going to the 429,000, that would give them 21,000 pounds, and they have had zero landings. Why can't we just reduce this from 5 percent to 1 percent? At the increase that will still give them just over 4,000 pounds for the recreational sector.

MS. BROUWER: I can try to address that. When the council put together the Comprehensive ACL Amendment; that is when the ABC for wreckfish was put in place. At that time there was concern among council members that wreckfish were being targeted in Florida by folks that were doing deep-dropping. Obviously mortality is 100 percent.

That 5 percent of the total ACL that was given to the recreational was to account for that occurrence. As you pointed out, there hasn't been any landings. Well, there have probably been landings, but we just don't have a record of them, because it is a species that is very rarely encountered so the intercepts are going to be very few and far between. But that is a little bit of the history of why that ACL is there for the recreational sector.

MR. ATACK: Any more discussion? **I'll read the motion; recommend Alternative 2 as preferred. All in favor. The motion passes.** Did you want to make another motion or some recommendation to council about maybe changing the percent down the road?

MR. FREEMAN: I would like to make a motion for the council to look at a possible reduction in the recreational reducing it from 5 percent; whether it could be 1 percent or 2 percent. Like I said, if the preferred goes through it is at 429,000; that is going to put them at 21,400 pounds. With their landings, that seems like an awful lot.

MR. JOHNSON: I'll second that motion.

MR. ATACK: Robert seconds it. Any discussion?

MR. JOHNSON: We came across this allocation for the recreational sector, because these guys were deep-dropping for swordfish and they said they were catching these wreckfish and they didn't want to have to throw them back. Wasn't it more of a bycatch kind of allocation, I believe? I think that is how we arrived at that number.

MR. ATTACK: The other option might be just to leave it at 11,000 pounds and not a percentage, if you are looking at a bycatch maybe versus it going up continuously as the ACL goes up.

MR. FREEMAN: That would be an option; but still even if we left it at 11,000, that still seems like a very large number for no landings, no reported landings. I mean on the commercial sector, we're catching our allocated amount. Then we have to close down for the rest of the year. This is taking away from the public, the fishery as far as the restaurants and different things, because we have developed a market on this fishery now.

It doesn't stay; it immediately goes out. We are sold out before the boats ever hit the dock, and we're taking away from the public as far as on that end. Like I said, 11,000 pounds just still seems like a lot. If you take that away with only five people in it, you're still talking 4,000, 11,000. You are only going to give the increase of like 1,500 more pounds to the fishermen, but still that is 1,500 more pounds of income. You know how bad it is right now for all of us as it is. It is just a thought.

MR. JOHNSON: Jimmy, do you want to attach a percentage to that motion?

MR. FREEMAN: I would like to have a 1 percent. If I was to attach something, I would attach 1 percent, which on the preferred will give them 4,294 pounds for recreational. Leave an option on there; if the recreational sector does catch that amount, we can always address it again and increase it. Leave that open for that, but at least show some landings before you give them a large amount.

MS. BROUWER: Are you okay with the change that I just made to your motion?

MR. FREEMAN: Yes.

MR. ATTACK: Do we really know; are there zero landings recreational? Is there any kind of data that council has or staff has on what wreck landings have been for the last few years on wreckfish?

MS. BROUWER: I have not seen any landings. If there are any, they are probably confidential. I'm not sure. Here comes Mike.

DR. ERRIGO: For wreckfish, because it is so rarely encountered by the private wreck sectors; there are no intercepted landings from MRIP for several years. I haven't seen any landings in the headboat data either. I don't think the headboats are going to go out for wreckfish with such low bag limits and all that and specialty gear and stuff like that. I haven't heard of any landings. I've seen the headboat landings and there aren't any in the headboat either.

The headboat, we would have a pretty good handle on their landings; but for private and charterboats, it says there is none, but I wouldn't trust that. I'm sure somebody has landed

wreckfish, but they haven't been intercepted. The real problem is the way we track landings. You just can't track things like wreckfish.

MR. JOHNSON: Again, the purpose of the AP going down this route to begin with was the fact that these guys deep-dropping for swordfish were catching these fish. They couldn't keep them legally; they were just throwing them back. It was a bycatch allowance. I don't think it was ever intended to be a directed recreational wreckfish fishery. What depth of water do they live in? Yes, so party boats aren't going to hardly be targeting them.

MS. BROUWER: Yes, Robert, you are absolutely correct. The council at the time, when they were discussing this, they were concerned about the 100 percent mortality when you bring up a wreckfish from the deep; but there was something else I was going to say and I just forgot.

MR. STIGLITZ: I agree with the 1 percent as it would cover their bycatch when they're swordfishing. I would hate to see that increased to 20,000, what Jim was saying. The recreational sector, as soon as it starts going to that, they will start fishing it. Everything they catch out there is 100 percent dead.

I feel that deepwater fishery is a commercial fishing fishery. I know what the recreational sector does. They go out there and they drop five hooks. With the snowy grouper, they would drop five hooks and come up with three or four fish. They are allowed to keep one, and it gets killed. I wouldn't want to see them stepping into that wreckfish fishery.

MS. BROUWER: Thank you Mr. Chairman, I remembered I was going to tell you that the council has talked about including wreckfish in Amendment 22, which is the one that could potentially establish a recreational harvest tag program, because that would be probably the only way that you could track the landings.

As you know with MRIP, if you have one intercept of a very infrequently encountered species like wreckfish or blueline tilefish, when it gets expanded to the entire South Atlantic, that handful of fish then becomes 20,000 pounds. Then all of a sudden you are over your ACL. Wreckfish has been suggested as a candidate species for some kind of a tag program where you have a certain number of tags and they are distributed through a lottery of some sort, and then having that tag and affixing it to the fish is the only way you can land that fish.

MR. HULL: Yes, I agree with the 1 percent also, and I think that it should stay at that until there is another analysis, as he says. If they ever do catch that, that it is shown to be caught, then they can reanalyze it. I think 1 percent or a fixed number until it is proven that they can catch that.

MR. ATTACK: Okay, anymore discussion? If not, then we will vote on the motion. **The motion is council should consider a 1 percent recreational allocation for wreckfish. All in favor. Motion approved.** Is this the end of this amendment? We're going to take a 15-minute break. All right, Gregg is going to go through the South Florida Issues now.

MR. WAUGH: The amendment we are working on with the Gulf Council is trying to develop consistent regulations for Florida. As some of you are aware, Florida at times can have three different sets of regulations; the South Atlantic, the Gulf and then state regulations. The councils formed a group that is trying to come up with consistent regulations to the extent that we can.

The next meeting of this group will take place in January; and so at your spring AP meeting we will have a more detailed document for you to look at. What is included in your briefing book is Attachment 4. Now there is a report from the last meeting in July. I'll walk through that not going into a lot of details.

What I'll rely on is if you have any particular items you want some more detail on or you want to weigh in on at this early stage. You can ask questions at that stage, and we can do motions at that stage if you are inclined to do so. Again, in terms of the timing, you will have a chance at your spring AP meeting to look at this in more detail.

The two councils are meeting in June in Key West during the same week, separate hotels but same week. The intent is to approve this joint amendment to go out to public hearings. Then we would hold public hearings and try to finalize sometime later in the year. That is where we are. We will walk through this Attachment 4, which is a summary of that meeting.

What the committee did was approach this by species. That is how I will just run through this. Yellowtail was a big item of discussion, talking about delegation and specific measures. What the group decided was to add an alternative to the document and to expand its analysis where the alternative would be to delegate management of both commercial and recreational yellowtail snapper to the state of Florida.

The councils would determine the commercial and recreational allocations, and that would include the South Atlantic Council's current sector allocations' formula. It would include options to address bycatch of the ABC – a portion of the ABC to be allocated basically as bycatch for yellowtail snapper in the other Gulf and South Atlantic states.

The level we've talked about so far is on the order of 1 to 2 percent. The vast majority of yellowtail snapper are caught in Florida, south Florida; but there are some catches outside of Florida, and that would just address those. We would include accountability measures relative to the overall ACL across the councils' jurisdictions.

If the total ACL was to be met, then possession would be closed. The councils will set the overall ABC and ACL and split it between recreational and commercial; and then we're looking at alternatives to delegate certain actions to the state of Florida for yellowtail snapper; again, since the vast majority are harvested. The state would be able to set size limits, seasons, bag limits, commercial trip limits, minor modifications to existing allowable gear; for instance, a circle hook requirement, and changes to the fishing year.

We're looking at actually letting Florida set these and change these types of regulations. That addresses much of yellowtail snapper. Also in terms of the ACL, we're looking to allocate commercial and recreational ACLs for Gulf and South Atlantic based on average landings from 2008 through 2012, into distinct commercial and recreational ACLs for waters off of Florida, other Gulf States and South Atlantic states combined for yellowtail snapper.

In terms of the circle hook requirement, we're looking at some specifics to yellowtail snapper is to change the circle hook requirement in Gulf and South Atlantic jurisdiction waters to add an Alternative 5 that would remove the requirement to use circle hooks when fishing for yellowtail

snapper south of 26 degrees north latitude in the EEZ of the Gulf of Mexico. That would apply either for the recreational or the commercial sector.

MR. STIGLITZ: Why are we wanting to give the yellowtail fishery to the state of Florida? The state of Florida, if they say there is not going to be any more commercial fishing of yellowtail and they make it a law, the commercial fisherman has absolutely nowhere to go. If we keep it in the Feds, at least we have the APs. We've got rules and stuff in the Feds that the state of Florida doesn't follow.

MR. WAUGH: That is what we're doing, Richard. I think you misunderstand what this alternative does; it keeps it in the FMP. The council would set the commercial/recreational allocation. What Florida would be doing is setting these regulations; size limit, seasons, bag limits, commercial trip limits, minor modifications to allowable gear and fishing year.

But the councils would be setting the overall ACL and how that is split between recreational and commercial. A lot of the rationale is for the very reasons you just mentioned. It is a way of working together with the state where the council sets the umbrella regulations in terms of the ACL, and the recreational/commercial split, and then let the state handle the details of these types of regulations.

MR. STIGLITZ: I'm still against the state of Florida implementing commercial trip limits on yellowtails. I would like us to be able to do that. Like I said, in the state of Florida, whatever the people in the state of Florida vote on; they kicked me out of the net fishing fishery all because somebody that owns a magazine didn't like me anymore; Florida Sportsmen's Magazine.

There was absolutely no reason to stop that net fish fishery. There was no scientific data, no nothing, and they put me out of a fishery that there was no reason to do. If Karl Wickstrom doesn't like yellowtail fishing commercially out there on the reef and he starts printing it in his magazine and says, well, the commercial fisherman can go fishing, but we have a 50-pound trip limit; they could put them out of business. I really don't want to see the state of Florida regulating how many fish I can put on my boat.

MR. DeMARIA: I think Richard has got a good point there and a lot of commercial fishermen are – I think especially after the net ban they are kind of gun shy on what Florida does. Like Richard said, the state could just decide – they can't set the overall quota, but they can have a trip limit of two pounds or something like that.

That has got fishermen worried. South Florida is so different, and I thought we're heading down the right path and treating it differently. But then we've got this, what is it, the South Florida Working Group comprised of members from both councils; and there is nobody on either council presently living in the Keys, so what have we accomplished there?

We don't really have anybody that understands the issues completely on that group. I'm not sure we're making a lot of progress there with south Florida. It would be nice to at least have an advisory panel of people that live in south Florida to work on this. It is different with not just the net ban but with the Everglades. There are commercial fishermen getting kicked out of there. People are gun shy about any of this stuff.

MR. JOHNSON: Other than spiny lobster, what does the state of Florida manage now? Do they do mutton snapper still?

MR. WAUGH: Yes; we've got some alternatives similar to this for mutton snapper that we'll talk about in a minute. But on our side, we've removed several species. I think blue runner is the most recent one we removed and let the state manage. Amendment 35 that will be talked about later has four minor species that we're also removing from the FMP that have minor landings overall.

MR. HULL: Yellowtail landings are mostly in the exclusive economic zone, are they not, and predominantly not in state waters. I agree with you that at the state level you are dealing with the number of commissioners that are at the table, and it is a totally political – it is just totally political where at least under what we're dealing with here, we have the Magnuson-Stevens Act to guide us and to protect the people's interest in their common resource.

MR. WAUGH: This will apply to, like I said, mutton and other discussions as well. Certainly, this south Florida group is aware of these concerns. The way they have chosen to address it thus far is to have the councils retain what I refer to as these umbrella regulations where they set the overall ACL.

They set the recreational/commercial split to ensure that the commercial has a portion. But even with that, you all are still concerned that – using yellowtail as an example – if the councils were to allocate, and the ACL is significant, a significant commercial ACL; your concern that politically the state would come in and set a commercial trip limit so low that it wouldn't be feasible to go out and harvest them.

MR. DeMARIA: I just want to clarify one thing that Jimmy was talking about. A lot of yellowtails do come from state waters; and it is not like up where you are at, state waters go out, what, three miles from the coast? In our area it is three miles, but it is three miles from any exposed rock or land mass.

Western Dry Rocks, which is probably ten miles from Key West or so; it goes out another three miles from Western Dry Rocks. That is why that mutton snapper aggregation there is still in state waters. It is kind of weird. If you look at a chart, there are all these half circles and it is not really a straight line down the coast. A lot of yellowtails do come from state waters. Of course, that does extend in some places out way past the reef the way a line is drawn.

MR. ATACK: As we go through these, if the big concern is say the trip limits being commercial going to the state and you want the SAFMC to keep them; would it be at time to make the motion to move that from the south Florida back up to the SAFMC?

MR. WAUGH: Yes. You can either do it by motion or just the predominant comments, either way you all want to do it.

MR. JOHNSON: What if it was just recreational sector only? What if the state handled the recreational component but the federal government handled the commercial component? Then you keep local politics local and then you protect your people that are commercial as well.

MR. ATACK: Yes; any other discussion on that? What does everybody else think?

MR. STIGLITZ: Whatever the state of Florida wants to do with the recreational people, whatever the recreational sector wants to do is fine with me. As far as the commercial sector, I would like to see yellowtails stay right here. I have already seen what the state of Florida can do, and I don't want to see them have the opportunity to take that away from me, my son, my grandkids, or anybody else's kids and grandkids and anybody else in this room. I know what the state of Florida can do to you.

MR. FEX: Why don't you make that in the form of a motion, please?

MR. STIGLITZ: I would like to make a motion that we keep the yellowtail snapper in this here, in the commercial. For muttuns, too; we're not there yet, but I am going to do the same thing for mutton snappers.

MR. ATACK: Did somebody second it?

MR. JOHNSON: I'll second it. Then I have a question. What does that do legally as far as if the state – right now a big thing in the state of Florida is you have state regulations. Red snapper is still open in state waters, I think, I'm not sure. I know Warsaw grouper are. It has really been a problem for management on both sides. There needs to be some consistency with regulations. I don't know what this does to that point, Gregg.

MR. WAUGH: As I understand what you're saying is keep the councils doing the commercial regulations and let the state do the recreational. Then it would just be up to the councils working with Florida to make sure they have the commercial regulations consistent. It just introduces a little more complexity in that you have three bodies then that have to approve versus just one where the state is doing it for the recreational. But we've done that in the past; it is not undoable.

MR. ATACK: Gregg, so if we make this motion and we go down that road, does it really undo what we're trying to do with the south Florida issues?

MR. WAUGH: The overall goal of the south Florida group is to simplify the management process and get consistent regulations. This moves it closer in that you are delegating the recreational portion to the state; but recognizing the concerns on the commercial side, it keeps that at the council level. It gets us part way there, recognizing the concerns you all have. I think from your perspective, it is a good compromise.

MR. ATACK: Yes; then if we go this route and we determine down the road that we want to go the rest of the way, it is kind of a step in between. Any more discussion?

MR. DeMARIA: Just one thing; I think the state of Florida does an excellent job at managing the recreational resources; upland game and the freshwater fish. But when it gets in the commercial, it just gets to be too political; and there is so much recreational interest on the commission and just in Florida in general that the commercial fishermen seem to always get the short end of the stick. I think this might be a pretty good idea to have the state do the recreational and the feds do the commercial, if it will fly.

MR. SNYDER: Does this open up a bigger can of worms that if we're going to do this with yellowtail, we're going to do it with all species and completely separate recreational from commercial between state and federal?

MR. WAUGH: I think we're talking yellowtail right now. As Richard mentioned, he will probably make the same motion for mutton. I think we're talking about this for those species that we were considering delegating a certain level of management to the state of Florida. It wouldn't apply to all species in the snapper grouper fishery management unit, just the ones we're trying to deal with in south Florida.

MR. ATTACK: Okay; if there is no more discussion, I'll read the motion; keep yellowtail commercial management at the council level. All in favor. Motion approved.

MR. DeMARIA: I still think we need a separate management unit for south Florida, but this might be as close as we'll ever get. It is so different; it really ought to be just singled out and managed completely separately.

MR. ATTACK: Well, you guys could secede from the Union, right?

MR. WAUGH: I think that covers everything on yellowtail. For instance here, your motion that if this change for the circle hook requirement on the recreational sector; that would be up to the state; and on the commercial side it would be up to the councils. Hopefully the council working with the state would get those consistent, which I think is doable. There is nothing else on yellowtail.

MR. STIGLITZ: While we're at yellowtails, I would like to – if we do keep it in the federal, I would like to see our season opened August 1st instead of January 1. That way our fishery in the wintertime when all our tourists are there, our guys would be fishing. Like two years ago they almost got closed down in November/December, the biggest part of their season when the fish are the most valuable.

They were catching them in the summertime when they are small and they're spawning, and they are not getting paid anything for them. If we opened it the first of August and it was a closure, it would be in the summertime, June and July. That way when they are spawning they are not getting paid anything for them. I think that is the time of year – if there is ever going to be a closure, that would be the time of year to have it and not in the wintertime.

MR. JOHNSON: I'll second it, but then I have discussion for Richard. Would you consider making that July 1 to coincide with the vermilion opening instead of August 1?

MR. STIGLITZ: Well, the rationale for August 1 is August 1 the lobster fishery starts. We have a lot of guys that lobster and stone crab and kingfish and all that in the wintertime, and yellowtail fish a couple months of the summertime. I would prefer seeing the guys that year-round fish stay in the fishery instead of a guy that comes in and fishes for one month or two months.

If there is a closure, I think those are the people that that time of year needs to be closed. Everybody I've talked to in the Keys that is in the fishery, that are full-time fishermen, asked for an August 1st opening.

MR. ATACK: Do we know when the yellowtail spawns?

MR. STIGLITZ: They start in May and June and July. Those three months are the biggest three months of spawning.

MR. ATACK: Anymore discussion? **We want to vote on the motion; change the commercial yellowtail fishing year to begin August 1st. All in favor. Motion approved.**

MR. JOHNSON: Just a quick question about the circle hook requirement; there are no circle hooks required in the Keys period, is there? Isn't that just above Cape Canaveral? That is for the Gulf we're talking about there?

MR. WAUGH: Yes, this just applies to the Gulf. It is south of 26 degrees north latitude in the Gulf.

MR. WAUGH: Anything else on yellowtail? Okay, then moving to mutton; the committee agreed to apply the same delegation options for mutton. It would delegate management of both commercial and recreational mutton to the state of Florida. The councils would determine the commercial/recreational allocation. We would include the South Atlantic Council's current sector allocation formula.

We would have a similar bycatch level, 1 to 2 percent, to cover harvest in other Gulf and Atlantic states; include accountability measures relative to the overall ACL across the councils' jurisdiction; and then delegate that same suite of options; size limits, seasons, bag limits, commercial trip limits, minor modifications to allowable gear and fishing year to the state of Florida.

MR. STIGLITZ: I would like to make the same two motions for mutton snapper as we did with the yellowtails.

MR. ATACK: Does somebody want to second that motion? Any discussion on the motion? **I'll read the motion: keep mutton snapper commercial management at the council level. All in favor. Motion approved.**

MR. STIGLITZ: I would like to make the same motion; opening day of August 1st. They spawn in May and June and finish in July, pretty much the same as the yellowtails do. I'm sure Don will tell you the same thing. If there ever is a closure, the closure would be during the time that the fish are spawning.

MR. ATACK: Seconded by Jimmy. Any discussion?

MR. JOHNSON: Is there not a mutton snapper closure already during the spawn? I know we've talked about it here on the AP. Reduction, okay.

MR. ATACK: Any other discussion on the motion?

MR. STIGLITZ: Actually there is a closure in the commercial sector. When they're spawning; you are only allowed to have a recreational limit on your boat.

MR. DeMARIA: I think that is a good point, Richard. When the state did that, it really didn't impact the recreational sector at all, because they just reduced the bag limit to the recreational, so it only impacted the commercial. Your concerns are valid. If you look at the way the state did sharks, they didn't really prohibit commercially fishing for them in state waters, but they put the bag limits so low, what is it, two or three or something like that? Whatever it is, it is no longer commercially viable to fish in state waters. There is some concern.

MR. ATACK: Okay, any other discussion? **If not I'll read the motion; change the commercial mutton snapper fishing year to begin on August 1st. All in favor of the motion. Motion approved.**

MR. WAUGH: In terms of mutton snapper bag limits, the committee is looking at a number of bag limit alternatives; and part of it is addressing the point that was just raised. A bag limit of 10 is way too high; you have very few trips that ever max out on that. The committee discussed two separate actions.

For the recreational options, the committee discussed distinguishing between a couple alternatives by stating that Alternative 2 would remove mutton snapper from the aggregate bag limit. Alternative 3 would retain mutton snapper within the aggregate bag limit. Then we've got various levels of bag limits; some of which would have limited impact and some which would have significant impacts.

The committee also discussed commercial trip limit options and analyses. Currently the average size of mutton snapper landed by the commercial sector was estimated to be five pounds. However, a committee member with commercial fishing experience stated the average size is about 10 to 12, so we've got some differences there.

These analyses will be sorted out before you see this document again. We will have a full range. The committee doesn't have any preference on a bag limit or trip limit now; but your previous motions would have those decisions being made by the councils, not the state.

MR. ATACK: Do they have a certain number of bag limit alternatives that they are looking at, like two, three, four, five, or six?

MR. WAUGH: I will pull up the options that are under consideration now. We didn't want to hit you with too much of this detail at this stage.

MR. JOHNSON: While he is looking at that; didn't we just say that we gave that to the state of Florida? It really doesn't matter what we want the bag limit to be; the state of Florida is going to now be in charge of setting that. Is that correct for the recreational sector?

MR. WAUGH: That is correct. Your motion would have the state doing it for recreational; the councils would be doing it for the commercial trip limit. This is Action 4 in the detail document that you don't have; mutton snapper recreational bag limits. Right now it is part of the aggregate 10 snapper bag limit.

During May and June the commercial sector in the South Atlantic is restricted to ten mutton snapper per day or ten mutton snapper per trip, whichever is more restrictive. There is no bag or

trip limit for the commercial sector in the Gulf or South Atlantic during the July through April regular season. Alternative 2 would change the recreational bag limit during the regular season and during the spawning season; ten per person per day in the regular season, and two per person per day during the open season; five during the regular, and two during the spawning season.

Alternative 3 would retain it in the aggregate. Then commercial trip limits; establish commercial trip limits during the regular season, ten per person per day or some higher bag or trip limit; then during the spawning season ranging from two fish per person per day to ten, and also no bag or trip limits. Those are the alternatives that are in there.

MR. ATACK: Right; so the AP could weigh in on the commercial trip limits if they wanted to since the commercial may stay with the council, right?

MR. WAUGH: That is correct.

MR. JOHNSON: There is no trip limit presently on mutton snapper commercially? There is during the spawning time, but during the general season there is no trip limit. Commercial guys from south Florida; what is a reasonable trip limit for mutton snapper?

MR. STIGLITZ: Other than May and June, I don't really know of anybody that just specifically goes and targets mutton snapper to make a trip out of mutton snapper. They may go to a wreck and catch six or eight, target them on a wreck. But when you are yellowtail fishing, you are yellowtail fishing. Other than when they are spawning, there are really not enough mutton snappers in a spot to actually target and say, well, I'm going to go mutton snapper fishing and go catch a couple thousand pounds of them. If it happens, I don't know about it.

MR. DeMARIA: Again, I think you are right. Mutton snapper is one of those fish that other than May and June, they are pretty well spread out, and it is hard to catch a lot of them unless you are fishing with fish traps or bottom longlines, which are both prohibited. With the regulations in place now, I don't see a problem outside of the spawning season with any kind of overfishing problem with muttons; they are just so spread out.

It is not like a red snapper that is kind of somewhat aggregated year round on wrecks. When they spawn, I guess there is more, but they tend to group up and bite anything that is in the water at times. Muttons are not like that. But the spawning season, that is a whole separate thing. That is different, they are aggregated and easy to catch, but the rest of the year it is pretty difficult to catch a lot.

AP MEMBER: What did you ask; what is a reasonable catch during the spawn season?

MR. JOHNSON: No; I just was wondering what is a reasonable trip limit for the commercial sector. There is none right now, so that would be status quo. If you were going to establish a trip limit for mutton snapper, what would it be? I was just curious.

MR. ATACK: I guess looking at Alternative 4; that is what he's talking about, where you've got Alternative 4 is the commercial trip limit during the regular season, and then 5 talks about the spawning season.

MR. OSBORNE: I can live with 250 pounds.

MR. STIGLITZ: I don't know of anybody other than those spawning times that would catch more than 250 pounds on a trip; I never have. I mean I've caught mutton snappers, but never that many in like a two- or three-day trip. Maybe Don knows more than me, but I don't.

MR. DeMARIA: But then is there a reason to even have a commercial trip limit outside the spawning? Why complicate it?

MR. STIGLITZ: I see no reason for a trip limit, because it is not a problem. Once they spawn, those things leave, they go from 200-some foot of water to two foot of water, and they scatter out everywhere.

MR. ATACK: Okay, any more discussion? We'll read the motion.

MR. WAUGH: It isn't a motion.

MR. ATACK: Did anybody second it?

MR. WAUGH: No.

MR. ATACK: Okay, no motion. Does anybody want to make a motion on something else, on like Alternative 5?

MR. STIGLITZ: I'll make a motion that there is no commercial trip limit on mutton snappers.

MR. HULL: Second.

MR. ATACK: Any discussion?

MR. JOHNSON: During the general season.

MR. STIGLITZ: Yes, during the general season.

MR. ATACK: Did somebody second it?

MR. STIGLITZ: Yes, Jim did.

MR. ATACK: More discussion?

MR. MOSS: Do we need to define by date the general season?

MR. STIGLITZ: It is already done; May and June.

MR. ATACK: Anymore discussion?

DR. KELLISON: The spawning season is previously defined as May and June? Don, you know this more, but don't people – Roberto Torres, those guys in the Upper Keys fish aggregations

earlier up there? He always told me March and April he would go out and target muttons up there. Do you know him, Roberto?

MR. DeMARIA: I've heard the name, but May and June seems to be when they are really aggregated.

DR. KELLISON: Because May and June off of Key West, the greatest numbers off of Riley's from all the telemetry work that FWC has done, it is July, actually. I know that is not an issue here, because it is protected; but it just seems like there is some temporal variation about when those aggregations might occur. I mean definitely at Western Dry Rocks and Eyeglass Bar, it has been May and June.

MR. DeMARIA: In Caicos I think it is like April or May or so. It is earlier, but there may be some differences. I was under the impression it was mainly May and June for the whole Keys.

AP MEMBER: If the recreational is going to go to the state and according to this the commercial fisherman must abide by the recreational bag limit and trip limits during May and June, do we need to address May and June for us, because in May and June the state would, in essence, define exactly what the commercial guys would do, which is what we're trying to get away from.

MR. STIGLITZ: No, because it is a recreational catch. The commercial guys are not allowed to have commercially. They are only allowed a recreational limit on their boat. It wouldn't be a commercial; they are allowed a recreational limit on their boat. If it is five per person, however many people are allowed on their boat during that closed season, they are only allowed a recreational limit.

MR. DeMARIA: Just one more thing; maybe I ought to clarify what I said, outside of the spawning season. Mutton is one of those fish that aggregates in very specific places like Riley's and Western Dry Rocks. It may be possible that if areas like that are protected, which Riley's is already protected; you may be able to fish them outside of those areas year round with no reduction in take.

That is one reason why I am a big proponent of when you identify these particular spawning sites, to protect them and then let people fish outside of them year round. You may be able to commercially fish for these fish May and June with no reduction in bag limit if these areas are protected. I think we need to take that into account, too.

MR. ATACK: Anymore discussion? **If not I'll read the motion: do not set a commercial trip limit for mutton snapper during the general season. All in favor. Motion approved.**

MR. WAUGH: Do you all want to address what happens during May and June or just leave it?

MR. ATACK: Alternative 5; they are considering specify a commercial trip limit for mutton snapper during the spawning season May/June. The options are two per person, five per person, ten or no bag limit or trip limit. I guess the other option could be no retention at all, I guess, right? Does anybody have any motions they want to make?

MR. STIGLITZ: I would like to make a motion; Option B, five fish per person. I believe that is status quo. I believe that is what it already is during the closed season.

MR. OSBORNE: I thought that was going to be determined by the state.

MR. STIGLITZ: For the recreational.

MR. OSBORNE: Yes, but during the closure you are going by the recreational limit.

MR. STIGLITZ: Yes, that is what I said. If we do turn it over, the state takes the recreational and we keep the Feds, then this way the state of Florida can't say, well, the commercial fishermen are not allowed to have any. If we leave it at five per person during the closed season, the May and June closure just for the commercial fishermen, that makes it status quo that they are still allowed their five fish per person that they have been allowed to keep all along.

It has just been a recreational fish for May and June. This way it becomes a commercial fish for May and June, but it is still five fish per person. Nothing would change, it is just that the Feds, we're running it and telling the commercial fishermen they are allowed five. This stops the state of Florida from saying, well, we don't want the commercial fishermen to have any of them.

MR. OSBORNE: Well, it is ten right now; you know that, right?

MR. STIGLITZ: But I think during May and June you are only allowed five per person.

MR. OSBORNE: No, ten.

MR. WAUGH: It is ten. Everybody is limited to the bag limit during May and June.

MR. STIGLITZ: You are allowed ten mutton snappers?

MR. OSBORNE: During the closure, we're limited to ten. The recreational is ten.

MR. STIGLITZ: Okay, I was under the impression it was five.

MR. OSBORNE: There is an alternative up there to make it five.

MR. JOHNSON: I need to clarify something. They are closed commercially those two months. There is no commercial fishery. Commercial fishermen under current law are allowed to retain the recreational bag limits. I don't think you can make a motion to set a commercial trip limit during a time of the year when they are closed; but they are closed commercially. Can you sell them?

MR. OSBORNE: Yes.

MR. JOHNSON: Well, I've got a lot of motions to make then.

MR. WAUGH: Let me just point out that the reason that is set up like that is this was probably the first species that the council tried setting a "spawning season closure" on. The idea was to

reduce it to the recreational bag limit, figuring that would slow down harvest during the spawning season closure. When they have dealt with other species subsequent to that, they have been a lot more restrictive. There have been several requests to come back and reexamine mutton snapper over the years. They've talked about it but haven't changed it. Now we're looking at it again. This is the only one that is set up like that.

MR. DeMARIA: Well, there is the proposal with the Sanctuary now to close Western Dry Rocks, make it a spawning aggregation site protection year round. I think it might be best to wait and see how that goes before you propose a reduction in commercial. Do you want a reduction in commercial trip limits in addition to a spawning area closure?

It is not closed, but might it be better just to wait and see what the Sanctuary does with this, and then come back and make another recommendation like no reduction in catch during that time if you've already got reserves set up like Riley's and Western Dry Rocks? Do you really need to keep that reduction in place during May and June?

MR. STIGLITZ: There is already a reduction. Right now there is zero. On the commercial you are not allowed to have any commercially. You are only allowed a recreational limit on your boat.

MR. DeMARIA: But you can sell them so it is not closure.

MR. HULL: But you just have a very small trip limit; okay, it is just a reduction in trip limit from no trip limit to a very restrictive trip limit, but you can still sell the fish, which in my opinion as a commercial fisherman has a good effect. Yes, if you want to close it totally, then I guess that could be done.

But if they are interacting with these fish, why not let them catch ten fish and supply some little restaurant somewhere and continue to make a living with ten fish per person? The recreational is going to be allowed to catch ten fish per person, also. Why not let the much fewer commercial guys that are still fishing catch their ten fish per person and continue on. As Gregg said, this is the only one that is set up like that. I think you ought to leave it there as something for future consideration to change others back to it.

MR. ATACK: I guess most of the species are managed by when the commercial season closes, you can keep the recreational bag limit. This sounds different, because you can actually sell the recreational bag limit. When the recreational bag limit goes to zero, if there is a zero in spawning season, wouldn't it be simpler just to say whatever the recreational bag limit is for that fish, you can retain when the commercial is closed? Then whenever the recreational regulations change, you just stay in compliance with those regulations versus having to go back and do an amendment to change what the retention might be for that species. Why wouldn't we treat it that way?

MR. STIGLITZ: I would like to change that to ten fish. I thought it was five. If we're at ten, I would like to keep it at status quo; make that ten. Thank you.

AP MEMBER: I like setting it ourselves, because again if we're going to follow the recreational bag limit, we're giving the state of Florida the power to define what the commercial guys can keep during the spawning season.

MR. HULL: I agree with that, also. If we are going to allow a commercial harvest during the spawning season closure, then we should be able to set that. If you are going to set it at ten fish per person, if it is two guys and they've got ten fish, that is 20 fish that goes to the market and helps pay their fuel bill and helps a lot of other businesses, too, with that fish to pay their light bill.

MR. DeMARIA: Maybe I didn't word it right, but what I am saying is maybe we should wait and see what NOAA does with Western Dry Rocks. If there is another fairly large spawning area closure mostly dealing with muttons, do we really need to retain that reduction commercially during May and June? Can we just take that away and let commercial fishermen catch what they want up to the quota during those two months? I'm not sure how to work that. It seems a bit much to put on fishermen to have the reserve and the reduction in take also.

MR. ATACK: Let me ask another question. When the ACL is hit for mutton snapper and we start in August 1st; and if the ACL is hit in April and you closed mutton snapper, is it really a closure? Can we still sell our ten fish per person per trip or is it like a closure in a spawning season? To me a closure is a closure. If the ACL is met and it is closed, then we shouldn't be selling fish. I think typically in the other fisheries, if the ACL is met, they are allowed to keep the bag limit just to eliminate bycatch mortality and take the fish.

MR. WAUGH: No; if the ACL is met, there is no more possession. In the recreational the council is moving more – and the way they have set up accountability measures, if the recreational ACL is met and the stock is overfished – well, if the total ACL is exceeded, the recreational and commercial ACL, then there is no possession.

MR. ATACK: Right; like in black sea bass when the ACL was met for commercial, the commercial guys could still keep the bag limit until the recreational was met. In this case it would be the same thing.

MR. JOHNSON: I'm assuming that this comes out of the commercial ACL, even these ten fish per person that they are selling?

MR. WAUGH: When fish are sold, they go towards the commercial ACL.

MR. HULL: This topic brings up a lot of nice thoughts. It is kind of like, okay, if we are going to have a spawning season closure for any species, why are we allowing the recreational harvest? Why are we allowing commercial harvest if we have a spawning season closure? What is the purpose of having a spawning season closure if you are going to allow people, whether it is recreational or commercial, to harvest?

MR. STIGLITZ: Back to Don; if the Sanctuary wants to close down Western Dry Rocks, we can always change that to where there is not a – get rid of the ten fish for May and June. We can always try to change it later.

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

MR. STIGLITZ: I did. I made a motion to set the commercial trip limit for ten fish per person per day during the May and June closure; and then that would make it a commercial fish. If the commercial sector meets its ACL, the commercial sector isn't allowed to keep any of them.

MR. DeMARIA: Richard, how would you feel about a motion that if NOAA moves to make Western Dry Rocks a spawning season closure area, that we remove all trip limits on commercial during May and June, and let them catch what they want?

MR. STIGLITZ: I don't have a problem with that if that is what the Sanctuary does, but I am not going to wait for the Sanctuary to do something. It could be ten years from now before the Sanctuary does something. I have no idea what the Sanctuary is doing. We don't have any control over what the Sanctuary does in here. It could happen tomorrow and it could happen in ten years from now; but this here, our guys get to keep fishing and catch a few fish.

MR. HULL: I was reminded that the reason that they do have these trip limits and reductions during spawning season closures is for bycatch mortality, targeting other species that cohabitate with them. I do retract what I said then, because it does – there is still fishing occurring; and if you catch these fish, maybe we should allow some type of a bag limit so that we are not just potentially discarding dead discards. Just more thought.

MR. ATACK: Right; but for consistency like in the black sea bass, when the commercial is met or the season is closed, they can keep their bag limit, recreational; provided recreational is not met; but they can't sell them. That is the big difference here is you've got a commercial closure but you are saying we can sell the fish.

Therefore, the incentive there to target the fish and sell the fish, but at a reduced trip limit is what you are doing. It is not really a closure. You are giving them ten per person; and then if it is a ten pound fish, you are at least a hundred pounds per person on the vessel. You could be looking at 2 or 300 pound trip limit legally in a closed commercial season.

DR. KELLISON: Jimmy, just a note – that I'm sure you have seen this too, Don – but definitely at Western Dry Rocks, the commercial vessels do go out there and target the aggregations. It is not just bycatch; it is worth it I guess apparently. The majority are recreational boats when there are lots of boats out there, but there are definitely commercial vessels out there.

MR. WAUGH: Just to provide some background on why this was set up this way – and Don alluded to this – muttons, outside of the spawning season they are really spread out, and they are hard to catch with hook-and-line gear. In the face of no stock problems – and the SSC is supposed to get another stock assessment next week, and we'll have a better idea of what the stock condition is.

But when this was done in the face of there being no stock problem, the feeling was that since they are “only available” in May and June, then you set a bag limit. Part of the concern now is with the increased participation, that bag limit may need to be reduced from ten. But there is a concern that if you make this a true spawning season closure; that is the time of year that the average fisherman has access to these fish and can catch them. Obviously you have to balance

that with the biological impacts from harvesting during the spawning season. But if there is no problem with the stock, that is the flip side of this argument for having some harvest during the spawning season.

MR. ATTACK: Anymore discussion? Was the motion seconded?

MR. HULL: Yes, I second it.

MR. ATTACK: Are we ready to vote on it? **Motion: set a commercial trip limit of ten fish per person per day for mutton snapper during the spawning season, May and June. All in favor.**

MR. WAUGH: Seven.

MR. ATTACK: **Okay, all opposed. The motion passes.**

MR. WAUGH: Mr. Chairman, it is 12:15. Do you want to take a break for lunch or keep going on this? We've got a couple more species. I don't know how much discussion we'll have.

MR. ATTACK: I get the motion to break for lunch. What time do you want to restart, 1:30? Be back at 1:30? Okay; adjourn for lunch. We'll get restarted now. Are you guys ready? Okay, we'll turn it back over to Gregg. I guess we're looking at black grouper now.

MR. WAUGH: Right, we've got black grouper. This is one of the more difficult species from a commercial standpoint. It is part of the Gulf Council's Commercial IFQ, and it is part of the South Atlantic Council's two-for-one. What they looked at was Action 1, Alternative 2; consider delegation for the recreational sector only, using the same items for yellowtail and mutton.

Here basically the group is talking about what you did earlier, just to consider delegating to the recreational sector; to delegate management of recreational black grouper to the state of Florida. The council will determine the recreational allocation, but include the South Atlantic Council's current sector allocation formula; include options to address bycatch in other Gulf and South Atlantic states that may need to be higher than the 1 to 2 percent; include accountability measures for the overall ACL; and then again that suite of options that the state of Florida could regulate.

Again, this is just for the recreational sector. It would be size limit, seasons, bag limits, minor modification to allowable gear, and then the fishing year. Again, this is for black grouper. Okay, I am not hearing anything, so I guess you are okay with that since it just focuses in on the recreational sector.

MR. GOULD: What is the rationale of turning over a lot of this to the state of Florida for its enforcement or doing these regulations and everything? Has it got something to do with a lack of funding in the National Marine Fisheries or just what is going on here?

MR. WAUGH: No; it is to recognize that you guys in North Carolina could at times be in the same situation where you have got two councils setting regulations. In Florida you have got two councils setting regulations and the state of Florida setting regulations. At times you can have

three different sets of regulations. The idea is for species that are caught primarily in Florida, to simplify management and to have the councils set the ACL and allocations; and then the more minor adjustments, let the state handle those.

MR. GOULD: Is this overall for the entire state of North Carolina or just specific to the Keys area or what?

MR. WAUGH: This would apply to – there was talk early on about – and Don mentioned this earlier – about a zone, a southern boundary where you would create something for south Florida. But that is problematical; because then you create another area where you will have different regulations.

Right now the way the councils are looking at this is it would apply for the entire state of Florida. Then we'll show that the AP didn't have any objection to this approach for black grouper; again because it is looking at just the recreational sector, and we would set some bycatch level to account for harvest in the states other than Florida.

MR. JOHNSON: Just one question; okay, if the state of Florida is going to set the recreational limits, who is going to set the recreational limits for the other states in the South Atlantic, each individual state?

MR. WAUGH: The council would do that in setting this bycatch level for the other states. The councils would specify however we're going to account for that low level of landings in states outside of Florida. Whether you just reduce the ABC – or when you set your ACL, reduce it some to account for harvest outside of Florida; that is one way of doing it. That will all be laid out by the time you see this at your next meeting.

MR. ATTACK: I think the question he was asking; say, like North Carolina, Florida is doing the recreational stuff for Florida. Take your black grouper; say the guys go and recreational fish and catch a black grouper in North Carolina; there are no regulations in North Carolina for black grouper. From a recreational standpoint, they can do anything they want, no size limit, no bag limit for recreational?

MR. WAUGH: There are regulations for black grouper now in the entire EEZ.

MR. ATTACK: Right, but then you are switching that to Florida for the recreational.

MR. WAUGH: Well, we're saying that in Florida the state of Florida would set the recreational regulations for Florida.

MR. ATTACK: The South Atlantic will still have the recreational limits then for South Carolina, Georgia and North Carolina for these species, for like black grouper?

MR. WAUGH: That's correct, but we will have to look at what the level of landings are of those species and what regulations are necessary to keep the recreational harvest outside of Florida from exceeding whatever bycatch level you set aside for harvest outside of Florida.

MR. ATACK: Yes, so basically the limits could be different. Florida could have a 20 inch, North Carolina could have 24; or bag limits could be different in Florida than North Carolina for black grouper.

MR. WAUGH: Yes.

MR. ATACK: Or they could be the same; it just depends on what Florida decides to do.

MR. HULL: Back to Captain Gould's question; you said this was to simplify things. It doesn't seem like it the more you get into it that it is going to simplify it, because now – yes, for Florida; it is just because of the Gulf Council and the Atlantic Council in Florida that we're doing this.

MR. ATACK: We're shifting the confusion area from the Keys up to the Georgia/Florida Line then; is that what we're doing when we do this? Then won't you have the confusion right there between Georgia and the Florida state line?

MR. WAUGH: You have the potential for the regulations to be different, yes, but we are going down this way and looking at setting up regional different regulations in different regions, recognizing differences. Spawning seasons is one that has been talked about, and we'll get into this a little more. There are differences by area. You are going to have that.

DR. DUVAL: Mr. Chairman, Michelle Duval; council member. I just want to emphasize that the species that are being considered for the south Florida management measures are primarily only caught in south Florida. Even though we do catch a few black grouper here and there in North Carolina, there is still going to be catch allowed. I wouldn't anticipate that the regulations would change in the rest of the jurisdiction.

It is no different than right now different states have different size and bag limits for things like speckled trout or red drum. It is not any different. Any changes would only affect Florida. This is an attempt to try to provide some consistency for those folks who operate in south Florida for species where the vast majority; we're talking over 95 percent of all harvest is actually in south Florida.

Pretty much everyone else fishing in the rest of the region wouldn't have to worry about any changes. I just want to make sure that is clear to everyone, because I feel like some folks are getting a little bit confused. As Gregg mentioned, we have heard input from the visioning port meetings that we had in March about the council looking at tailoring some of its management measures to reflect how the fishery operates at a sub-regional level.

This particular topic of trying to find consistent management regulations for south Florida has been on the council's to-do list for a while and simply kind of got pushed back due to some of the mandatory tasks that came out of the last Magnuson Reauthorization.

I just want to make sure that I wouldn't see necessarily the council changing, Jim, the minimum size limit for black grouper or the bag limit within the aggregate right now. It is really making sure that things would be consistent in south Florida.

MR. MUNDEN: A point of clarification, Gregg. If the council delegates the authority to enact these regulations to the state of Florida, it is my understanding then Florida's regulations will apply both in state waters and federal waters; is that not correct?

MR. WAUGH: Off of Florida, that is correct; that is the intent.

MR. MUNDEN: Going back in time, my recollection with North Carolina management with weakfish is that at one point in time – it may still be there – North Carolina placed restrictions on weakfish after 200 miles, because there was no federal plan in place for weakfish. Would that logic apply here, also?

MR. WAUGH: For species that we removed from the Snapper Grouper Fishery Management Unit, like blue runner, the state of Florida now is setting regulations. Their regulations apply throughout state waters and the EEZ.

MR. ATACK: Any other discussion on this or does anybody want to make a motion to change anything or agree with it or do we just move on to the next item?

MR. STIGLITZ: I agree with it 100 percent. It is pretty much exactly what we did with the yellowtails and the mutton snappers. I don't have a problem with it.

MR. WAUGH: You can do a motion if you want to or we can just show that the conclusion is that the AP is in favor of this. It is up to you. We'll move on, then. Then managing with overall ABCs and ACLs; this gets down to an option to have both councils agree on an overall ABC, allowable biological catch, and annual catch limits in the councils' closed jurisdiction only when the overall ACL is met.

Each council would agree to a recreational and commercial ACL split. They would look at that for black grouper, mutton snapper, and yellowtail. This gets at when you have the areas closed, the whole area would close. There would be an option in there to close when the overall ACL is met.

MR. STIGLITZ: I'm not understanding this, Gregg. If the quota is being caught in the South Atlantic on the yellowtails but it is not being caught in the Gulf, it would shut down in both places?

MR. WAUGH: After this, it would just be one ACL; there would be one commercial ACL.

MR. STIGLITZ: It would be one commercial ACL, so they could catch the whole ACL in the South Atlantic and then the Gulf may not catch any?

MR. WAUGH: Correct.

MR. GOULD: You said commercial. Weren't we addressing recreational here on the control of Florida with the fish in question?

MR. WAUGH: Right; as far as delegating regulations to the state of Florida, we're only talking recreational. Now what we're talking about is how you deal with the overall annual catch limit.

Here are the other alternatives that we have in there. You could maintain the current commercial and recreational ACLs. You could allocate the total ACL for Gulf and South Atlantic based on the average of landings. We're going to evaluate all of these different alternatives, allocate the total ACL into two distinct regional ACLs; that being off of Florida and then all the other states.

Allocate commercial and recreational ACLs – part of the problem we have is the South Atlantic Council has separated recreational and commercial ACLs for all its species. The Gulf for a number of them have them lumped; they just have a total ACL. The councils are looking for these species, how do we do it?

Do we force the Gulf to split their ACLs and then add the commercial and recreational together? That is what we're getting at within these alternatives. Alternative 5 is to allocate the total ACLs for the Gulf and South Atlantic into three distinct regions. South Florida; this is where we get into some of those regional differences.

Then they talked about adding another alternative, which would be Alternative 6, to have both councils agree on an overall ABC and ACL and the councils close their jurisdictions only when the overall ACL is met. You wouldn't have recreational and commercial. It is just another alternative to look at. My suggestion on this would be wait until your next meeting when you have the analysis for all the alternatives and then you would be able to get a better idea what the group is looking at.

MR. DeMARIA: If you combine both the Gulf and South Atlantic ACL, then obviously the overall ACL would have to be higher than what it is in the South Atlantic, so you would be getting to catch Gulf quota fish, too, off of Marathon. That is one way of looking at it. I think for some species it probably makes sense to combine. A lot of them, it is one stock of fish.

If you look at black grouper, a lot of them spawn on Riley's, so do the muttons, so do the yellowtails. The current flows to the north so the fertilization coming up from the Gulf Council's jurisdiction into the South Atlantic. It may make sense for some of these species to do that; just have one quota or ACL or whatever you want to call it and manage it like that.

MR. FEX: Yes; the one downfall you might have, though, is just like earlier when we talked about the start date being August for yellowtail here. Yes, I am just throwing that out. Believe me, it is not my argument, but I almost would want a separate allocation, but that is just my feel of it.

MR. STIGLITZ: How do we know what they're catching in the Gulf? If we agree to that and if I was a Gulf fisherman and you put all of it – lumped it all together, and the South Atlantic caught the quota on the yellowtails and I wasn't allowed to go fishing in the Gulf, I would be upset.

If the black groupers were all caught in the Gulf and I wasn't allowed to catch them in the Atlantic, I would be upset. They catch a lot of black grouper in the Gulf. I think the yellowtails – and I know they catch yellowtails in the Gulf; but they catch the majority of them on the reef on the South Atlantic side. If they filled the quota of yellowtails in the South Atlantic and you were one of the couple of yellowtail fishermen that fish in the Gulf, and you got shut out, you would be upset.

If I was a grouper fisherman in the Atlantic and they filled the quota on black grouper in the Gulf, because I know they longline out there and I know they catch a lot of black grouper long lining; and I wasn't allowed to catch them in the South Atlantic, I would be upset. Lumping them both together, I just don't know what to think about it.

MR. ATACK: Yes; that is why I think Gregg said earlier that they are going to run a bunch of numbers. At the next meeting you will be able to see, if they lumped them together, when would the thing be projected to be closed? The other thing is I think if they are combining the commercial and recreational for an overall ACL and they are not closing either one until the total is met, then you would have to run numbers on that, too, I think, as to, well, the commercial might close in March, but then recreational would stay open year round. But if they combine them together, are they both going to close in April? That is part of the analysis that is going to come down the road.

MR. STIGLITZ: I think if we had the numbers on it, I think we could make a more educated answer to it. Right off the top of my head, I don't know what they catch in the Gulf compared to what we catch over here. I don't know when things close. I have a hard time with this.

MR. WAUGH: Then we have that concern and the analyses will be completed before your next AP meeting. I think you have done about all you can do with this right now.

MR. DeMARIA: That is a good point, Richard. I didn't even think about the longlining thing of the black groupers. You can catch them with one particular gear type on one side of the line and not on the other, but it is the same quota. I think it would be nice to see some of the numbers before we make a decision on that.

MS. MARHEFKA: I hate to belabor this, but this has been on my mind. If Florida takes over, obviously just the day to day of the recreational, but the council keeps the commercial as far as setting the overall allocation or maybe even all of it; does that change anything that happens with the permits? If you have a Gulf permit, can you now fish in the South Atlantic part of Florida or vice versa?

MR. WAUGH: I was trying to recall what we did with the permits. I think we took that out of this amendment because it was so complex. But I will check and get back to you. We were talking about whether you could just combine them, but it raises a whole host of issues. I will double-check and make sure. I believe it was taken out of this amendment where we are not dealing with permitting issues.

MR. ATACK: Yes; the other thing that I think about, when I read this, is the recreational landings are so – it is just a big lag when you get those. If we are not going to close the ACL until the total ACL is done, you won't know three months after the season closed what the recreational landings were, or six months, based on the current lag in numbers, right?

MR. WAUGH: The other item for black grouper was that the council should consider implementing compatible bag and size limits for black grouper. That is to obviously have them the same; but again if we are delegating to Florida, then that would be accomplished that way as well. Yes, the regulations are different. Then I know there was a lot of interest before in hogfish and gray snapper.

The hogfish, we are getting a stock assessment that will be reviewed by the SSC next week. That indicates that there are multiple stocks. There appears to be three distinct stocks; one in the eastern Gulf, one in the Florida Keys, and one in North Carolina. We will see how that fares in the SSC review; but based on those differences, the committee has decided to remove hogfish from the south Florida consideration.

Previous to that time it was thought that primarily just the Florida stock, although there was some harvest and significant harvest particularly in North Carolina. That has been removed. Gray snapper also has been removed. The action that they took was to remove hogfish and gray snapper from further consideration in a joint amendment.

Gray snapper, you've got harvest in other states. That is where we are for those two species. Then in terms of removing some other options; again, I think this will make more sense to you once you see the revised document. Under Action 1, Alternative 4, they removed options for black grouper, gray snapper and hogfish.

They are keeping mutton snapper and yellowtail to look at that; removing any species from the fishery management unit and designate the Gulf Council as responsible council. Given the level of harvest in the South Atlantic, they removed that alternative. Then looking at removing species from federal management, there are four species that you will be hearing about in Amendment 35; and they have asked us to look at some others, and that analysis will be done.

The other big item is a shallow water grouper closure. It is different in the Gulf and the Atlantic. The species that are included are different and some of the times are different. We've got a number of alternatives that we're looking at. They added to establish identical regulations for shallow water grouper species composition for the Gulf and South Atlantic jurisdiction so that the species that are included are the same.

They also want an alternative to remove black grouper from the shallow water closures of the recreational season in the Gulf and of the recreational and commercial season in the South Atlantic. Part of the reason for it not applying to commercial in the Gulf is because it is part of their IFQ program.

They wanted to add an alternative for a seasonal closure for black grouper, potential separation between recreational and commercial. Some of the options we're looking at is January through March; or just January, just February, just March. Another alternative is to establish a one-fish recreational bag limit for black grouper in Florida with an optional seasonal closure during January through March, or January and February. Lots of alternatives that need to be analyzed, and again this will make more sense to you when you see it at your next meeting.

MR. FEX: Gregg, can you give me the reason why they are trying to take it out of the shallow water complex or why they are trying to eliminate it? What I see is that people are going to go out there and try to catch a black grouper in, say, March, February or whatever, and you might interact with the other ones.

MR. WAUGH: Then that is certainly something that will have to be addressed. Given that it is primarily a Florida species, they are trying to keep that fishery open as much of the year as possible. They are asking for lots of these different alternatives to be looked at, but we'll have to

look at the discard mortality issue definitely. This will surface again when we talk about Amendment 36 in a minute. That is it; we've got some data needs that we're working on. That group also looked at a progress report on speckled hind and Warsaw grouper working group. They charged that group to explore methods to identify a more informed stock status.

The working group talked about this. The target date for another report on what the status is, is at the end of 2014. Again, the councils are pushing to try and get some updated assessment information for these two species, and we'll have an updated report at the end of the year. There is also a group looking at Goliath grouper; and the outcome of that is that there has been additional research done. There is new technology looking at indices of abundance.

The Florida Fish and Wildlife Commission will move forward with a stock assessment. They are using some of this genetic mapping – it is called Next of Kin Genetic Mapping – to better estimate indices of abundance across age classes. There is no timing associated with this yet, but we'll get some feedback from the commission as to when that will take place.

The group requested a standard stock assessment for Goliath with a review through the SEDAR process. We'll let you know when that takes place. They are also going to request that mercury testing be included when tissue samples are taken from Goliath grouper. This will come up again at the next meeting; and that next meeting is in January.

Mr. Chairman, that is it for where we are right now with the South Florida Management Issues Group. Again the timing is we have another meeting of this group in January. You all will have a much more detailed document to look at during your spring meeting. The goal is for the two councils to approve a document to go out to public hearings when they meet in June.

MR. ATTACK: Thank you, Gregg, for that presentation. I guess the next thing is Amendment 36 is what we're moving into; the spawning SMZs.

(Gap in recording)

MR. WAUGH: Sorry, included speckled hind and Warsaw grouper while minimizing the extent practicable, social and economic impacts to snapper grouper fishermen. The purpose they felt since it includes identifying important spawning habitat for snapper grouper species that can designate for protection; they didn't need to include it in the needs' statement also.

That purpose statement stays. That is the new needs' statement. I don't know if you want to weigh in on that. I'm not seeing anybody, I will move on. We've got actions in here to specify a process for identifying spawning sites and aggregations for snapper grouper species, including speckled hind and Warsaw based on the characteristics of sites important for spawning, such as bottom topography, current systems, et cetera.

The currently spawning SMZs would only consider prohibiting fishing for and/or possession of snapper grouper species; that is species in the Snapper Grouper Fishery Management Unit. You can troll for coastal pelagics, billfish; just the species in the Snapper Grouper Fishery Management Unit you would not be able to retain. During scoping we did receive a couple of suggestions for areas. When we go out to hearings the public would be able to suggest additional sites.

We are also exploring placement of artificial reefs on appropriate bottom type within the existing MPAs to target Warsaw grouper, speckled hind and other snapper grouper species. This approach makes no change to existing MPAs. The council is developing a system management plan to address the outreach, law enforcement, and monitoring research projects in the existing MPAs. We know there were issues there, so we are developing a system management plan to address those.

At your last meeting you approved a motion recommending the council take the alternative approach to scoping in August regardless of the Regulatory Amendment 11 lawsuit outcome and preserve the ability to limit fishing on more species other than just snapper grouper species. Again, at the September meeting the council indicated its intent that the spawning SMZs would only consider prohibiting fishing for or possession of snapper grouper species.

The first action is we have to modify the special management zone procedure to allow us to create these spawning special management zones. The current procedure doesn't allow for protection of natural bottom important for spawning. We've got the no action alternative; and then the Alternative 2 is to modify the SMZ procedure to include protection of natural bottom important for spawning by designating spawning SMZs. It is sort of a procedural thing just to expand that process so that we can include protecting natural area.

MR. GOULD: Could you expand on what you mean by protecting the bottom of these SMZ zones and give us a little bit of more detail about it than just the generic, please?

MR. WAUGH: If we designate these as spawning SMZs, then they automatically become HAPCs, habitat areas of particular concern; essential fish habitat- habitat areas of particular concern. By prohibiting any fishing for or possession of snapper grouper species, you would be eliminating any interaction there is with fishing gear and the bottom.

By designating them as EFH-HAPCs, if there is interest in drilling for oil or sighting wind generation units in these areas, they would have to go through more hoops in order to do that. There is a greater chance you can protect this habitat from offshore drilling, oil drilling and so forth if it is designated as an EFH-HAPC.

MR. FEX: Is an SMZ a year-round thing? Is it just like an MPA then, I would consider?

MR. WAUGH: It can be; it doesn't have to be. That is one of the things the council would have to determine. If you make it year round, you then would protect any fish in that area year round. You would also have more habitat protection; but you could look at it seasonally.

MS. MARHEFKA: Gregg, will you please refresh my memory, and maybe some of the people here that don't know it, about the process that is taken when you are designating something an SMZ versus if it wasn't an SMZ and you had to go through a full fishery management plan amendment.

MR. WAUGH: Right; this would allow us to do this through a regulatory amendment. We have done regulatory amendments as fast as at one council meeting and taken public hearings at that meeting. If there is an issue that is controversial, as any area closure would be; the council would not do that at one meeting. It would take longer than that.

Generally what has happened with the existing SMZ procedure is a state would come to us and say we have these artificial reefs, and we want these gear regulations. We had a group that would write up a report looking at the pros and cons and present that to the council. The council would take that out to public hearings and then finalize it at the next meeting. We would anticipate that same sort of procedure would apply here, with one caveat.

We've already received lots of criticism that we haven't been enforcing, monitoring, or evaluating our existing MPAs the way we should. It is anticipated that should this go forward, the sites that are identified in the initial approach; we would need to demonstrate that we can and have enforced them, monitored them, and document some change in them before we would come back with more sites.

I think the council recognizes that the public is rightfully so highly skeptical with the job that has been done thus far on our existing MPAs, and we are addressing that with this system management plan. The council would – whatever sites are identified this initial time around would demonstrate that, yes, we can monitor them and, yes, here are the changes; and so this is why we are looking at additional sites. I would expect that would be a longer-term, multi-year time period.

MR. ATACK: The note here is that currently the spawning SMZs would only consider prohibiting fishing for snapper grouper species. In the past there were some presentations about no fishing MPAs because they are easier for enforcement to enforce. You are going to have to prove that these SMZs are enforced and whatnot. I am wondering why council is not considering some actually no fishing to make enforcement easier and to make the MPA or the spawning zone more effective.

MR. WAUGH: Well, one, we refuse to go out and do any of those public hearings. No; this issue of enforcement is a two-edged sword. We've got these large MPAs that were structured along the recommendations of law enforcement; north, south, east, west, big boxes. Realistically we are not getting a lot of enforcement out there.

It is difficult to enforce these. They have a high impact. The council is stepping back from that and taking a more strategic approach, looking for areas that are very special in terms of their bottom topography and important for a number of different species and trying to protect just those areas.

If you can identify a relatively small area that is important, then there is no need to designate a larger area. Since we're looking at protecting bottom species, then there is no need to impose additional restrictions by prohibiting other fishing. Part of this is something that is happening worldwide within the MPA community.

There is more a move to look at community-based or community-suggested sites; and so you get a lot more buy-in from the fishermen, both recreational and commercial. If you then allow trolling and fishing, you have a lot more eyes out on the water that could then alert law enforcement if there is a violation in the area. Overall the council feels like these smaller areas can be enforced; and with more people on the water, there will be a better chance of detecting when there are violations.

MR. FEX: I agree with the whole idea of the SMZs, but one thing I did take note to is there are spots that I know of that are probably a good spawning location, but not everybody knows them. Then all of a sudden I'm going to say, hey, here is a spot. Then it is going to go on the map for every recreational fisherman – no offense to you guys or whatever – then all of a sudden it is a new spot they just didn't know. Then you are going to let them troll through that.

You can't monitor those people. When I fish inshore of that MPA where I'm at, every sporty I know; that is where they head, straight out there; and that is just like their hot spot. I will support this and everything, but I just wanted to make that comment, because it is kind of funny that I am going to give up this great spot and then it is going to go on the map.

MR. THOMPSON: What I'm hearing is you're giving up on the MPA. You are saying we can't enforce it, we're going to change the name of it and we're going to go – and now we're going to do the special area, because we were a failure over here. We are going to make it smaller and we can enforce it instead of going and taking the same energy and money, and let's see what has happened in these MPAs and enforcing the ones that we already have.

I don't understand. I think it would be more prudent to enforcing the areas we have and see what bottom in there is working. If it is working there, then maybe you can get it to just – there may be enough there to support it. We already have a four-month spawning closure. When do these fish need to spawn?

We're giving them most of the year, it seems like. I don't see any reason to change the name of one program that you are now admitting is a failure and create it to something else and try to sell it to the public and run it down their throat and restrict more rights and freedoms of U.S. citizens being a fisherman. Recreational fisherman, commercial fisherman, we're all the same. I just don't get this, I don't.

MR. WAUGH: I don't believe I said that the MPAs are a failure. If I did, I misspoke. I think what I said was they are difficult to enforce, and we have to recognize that there hasn't been the level of enforcement that we would like. There hasn't been the level of monitoring that we would like.

Those are resource-driven funding issues; offshore, difficult to enforce. Rather than giving up on that; what the council has done is not designating any large area closures now. We're putting together a system management plan that will lay out specific projects, specific level of monitoring, specific level of funding with dollars required to address the shortcomings.

We still believe that those MPAs will work, are working. They can certainly work better, and we need to be able to demonstrate that they can. We'll have a plan that will identify the work that needs to be done. It is not going to make it any easier to get the money to do that work. Instead of pursuing more of them, what we're doing is looking at these critical areas that are much smaller, that are more important to a number of species, and protecting those areas, that habitat and the fish within those areas at a reduce cost, if you will, to recreational and commercial fishing.

MS. MARHEFKA: This is hard for me. This is a subject near and dear to my heart, and I have a split personality on it, so bear with me. Dealing with the alternative at hand, Action 1; it makes

me a little nervous to have it go through the SMZ process versus going through the full amendment process, I will be honest with you. I have faith in the council; I don't think they are going to try to rush something through in one meeting or two meetings. B

So much comes out of the process, not even just better sites but better buy-in when the time is taken and people feel like they are heard and people are trying to adjust to it. I know it can be just mind numbingly long to go through an amendment process, but I guess I just can't sit here. On the record I want to say it makes me nervous that this would be designated SMZ versus going MPA, because it kind of is semantics a little bit. And the full process; these sites may end up better going through the full process. If I am misunderstanding, please correct me.

MR. WAUGH: No, not at all. I was just looking at Action 2. That addresses how we deal with new ones. But that is a point well taken; the length of time, and certainly that is why we've taken the time now to go out to scoping and hearings. You are right; the first time around we certainly benefited from the extensive public input.

MR. JOHNSON: I like the more targeted approach versus just a big box of ocean shutdown. I think that had been the discussion at the last meeting I know among a lot of people. Personally, I feel like I abide by the law and I'm sure everybody in this room does and most of the people we know fish do. Just because we see a "sporty" in an MPA doesn't mean the majority of sporties are going in there.

I think this whole process has got to be education, education, education. It is going to take some time. When I first started fishing, every blue marlin in every tournament ended up on the dock dead, and now you hardly ever see a dead blue marlin. It takes time to change people's outlook. To get public buy-in, I think the SMZ approach, the smaller more targeted approach is better for public buy-in. I do agree with her concerns, though, that I don't think anything needs to be rushed. I think it is a better process the more involved the public is with it.

I don't want her to think that the council is just going to start making decisions on places to close without the public having any say. I don't think that is the intent. I do feel her concern. You know, we sat here a little while ago talking about mutton snappers and how Riley's Hump and now maybe Western Dry Rocks may end up alleviating the need for some of these regulations; and then now we're right back here shooting the regulations. I think we need to decide what we really want to do here. Do we want to try to protect some of these areas where these fish spawn and hopefully get some benefit from that? What do we want to do moving forward?

MR. MOSS: Forgive me if I'm wrong; but when we initially talked about these special management zones or these spawning areas, we were talking about for a designated period of time, too, right, just that hotspot time, if you will, for the fish to spawn. It wasn't an all-year closure if I remember correctly.

MR. WAUGH: I don't know that the AP got into that level of detail. When you saw this idea at your last meeting, one of the details to be worked out was whether it was year round or seasonal. That question wasn't posed to the AP at the last time and still hasn't been resolved. That is something still for the council and you all can certainly weigh in on that.

MR. MOSS: Yes, I don't know if I need to make a formal motion for that or what; but I am certain you would get a lot more buy-in from everybody if we designated certain times of year when we know that a variety of fish are going to be spawning. With a lot of these areas – I shouldn't say a lot, but with quite a few of these areas; for instance, Western Dry Rocks with specific populations of species that are going to spawn at various times; and it might be a little bit easier to get through on the public if, like I said; we're kind of pigeonholing it into a specific season when we're shutting these areas down.

MR. DeMARIA: The problem with going with seasonal closures, we're trying to get more specific smaller areas where multi-species spawn. Often they are spawning at different times of the year. Western Dry Rocks, there is something spawning there at any time of the year, whether it is black grouper, gray snapper, yellowtails, muttons, or triggerfish.

I would not want to see these things as just seasonal SMZs, especially the smaller ones. That kind of defeats the purpose. A lot of the work that Chris Koenig did in the Gulf found that the big male gags stay in some of those sites year round. That attracts other fish when they come in; so if you open it up and let you take them, then it is going to set you back quite a bit.

MR. THOMPSON: The only problem with going forward with another MPA, you can call it what you want to, is we haven't proved that the other ones really work or not. We are going to take more bottom and then we're going to, after we've closed it, then research it, then decide if they are actually spawning there.

Well, once it is closed, we won't ever open it again; it is just more bottom closed to fishing. That is the process is what I'm saying taking the time. If you could prove that there are spawning aggregations on these spots, okay, that is fine. But if we are going to close this, why don't we open something else up?

You are closing areas kind of just ahead of the game, before you can prove that is going to give the benefit, because it sounds good and we're going to protect it and we'll close it. Then it will be a Garden of Eden, but you are restricting the fishermen out, like I said, the socio-economic impact comes out of it. I just don't like just guessing that is going to be a spawning area, because somewhere else in the world it looks like that.

MR. WAUGH: We're doing a lot more than guessing. These areas have – and we will have a presentation at our December meeting from Dr. Will Hayman, who has done some groundtruthing on these spots. These areas, when we get to them that you see, they have documented occurrence data, and they have documented in some cases fish in spawning condition. It is way more than guessing; but I understand your hesitancy and the point.

MS. MARHEFKA: Basically, what Gregg said, Mark has taken Will out and they have seen spawning on some of these spots. If I were Queen of the World, I would probably make the initial set of MPAs maybe, poof, and support these wholeheartedly, because I think that now we are looking at – now we are also looking at some of these spots are more controversial than went forward the first time, in Devils Hole. I think that these scientifically no doubt, I think is very strong. I think scientifically I feel confident that these are strong sites. I don't think they are just guessing.

MR. ATACK: This is really more from the Amendment 17. There has been a lot of work, working with people. This has been going on, what, for four years now, right, the MPAs, and then we did away with that. But all that information and background is kind of moving into this to help get these SMZs. We're really not rushing into it, and there is a lot of time. There is a lot of time being spent trying to make the right decisions here.

MR. JOHNSON: I think we have to be careful saying that the existing MPAs aren't working, because we may not know they are not working, but fishing has gotten a lot better. We can say some of that is because of regulations; but you look at some of these ACLs and how quickly they are met, there has got to be some benefit from some of these areas that are closed.

Some of them, you are right, some of them are probably useless. Maybe moving forward those could be identified, but I know North Florida MPA is a large one, and it is a great area to fish. During the B-liner opening, all the boats out of Mayport and St. Augustine, they are piled up just inshore of it. That is where they like to fish.

MR. FEX: Yes; I would have to say the same for the North Carolina one. I fish inshore of it, and I have seen some of the biggest B-liners I've seen in years, probably the biggest I've ever caught. I'll agree, they are doing a good job where I'm at.

MR. THOMPSON: I think what I'm saying is a lot of what we've done is working and it is going to continue to work. We have a lot of closed bottom out there for different reasons in the South Atlantic. I'm just scared to close anymore bottoms down when we have a four-month spawning closure.

There is very little fishing going on other than B-liner fishing there in that four months. We have that. We have this other area, which spawning I'm sure is happening and especially B-liners, I mean we know that. That was one of the places we closed. We called it Smurfville when you fished in there, because all you caught was little old tiny baby B-liners all the time.

But these systems are already in place. Let's let these work before we close anymore bottom down. Great, this is wonderful, they are spawning, and they are natural; but we have other places they can spawn, and they are doing it and we are getting it between restricted fishing laws all over the place and closed bottom area. I just don't see there is any need to close anymore at this time.

MR. MUNDEN: Based on the information that was presented to this panel six months ago, I guess it was, maybe a year ago, these spawning aggregations are very, very unique and they occur over unique habitats. We may have a lot of bottom closed with the special management areas; however, it might not be the right bottom. I think it is going to take a while to put these in place, but those specific spawning aggregation areas need to be protected as soon as possible.

MR. FREEMAN: The current MPAs that we have in place, if those are not working or they are not as good as some of these that we want to put into place; is that going to reopen? Are we going to make the current ones smaller or are we just going to leave them as is even though they may not be working properly like the small ones may?

MR. WAUGH: The council always has the option to come in and modify the areas. They haven't done so thus far. They haven't been in place all that long. If you look at the success that we're seeing now in Riley's, that took a longer period of time for that to start to happen than we've had our MPAs in place.

We get a good monitoring plan in place; and if we identify areas that no longer need to be closed, I can't come up with a reason why the council wouldn't open it. They are not interested in keeping things closed when they are not being productive. Yes; that is something that they would certainly consider and could do.

MR. DeMARIA: I think one approach that I like is not to close any additional square miles down. I don't know how many square miles there are in the South Atlantic closed – let's say a thousand or so; I don't know what the number is; but if you went ahead and closed a ten square mile area somewhere like around Devils Hole, then you would open up ten square miles out of that and kind of balance it out so you are not really taking addition bottom. You are just moving it around to more productive areas, areas that make more sense to set aside as a spawning site.

MR. WAUGH: If I could make a suggestion; let me just move to Action 2 and show you. This Action 1 expands the SMZ procedure such that it can address closing natural bottom. I think Action 2 gets at more of the point that certainly Kerry was raising is how fast you do this. Action 2 would modify the framework procedure to allow modifications of and/or additional spawning SMZs.

Alternative 2 would modify the framework such that we could modify or establish new spawning SMZs through the framework procedure, a faster process. Alternative 3 would allow you to modify the framework to just include modifying existing SMZs. The idea here was if you identified one and you found – and we have to be careful, because we may or may not have aggregations to the extent that you have down in Florida up in our area.

Whether you call them concentrations, smaller aggregations or whatever, it is where they are concentrating. If we set up one of these and find that, well, for whatever reason now they are concentrating just outside the area; you might want to be able to modify the boundary of an existing spawning SMZ more quickly than establishing a new SMZ. If your feeling is whether to modify or add it, if you want that to go to a plan amendment; then you would favor Action 1 here. I think that gets more at where some of this discussion was headed in terms of timing.

MR. ATACK: Do you have any thoughts on how quickly you would want to be able to do that or leave it as it is?

MR. HULL: My only comment would be that I need a lot more information on SMZs; just the entire process, how we're doing it, how quickly we're doing it, how big are they, why are we doing it, when are we doing it, how are we – and I know we are at the beginning points of this. This is just starting, so it is pretty hard to make a comment other than I agree with a lot of what has been said here.

You certainly wouldn't want to make it something that – for some reasons you might want to make it something that happens quickly. All of a sudden there is this huge aggregation of red snapper somewhere that need to be protected. You would want to be able to move faster,

because snapper are a species that I'm familiar with, and they don't spawn in the same spots year after year. You can go to spawns that you fished years ago, they never come back, they find someplace else. Just a lot more information is needed for me.

MR. WAUGH: What the council did at their last meeting was they approved that range of alternatives. They don't have a preferred here. They have done basically the same thing you are saying, okay, that covers the whole range and we want that analyzed. They have told us to analyze – we'll get to the areas in a minute – analyze the areas identified off of each state.

The area names, just designate an area to be analyzed; it doesn't mean that is the specific alternative. The specific size and location will be determined after analyses are completed. They want expanded charts with the areas; and we already talked about the system management plan and so forth. They basically said the same thing. This is coming to you early in the process to give you every opportunity to weigh in. You will certainly have more at your spring meeting.

MR. GOULD: Great idea in a lot of ways, but then again it has got an Achilles Heel to it. You take with my experience off the coast of North Carolina; each and every rock that I fish at some time is a spawning aggregate area. Some of them are a little bit better; some of them are a little bit worse.

We do a lot of bass fishing; we do a lot of vermilion fishing. What I've experienced here the last couple of weeks on some of these places I've been stopping, where we were catching the vermilions full of roe three months ago; when we catch them now, they are spitting out little vermilions just as hard as they can. This is over an area of 18 miles.

If you took and drew a straight line on this ridge and go down this, this is all up and down this ridge what we're seeing. I've noticed last year and part of this year the Nancy Foster and the Palmetto has been up off our part of the coast doing sidescan sonar images. I would be very, very interested to see some of the footage on the ridges that they got using this high-resolution sidescan that they are doing. That could be a good thing to take and aid us in the implementation if we've got to have these SMZs; but I would love to get to see some of the sidescan sonar images that they have been doing.

MR. JOHNSON: I understand what you say, Terrell; there is fish spawn everywhere. The larger the stocks increase, the more areas they are going to spawn. I think the whole – and Gregg can correct me if I'm wrong, the purpose of this whole exercise was to identify certain small special spots, target areas – most of us as fishermen know where they are, because that is where we usually like to fish – that it is not just one species, but multiple species like to spawn; trying to get the biggest bang for the buck.

I think that is where this process was going. If you identify every spawning area, then you are going to close the whole ocean down. We all know that; so I think this was to try to get away from that approach and go to a more targeted approach. That is why I supported it, because I like to fish, and I like to have as much area to fish as I possibly can.

If I am going to use this as a tool, I want to make sure it is put in the right spot so I get the biggest return on my investment. If you are going to take it away from me, I want to get the most back out of it as I possibly can. That is why I supported this in the past.

MR. GOULD: Thank you, Robert, I fully appreciate that comment. Also with these SMZs, are we going to be looking at habitat where the speckled hind and Nassau grouper and the Warsaw might potentially be doing their thing, too? That greatly complicates things, to say the least.

MR. WAUGH: Right; the council broadened its approach from just focusing on speckled hind and Warsaw to snapper grouper species, including speckled hind and Warsaw. There is still an interest in looking at speckled hind and Warsaw. What may help the discussion at this stage is just to run quickly through what sites have been identified of each of the states and then we can come back and discuss them.

The council has asked us to analyze the Malchace wreck and the 780 Bottom. We had no scoping comments. There were no suggestions for areas off of North Carolina. The AP had no suggestions for areas off of North Carolina. They directed us to look at these alternatives. We've put a chart in here, and here is the Malchace wreck. That was based on fishermen input. Here is the 780 Bottom that has got a current data of speckled hind.

The alternatives that we're working up are looking at this whole area for these two and then smaller areas within these designated areas. There will be several subalternatives for the council to look at. That is what is under consideration right now for North Carolina, those two areas. Off of South Carolina, they are looking at Devils Hole; and then two areas that have been set up for artificial reefs, because we've got documented evidence.

You all saw this at your last AP meeting of how these artificial reef areas can be very attractive to fish and very productive and particularly for Warsaw grouper; one area known as Area 51, one area known as Area 53. So those are the three areas off of South Carolina that are going to be analyzed. We didn't get any scoping comments for South Carolina.

Your Snapper Grouper AP previously approved a motion asking the council to consider reducing the size of the proposed Devil Hole/Georgetown Area to one square mile; so that will be one of the subalternatives that we work up. Areas 51 and 53; we are not showing the locations of those areas right now, because we don't want to promote fishing in those areas while we're developing these. We've got information on the size of them.

The Devils Hole 3 area that is shown on this chart here; that is 27 square miles, so we'll have subalternatives that are smaller than that. Area 51 and Area 53 are each 2.25 square nautical miles, and those are over sand bottom that were used as artificial reef areas. Then off of Georgia, the areas that we've been asked to look at are the Georgia MPA Reconfiguration, and I will show you that; the area outside of the existing MPA, and then the St. Simons 2 area.

We didn't get any suggestions for areas at scoping. The AP had no suggestions. A chart showing these areas, so Georgia MPA Reconfiguration is this box here; but you can see that you've got some overlap right in here with the existing Georgia MPA. The area we would be looking at as one alternative is this area.

There will be subalternatives looking within this box, and you can see that you've got some point observation data for speckled hind. We'll be looking at subalternatives that are smaller than this whole area. Then St. Simons 2 is this area up here, and that is 45 square miles. We would be looking at subalternatives within that. Again, we've got observation data here to look at.

Then finally off of Florida the areas that we've been asked to look at are the Warsaw Hole and the Daytona Steeples. During scoping we had some suggestions to modify the area previously considered as the Warsaw Hole and to consider three wrecks off of Jupiter for Goliath grouper. The council didn't go forward with those sites for Goliath, because they are in state waters. We will have subalternatives that look at different areas within that Warsaw Hole.

The Daytona Steeples, this area here; and that is within the extended Coral HAPC area. The Warsaw Hole is down here. The Daytona Steeples is 27 square miles and the Warsaw Hole is 2 square miles. That is the suite of areas that the council identified and asked us to work up. You can see it is not a lot of areas, it is not a huge amount of area, and there will be subalternatives looking at smaller areas within each of these areas that have been identified.

MR. JOHNSON: I think the concern that I hear and feel around the table is no one feels comfortable about giving the council an open checkbook, per se. I don't know how you address that, Gregg, but that is what I get from people is when would they say enough is enough? If we go with this process, they may just decide next year or the year after, well, we found another great place that needs to be closed. How do we address that?

MR. WAUGH: Well, I think I explained part of this before is that there will be – assuming the council goes through with this, there will be a suite of sites proposed. What you see here is the shopping list. It will be some subset of these areas, and that would be put in place. I would think it would be difficult for us to come back and look at any additional sites until we go through a period demonstrating that we can have the proper level of enforcement, and we can have some monitoring and have results on what is happening in these areas.

To be honest, we're on a little bit of thin ice, as you all are pointing out, coming back with this now given where we are with MPAs. I think to come back again for another bite at the apple, if you will, I don't think you will see that. I think you will see a concerted effort to document the benefits from these areas before there is another attempt to look at additional sites. That is up to you making recommendations and the will of the council.

MR. DeMARIA: I'll put my two cents in. My beliefs certainly aren't that of everybody, not even a majority of that working group, the Expert Working Group. From what I've seen especially in the Keys, there is probably enough square miles closed down now to fishing; it is just not in the right place.

It was a good first attempt at it, but we've learned a lot since then. If we could just move those areas around, take ten square miles from here and put it over there, or whatever, we could probably do it if it was put in the right place. Some people think we are trying to protect every possible spawning aggregation out there, and I don't think that is realistic.

In the Keys, if you tried to protect every aggregation of, say, gray snapper and yellowtail; you would have the entire reef line closed down. But if you could look at certain areas, and I think there are certain – for lack of a better word – indicator species like mutton snappers; if you find out where they spawn, that is pretty much going to indicate a multispecies spot like Riley's. If you get Riley's and Western Dry Rocks, some of these really high-profile multispecies areas where the mutton snappers are spawning. In the Caribbean you could use Nassau Grouper, where they spawn, the yellowfin are going to be there, the muttons and everything else.

But if you set those areas aside in the Keys, then you are going to have the gray snappers and the yellowtails and all that spawning in with them in those same areas along with hogfish that don't aggregate, but they are going to be there spawning. That is kind of the approach I would like to see, a little bit smaller areas, move some of these around, but try to identify really key sites where multispecies spawn. I think that is where we need to be heading rather than trying to take more additional square miles. Just my thought.

MS. MARHEFKA: Don, the more you talk about that; I can't wrap my head around how that would work as far as procedurally, because I agree with Red and I think that these spots that are identified are very important and need to be protected – these spawning areas specifically – as soon as possible.

I hate the thought of slowing down these specific sites; but on the other hand if there was a way to procedurally do some give and take – but this is the problem; the problem is we don't have the information from the first MPAs to know how we would adjust them. But in a perfect world I think that would be the best way to make this palatable, to sell it, to have buy-in.

I also think there is, what, ten existing MPAs -- I forgot; I should know; but, anyway, eight to ten or something like that; then in theory there would be, what, two or three spots off of every state, so that is, what, another eight. We have 16 to 20 boxes in the ocean and no way to enforce it. I just am really, really struggling.

How many cases have ever been made inside not the Oculina, but inside any other MPA? I know we don't have anyone here who can answer; do you know a couple? There is a lot more fishing than that not going on in there, very few compared to what is happening. That is, by the way, not to disparage law enforcement at all, because I think they are doing a great job. They have a hard job.

I think there has got to be a way to make those other ones more effective, the old ones more effective while hurrying through these new ones. Maybe there could be sort of – I don't know, I'm with Don, I think you might need to give something back in some way, and I know you can't do it through this SMZ process.

But while we're here, I would like to get on the record for the council members to listen that I know it is going to be hard, and I know I am going to get shot, I might get shot when I got home for saying this; if we're going to keep putting boxes out there, we need to have vessel monitoring systems; I'm sorry, we just do. If the boxes are going to go out there, we need to enforce them. What is the point of having them out there if we are not enforcing them? You can call my husband and tell him I said that.

MR. JOHNSON: Well, to Kerry's point, the biggest user group is the recreational sector, and you are never going to have VMS for them. That is why I have never supported it for the commercial sector, because I don't know why you would saddle commercial fishermen that are already struggling financially with more regulations, more money, more hoops to jump through when you are really not addressing the largest user group.

In the state of Florida, our recreational sector just – I don't know how many thousands to one there are compared to the commercial guys. I understand what you're saying; but if you want to

put VMS on every boat that goes to sea, then I would totally support it. But until that happens, I would never support it just for one sector.

MR. FREEMAN: A couple meetings back Marcel did a presentation on the current MPAs. I believe the MPA off of Georgia has been in effect for seven years; am I pretty close with that? Less than 1 percent of that box has been mapped out. We have got an MPA that has been in place for seven years and we know nothing about it. Now we want to add more, and we already don't have the funding to even do it to begin with. I don't know; how long is it going to take for us to even get a handle on what we've currently got before we want to try to do more?

DR. KELLISON: Jim, my understanding of the Georgia MPA – and I don't know this as fact, but it is what I've always been told – is that it is almost entirely non-hard bottom. I think most of the mapping efforts; we do need to spend a lot of effort in those MPAs figuring out exactly what is down there. Most of the mapping efforts that have gone on have targeted the other MPA areas where people have known hard bottom has definitely occurred. That is not an excuse for not having mapped those areas, but that is my understanding of the area.

MR. FREEMAN: With that being said; the only one that has been mapped out that I saw was the one off Jacksonville, and the only reason that was done was because the U.S. Navy did that for us. Outside of that everything else, with the limited funding, there have been small amounts done; but like I said we're going to add more to this and we still haven't even done the first ones yet.

MR. DeMARIA: We keep hearing about the enforcement problems with these MPAs. I don't think that should be an excuse for not moving forward. Every time I've been out to Riley's Hump, there has been somebody fishing in that MPA, usually a recreational boat. But there have been several boats from like the Madeira Beach area that have been longlining in it, and one was caught. But still it is ranked as one of the top MPAs in the world; that one.

Just because you don't have 100 percent compliance doesn't mean it is not going to work. It is like banks, we don't have 100 percent compliance with banks – people still rob them – but they basically work. We don't have 100 percent compliance with speed limits on interstates, but we agree that it seems to work. I wouldn't get too hung up on this enforcement thing. We're never going to have 100 percent compliance on anything. But even the level that we have now at Riley's, it is phenomenal. I dived it before it was an MPA and numerous times afterwards. It is remarkable, it really is.

MR. JOHNSON: Just to get off this subject for just a second, Gregg, you alluded to Area 51, but my understanding was in part of this process that we were looking at maybe establishing new artificial reefs as SMZs, basically not taking away something from the fisherman, putting something there that they never had and establishing that as an SMZ. Has there been any more talk or thought given to that?

MR. WAUGH: These two sites were created with that in mind. The council is interested in promoting placement of artificial reef material within existing MPAs that were set up for that. We've got a deepwater – one of the actions we'll get to in a minute is the deepwater area off of South Carolina. We're looking to move that box a little bit to account for where two vessels were sunk. The council is interested in doing that and promoting it. We're interested in doing it

within our existing MPAs or these spawning SMZs right now. Snowy Wreck is another one, put some more material out there in that.

DR. KELLISON: Just jumping back to our previous discussion; George Sedberry, who many of you know, just e-mailed me – he is listening – that at least the MPAs off of South Carolina including the artificial reef MPA have been mapped in their entirety; just an FYI.

MR. FEX: I would like to go ahead and get on to the actions at hand right now. North Carolina; that is out my back yard; Jack Cox brought up those two places up there. I would like to choose Alternative 2 under Action 3 as our preferred for the AP.

MR. ATTACK: Does somebody want to second that? Seconded; any discussion?

MR. WAUGH: Both subalternatives; both sites?

MR. FEX: Both sites, yes. To make my rationale, like I said, Jack Cox chose some places, he is familiar with that area. He talked with the people in that area, so I believe he has run it by them. It is not in my fishing area so it doesn't affect me. We do have a big one off of my area, so I am excluded in fishing in that area, too. I just figured I would make that comment.

MR. GOULD: I will make this comment. The 780 Bottom is a very popular area for our commercial fishermen up there. There are a lot of vermilion snappers that come out of it; there are a lot of triggerfish; and there are some grouper, red grouper and a few gags that have been caught out of it along with some other types of grouper that are legal that comes out there.

The Malchace Area, basically around it a big sand pile, it would be a perfect area to take and start bringing some debris in and use it as a test area there outside of the wreck. Then you could see how things progress over the years as the fish stocks build up; the little fish, then the bigger fish, the predators move in. It would be a good choice of two areas in my opinion.

MR. ATTACK: Any other discussion? Want to vote then? **The motion is to select Alternative 2 as preferred, including Subalternative A and B. All in favor; all opposed. The motion passes.**

MR. DeMARIA: Just a little bit of caution about trying to substitute some of these sites with an artificial reef off somewhere else; I think a lot of these fish have chosen these areas where they spawn; it has taken thousands of years of evolutionary behavior to aggregate there and figure out what currents work. However they chose these areas is unknown to us, but they work. The currents are such that the larval drift goes a certain way. To move outside that and put a wreck and expect that to work just like these historical areas, it might not be a right move. If they sink wreck is right in this same area, that makes sense to me.

MR. ATTACK: Does anybody want to make a motion on Action 4? Do I hear a second? Seconded. Discussion?

MR. JOHNSON: Well, I would be hesitant to weigh in on South Carolina, because I don't live in South Carolina. I would defer to the South Carolina people around the table.

MR. DeMARIA: If we go with this motion here, that eliminates the possibility of establishing Devils Hole as an SMZ, which I am not going to support that, that is an important place.

MR. FEX: My comment to this motion is we're all going to have to give up something. I agree with you, but I guarantee that won't fly. I'll vote on it. It's your state, so, hey, I'm game for it but I'm not going – I figured I would make that comment.

MS. MARHEFKA: I'm not making the decision. Honestly, I don't feel super qualified to make the decision, because I sell them; I don't catch them. I am interested. Is it out of order if I ask Chris to comment on your boats fishing up there in that area? You have more knowledge than I do.

MR. CONKLIN: Chris Conklin; I am a council member, fish dealer from Murrells Inlet. I'm also the janitor and I write the paychecks at my place. Big Fred over here, he fishes for me. There is a lot of production that comes out of that area; the Devils Hole 3. I have a couple of reservations.

This is a motion to establish new SMZs off South Carolina; and the Devils Hole 3 area is 27 square miles. I am still left with some questions on if we are going to establish that whole 27 square miles as an SMZ or are we going to do what we thought we were going to do and go in and pinpoint some small areas in there.

I caution you all to not move real fast into this. It is a real important area economically. It is probably also very important biologically. On the side of economic caution, you guys use your heads on this one, from my stance; maybe Fred can weigh in more.

MR. KRUSE: We need to keep that, we really do, but how much do they want? What are they talking about, 27 square miles, the whole shebang? That is not going to work. It is too important of a spot. I can understand what everybody wants and everything, but that is just too much of an area realistically. It is just too much, 27 square miles. One square mile; that would work.

If you take the whole thing, it is going to really knock a lot of us down, it really is. I mean yearly, not just certain times of the year but I am talking about year round. It is just going to really put a hurting on us, really. It is going to knock down the fish coming in. It is going to knock down the people who buy the fish, who eat the fish and on and on down the line. It is just not feasible to take the whole thing. That is my input on it; that is just too much. We'll get to the triggerfish; we'll definitely talk about the triggerfish. I'm tired of throwing them back, too.

MR. WAUGH: Just to clarify; again, these areas; these names were selected by the council for us to evaluate alternatives within those areas. Now, what we are starting to work up that will be presented to them in December will be subalternatives under these. If you look up here, you've got Subalternative 2A.

We're going to restructure this where what you will have is Alternative 1, no action. Alternative 2 would be to establish spawning SMZs in the Devils Hole 3 area. Subalternative 1 would be the whole area. This is for them to look at in December would be the whole area. There would be other subalternatives going right down to the one square mile that you approved at your last meeting.

We are not talking about for all of these; we are not talking about the entire area that is designated on these charts. This is just to give you an idea of where it is; and there will be subalternatives that the council will be looking at. I imagine they will weed out some of them in December and ask us to look at more analyses on the ones that they retain.

MS. MARHEFKA: That being said, I will go ahead, as much as it pains me, and make a motion that we move forward with no preferred alternative for South Carolina. Oh, did I miss that? I was talking in the back room, I'm so sorry. Forget the motion part; I was talking to Mark.

MR. ATACK: We will handle what is on the table right now.

MS. MARHEFKA: Well, forget the motion part. Let me state that I think it would be – I think it is worth looking at the analysis that will come from looking at all those alternatives within the Devils Hole that we will get after and narrow it down next time. I don't think we're going to figure out the spot now, and I think there might be a way to almost make everyone happy.

I would just caution the council it is obviously one of the most controversial areas and one of the most painful areas, and I think the council needs to keep that in mind as they move forward. If they want this to be successful, I think this is one place where they are really going to have to take a lot of caution. I hope they think about that. but I personally would like to see the full analysis of all the stocks just to see where maybe we can fit a box.

MR. KRUSE: Even certain spots of it; this is a big impact area, really, it really is, believe me. They are coming from not just right off South Carolina. They are coming from North Carolina down and Georgia. Of course, there are no boats out of Georgia but Charlie's boats. The council is going to have to be careful with this one. That's all.

MR. BELL: Mel Bell; council from South Carolina. Just a point of clarification; when we were looking at these sites, we were working with the boxes that we had available to us and therefore the one that was designated Devils Hole was 26, 27 square miles of it. I'm not speaking for my fellow members.

But in our discussion of this, it was never our intention to just automatically, boom, take that whole area off the table. Just make sure you understand is exactly what Kerry was talking about. What we were working with was that had a significantly interesting geological bathymetric feature that looked like it could work.

If you could get that area down to a square mile, which you might could if there is like a really sweet spot in there, then we would get it down to a square mile; but we don't really know until we have done all the analysis of the areas and all. We've already done a little work in there already.

This group a few meetings back was kind of looking at that particular area with that concept in mind of could you get it down to focus it on a specific little square mile or something. Just so you know, we weren't really thinking the whole 26, 27 square miles or whatever it is; but that is the box we were working with within the context of the motion.

MR. JOHNSON: Now, these Area 51s, it actually sounds like some place or something that is not supposed to be there; and we can't even see it on the map it is so secret. This action would basically throw that one off the table, too, is that correct – the current motion, I mean; but we could come back and revisit and make another motion? I'm sure you are familiar with that area. You had something to do with that?

MR. BELL: I can neither confirm nor deny the presence of those areas off the coast of South Carolina. But, seriously, those sites were originally designed, permitted, and intended for this use only. What we were trying to do was –

AP MEMBER: They are already being used in this effort.

MR. BELL: Yes. They have been, and you all have actually seen them if you were at the previous meeting. I can show you video of them if you want to see on a break. They have been in use for some time now in terms of monitoring and demonstrating the concept of an MPA built from an artificial reef.

It was our desire to have these officially designated and officially protected, because right now they don't exist, but they do. At some point the areas will be compromised and they will lose their value. What we wanted to do was include them in this; and, of course, they are in shallower water so it is not the deepwater complex that we're working with in there. That was our intent from the beginning was to have them designated.

MS. MARHEFKA: I will shut up when we are done with South Carolina. I am confident that the analysis that we get back at the next meeting will be very robust biologically. My concern, especially given the importance of the Devils Hole, is how are we going to pinpoint the economic impacts? Is there some way we can obviously throw out the huge box on the logbooks? Is there some way we can do some sort of anecdotal data? We have got to be able to quantify the economic impacts to that area, and I don't know how it is going to be done.

MR. WAUGH: Yes, and that is a difficulty with all of these areas. Unfortunately, the grids on the logbook are useless for area-based management. Quite honestly, we are open to any suggestions for how to get a more fine resolution of area fished. Our thought process thus far has been to, once we look at these areas, get them identified for each of these subalternatives.

We can look at presenting what percent of area in that box and what portion of the catch. We have been down this road before. That is not a good way of doing it. Other than getting input from the experts, you, through the AP and the public hearing, and working with fishermen that actually fish that area, and getting some better idea of what percent of their harvest is coming from those areas; I don't know of any dataset we have that we can look at to do that.

MR. DeMARIA: Just as a reminder; Riley's Hump in Tortugas is not a huge area, but it is incredibly successful. It was well thought out and strategically placed. It is pretty well documented that has been successful. Don't expect Riley's Hump type results up here if you are not going to close down quality-type bottom. It is not going to happen.

My thoughts in the very beginning with this was to go for smaller, more high-quality areas than these huge MPAs that some were talking about that encompassed a lot of sand and not

necessarily spawning aggregations. I think we can get by with some smaller areas if we really think it out well and put them in the right places. Riley's Hump; that is a success story. If you could have seen it before it was closed to now, it is remarkable.

Once the muttons came back, it seemed like they attracted other fish that we never thought would spawn there. There are aggregations of dog snappers, Cuberas that came back; just like Gladding Spit in Belize. I think once one species comes back, other ones come back. If you can pinpoint these areas, it is worth really spending some time to try and find the exact right spot rather than just a huge spot that may be off somewhere.

MR. WAUGH: If I could just offer one thing, following up on that, based on what we know so far the one area that really jumps out like that is Devils Hole. The council has spent some funding of its own money funding some trips in that area. In December they will get the results of some actual on-site work, like Robert was talking about, to document what is going on in that area. We'll have some of that.

MR. HULL: Going back to the general size that is being depicted here, 27 square miles and different sizes, I think that as this goes forward – by the way I couldn't vote on the first one off North Carolina with good conscience, because it said 27 square miles of closed area. I know nothing about the area and the fishermen there; and I am going to vote if you guys need to close that away, I couldn't do it.

If I looked to my area off of Daytona, which we're going to get to, I mean, you talk about the steeples, the Daytona Steeples. I know that area intimately. We make our living there and so do the charterboats and so does everybody. You're talking about the general public seeing 27 square miles and vision yourself going out in the inlet and you've got an area that is basically two miles wide and 12 or 14 miles long, okay – and, so, well, where am I going to go?

Now I've got to travel up here to this distance. I thought that these were going to be – and the people that I've talked to about it – these were going to be focused down. With this it doesn't sound like that is where it is headed. It sounds like we've got this area of 27 square miles, but we're going to focus in on it, guys, and really narrow it down to some really good spots within there.

Well, maybe there aren't any really good spots within there. Maybe they are all just average, the same, and so we're just going to cover all of them. I think the steeples off of our coast, there are a lot of those steeples hold fish at certain times and a lot of them don't, and it changes from year to year. Some of them get exposed and there is life on them and sometimes there isn't. For me as an AP member to sit here and say, yes, I think you should close down that area off of South Carolina, I can't do that unless I have more information that says if you do this it is going to improve this fishery so much and everybody in South Carolina thinks you should do it, too.

DR. DUVAL: I can't emphasize enough that it is not 27 square miles, Jimmy. We only use these names as a way to say this is kind of the general area that we're looking at. It is very much the intent to have small, focused areas. It is not the box that you see on the screen. I don't know how many times I need to say that. It is just getting a little bit frustrating sitting here in the back of the room listening to you guys focus on 27 square miles in a box or 50 square miles in a box or something like that; because that is not at all the council's intent.

We said we need to rename these, whatever the alternatives are called in the document as NC1, NC2, and NC3 so people get off this focus on a particular box. It is unfortunate that the boxes have taken on a life of their own as a result of the MPA Expert Workgroup work. That group did a lot of really good work and brought together a lot of information; but the council's intent is to look at small focused areas where we are just looking at the area where spawning activity is occurring; it is not 27 square miles.

I am a little bit concerned by the conversation here, because I feel like you guys are getting a little bit ahead of yourselves in selection of preferred alternatives or recommendation of selection of preferred alternatives without having seen anything coming back. I think if there is input on this piece of this general area where the council is interested in getting some additional groundtruthing like for the Malchace Wreck, like for the 780 Bottom up off North Carolina, great. I think that would be incredibly helpful.

Any kind of information that we can have to focus these areas or even to say, you know, there isn't any spawning activity that is going on in this area; so if you are looking for something, you might want to try a different area. Please, please, please don't focus on this is a 27 square mile box that the council is looking to make another closed area, because that is not at all the intent. We clarified that in a motion that is contained within this document. I just implore you all to please keep that in mind as you are having your discussions.

MR. ATACK: Okay, I think we have had enough discussion on this one. Bring it to a vote; we have a motion on the table. **The motion is support Alternative 1 as a preferred option. I guess everybody in favor of that motion raise your hand; all opposed raise your hand. The motion passes.** Do you have a motion you wanted to make, Kerry?

MS. MARHEFKA: The motion I was going to make will override this motion. **I don't know how that works, but my preference, if I were to make a motion, it would say to choose no preferred alternative at this time and wait and see what the analysis is and deal with specifics later.**

MR. ATACK: Does anybody second that? Okay; discussion.

MR. HULL: I think that is what we need. Yes, if we are going to go forward with this, we need more information. We need more analysis. We need more definitions of what Michelle is talking about. How are we going to refine these things down to where we're at? If we are just saying, yes, let's move forward with SMZs; that is pretty much what we said already.

Now we are just saying, yes, well, here is a box and inside this box we may develop a special spawning site that might be as small as a mile. Yes, I agree with the motion. I think that is what she is saying is we need more analysis and we need more information to go forward.

MR. FEX: This motion makes us kind of look dumb.

MR. ATACK: We heard a lot of discussion about how we're going to get more information. There are going to be some presentations later on. It is going to be better refined before it goes forward. At that time I think you should really pick your preferred. Anyway, anymore

discussion; do you want to vote on this motion? All in favor to not choose preferred alternatives at this time raise your hand. The motion passes. Let's go to Georgia, Action 5.

MR. WAUGH: Again, we're not looking for you to pick a preferred. These are the areas, the general areas that we've been asked to analyze. There will be subalternatives under all of these. You will have expanded analyses at your next meeting. If you have any recommendations on areas within these areas, as Michelle pointed out evidence of or no evidences of spawning, that would be helpful to inform our analyses.

MR. SNYDER: Could I create an Alternative 3 under a motion?

MR. WAUGH: Sure.

MR. SNYDER: I would like to make a motion to investigate the following new Spawning SMZ areas off of Georgia rather than use the word "establish", just create the word "investigate" possibly? The two areas already defined under Subalternative 2A and 2B; investigate or use the word "analyze" instead of the word "establish".

MR. JOHNSON: I'll second it.

MR. ATTACK: Any discussion?

MR. JOHNSON: I have some discussion. This is just a question I guess for council staff. Is there really going to be analysis ready for us? Is there really going to be all this stuff done? It seems to me we have been right here for several years now wanting more information about these places. We always say, well, we can't make a decision because we don't have enough information to make an informed decision; and I agree with that. When are we going to get the information I guess is my question. Is it going to happen?

MR. WAUGH: Well, let me recap the timeline. I believe it was April you met last. We presented this idea for a new approach. You approved that new approach. That went to the council in June. The council approved that for scoping. We did scoping in August. We presented the results of the scoping to the council in September. They selected areas to be analyzed; and now we're in October.

You happen to be meeting, so we are giving you another shot at commenting. There will be some level of analysis for the council in December. But as you will see in a few moments, they added a couple of new actions to this which will likely defer their approval for public hearings from the December meeting to their March meeting. We'll have analyses for it going out in March. It hasn't been sort of years. That is our normal timeline.

MR. JOHNSON: I'm sorry; it just feels like years. It seems like we've been talking about this issue for quite some time. I've heard it at council meetings and I've heard it at AP meetings over and over again we really don't have any information what is going on inside these places. It is always the same discussion. We always defer a decision based on our lack of information. That is just the point I'm making. Hopefully we're going to have some information so we can make a qualified decision.

MR. WAUGH: You will at your next meeting, yes.

MR. ATACK: Anymore discussion? I guess my comment on this motion is I think they were doing it anyway? That is what they are doing is investigating to establish the following spawning areas. Is there any more discussion on this motion? **We'll go for a vote; add Alternative 3, investigate the following new Spawning SMZs off Georgia, which is basically Subalternative Candidate Area GA1 and GA2, right? All in favor of the motion. Okay, the motion is approved.** Any other comments or suggestions about Georgia?

MR. SNYDER: I make a motion to make Alternative 3 the preferred, please.

MR. ATACK: Does anybody second? Okay, nobody seconds it. If nothing else, we will move on to Florida.

MR. WAUGH: As I said, during scoping we had some suggestions to modify the area called the Warsaw Hole, and we are getting some specifics from the individual that made that suggestion. The areas that we've been asked to analyze are the Warsaw Hole and the Daytona Steeples. Again, the Warsaw Hole; that area is two square miles.

I believe we have subalternatives under there to go down to one square mile. Then the Daytona Steeples, we will have subalternatives that range from 27 square miles down. That will be presented to the council in December. They will weed out alternatives there. The Daytona Steeples are included within that Coral HAPC that was extended through Coral Amendment 8.

There are some restrictions already in that area that makes it approximately 50 percent as effective as an MPA. What this would do is prohibit – if we did select some portion of that area as a spawning SMZ, you would not be able to fish for or possess snapper grouper species within that area. The regulations that are being promulgated under Coral Amendment 8 would prohibit anchoring. What we've been told is to effectively fish that area you need to be able to anchor.

MR. ATACK: Any motions or comments on Action 6?

MR. STIGLITZ: I like Alternative 1, take no action. We went through this at our last meeting about the Warsaw Hole. In the Keys we've already got miles and miles and miles of these places. Rob is already talking now that since we wouldn't go for Western Dry Rocks, the Sanctuary is already working on taking more and more of these protected areas.

We're overrun with them in the Keys. I don't know about you guys and your Steeples, but I'm not for any more MPAs where we are at until they get it worked out; the ones that are there, that they know that they are working and can monitor them and do it. Adding more to it, to me is ludicrous.

MR. DeMARIA: I completely understand your frustration with the Keys, and I agree with you. I think there is enough square miles in the Keys closed down. I just don't feel it is in the right area. Some of those areas like called the Sambos, it went from the shore out to the reef; that was one of least resistance. There is nothing that is really documented that even spawns in that area, but it is closed. If we could take so many square miles out of that and transfer it to somewhere that may make a difference like the Warsaw Hole, I think that is worth looking at.

But an area like the Warsaw Hole, no one has documented any Warsaw spawning there; but the historical, anecdotal data from fishermen indicates that they do. They were catching 12, 15 fish at a time and they were ripe. It seems like probably they were spawning. I think it was July when they caught them.

I wouldn't really throw that one out; maybe an alternative like reconfigure some of them in that area or something like that. That may have been an important area, and I wouldn't want to overlook it or whittle it down to a postage stamp size thing like a square mile is not going to do much.

MR. MOSS: At the risk of beating a dead horse, which I know we all have already, but the verbiage on all this stuff is, for lack of a better term, just really bad. But the two alternatives, it either says there are no spawning SMZs off Florida or to establish entirely new Spawning SMZs. Then when you go down to – and I understand that we're not supposed to focus on the boxes; but I'm a pretty black-and-white guy and what it says in writing is the 27 square miles, whether it is off of, I think it was North Carolina, whether it is off of the Steeples and things like that.

I like what the other Dave did in establishing a new alternative of investigating these and the small little area and not making these huge 27 mile swaths. I understand that we're not supposed to focus on that; but unfortunately what it has in writing says that is what we're doing. I think that is where the difficulty is coming in all of this.

MR. WAUGH: There is absolutely no difference in those two motions that you just approved. I mean the council is going to evaluate – we're evaluating it. The wording is to establish it; that is the action. You are spinning your wheels; you are getting hung up. We've told you 18 times that it doesn't mean the whole area.

Either let's stop talking about it or wait until it comes back and you see the document; let's do that because my temperature is going up, yours is going up. I don't know how to tell you a different way. There is obviously no trust. That's cool, I understand where we are. Either offer us some input or let's move on.

MR. ATTACK: Any input?

MR. GOULD: All right, there is a lot of opposition. Gregg's blood pressure is up, mine is up, and everybody's is up. I would suggest going in close to these areas where there are vast expanses of sand, close to the areas, but no in them; enlisting the help of the NGOs that are very, very good at raising funds to create SMZs from scratch; old building, old bridges, it could be two mile squares; it could be four-mile squares.

Experience with the artificial reefs that have sunk off the coast of North Carolina, it is almost instantaneous fish start showing up on them. That would give the scientists a chance to see it from its inception what goes on, how fast the fish build up on it. If it is close enough to a spawning aggregation, there is going to be some bleed over from the spawning area to this over time.

But you are talking about a plethora of information that is just waiting there if you would start from scratch instead of going in there and taking bottom away from people, which takes away

from their livelihoods. You can start from ground zero; it is like a start of a new evolution. That would be my suggestion; have the people that have been trying to regulate everybody out of business for years go in there, do fund raisers, put on their websites; hey, this is a new concept in fisheries management. This will give us an idea of how fast fish grow. Nobody would be fishing in it and everything would be copasetic. That is my thoughts on it.

MR. DeMARIA: I'm going to disagree with you. We've got sites that are already proven to work that have been established over thousands of years of evolutionary behavior. Why alter it? Why reinvent the wheel? These places where these fish spawn, this is like the goose that laid the golden egg. If you had a goose that laid eggs like this, would you kill and eat it or just continue to take care of it and maybe harvest the golden eggs?

MR. GOULD: Don, the point of this is you wouldn't be taking the golden egg out of the goose. You would be producing a new goose that can lay a golden egg and watch it from its inception. That is my point. You can start from ground zero, build it up and look at how this develops. You've done enough wreck diving I think to see where a wreck was first put down. How many days before fish started showing up on it? As the growth grew, you got more and more and more and more. That is what I'm looking at.

MR. DeMARIA: Yes, but as far as spawning sites, we don't know that those wrecks will work. There are different current areas, and these other areas have been proven to work over thousands and thousands of years. Whatever makes it work, we really don't know. Why alter that when it is already established there? If we can make them as small as possible. One square mile is a little bit too small, but I just think we ought to work with what we've got there that is naturally there and the fish are coming to these areas. Riley's Hump is proof.

MR. GOULD: Okay, Don, the way I look at it you are an expert in the ways of the Keys. Your mutton snapper, they aggregate in one or two places. I mean, there is a big orgy or reef procreating and everything. Up here where I'm at, just about every rock that we go to is a spawning area.

You go there, the fish you catch off of them, they are full of roe. When they are spawning, when they are laying their eggs, you move off into sand to catch them. That is where they are laying their eggs at. Not just one, not just two rocks, but hundreds of them off here. That is experience with the vermilion snapper, the silver snapper, and the black sea bass. What I'm saying is you can do this; nothing ventured, nothing gained. But I think it would pay off in the long run to give a good timeline of how things evolve in the ocean in a controlled atmosphere.

MR. JOHNSON: Can I make a motion? I would like to make a motion that the AP holds off on any decisions until after council staff gives us the analysis on this stuff, so we can make an informed decision.

MS. MARHEFKA: Second.

MR. JOHNSON: I will add this, though. Sooner or later we are going to probably need to make a decision or somebody is going to make it for us. That is all I'm going to say; either we make it or someone will make it for us and we may be less happy with theirs than the one we could make.

MR. ATACK: Any discussion or are we ready to vote? **All right, the motion is the AP holds off on any decisions until council staff gives us the analysis, so we can make an informed decision. All in favor of the motion. I think it is unanimous. The motion is approved.** Now on this I guess we have two more actions. The next action to read and look at is Action 7, about whether to move the existing Charleston Deep Artificial Reef miles to the northwest to match the boundary of the permitted site.

MR. JOHNSON: I was thinking maybe my motion covered all this, maybe not, but we're making decisions no one is comfortable about making because we don't feel like we have enough information.

MR. ATACK: Did you read Action Number 8? Action Number 8 is consider time spawning closures, whether or not we want them to do that or not.

MR. JOHNSON: Is that within the SMZs only?

MR. DeMARIA: I would like to make a motion to remove that from consideration; the reason being it doesn't make much sense to propose spawning site area closures in addition with seasonal closures. It is a bit too much, I think. I believe we should have one or the other. I would say just remove Action 8, put in a different amendment or somewhere else.

MR. ATACK: Or considered but rejected.

MR. DeMARIA: Just remove it from this amendment completely.

MR. JOHNSON: I'll second.

MR. ATACK: Any discussion? All right, Richard.

MR. STIGLITZ: If you remove that; say they come up with some of these places and it is a spawning place and it is only being used three or four months a year for spawning, why couldn't it be opened up the rest of the year?

MR. DeMARIA: Because we're looking at specific multispecies spawning areas; and like Western Dry Rocks, there is something spawning there year round. You really can't open it up for just part of the year. You are looking at very specific smaller areas because this AP and everyone else didn't want large areas. I think we've already compromised on this quite a bit.

MR. STIGLITZ: I understand Riley's, and I understand Western Dry Rocks, but I don't understand the place the Terrell fishes. He says he's got rocks that they spawn on. I don't know what happens three months later. If there is nothing spawning on it, there is no reason for him not to be able to go in there and fish on it.

We've got places we catch yellowtails on that they are spawning, and two months later you can go back there and catch more yellowtails and they are not spawning anymore. I understand it for what you are saying for Riley's and maybe Western Dry Rocks, but that is covering everything. I'm sort of against it, not for our specific places but for the whole complex.

MR. DeMARIA: Can I say one more thing? The way I'm looking at it, Richard, is to have SMZs along with spawning closures, which would mean outside the SMZs, too, I assume. It is just a bit too much to have both. We're going to close an area like Western Dry Rocks to mutton snappers; but then outside during May and June you are not going to be able to catch them either. That is kind of what that says to me. I think it is a bit too much for fishermen.

MS. MARHEFKA: Can someone clarify what the council meant by that? Did they mean in those SMZs or in general?

MR. WAUGH: When this discussion started out, it was worded to apply within the SMZs and it included gear restrictions. Then it broadened to apply throughout the whole area. The council still has the flexibility within setting the spawning SMZs to have those apply year round or seasonally. The way it ended up would apply throughout the area. We've already got an action in – we talked about it a little bit in our joint amendment with the Gulf on South Florida Issues, looking at modifications to that four-month spawning closure.

MR. ATACK: Okay, anymore discussion? Ready to vote? **The motion is remove Action 8 from Amendment 36. All in favor; all opposed. The motion passes.** That is it for Amendment 36. Let's take a break.

Let's come back in here and get started again. We've got one more motion that Don wanted to make on the last amendment, so it is up there on the screen. This is for Amendment 36. The motion is that for every square mile the council closes with the new SMZs, they open an equivalent amount of previously closed areas. Could we have a second to that motion? Discussion.

MR. STIGLITZ: I would like to see it two for one. You've already said we've got areas that there is bottom that is not being used and everything else. If you are going to take a core spot and give me back the same thing in square footage that is nothing; make it two for one, because there are tons of these areas that have nothing on them. I think if you made it two for one it would go over better.

MR. ATACK: Are we asking for a friendly amendment? Okay, Kerry.

MS. MARHEFKA: What if we just say at least an equivalent amount because we could get bogged down all day. I think the purpose is just to get it to the council and have them begin the discussion of how this may work with the procedure. Let's just get the discussion on the table formally.

DR. KELLISON: I was just going to make the point that I think many of the areas that you are concerned with in the Keys are areas that the council has not had anything to do with. Those are the areas that were established by the Office of Natural Marine Sanctuaries. There may be some issues there, so I just wanted to point that out. Just noting that.

AP MEMBER: I would just be concerned about an equal amount of previously closed areas. They are going to give you back sand. If it is going to be equal amount, at least viable fish habitat or something like that. Yes, because you are going to get sand back when you do that; there is no doubt.

MR. STIGLITZ: They want a mansion and they want to sell you a mobile home.

AP MEMBER: I think you are just going to get the field. You can start working on that.

MR. ATTACK: Robert, and then we need to vote on this.

MR. JOHNSON: I will be brief. I like the intent of the motion. The only problem I have is some of these MPAs we've had in effect; Riley's Hump took X amount of years before we really started seeing benefit from it. We've got some of these things, they are established, fishermen know where they are, they have adjusted their lives to live around them.

Maybe now about the time they start working, we're going to go in there and start taking back from them. It is just something to think about. I know the intent of this is to get more buy-in from fishermen. I don't have a problem with it. I understand you don't want to just get sand for good habitat, but there are probably some of the existing MPAs that are doing a good job and should be left; just my own two cents.

MR. ATTACK: **No more discussion, we will read the motion: for every square mile the council closes with new SMZs, they open at least an equivalent amount of previously closed areas. All in favor of the motion; all opposed. The motion passes.** Everybody but one. Okay, now we're moving into the Amendment 35 Decision Document.

MS. BROUWER: This is an amendment that was scoped in August; and as we talked about earlier, it is looking at removing four species from the Snapper Grouper FMU. Originally Nassau grouper was included in here, but then at the June meeting the council decided to pull that one out and just deal with the remaining species.

The reason for the amendment is because landings of these four species, black snapper, dog snapper, mahogany and schoolmaster, are very low, especially in states other than in Florida. I will show you the landings that have been actually aggregated, because there are so few landings that some of the information is confidential, but there are very few landings.

Also, the council has already been through this exercise when they put in place the ACLs for species without assessments in the Comp ACL Amendment. They removed, I believe it was 13 species for similar reasons, either landings were almost exclusively in state waters or there were not landings at all. Tiger grouper I think was one that got removed for that reason.

Also the Gulf Council has already removed these species from their FMU. Again, here we are looking at Florida taking over management for these four species. Their regulations would be extended into federal waters. Florida has already expressed the willingness to take over management.

At this last council meeting, the council revised the purpose and need for this amendment. You see that up on the screen, I am not going to read it. It is pretty straightforward, simplifying federal management for snapper grouper species. Again, these are the four species under consideration. Another thing that the council did – well, before I get to that, let me show you what the alternatives are. They have been broken out into five alternatives to give the council maximum flexibility.

If they want to just remove one or two or three, they can go ahead and do that or just pick all four of them as their preferred. Then the other issue that was added to this amendment at the September meeting was one that would address the Golden Tilefish Longline Endorsement Issue. But before I get into that, I was going to show you the appendix that shows the landings.

Basically, we just have these little blurbs in the back of the scoping document that show you that, for example, from '86 to 1990 there was zero pounds of black snapper, less than 500 pounds in '91 and '92, less than 5,000 in '93 and '94. We've compiled the available information and aggregated it to give you an idea of the magnitude of these landings. You can just take a look at that and see that they are very low.

Because the council directed us to put this amendment to include the Golden Tilefish Endorsement Issue in this amendment at the September meeting, we haven't yet had time to do that to physically put the two together. There is another attachment in your briefing book that has the options for what that action would do.

As I believe I mentioned earlier, the issue here is that golden tilefish longliners, if they transfer their endorsement to a different vessel, then they officially, legally can fish on the hook-and-line ACL from a vessel that doesn't have the endorsement. The other thing that apparently has been happening is they can also delay renewing the endorsement, so that it is technically not valid for a period of time; and then they can go ahead and fish on the hook-and-line quota.

Those two things have allegedly been happening, and so the council wanted to address that. We put together this options paper for them to look at in September. Here are the alternatives for that. Alternative 2 would add this language that would say that an endorsement has to be valid or renewable. Vessels with valid or renewable longline endorsements would not be eligible to fish under the hook-and-line trip limit.

Alternative 3 keeps that language, but then it goes further to say that they wouldn't be eligible any time during the fishing year to fish under the hook-and-line trip limit. Then Alternative 4 gives the council the opportunity to allow for this to happen. Back when the endorsement program was developed in Amendment 18B, the council made it clear that their intent was for the longliners and the hook and liners to have their separate quotas, their separate trip limits, and there should be no overlap; no double dipping basically, and they made that clear.

Perhaps they want to change their mind, so there is an alternative in there that would allow them to do that. These are the alternatives that would address that issue. They are going to be migrated to Amendment 35. The plan is to have a public hearing document for the council to approve in December.

Then we'll do public hearings in January, and then it goes back to the council March with final approval in June. That is what we're looking at for this one. The AP obviously is welcome to make any recommendations or suggestions. Obviously, the council hasn't picked any preferred yet, because we don't have a whole lot of analysis to show them as far as the endorsement issue goes.

MR. JOHNSON: Myra, I just have a question. Did the hook-and-line sector in the golden tilefish fishery catch their allocation this year?

MS. BROUWER: Yes, they did.

MR. JOHNSON: They did, okay, thank you.

MS. BROUWER: The longliners reached their quota really early, March 5th, I think it was. That fishery was opened just for two months.

MR. FREEMAN: A couple years ago when all this got started, I believe Mr. Hartig was asking to have two separate endorsements, a hook-and-line endorsement and a longline endorsement. What stopped it?

MR. FEX: The rationale was that – I know from my perspective was the longliners got an endorsement for that gear, because that gear is specific. It takes a lot of money, a lot of stuff involved. Bandit gear is not specific; every one of us that has a commercial vessel pretty much has bandit gear.

I didn't want all of a sudden the longliners to have their piece – and I understand they got their piece, but then the hook and line to have theirs but not endorse them. Just because I have a bandit gear, if I want to be able to do it, I should be able to do it, too. The longline gear was so expensive, that was just a specific gear. I voted personally towards not having an endorsement for the hook and line for the fact that I should be able to do it, too, just because I have a bandit gear. I don't know if that clarifies. I didn't think it was right just because one person had a couple golden tiles in hook and line, that they should get an endorsement.

MR. FREEMAN: But like in every other fishery that we've taken part in, if you didn't qualify, we've all had to buy permits and buy endorsements in order to fish in that fishery. If a hook-and-line endorsement was in place, we wouldn't have any of this mess that we've got going on with double dipping and different things that are taking place on that. That is just a thought with that.

My next question is what if you have two snapper grouper permits? You've got two grouper snapper permits, you fish for your longline endorsements under one, pull that grouper snapper permit off and put your next snapper grouper permit on that boat, re-document the boat to that corporation, then you go fish it hook and line, because that is what I did this last year.

Now that boat can't do it again. But at that point in time, I had an extra grouper snapper permit that I purchased, fished the longline endorsement, and then under that corporation re-documented the boat that fell underneath that corporation that allowed me to go fishing. I didn't take and transfer that permit to another vessel or anything like that. But now there are talks of other people that are just going to purchase another grouper snapper permit and just swap out. The only way I can see how to stop it is to go to a hook-and-line endorsement or something like that.

MS. BROUWER: Well, at least the benefit in what you just said is if you buy the permit, you get the history with it, you get the catch history with it. But endorsements, they have no catch history associated with them. How effective is it; is it worth the money?

MS. MARHEFKA: Is the intent to stop the same person from fishing in both fisheries or the same vessel from fishing in both fisheries, because I can see – and again, I remember because I

had a discussion in Hatteras. I do think this sort of stems from the majority of these tilefish being caught up fairly quickly in Florida and not giving other folks a chance. I think to have that overarching intent is important in this discussion.

But on the other hand, if I'm one person and I have a little boat that goes fast and I have a big longline boat, and they both have snapper grouper permits, and the longline boat has the longline endorsement; I don't know that it makes sense to me that person then can't get in their other boat and go from a fairness perspective.

I think the intent of what the council is trying – I see what they are trying to do but it is complicated. The hook-and-line endorsement essentially is your snapper grouper permit. Do you see what I'm saying; you have to have a snapper grouper permit. Not everyone can just go catch golden tilefish. You do have one in a sense.

MR. JOHNSON: The problem I have with that line of thinking, Jimmy, is then B-liner fishermen are going to want a B-liner endorsement. Everybody is going to want an endorsement for whatever species of fish they fish for; and that is going to be a slippery slope. I understand what you're saying, but I am not sure how many new participants jumped into the hook-and-line golden tilefish fishery.

My understanding was the reason they set that aside was for the boats in Carolina and for some boats in Florida, because you have that area down south somewhere where there is no longlining, right, and there is a lot of golden tile. That was to allow the commercial guys to be able to fish that area. I think that is why they set it up the way it is.

MR. OSBORNE: Jimmy is right; when we originally were working on that endorsement thing, the longliners wanted their piece of it and they wanted an endorsement. Well, the bandit boats that were currently participating, we wanted an endorsement, too, because under the small allocation that we were going to get – I didn't want any endorsement; but if the longliners were going to take their share and get an endorsement, then really we needed an endorsement, too, in the bandit sector.

Otherwise, you are leaving this little piece of pie for anybody and everybody to jump into; and now you have defeated the purpose of that 25 percent allocation. It doesn't go very far when it is a free-for-all. I was kind of disappointed when we came back to the next AP and the bandit endorsement was gone. It wasn't even on the table any more.

But, yes, we do have that piece down there below St. Lucie Inlet where there is no longlining, but even for the guys that are above that that are bandit fishing where you do have longlining going on; you can't even compete until after the longlining is over with. It is unfeasible. I thought that the bandit endorsement would have been a great idea. We're going along without it. It just depends over time how much more effort you get in that fishery if it is going to work out of not. We didn't make it to the fall already where we needed to. That is another issue, but we need to change the start date on that.

MR. JOHNSON: To that point; I guess that is the intent of this is to try to eliminate some people from double-dipping, so to speak. Now if you've got two permits; obviously, if you have two boats, then obviously there is no reason you couldn't hook-and-line fish with your boat that

didn't have a longline endorsement. Now if you have one boat; I don't know that is the question, I don't think I could answer or probably no one in this room could answer right now. I just hate to see another gear endorsement, because I got burned once already by a gear endorsement. I'm still toting that baggage around as some say.

DR. DUVAL: This just speaks to kind of the history of why the hook-and-line endorsement went away. Again, it gets to the point that Kerry made. When we looked at qualifying for the endorsement similar to how the qualifying poundages were developed for the longline endorsement, the only people that would have qualified were those in Florida.

It would have been an entirely Florida fishery. The issue was that the quota was being caught up so quickly by Florida, maybe a couple boats just north of Florida, that it wasn't allowing any access to the resource by any other vessels north of that area. By not putting an endorsement program in place for the hook-and-line sector, it would allow other boats hopefully further north to be able to have some access to that quota.

The quota was all being caught up before weather and other extenuating circumstances was allowing people to get out to the resource. The other thing that we looked at was – and I think it was the trip limit as well. There were a bunch of options for the trip limit I think, 300 pounds, the 500 pounds that we settled on; and I think between establishing a trip limit and establishing a hook-and-line endorsement program, you would have not allowed for that entire hook-and-line 25 percent of the overall ACL to be utilized.

It would never have been completely utilized or fully accessed. That was the reason for not moving forward with a hook-and-line endorsement. I think at that point we already had a couple endorsements on the books. There was a little bit of concern about moving forward too quickly with more endorsement programs before seeing what the impacts were of the sea bass pot endorsement and the longline endorsement for golden tile. I just wanted to provide a little bit of history that's all.

MR. ATACK: Well, these are the four options. We could give council what our preferred option might be or a different option.

MS. BROUWER: Out of these four, Alternative 3 is the one that would capture the original intent of the council, because it would prevent anybody any time during the golden tilefish fishing year from fishing on that hook-and-line trip limit.

MR. FEX: Yes, I make a motion that we choose Alternative 3 as our preferred.

AP MEMBER: Second.

MR. ATACK: Any discussion?

MR. THOMPSON: A quick question, because I really don't see where the double-dip is really that big a deal. I know if I fished more golden tile I would probably feel different; but how many boats that have the longline endorsement are potential double-dippers? I mean, really, is there that many out there?

MR. FREEMAN: Twenty-three endorsements; out of the 23 I think, did we hit 17 that actually fished it, 19 or something like that actually fished.

MR. THOMPSON: You had 17, 18 boats or something like that that had longline gear that could have potentially double-dipped. How many really did? Just guestimate? You obviously did one; we know about one.

MR. FREEMAN: With mine, it was once the season closed up, after I purchased it; and I can't see how you can go back and do it any other different way with it, because that boat is now in that corporation and it is totally done with it. Out of that; up from Cape Canaveral to Daytona up in there, no one that I know of. No one that I know of double-dipped it. As far as down south, I don't know.

MR. THOMPSON: Like I said, I just don't see that much on this. I don't have enough knowledge. I was trying to get some more that many could do it.

MR. OSBORNE: Well, regardless, it is a problem, because the hook-and-line allocation is so small. A guy that goes out and catches 60,000 pounds of tilefish under the longline fishery and then wants to turn around and come dabble in that other 25 percent; it is a big deal. I mean it is a big deal. The way the thing was written, they weren't supposed to be able to do that. We settled on the 25 percent as long as they stayed out of our fishery, and that is kind of the way it went down.

MR. THOMPSON: They want more percentage of it.

MR. OSBORNE: No, I think that what we are working on is pretty good under the current participation level. We got to fish quite a while. We need to change the start date. We don't need to be going bandit fishing at the same time the longline boats are starting their season. There is no reason to even do it. But that is another thing, but it is an issue, to overlap is an issue.

MR. MUNDEN: It appears to me that the longline fishermen have found a loophole, which they have taken advantage of. Since Alternative 3 was the original intent of the council, then I support that.

MR. ATACK: **Okay, if no more discussion we'll go ahead and read the motion: recommend Alternative 3 as the preferred. All in favor; all opposed. It passed unanimous.**

MR. JOHNSON: I'm not sure how to make the motion to cover all four species, but obviously we need to remove them. I guess I make a motion to choose Alternative 2, 3, 4 and 5 as our preferreds.

MR. DeMARIA: I guess that means you would not need a snapper grouper federal permit to fish for those and sell them, correct?

MS. BROUWER: Right; they would not be federally managed anymore, so, no, you would not. You would be bound by whatever regulations are in place in the state of Florida. Florida then would extend the regulations into federal waters. That is how it would work.

MR. DeMARIA: I would think in Florida then if a federal license wasn't required, then all you need is your salt water products license, your restricted species to sell those snapper. The problem I have with that one is we've got a whole new generation of young divers in the Keys who like to free dive.

For fish like for the black snappers, that is not going to be a problem; but mahoganies and the schoolmasters, if they don't have to have a federal permit, they are going to target those fish. Those fish school up in very specific places year round. Year after year they are in the same place. These guys will just hammer those to nothing.

They are all in 20, 25 feet of water mostly right along the reef. Mahoganies and the schoolmasters are going to catch hell if you go with this thing in the Keys. I'm not going to support this one just because of those two species.

MR. JOHNSON: I'm not sure how the law reads. I know you have to have a valid South Atlantic snapper grouper permit to sell reef fish in addition to having a salt water products license with a restricted species endorsement. You are removing him from the council's jurisdiction, but it is still a reef fish. I would assume that would still be in place.

MR. DeMARIA: I don't know.

MR. JOHNSON: I don't know either, but I would think that would be the intent. You walk into a fish house; they need to see your federal permit and your salt water products license with your RS.

MR. DeMARIA: I know, but if they are not part of that management unit anymore, is it required? I don't know; I don't know the answer to that one.

MS. BROUWER: What Gregg just indicated is that it would be up to the state of Florida to make those decisions.

MR. ATTACK: Any ore discussion? **All right, we'll vote on the motion that the AP recommends Alternatives 2 through 5 as preferred alternatives. All in favor; all opposed. One opposed. The motion carries.**

MR. JOHNSON: Is it possible to just put a recommendation that the state of Florida considers requiring a valid South Atlantic snapper grouper permit for the sale of these species?

MR. ATTACK: Is that your motion?

MR. JOHNSON: I can make that in the form of a motion.

MS. BROUWER: Did I capture that, Robert? **The motion reads recommend that the state of Florida require a valid snapper grouper permit for the sale of these species.**

MR. ATTACK: Any discussion? With none, then I'll read the motion to recommend that the state of Florida require a valid snapper grouper permit for the sale of these species. **All in favor**

of this motion; any opposed? One opposed. The motion carries. That is all that we have for Amendment 35. Next would be Amendment 22. Do you want to go into that now?

MS. BROUWER: For Amendment 22 what I had in mind is to go through the presentation that the council received at the September meeting from the Regional Office, which sort of goes into a little bit more – it kind of recaps where the councils come from, the decisions that they already made, how the Regional Office sort of envisions the program running. This is for the harvest tag program for deepwater species.

There is an estimate of costs and stuff like that. But as I said this morning, what the council did in September was to delay or postpone development of that amendment; and instead they have requested that somebody from the North Carolina Division of Marine Fisheries come and give a presentation on their catch card program at the December meeting. The presentation is not very lengthy, but I think it is going to take more than 15 minutes. It is up to you if you want to get into that right now, or tomorrow, or at all.

MR. ATTACK: I think we would like to get into it.

MS. BROUWER: Okay, this is Attachment 7 in your briefing book. Obviously, I did not put this together, so I probably don't have a lot of detailed answers if you have any specific questions. As you know, the purpose of Amendment 22 would be to establish some kind of framework for how a harvest tag program would work for snapper grouper species.

Right now the council is only considering the deepwater species, but they did talk about potentially making it so that they could add or remove species as needed, depending. The purpose of it all is to just keep track of the ACL. This is for species like snowy grouper, golden tilefish; things that have very low recreational ACLs that are very hard to track.

As you know, the one for snowy grouper keeps on getting exceeded by a lot. Here is the recap. We still are at the options paper stage. I can't tell you how many versions of options papers we've had with all different kinds of criteria that the council can consider should they develop this any further.

We've been working on it on and off since December of 2011. Here are the decisions that the council has made so far. They have discussed a lottery program. Fishermen would receive a tag in a given year and participate in the lottery the next year. One lottery participant would not be able to receive multiple tags while others received none.

There would be a mechanism set up to where the tags would be distributed more equitably. The council decided that this would be open to any U.S. citizen to apply; that the tags would be non-removable, one-time-use tags, so something that you can physically attach to the fish when you land it.

Here are some more caveats of how the lottery would work. If the number of tags is equal to or more than the number of lottery participants, then each participant should receive the number of tags with any remaining tags allocated again via lottery. They want to keep it very equitable. Then, of course, there is a data collection component that they did talk about a good bit.

We did receive presentations from other agencies, out west even, in how their catch card programs have operated, how much they cost and all that. The South Atlantic Council decided that a data collection component was not something they really wanted at this time. Their main intent is to just keep track of those ACLs.

Here are the current actions – again, this is still at the options paper stage. Action 1 would establish the program. Action 2 would have the eligibility criteria for individuals or entities that would participate. Action 3 would then establish the issuance process for whatever species end up in here; and then Action 4 was put in there because, as I mentioned this morning, depending on how the council designs it, it could be considered a limited access privilege program.

If it is designed in such a way, then we would need to have a cost recovery program as well as part of it. Here is how the tag program could potentially work. The council would develop an amendment, select species to be included in the tag program and then establish that issuance distribution. People would be notified of the lottery and how to go about applying to enter.

There would be a web-based application that could be developed for this purpose, and then, of course, there would need to be some information provided to establish citizenship in order for them to participate. Then people would be notified electronically whether they are eligible to participate. We would go through the whole exercise of figuring out how many tags are available versus how many people want to participate and then issue the tags accordingly.

Then people that are eligible would submit electronic payment. Then there would be, of course, like a set period to purchase the tags. The tags would be distributed to individuals by the National Marine Fisheries Service or a contractor. These are the two options that the council has talked about.

NMFS can't charge anymore than the administrative cost of running the program; whereas, if it was done through a contractor or through a state agency, there would be the option of collecting a fee that could then be funneled back into the program. Here is the cost estimate. There would be an initial IT development for that electronic web-based application that I mentioned.

They estimate \$30,000 and then maintenance at \$10,000 per year. Then, of course, the costs are going to depend on how many tags we're talking about, how many people participate, and who is going to issue the tags. All that stuff is still open-ended. Here are other things to consider; should there be physical tags versus paper-based printable tags?

Of course, there is cost difference between the two. Is there going to be a certain number of tags by state? Again, some of these we're talking about – for snowy grouper, for example, right now it is 523 fish. That is not a lot of tags to go around. Then reporting; is there going to be a reporting component with the program or are they set on not having that to make it simple?

Then here are the limited access privilege program requirements; prohibit any person other than a U.S. citizen or permanent resident alien from acquiring a privilege to harvest fish. There needs to be a provision for regularly monitoring and reviewing the program. Then it needs to include an effective system for enforcement, monitoring, and management of the program, an appeals process, procedures to ensure fair and equitable distribution, make sure that LAP holders do not acquire an excessive share of the privileges; and there also needs to be a policy for

transferability. That is what the Magnuson Act says needs to be included in any kind of a LAP. Here is some more.

The council needs to consider an auction system or other program to collect royalties for the initial or any subsequent distribution of allocations. Then the Secretary can collect a fee up to 3 percent to recover the cost of the LAP management. That is the cost recovery action that I was talking about.

This is the presentation the Snapper Grouper Committee received from the Regional Office in September. Like I said, we're going to wait a little bit longer and see what happens. I know that you guys have had a good bit of conversation at previous AP meetings. We've talked about stamp programs and other options. Certainly, the AP can continue to recommend things that the council should consider.

MR. JOHNSON: Just a question; it says including corporations, so if you are a charterboat and you have an LLC, you would not be able to get a tag unless you did it individually? Doesn't it say prohibit any person other than U.S. citizens, including corporations? Is it talking about non-U.S.?

MS. MARHEFKA: Non-U.S Corporations.

MR. JOHNSON: Okay. This seems like a lot of effort and a lot of money. I understand the purpose and need, because it is a low ACL. I don't like any of it, to be honest with you. I just see nothing but problems. I don't see it being efficiently run. I just think there are other ways to address low ACLs.

MR. FREEMAN: I also have a problem with it. Snowies are data poor for the most part, to begin with. You are going to allow the recreational fishermen to go out there and get it, and we are not even going to collect data on it to help with that or they are not talking about trying to collect the data on it. That just seems like that is a lot of information that we could access that could help with future stock assessments and whatnot. The more information we have, of course, the better it is going to be. I think we're missing out on that.

MR. ATACK: Can you elaborate on why maybe the council decided not to include a reporting component in the program?

MS. BROUWER: I can't speak for the council, but my recollection is that they considered this and they looked at various options and how it was being done in other regions and the kind of information that you can collect. It was just not very clear how that would be useful for just this handful of species. It would again be the cost of going through all that would be quite high for the amount of information that could potentially be useful for stock assessments or other management actions.

MR. ATACK: I guess I don't understand why that would be. Example, wreckfish fishery; we have zero landings, right. We said earlier today no data whatsoever. If you had this tag program, you would know how many people wanted to catch a wreckfish. To me it would be pretty simple for them to turn the tag in or get online and say I landed my wreckfish and get

some data out of that without much cost. I just don't understand why you wouldn't have the data part of it if you went with a tag system.

MS. BROUWER: One of the problems is how do you validate those data, because that is self-reported information; and then it creates some issues for how you can do the validation of the information and how do those data get incorporated into management? There isn't a standardized way that we have to validate self-reported information.

It would be great if there was such a thing. Then how do you monitor compliance? How do you account for folks that don't feel like filling out the card? Then do you need to create incentives for that or do you need to create some kind of a penalty for returning that? It quickly becomes a lot more cumbersome and complicated. I think at that point the council said you know what, all we need to do is make sure that the ACLs don't keep getting blown over, and so let's not even worry about the data component of it.

MR. JOHNSON: Another problem I have is there is no definition of what constitutes a low ACL. I am really concerned that at some point – you know, red snapper have a low ACL – oh, now this fish has a low ACL. We are all going to get locked into sitting by our computer waiting until 12:01 to submit our tag to hopefully be able to catch a fish for our customer or for our family, or whoever; and the fact that the council is leaving the door open to maybe add other species.

I could see where it would make sense for wreckfish maybe and for snowy grouper for the 500 and something fish ACL. To Jim's point; I've been involved in enough stock assessments to know that self-reported data is worthless. They will not use it. It is just not even going to be considered. Maybe effort, you could get effort from it maybe, I don't know.

DR. DUVAL: Just in terms of the council's not considering or considering and then electing to leave out data collection requirements; I know the SSC also had sort of loaded up a wish list of the kind of data that they would like to see collected with the tags. Then again it was the kind of thing where, well, if somebody enters a lottery and gets a tag, and then they either choose not to fish or they don't end up catching that species, then how do you enforce them reporting even in the event that they haven't caught that species?

There were some significant issues with trying to I guess enforce reporting, mandatory reporting requirements with that. As Myra stated, in terms of applying this to some pretty low ACL species like snowy grouper, like golden tilefish, like wreckfish; what would be the value of the information that you would be receiving?

Really the intent was how can we make sure that we are not blowing through our low ACL fish? Quite frankly, we were looking at trying to really structure this based on terrestrial game tag programs; duck harvest, deer harvest or whatever; you get your tags, you get your deer, and you get your duck; that's it.

If you don't have a tag, you don't get a duck. We were just looking at something really simple like that. There are some other things that could possibly be used. In North Carolina we use a catch card program for HMS species in order to track the numbers of billfish that are landed. You come in with a billfish; you go to a reporting station, which is pretty much every marina up

and down the coast. You fill out a card, you take that to the dock master, and you get your tag in return. You can't take the fish off the boat until you've got the tag through the gill plate.

You fill out the card that says I caught this; but that is only for catches that you are bringing back, it is not for live releases. That is another potential mechanism where it doesn't require a lottery or something like that. We really just wanted to focus on what is the most basic information that we need from this, which is tracking catches. It is not that nobody wants to collect more information; I think it would be great if we could find some efficient means to determine species distribution or something like that through this process.

MR. ATACK: But I guess if you did that and had the tag program like you are talking, you would have the database of who to call and survey. That should be reliable data. Just like when they call for surveys now, you would know the universe of who to call, so you could get some data out of that with that system without really much added cost, right, if you took that approach?

DR. DUVAL: You are talking about the similar thing like the snapper grouper stamp where you have some check box on your state license so that you are narrowing the universe of people that you are sampling through the MRIP program. I don't think you necessarily need a harvest tag program to do that if that is what you're interested in.

MR. ATACK: No, but if you had the tag program, what I'm saying is then you could easily survey those 523 people that got the tag and see if they use it or landed it. Without them actually reporting, you could survey I guess, to kind of find out some data about your fishery.

DR. DUVAL: I could see you using the universe of people who applied for a tag to constrain your surveying. I'm not sure you are going to get anybody to call 523 people and say did you catch a snowy grouper this year?

MR. ATACK: Any other comments?

MS. BROUWER: Does the AP have any recommendations for the council regarding this amendment? You don't have to, but if you want to recommend any.

MR. HULL: Just one comment; I think anything that you can do to make the recreational sector more accountable in what they are catching; being able to track them is a positive. Personally I think they should be permitted just like the commercial sector; ankle bracelets.

MR. GOULD: Just a short word on that; believe it or not, I have pushed that for six years and we are still pushing for it. What is good for the goose is good for the gander. They should be held to the same standards.

MS. BROUWER: Just to say something about that; the council did meet last week, and they went through a very nice visioning exercise. Something that we heard during the port meetings and something that the council brought up was a potential permit for the recreational sector. It has been put out there.

MR. JOHNSON: I don't know how to make a motion on this. I just don't like it; I don't like anything about it. I really don't.

MR. STIGLITZ: I don't like it; let's put that as a motion and I will vote for it.

MR. JOHNSON: I just see a lot of problems with it. Then the council gives us a two-month snowy grouper season, I think is what they settled on and at one fish per boat, really? I think the red snapper mini-season, as much as some of us complain about it, is a good way to handle small ACLs.

When you have a species like snowy grouper, you don't give them two months to catch it, or blueline tilefish. You give them a week. Then they would have no business dropping down in deepwater. If they don't catch those fish during that week, if they just love to catch snowy grouper, go on vacation; I don't know. But I think there are other ways to address low ACLs than adding a bunch of bureaucratic stuff and costing money that no one has a whole bunch of. I just don't see the need. I understand, yes, it would be great to know exactly we are not exceeding this ACL. I don't know; I don't like it.

DR. DUVAL: Robert, just to your point about the red snapper season; do not think that is not without extreme expense and effort on the part of the states, especially the state of Florida. I think if they had to try to put forward that kind of effort, if we had to put forward that kind of effort for snowy grouper throughout the South Atlantic region, you would probably find us electing to just now allow any recreational harvest of those species.

MR. JOHNSON: To that point, though, I think one of the reasons the state of Florida is putting such effort into that it is such an important fish to our fishery. We are hopeful. I work a lot with state biologists. We are hopeful that we are going to get this science right and open that fishery back up a little bit, because it really doesn't need to be restricted.

My two boats caught 185, killed 185 snapper during those eight-day seasons. There is a lot of red snapper out there. We're talking about increasing the gag limit. I just think that the chances of me ever getting a snowy tag would be slim if you open it up to the whole United States. Not to speak bad about environmentalist movements, because some of them are very good, but there are going to be a lot of NGOs going to have all their ranks saving speckled hind and Warsaw grouper by applying for snowy tags.

DR. DUVAL: I think this is great input. If you guys don't like it, that is input that we need to hear. I just want to caution you against advocating for a red snapper like approach to the rest of these species, because that is significant cost and effort. That is all.

MR. JOHNSON: To that point, Michelle, we are doing nothing right now. We are exceeding the ACL every year. They just opened it up January 1st, correct, is how they have in the past, with 500 and something fish. There is being no money spent. I am not saying you've got to beat the docks down. I'm just saying if you know you have a low ACL, adjust the season to make it a very short season; so you may have directed effort and then you're done.

DR. DUVAL: That is what we did, a four-month season for both snowy grouper and blueline tilefish. That is what the council elected to do.

MR. ATACK: Okay, any other comments, input, suggestions? If not we will adjourn for today, we'll recess. What time; nine?

(Whereupon, the meeting was recessed on October 21, 2014, to reconvene on October 22, 2014.)

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The Snapper Grouper Advisory Panel of the South Atlantic Fishery Management Council reconvened in the Crowne Plaza Hotel, North Charleston, South Carolina, Wednesday morning, October 22, 2014, and was called to order at 9:00 o'clock a.m. by Chairman Jim Attack.

MR. ATACK: Good morning, everybody. We are going to pick up where we left off yesterday. The next item on the agenda was the update on the hogfish and mutton snapper assessments. Julie is going to do that for us.

MS. BYRD: I am just going to give a quick update. For those of you guys I don't know, I'm Julia Byrd, and I'm one of the SEDAR coordinators. I am the coordinator for SEDAR 41, which is the assessment for South Atlantic red snapper and gray triggerfish. I was going to give an update on that first, and then I will give you guys an update on the hogfish and mutton snapper assessments.

As you guys may have heard, there has been a delay in the assessments for South Atlantic gray triggerfish and red snapper. There was a data workshop that was held in early August. A few weeks after the data workshop there was a working paper that was submitted that questioned the validity of the early years of the headboat survey data.

This was an issue that wasn't talked about by the full data workshop panel at the in-person workshop. We discussed it on a webinar that was held in September, and there was a very lengthy discussion. The data workshop panel thought that the headboat misreporting issue was very serious and warranted further investigation.

They said that not only would it affect any kind of indices of abundance from the headboat data, but it would affect headboat landings for gray triggerfish and red snapper, and in fact could potentially affect the headboat data for any species that are caught on a headboat. That would cover a lot of the snapper grouper species.

There was an extremely lengthy discussion on the webinar on what we could do with the SEDAR 41 assessment now that there is this headboat data issue. This isn't the first time this headboat data issue has been brought up. During the SEDAR 25 black sea bass assessment, similar issues were given by some fishermen.

The panel took this very seriously and they couldn't come to consensus on a way to move forward until the headboat data was evaluated. The SEDAR 41 assessments are on hold until the headboat data is evaluated. The council was updated on this at their September meeting; and the SEDAR Steering Committee met in early October.

What has been decided is that the SEDAR 41 assessments are going to get restarted after the headboat data evaluation is complete, and they want to include 2014 data in the assessment. What that means is the timeframe we're talking about now is having another data workshop in

August of 2015. That means it would be complete and would go to the South Atlantic SSC for review in April of 2016 and to the council in June of 2016.

As far as the headboat data evaluation; that is being handled through the Science Center. It is not being handled through SEDAR, so I don't have a lot of details on that. I can pass on the information that Bonnie shared with the SEDAR Steering Committee a few weeks ago. Basically what she said is that they were kind of looking at a three-pronged approach to evaluate the headboat data.

One was looking at the quality control and assurance that has been done throughout the program's history. I know some of the issues that were raised in the working paper were recall bias. They were saying that some of the captains weren't filling out their headboat logbooks for months or a year or so after trips occurred.

They are looking to see if some of the quality control measures they had in place; the dataset that they are using may not include some of those data points that came in really late. They are looking over quality control throughout the time of the program. They are also looking for patterns in the data to see if they can pick out anything that way.

Then the third component that the group had discussed was doing some sort of census or survey of long-time headboat captains to get information on their reporting practices. I know a couple things that she mentioned is that they have been talking to a number of social scientists. There are some issues with recall bias, asking people what they did 30 years ago that are kind of a technical concern.

I know she also mentioned there is a lot of approvals and things like that that have to occur in order to interview folks. From what she said, it sounds like they may not pursue that component of what they are doing. That is really all the information I have on the headboat data evaluation. Again, it is being handled through the Science Center, not through SEDAR. Does anyone have any questions on that?

MR. ATACK: You said 2016, not 2015?

MS. BYRD: It will start back up again in 2015, and it will get to the council in 2016. There will be an extra year of data, so the 2014 data will be included. Originally it was supposed to be just 2013 data so we're adding another year of data in, which is one reason for the length of the delay.

MR. ATACK: Right, but the trigger was supposed to have been done in 2013. Now it really won't be completed until 2016.

MS. BYRD: That is correct. Any other questions on SEDAR 41?

MR. JOHNSON: I guess just probably you can't answer this question, so maybe staff can; so what is going to happen with our red snapper season this year? Obviously, there is not going to be an increase. Are they going to use MRIP solely? I'm just curious, because I know a lot of Florida fishermen were hopeful that we were going to get more fish.

MS. BYRD: If any of council staff wants to jump in; I assume that the same process that was used to set the 2014 season will be used for 2015. I think Gregg is going to say something.

MR. WAUGH: Yes, it will be the same process that was used last year or this year, looking at what the projections are in the existing rebuilding plan compared to what the mortality has been. Then NMFS will determine how many days will be opened in 2015.

MR. JOHNSON: There is a possibility that we will have less of a season. We caught a lot of fish this year, so I am just curious how that is going to play out as far as did we catch too many and we're not going to get any credit? Do you understand where I'm going with that?

MR. WAUGH: Sure; and we won't know the answer to that until next year when they do the analysis. It could be longer, it could be shorter, there could be no season; depending on what the mortality was this year relative to what was allowed to be taken in the rebuilding time series.

MR. ATACK: Yes, but I guess we should know relatively soon what the landings were, right? It shouldn't take until next year to know the landings, right?

MR. WAUGH: Well, we didn't know what the landings were from 2013 until very recently in 2014. My expectation is that would not change. We would know what was caught in 2015 sometime in 2016.

MR. ATACK: The other question I guess I have is now the time if we want to have the season later in the year so we're not taking American reds with a lot of roe in them. I've heard some discussion that it would be nice if it was later versus in July/August and whether we wanted to ask council to go with the same weekend type thing. If there are any kind of motions you guys want, I guess we could give council some direction on if we wanted it restructured a little bit different for next year, or not.

MR. JOHNSON: Well, my concern is if we are going to even have a season, because we had really good weather and we had eight days. There was a lot of fish caught. We were all hopeful that this assessment was going to be done, and that we were going to see that there was actually an increase, and the rebuilding plan was going better than assumed, and we were going to get sort of a back credit for many overages. Now what I'm hearing is if we have overages, we will not even have a season next year simply because this process SEDAR 41 is dragging out so long. That is going to be very unpopular with fishermen if that happens.

MR. WAUGH: Yes, and this is all a byproduct of the concerns that have been raised over the data and the delay in the assessment. It falls back to the existing procedure. To Jim's point; yes, you could give guidance to the council. I would be surprised if the council would begin an amendment to change the opening time period before they get the next SEDAR assessment. There are no plans in the works for doing anything with red snapper until we get the assessment.

MR. FEX: I just want to make a comment. We also are getting an increase on the rebuilding plan. Our recreational is 50,000 last year. I think it is going to go up again this year, because it seems like we are getting a rebuild on a plan. Each year we have increased. I know your point by if we exceeded it, but, yes, maybe the next AP meeting might be the time to interact on the opening date for the recreational season.

MR. ATACK: If we're using the best science and if we think there is a lower mortality rate from discards than what we had used in the past, can that be used for next year when we calculate the amount of landings allowed? The rebuilding plan is so many pounds per year was going up; the stock was going up and the allowable take was more per year. That is how we got this mini-season to start with was we're staying below the –

MR. WAUGH: Right; that rebuilding, you can see in the amendment – I forget which one it was that put that procedure in place; but that has what the allowable mortality would be each year as the stock rebuilds. Until we get another SEDAR assessment, those are the numbers; that is the mortality that could be allowed each year. Then you compare what the mortality was this year. Part of the issue with looking at what is harvested this year and what is the mortality this year is discards ongoing not just during the opening; all that has to be factored in.

DR. ERRIGO: The other thing about getting the landings and things like that; the Science Center has not just used the MRIP estimates for red snapper. Especially the state of Florida and some of the other states have put in special programs to try to track the landings of red snapper during the mini-seasons.

They do special sampling and analyses, and they use those analyses to try to get at what the actual landings were. It takes a while to process that information from those mini-seasons and to get at the landings; so that is why we don't get like the standard 45 days after the wave you get the landings' information.

Then like Gregg said, it is not the overage over the ACL that causes the season to not happen next year; it is the overage over the ABC, which includes the discards. Discards happen right up until December 31st. Those are not estimated until the year ends.

MR. ATACK: Any other questions, comments, suggestions?

MS. BYRD: All right, so now I just wanted to give a quick update on the hogfish and mutton snapper assessments. Gregg shared a lot of this information with you guys yesterday when you were talking about the – I can't remember the amendment number, but the southeast Florida amendment.

Florida FWC is the lead for both the hogfish and mutton snapper assessments. As Gregg mentioned, for hogfish based on genetic information, they think there are three stocks; one in west Florida, one in east Florida and the Keys, and then one from North Carolina to Georgia, and so there were three assessments that were done by the state of Florida.

Those were done; they have been through a CIE desk review. They are independent scientists who weren't involved in the assessment who have reviewed the assessment. Then it is going to the South Atlantic SSC at their meeting next week. It went to the Gulf Council SSC at their early October meeting.

That will be reviewed by the SSC. If you guys are interested in seeing the assessment report or any of the CIE desk reviews for the hogfish assessment, they are all on the SEDAR Website. I can send the link to Myra who can pass it on if you guys are interested in that. But, again, it will be going to the SSC next week for review, and then we will see where it goes from there.

As far as mutton snapper goes, it was more of an update assessment. We have not received the assessment report yet from Florida. It is still scheduled to be reviewed by the South Atlantic SSC next week, and it will be reviewed by the Gulf SSC at their next meeting, which is in January 2015.

Again, we don't have any of that documentation yet; but once it is available, it will be put up on the SEDAR Website. Both of those will go to the SSC next week. They will take that from there. Do you guys have any questions on either of those? I know that isn't a lot of information, but we'll get more information after the SSC reviews them next week. Okay, thank you, guys.

MR. WAUGH: I'll just cover briefly what is going on with electronic reporting and then lead into our presentation. The council has a Data Collection Committee, and they are the ones that have been dealing with these issues. I want to mention that there is an Electronic Technology Implementation Plan in the works that will cover data collection and monitoring.

This is a national program that is being rolled out. The deadline for this being completed is December. There is a draft report being prepared. We sent in a detailed letter with our comments and concerns to the National Marine Fisheries Service. Each region is preparing a regional plan and then it will go into a national plan.

There are teams identified for each council area. They will review and provide input. Then the final report will be presented to the council at the December 2014 meeting. It is expected that in the future industry will be expected to do some cost sharing for data collection and monitoring. This is something you all will need to pay some attention to.

For commercial logbook reporting, we've got two activities ongoing. The National Marine Fisheries Service Southeast Fisheries Science Center has a pilot study for an at-sea onboard commercial logbook pilot. If you remember, there have been several previous studies. In fact, one of your AP members ran a pilot project on that when she worked with the council.

There have been several attempts in the past to document how onboard, at-sea logbooks can work. That is in the work and the software changes should be completed by August 1, 2015. Some of you may be contacted to try that system. In addition, the council, in response to requests from commercial fishermen, is trying to look at a faster way for commercial fishermen to enter their existing logbook information that has to be done by paper now.

They have been requested several times to come up with a system to do this. Long term the National Marine Fisheries Service plans for the at-sea commercial logbook program to do that. In the interim, the council tasked us to work with ACCSP to develop a system in the short term that would bridge this gap, such that fisherman who wanted to provide the information that comes in that they provide now on their paper logbooks that want to do that electronically, they would be able to do that.

We're working with Mike Cahall and ACCSP to do this. At our last meeting Francine Karp, who is a contractor working on a program up in northeastern Rhode Island, gave us a presentation, and Francine is here with us today. When I get finished, she will give us a presentation on a system that was developed up there that we think could be modified for use here as well.

Then the joint South Atlantic and Gulf Council Generic Charterboat Reporting Amendment; there is a technical committee that has been developing some of the specifics that need to be considered in splitting charterboats out of MRIP and getting them on a logbook just like the headboats are now. That is ongoing. That group had a draft report out.

Their final report is in the works and will be presented to the council at the December meeting. As far as what the council has tasked us to do is to continue to working with ACCSP on developing a commercial logbook electronic data entry form. The hope is to get that implemented as early in 2015 as possible. We're also continuing to work on the charterboat logbook technical subcommittee. We participate on that; Mike is our representative on that.

They also directed staff to work with the Gulf Council on a Joint Charterboat Logbook Amendment. The guidance that they provided us in the past for the Charterboat Logbook Amendment is they would like to basically see the same reporting that is in place now for headboats applied to charterboats.

There is a lot of support within the charterboat sector to do that. Hopefully, the goal is to then have the whole for-hire sector providing data electronically and hopefully at some point start tracking of their catches in real time. That is an overview of where we are now. You will have a lot more detail obviously to look at during at your next AP meeting. Are there any questions?

MR. GOULD: Gregg, if you would, if you could give us a little bit more detail on this cost-sharing that you mentioned a few minutes ago, what it entails and why it is being done with the cost-sharing and everything. Just fill us in as much as you can, please.

MR. WAUGH: Yes; I think everybody recognizes there is not enough resources. The National Marine Fisheries Service does not have enough resources to collect the data and provide the data to the councils that is required under the Magnuson Act. Federal funding levels are going down and not up.

It is expected that in the future the industry will be required to contribute towards monitoring and data collection cost. We don't have anymore details than that. That is what is going to be worked out in this electronic implementation plan. That is why that is something that you all really need to pay attention to.

We will have the report in December. We haven't seen the report yet. All we've done is to submit our letter. That was included in our September briefing book. If that is something you all would like to receive, we can make sure that gets sent to you. It lays out our concerns and obviously the council has expressed concerns.

Particularly when we've had one-on-one meetings with the National Marine Fisheries Service about the economic condition of our fisheries versus what the economic condition might be in some other areas, particularly our recent experience with our VMS Amendment and how those costs were too much for the industry to bear; this is something that concerns the council as well. They will be having their input and they are looking to get that report so that we can react to it at the December meeting. That is about all we have right now, Terrell.

MR. JOHNSON: Are we talking about replacing the current paper system with an electronic system; and if so, isn't there going to be some cost savings there? I sort of am like Terrell; I'm wondering why all of a sudden we have cost recovery. If it is going to be in addition to, I could understand maybe; but if we're replacing one system with the other one, why are we talking about cost sharing?

MR. WAUGH: The cost sharing is across the board. It is for monitoring and data collection, so it does not just having to do with this particular logbook program. But, yes, one would think that there would be cost savings in the long run to converting from paper to logbook. You don't have to pay for key entry.

But to make this transition, at times there are costs; for instance, the cost of doing this pilot project that NMFS is running. That is why the council asked us to work with ACCSP and see if there isn't something existing now that basically can be used at really minimal cost. We see some cost savings to electronic reporting.

But, again, this is something you will see in this charterboat technical report. When you set up these programs, they need to be run concurrently with existing data collection programs, so you have some duplication for a number of years, so that you know how to groundtruth the data that you're getting. But ultimately as we move to electronic reporting, we think there will be cost savings.

MR. FEX: Yes, Robert, one other thing; I think part of the industry funded was observer coverage, at-sea observer coverage. I was at the council meeting, so I think that is part of it, too. I don't think it is just strictly the logbooks switching over.

MR. WAUGH: Okay. Francine is going to come up.

MS. KARP: Thank you for having me. My name is Francine Karp, and I work for Harbor Lake Software. We were the company that worked with the ACCSP and the charterboat fishermen in Rhode Island to develop the SAFIS e-trips mobile. I'm going to kind of give you an overview of what the project entailed, and then I'll actually do a live demo of the system.

What we had with the pilot project; it started with ten captains. What we wanted to do, it was one headboat and nine charterboat captains. What we wanted to do in the beginning is give them a real quick questionnaire. We narrowed it down to five questions, basically asking who was going to do the primary reporting, how proficient were they with the use of tablets. If they had tablets currently, what operating system were they using?

Then the general description of their boat; we found that it actually made a difference as to how we set up each boat, depending on whether it was open cab or shut cab. We gave them a quick overview. What we learned from this is the pilot project started out with ten participants. Seven more people came up to us and asked us to be involved, using some of their own equipment.

All 17 captains had some form of internet available to them and four actually had onboard internet via the MiFi air cards. The average boat length was 39 feet. It was a little bit skewed just because of the larger headboat brought that up a little bit. Again, one of the headboats; we had 14 boats that were close cab and three that were open. Three of them had no power source

on board for charging the tablet, which we found to be a problem when they had to do double trips out there.

On average they rated themselves a three out of five in a technical ability. They were a good mix of some using Windows platform, some having iPads, iPhones, and some Droid users. Four of the participants had never previously used a tablet. We had a really good mix within the group. Mounting options; although we didn't realize in the beginning, the mounting of the tablets themselves came into play.

We used ARKON mounting systems. We hadn't used them before, we gave them a try. The average mount was about \$75.00. Depending on their makeup, we gave them different options. They kind of picked which option was best for them. As far as the mounting systems, we never had any complaints, they liked them, they thought that they were good and reasonably cost.

One of the things that the captains asked us to do and what we wanted to do was we wanted to make this something that the captains themselves developed. We thought that it was very important that this not be built by somebody behind a desk without being in the environments. Right from the beginning we asked the fishermen what they wanted. Many of them came back with they wanted one big button to press and make it done. It was great, that was what they kept asking for, one big button.

We did give it to them eventually, but not the way they wanted it. The things that were important to them is they said with the VTRs we get sick and tired of writing things over and over again, whether it be our license number, where we fish, the gear and all of that. They said anything that you can auto populate, let it auto populate, anything that you can have a drop-down list that we may use as far as gears or something like that.

Give us a dropdown list so that we can quickly pick from those things. As I show you the program, I will kind of point those things out, but these are the things that they wanted in there. What we did is we put the application into their hands quickly. We kind of threw it out there to them and said work with us, we'll make the changes as we go along.

Their feedback was so important to us. It is so difficult to build something and give it to somebody, and then have them take the tablet and say, really, when you're going out on the water and the water is going up and down like this; you try pushing that button. We went out on the boats. We saw how difficult it was to use maybe a small button when they are going up and the boat is rocking. We really took a lot into consideration.

The color of the buttons; we went through an array of different colors and backgrounds and pictures and different things. What we currently have built in there is what they found to be the best in both high light and dark situations, the high contrast. Again, the size of the buttons and the position of the buttons; where they were on the tablet themselves.

This constant feedback that the captains were giving us about the tablets was vital for us, and we continue to want that feedback. Total equipment cost for the tablets, the mounts, cases – we didn't think about this when we first went out there; but some of these tablets have big holes in them, so we have to go out and find silicone tablets to cover up those ports. Water, salt and everything else get in those ports.

Power supplies, we bought for some of the boats power converters, different power supply systems that they could use, and at the end they all were able to do that; and also the glare screens. Some of the new iPads have a very fine retina display. Well, that is great if you are sitting inside, but when you are out on the water it can be a little bit of a glare.

We also ended up purchasing the anti-glare screens, and that helped them a lot. It is the little things that we had not thought about in the project that kind of came back as we were working through it to say these are the things that were important to the fishermen. All in all when it was done, we got great feedback from the captains.

One of the captains, Steve Anderson said I think 80 to 90 percent of the fishermen would use this. He actually on his boat – I don't know if you saw a picture of the tablets – he was testing both. He tested both the Microsoft and an iPad, and he kept both of them on his boat at all times and was playing with both of them at one time.

One of our oldest participants who had not had any experience with using tablets came up and he said to us afterwards no problem with it at all; even an old man like me can do this. He seemed pretty confident in his ability to pick it up and use it, which is what we really were striving for. Obviously, there is more to do.

As the application continues to grow and improve, we need feedback from the captains. As it developed in each state, we find that each state is different on how they use their terminology, how they do things. The software itself can be taken and the base of it used by any state that wants it.

Then the tweaks that they need for their own state can be made within that to make it kind of state-specific for them. Again, not only do we welcome the feedback from the captains, but others. Anyone else that happens to pick it up and use it, we want their feedback. Are there any questions on that so far before I get into the application itself?

MS. MARHEFKA: Did you guys have a plan in case there was a boat that didn't have access to the internet or did you just not even have to think about that at all?

MS. KARP: We didn't, because the application itself doesn't need internet when you are inputting. The internet comes into play when you want to send it out. They did set up and they are continuing to set up a Wi-Fi network at one of the ports that has about 80 percent of the captains in that. What they want to do is set up a Wi-Fi and kind of shoot that out there, so that they could go up and as they are leaving the port they could send the report.

MR. ATACK: Could you explain the breakdown, the \$4,500. It seems kind of high for what you have got there, but once you do the details on what adds up to \$4,500.

MS. KARP: That was the tablets themselves. Depending on the tablets; an iPad can cost you \$450. Droids, depending on what kind you get can run about \$350, \$400. I have to tell you, I picked this up two weeks ago from Verizon just because they gave it to me for free. I said to myself there is no way that this is going to work. I got to tell you, I've fallen in love with it. It is a smaller tablet. It is not what you want to really maybe put on a boat; but for those people – and that is the program itself on the tablet; we have some guys that they enter everything in when

they get back. They are actually sitting down on their boat. Something like this I think is great. We've actually had two fishermen come up to me and say; hey, I got these free tablets from Verizon.

I don't know, I guess they must be pushing them in Rhode Island this month. But they said can I use these, and I said absolutely. You can use those, and it actually works really well. If you want to see it on a smaller form, let us know. We tested it out on some iPad minis, the same thing. The mounts again, \$75.00 approximate for each one. Some of them are cheaper, some a little more expensive.

Tablet cases; for the iPads, we purchased otter boxes, which they have obviously for the iPads. For some of the Droids and the Microsoft tablets, we purchased either the silicone covers; silicone covers ran about ten dollars apiece, but an otter box case is going to cost you about \$65.00, so we had those.

Power supplies; if they just needed a little DC adapter for USB, those run about four or five dollars. Two of the captains, we purchased the converters for them; those were about \$65.00 apiece. Glare screens came in a set of three, and they were about \$15.00 for a set of three for the glare screens. Your biggest cost was your tablets; tablets and maybe the mounts.

MR. ATACK: You are really looking at maybe \$600 per boat or less, depending on what you buy?

MS. KARP: Yes, depending on what you buy.

MR. ATACK: Not \$4,500 per boat, right?

MS. KARP: Oh, yes, that included all the equipment. Some of the people that came in – the seven that came in after that first pilot group of ten, if they didn't have any covers or glare screens, we put those on theirs also.

MR. FEX: Yes, that was a scary number at first, because I was thinking \$4,400 per vessel.

MS. KARP: No, that was actually 17.

MR. FEX: I would say that is the whole program. That probably put a little bit of scare on all of us.

MS. KARP: That was outfitting the 17 captains for what they needed. Any other questions? This is the screen that comes up. All of their trips, and as I'm watching the screen, scroll through. Any trip that has been uploaded to the ACCSP will have this -- you can see the cloud with the lock on it. That will show the captains that trip has already been uploaded.

I will go through a trip with you. The first time I did this; I did a for-hire trip. Ken, you happen to be sitting next to me today; Ken had some questions on how could we adapt this for commercial? A commercial trip is already built in, so what I am going to do this time is actually to a commercial trip and show you some things that we didn't show last time, which is the disposition of the fish once you want to sell it to a dealer. I will do that now.

You click on commercial trip; and describe this trip is going to come up. What this is; that is going to have all of your information about the trip. Again, we try to auto-populate anything that we can. Your vessel trip report number you can put in there. Your crew count, again, you can change. Your licenses; you can have different licenses in there.

We're going to use our commercial license. Port, the same thing; drop-down list, if you go out from a different port. It is going to populate what you put in, in your last trip. If you continue to kind of do the same trip over and over again, it is going to auto-populate everything from your last trip. It is as close to one button as we can, one big button.

Again, your gear type; you can go and change your different gear types, gear quantity. Once that is all done and you make your changes there, you can hit save. This is where the one big button comes in. We gave this button to them as a joke. They kept saying make it bigger, make it bigger, make it bigger; so we threw this in as a joke, and they all went "perfect"!

It ended up as a joke, and we said, okay, it's great. But when you are out there, what the fishermen do is they normally fill all of the trip information out before they go out. Then as they start steaming out, they will hit "start trip". That is going to start the ticker, and that is going to start everything that you need.

Right now you will see that there is no catches recorded. What I am going to do is try to do a commercial trip in the next minute and see how that goes. We can go out and say, okay, I caught summer flounder. Again, this is on the commercial side so they just enter in the pounds on that. You can say, okay, I caught 256 pounds of summer flounder.

I kept that. Your dispositions are on the side. I kept that as food. I then caught some striped bass. I caught 147 pounds of those. I kept those. I had some skates. I caught 78 pounds of skate, and I kept that as bait. Going through this trip pretty quick; I'm good. I caught some Tautog; I caught 185 pounds of that. I kept that as food.

I had some black sea bass that for some reason I didn't want. I had 78 pounds of those, and I'm actually going to send those back. There is your trip for the day; and actually if you said, okay, I had got some more skates. You can see on the left-hand side you have 75 pounds of skates currently that you gave for bait. I'm going to put 47 pounds more in there for bait.

On that left-hand side, that is going to calculate it, so that you'll always have that running total; as you can see the skates now with 125 pounds. The fishermen want to be able to keep that running total on the left-hand side. You can end the trip by hitting on "end trip". It is going to ask you are you sure? Yes, I'm sure. That red bar is going to come across the top, just giving the visual alert to the captain that this trip is ended.

MR. ATACK: Can you go back and edit it?

MS. KARP: Yes, you can. If you wanted to go back and edit it, you can go to this trip here, go in and edit anything you want. If you made a mistake, you can click on catches, and that is going to bring up all of your catches. You could say you know what I didn't get 47 pounds; I got 471 pounds of skate. That is going to update it. You can change that at any time.

MR. ATACK: Right; so if you get to the fish house and your estimate was off on your poundage, once you get your trip ticket, you can go back and make them exact.

MS. KARP: You could; you could make them exact if you wanted to. Then it comes time for your dispositions. It is going to say your disposition is on the bottom. Those are all the poundage that you have. From there you could say those summer flounder; I'm going to sell them. I am going to sell those tautog, and I'm going to sell those striped bass.

If you wanted to split them up, you could hit "partial" and actually split if you wanted to. You could take down and say I want to split them up maybe between dealers. Maybe one person wants to sell some and keep some. That is the way that works there. You could say, okay, I am going to sell all of those to the dealer.

You can put your dealer in there. There is my dealer; I am going to save that. That is going to go and it is going to show you that the only thing that you have left is your 549 pounds of skate. You could click on that and you could say the skate I kept for myself. Then it is going to say all your catches have been reported. Now all of your dispositions of your catches have been shown, where they went and how they were disposed of. You are done with that.

MR. ATACK: Can you have more than one dealer?

MS. KARP: You can. Let me show you favorites real quick, as I'm going through this; which I was remiss in showing you before. This is where you set up your favorites. The first time you set up the program itself, you can set up anything you want as far as favorites. These come from the state, so you would have all of those that you can pick from; and those are what is going to show up in your favorites list. The same with your waters fished and your dispositions.

You can pick on any of the dispositions that you want. If you wanted to just highlight them and make it a favorite, you can. Your licenses – the RSA is the research set-aside. Some of the captains were involved in a research set-aside program and that is handled a little bit differently. You can put your commercial licenses in here or your for-hire or however many licenses you want. Your vessel information and all of that is in there. Any questions on the favorites?

MR. FEX: Yes; that's a question about the waters fished, could you bring that up?

MS. KARP: Yes, that has just about every "waters fished" that you could think of. You go out; where that is found real quick, and I will show you on a trip – you go in here to your trip details. Your waters fished; I'm sorry, actually it is going to be into your effort details. When you are setting up the trip itself, you are going to see that "your waters fished", you can pick from state waters, inland, federal waters; depending on where you're fishing.

MR. FEX: Can it be more refined to maybe lat/long or something? It seems like that is what a lot of the science people want and stock assessments want.

MS. KARP: I think the way the ACCSP sets it up now is it is broken down into different areas, not necessarily lat/long but many different areas within sub-areas.

MR. FEX: But can that be changed or can you input information that would be more refined to help the stock assessments, because that would be very beneficial?

MS. KARP: Yes, I think I understand what you are getting at. What they do is currently put in where they are going to fish; and then the program does have the ability to give the GPS location of the fish that were caught. That might even be a little bit even more of a fine.

MR. FEX: Oh, yes, definitely.

MS. MARHARKA: Yes, could you elaborate?

MS. KARP: Okay, it is not something that the ACCSP is currently uploading, but at the same time you will see on the bottom of the screen here you have your lat/long, at the very bottom. Whenever you go to catch a fish, the Wi-Fi picks it up a little bit differently. In order for this to take place, the tablets have to have GPS in them.

The iPads do; most of the Droids do. It is one of the things that you can double check. Believe it or not, this free one comes with GPS, it is GPS-enabled. But with that GPS, it has the ability that every time you click on a fish to be kept; it is tagging the GPS location of where you put that in.

MR. ATACK: In other words, like if you do bluefish there or whatever; each time you change the weight amount in your quantity, it is going to log another GPS position in?

MS. KARP: Correct.

MR. ATACK: Say you hit six different fishing spots that day and you entered it in – even though you have no Wi-Fi, you enter in we just got 20 pounds of grouper. In the next spot we got another 10 or whatever. Each time you entered that in, it would log that GPS.

MS. KARP: Correct.

MR. ATACK: Okay, because the way the trips are set up now; when you get back to the dock on your paper you have one grid for the whole trip. But it is a 33/77 or whatever, it is a very crude block.

MS. KARP: It is.

MR. ATACK: This would have the ability to put those blocks in, or you would enter the blocks in?

MS. KARP: To go one step further; one of the reasons why the fishermen in Rhode Island have asked for this is because they are implementing wind farms in the waters. They took the VTRs and they said, look, we're going to put them right here. We are going to put these wind farms right here, because nobody fishes here.

The guys were saying are you kidding me; we steam through there, we go through there, and we do fish there, but the VTRs didn't show that. One of the things they wanted is to show where they steam. The software has the ability, and it is built in in the back end to say you steam at X

rate, you trawl or whatever you do at X rate. It has the ability to kind of take that and say this was your steaming time, this was your idle time, and this was your fishing time. It really has the ability to say you fished this amount of time and it can show you actually where you steamed out, where you fished, and get all of those lat/longs.

MS. MARHEFKA: I'm like a logbook nerd; I am so excited right now. Let me make sure I understand this. Regardless of whether or not you have internet at the time that you are stopping and reporting, it is still capturing that information.

MS. KARP: Correct.

MS. MARHEFKA: But you do have to – like you would stop, you would fish, then report, then move somewhere else, fish, and then report; that is the only way it is really going to capture that information.

MS. KARP: Correct.

MR. ATACK: Well, that would capture the poundage at that position. If you never entered any fish in, you would still track where you were and that you were stopped. If you didn't enter the fish poundage in, you would still have a stop time there of one hour or 30 minutes or whatever. It is kind of like a time stamped chart plotter like on a GPS.

MS. MARHEFKA: Relating to this, and to be devil's advocate, right now I know ACCSP isn't collecting it at this level; but that data is somewhere, and so there are people who are going to be suspicious about where that data is right now and who has access to it and all those things.

MS. KARP: You can shut it off in your settings. If you go to settings, permissions, you can shut off your location and say I don't want anyone to know where I am at any time; so now that is shut off. The GPS coordinates stay with the tablet. They don't go anywhere, everything stays with the tablet.

What we have found is that the fishermen; God forbid, they get a tablet that doesn't have GPS; they would get upset. They want to know their location. They want to see themselves on a map. They want to say where did I catch my fish? I didn't realize it; but these guys literally take a map out.

I had one guy tell me he takes a map out and with push pins puts in where he has caught fish over the past three years and then figures out where he is going to fish at certain times of the year. I never knew anyone did that. The GPS, they really liked it. They wanted more of it, which was kind of surprising to us, but it does have that ability.

MR. FEX: Yes; I brought this point up to you before at the council meeting about the information, the lat/longs. I own my own boat so I am not concerned about that, but a lot of people don't own and operate their own vessels. I questioned can the permit holders get that information and access it easily?

MS. KARP: Right now as far as the SAFIS program, there is no way to go in and say I want to see where I fished; I want to see where I caught those fish. They can go back to each catch and

look at the lat/long that way; but there is no way to do it, and that is kind of some of the add-ons that can be done at a different time or can be done by a software company that wants to maybe charge a premium monthly subscription or yearly subscription. You can do all sorts of things. Like we like to say, it just software.

We're learning what the needs of the fishermen are, whether they are commercial or for-hire headboats. To make those tweaks in there, we can do that. Once we learn what it is that you guys want, well, then it is a matter of just building it and giving it to you to say is this what you wanted?

MR. ATTACK: Right; so that GPS stuff is in the tablet, and then you would have to write the software to upload that information to SAFIS.

MS. KARP: Correct, and which we've done. We had a version of this that we did some add-ons to as Harbor Light Software, not as the ACCSP, and we worked with Sea Plan last year, and Sea Plan wanted to go and get all of the mapping and everything else. They did a terrific job with it. If I had the maps, I would bring them out to show you.

But Sea Plan was able to show where these guys went, where they steamed, where they fished; everything that was able to do it, and it was great. They were able to say you can't put a wind farm here because look at all of the paths that go through this area. We have the ability to take that and upload it to whoever wants it. Obviously, Sea Plan had MOUs in place with the fishermen to get that information; but the ability to give that data with the permission of the fishermen is there. Does that answer the question?

MR. GOULD: Is there going to be a version of this that can be put on, say, a laptop or a regular PC or is just tablet and androids?

MS. KARP: This actually, I am running it off my laptop. This is a Windows 8 laptop.

MR. GOULD: Good, thank you.

MS. KARP: If you have a Windows 8 laptop, absolutely.

MR. WAUGH: Coming back to Kerry's question about confidentiality; I think this is an important point to understand about ACCSP. It is broader than this presentation. But when ACCSP was put together, the idea was that would be a regional database that the data would go into. It would be confidential. You can talk to any of our staff on how difficult it is to get access to the confidential data.

There are very strict procedures in place for those of us who are allowed to get access to confidential data. You have to get it from each state. All those safeguards are in there for your detailed catch information, particularly for any catch by area information. All that would be confidential.

When the public goes on to the ACCSP Website, you can only access non-confidential data. The public would not be able to get that level of detail. That is already built into the original ACCSP program.

MS. MARHEFKA: I have another technical question. Say you are using it as an application, not on your PC; is it like any other application on my phone where it is clouded and I can move it from one device to the other and all my information is still there? Like if I lose my Facebook application; when I get a new device I just download it and it still has who I am and everything.

MS. KARP: Yes, this is running even though it is actually on what looks like a laptop. This is also a touch tablet. This is exactly how it would look on a tablet. Yes and no; can you go to the store? Right now you can go to the Microsoft store, iPhone or iPad, and download it from the store itself. Your database, currently if you lose the tablet your database is gone.

But, again, those are the features that another company could come in and say; hey, we're going to use this as our base and we're going to add on these features of you want to upload your data. That became important because one of the fishermen broke his tablet. He had a breakdown as to where is my data? We were able to get it off and put it on the new tablet, but obviously it said to us we need a means by which to back up these databases for the fishermen.

MR. ATACK: Yes, so can you download it to an SD card or a USB as far as your backup? If you put it on your tablet and say you also have a laptop that you want to then finish your editing; you know, say you keep your tablet on your boat and your laptop, so after you go to the fish house you want to make all your numbers exactly right; can you then edit that or do you have to go back to the tablet to really edit it?

MS. KARP: There is a way to take your database and take it from a Microsoft tablet to say a Microsoft laptop as long as they are Windows 8.1, and do it that way. Is it the easiest right now, no? You have to know where the folder is that contains the database. There is no quick button on it currently that says; hey, go here and save the database.

Again, it is just software that can be built in, not too difficult to have that database. What we were kind of thinking is taking that database, backing it up, putting it to the cloud; and then if you reinstalled on another machine, clicking a button and say go get my database and bring it back, and, bingo, it is there.

MS. MARHEFKA: I know it is for the IOS on the tablets and phones, but what about for a MAC operating system on a computer? Mark asked for the record. I don't know how to use a MAC computer anymore, so that is his question.

MS. KARP: Right now as far as the phones, the captains nixed the phones. They said there is no way that we're going to do this on a phone. Yes, you should be able to download it on a MAC. If you can go out to the store and type in SAFIS e-trips – I don't have a MAC, I have an iPad; but it should be the same thing, because you can run the application on either the – yes. Any other questions?

MR. JOHNSON: I just have one question. I'm not sure of why does it have the ability to disable location, because for data collection that is very important. You give fishermen the ability to say I don't want anybody to know where I fished; I'm just curious why that was put in there?

MS. KARP: It may have been a requirement of the operating systems themselves, especially Apple. Apple is extremely difficult; and when they have something that collects your data, you

have to give the person the option to turn it off. We had one fisherman that didn't want it in the beginning, didn't understand. It was the same way, who is looking at my stuff? Like I said to him, if you feel more comfortable, we're not uploading it; disable it.

MR. JOHNSON: Yes, because I know in our logbooks we have a box where we put depth in addition to the grid. It has been a lot of discussions back and forth on mortality issues and stuff. That has been a big point of contention with fishermen. Well, you gave me this big grid, but I didn't fish my whole trip in 180 foot. I fished here and I fished there. This seems to capture all that movement. I was just curious why we would want to have the ability not to retain it.

MS. KARP: I believe that if you build the applications – and I would have to check with the developers, but I am almost positive that you have to give the ability within the application to shut it off.

MR. ATACK: That is going to be a real big roadblock. Just like when you had the VMS requirements on certain permits; they could make a trip with their VMS turned off; but if they did, there was enforcement and they couldn't sell the fish. It would be part of the rule that they've got to have it turned on, if that is how you set it up.

MR. JOHNSON: Well, VMS, you've got somebody actually watching. This is not. This is what we're all looking for, really, and it sounds great. It is something that is more cost effective and fishermen can use it. It supplies all the needs of the data collection. But that was the only fly in the ointment I saw is if you give somebody the ability to turn it off, there are going to be some people that do that. I don't know how you would penalize them, Jim, if nobody is able to get to the data to see that they turned it off.

MR. ATACK: Yes; that is just like if the battery dies on it. Guess what, you don't have any GPS positions. Suppose you forget to tell it that I started my trip? You were saying on this example, you have got it all pre-populated, you hit the start button when you leave the dock and suppose you forget to do that; and later on you want to turn it on. I guess you can still download your trip.

MS. KARP: Yes; once you hit that start trip button, it goes; if you forget to start the trip, well, then –

MR. ATACK: You add it later.

MS. KARP: Yes, you put it in later. It will start collecting the data from when you hit "start trip". That is why we made the button really, really big so they wouldn't forget to start that trip. What we're going to do now is we're going to go and we're going to upload this report to SAFIS. All of your trip information will appear here.

For those that are blind, we made it so that you can actually make it zoom and make it bigger; a little feature there. Braille, not yet; but again it is just software. That will give you all of your trip information and your catch information there. You just go in and you enter your "e-trip" login, you have to tap that you agree. That is going to actually upload it. This is a test login, and using my password, but it is going to a live system. Anything that I put in will go into the live database, but under a test user.

It is going to tell you; okay your trip was uploaded successfully, it logs you out and it tells you that you are done for the day. When you go back, that trip there will now have a lock on it to show you that it has been uploaded. That in essence is a six- or seven-hour commercial trip done in two minutes. Any questions at all on it? Real quick for the for-hire side.

MR. GOULD: This program, you don't have to use it all day. If you wanted to take it at the end of the day and then do your trip report, you could still have the ability to do that, right?

MS. KARP: Correct; and some of the guys do that. Just to show you real quick on the for-hire side; they actually catch the quantity and the length on that. If you had I caught four of those bluefish and they were 19 inches, and I released those; so a lot of the guys actually go and they will take it and put in every fish that they get. Some guys go at the end and they say you know what, I got 15 flounder. I don't really care what the length is, because I don't have to and I don't want to, and I kept them. That is their day for their flounder.

MS. MARHEFKA: Does this already have then everything that is already in – say the SAFIS interface, does it have everything in there so it would have all the South Atlantic species already in there as it is developed currently?

MS. KARP: Yes. What it does is when we set it up, you need internet when you set it up, because what it does is it goes out and it grabs everything state-specific and it brings that all down from the ACCSP. As they update things, say the state updates something, the next time somebody logs in they will get those new updates and they will bring those down.

MS. MARHEFKA: I guess the reason I am really asking the question is because say someone wanted to do a little project in the South Atlantic; down here it is already developed. You know it would be very little additional development to the software in order to use it down here, because the fields are already populated with all the South Atlantic information.

MS. KARP: Correct. Some of the things that you may do differently, like somebody mentioned water depth; if that is a field that you have to put in for the state, then we can add in say water depth.

MS. MARHEFKA: How much would something like that cost, to do small tweaks to what is already existing to say begin a pilot project, ballpark me; \$5,000/\$10,000? Five figures.

MS. KARP: Between there.

MR. ATTACK: Suppose you land a species that is not already in there.

MS. KARP: You hit more button right there and say you wanted to – let's go with a sharks. That is going to bring up your list. I don't fish very much for shark, but I got a bull shark on that day, so it is going to pull it up and there is your fish.

MR. ATTACK: Suppose you look up lobster.

MS. KARP: Let's look up lobster; see these are the fun things that I never get to do.

MR. ATACK: Do you have to have the first name correct; because some lobsters, spiny lobsters or slippery lobster, is it searched by the first word or will it just search for the word?

MS. KARP: It is going to search for the word.

MR. ATACK: That's the only one you have there and it's American Lobster.

MS. KARP: American lobster apparently unless it is put in there as something different, lobster or spiny, because I think like spiny dogfish it is under spiny/dogfish. Any other questions? If you want, you can go and download and play with it. Again, Droid has their store. In any of the stores, it is under SAFIS e-trips mobile.

MS. MARHEFKA: I was trying to think of someone that is already filling out, say, their snapper grouper logbook could go ahead and start using this, but no because of all of the data, because of the depth.

MS. KARP: I think they are doing something similar in Rhode Island where they are using it for their tautog. They've got a tautog logbook that they have to fill out this season. I think it is probably the same thing.

MR. ATACK: The other thing that we put in our logbooks is cost; like fuel costs, bait costs, miscellaneous expenses at the bottom of it. That is probably not on this yet, but you would have to develop that.

MS. KARP: We've actually had a couple of fishermen ask us for that; what they called the simple accounting package. Say, gees, I broke a reel, let me put that down as a miscellaneous cost. My bait was X amount. What they are telling us is that they don't really keep track of that stuff. At the end of the month they say we get this big bill of bait and they say, wow, I didn't realize.

MR. FEX: One point to that is the South Atlantic does economical analysis, so a lot of times the cost is put up there; how much the total cost of the trips is. It is used also in the analysis for it.

MS. KARP: I think it is a great thing to add on.

MR. WAUGH: Kerry, to your question about the logbook; the council's direction to us is to try to have this ready to go by January 2015; so that instead of doing the paper logbook, this would be voluntary. If you wanted to still do the paper, you could, but we're working with ACCSP to try to get this ready working with the Center for down here beginning January 2015.

MS. KARP: Anything else? Okay; I appreciate your time. Thank you very much.

MR. ATACK: All right, thank you. Let's take a short break and then we will move on to the next item. We're going to get started again. Mike is going to do the next presentation, but in the meantime I think there were a couple of motions some people wanted to make on this last topic before we moved on. I think Kerry asked me first.

MS. MARHEFKA: I'll take the heat. I would like to make a motion or at least make sure that it moves forward with consensus of the AP, if we indeed do have that; that the AP strongly encourages the council – the intent of my motion is going to be that the council moves forward as soon as possible with a voluntary program using this new software that is adapted for the South Atlantic.

I am not asking for anything to be mandatory right now, but in place of the paper logbook with the intent that eventually it would take over being in place of the logbook. I will leave that open ended. Personally, I feel happy saying that I would like it for the commercial industry, but I am not familiar enough with the other two industries to speak to that.

MR. JOHNSON: I'll second it; and if she wants to let me make a friendly amendment, I would say for all federally permitted vessels.

MR. GOULD: This is something that I've pushed for throughout my tenure here on the AP panel. If you are going to have electronic reporting, whether it is voluntary, mandatory, or whatnot, there should be a recreational side to have an opportunity to report of what it is. It has been a touchy subject all these years.

We are losing so much data by not having the recreational side permitted or reporting what is going on. The recreational side is still done in a sight of darkness. You don't really know. You guess, but it is not accurate. I would like to see that added into it, too, please.

MR. ATACK: Yes, I would agree, but what I would do is do this motion and then we can make another motion for the recreational. In talking to Francine after the meeting, they are looking to do a pilot recreational software setup if there is like an angler association that wants to work with them.

I think they are looking at doing Rhode Island this winter, getting it all set up and doing the software and maybe implementing it next year. That is currently not available, but they are looking to do that. You could certainly make the motion to have them look at that when we're done with this motion.

MR. JOHNSON: Just a quick comment; Terrell, I completely agree; but when I was in Seattle, they did say they have done this in the past several times. What happens is they have people come in on the front end like a ball of fire in the recreational sector and three months later you've got a handful of diehards reporting. It is a lot of money spent; and every time they have tried it, it has been a failure.

Now maybe the tide is changing; and maybe it is time to give the recreational angler another opportunity. But it has been done in the past and it was always just it didn't work, and I don't know why. You would think they would want to report. They all say they do want to report, but there is no requirement; and when there is no requirement, it just doesn't seem to work.

MR. GOULD: What we are seeing now with the ease of the new electronic reporting media, it is a lot easier for them to do it now. They've gotten pretty much a pass all these years while the reporting requirements has fallen basically on the commercial boys, the charter/headboat. We've borne the brunt of it. We've taken the permits, and they've got the pass.

I think it is about time for them to step up to the plate and for the council and NMFS to implement a program where they have to report just like we do. What is good for the goose is good for the gander. You get your reporting up, you will have a lot more accurate database of what is going on.

MS. MARHEFKA: I just want to make it clear on my intent with this motion. The reason why I feel like we can go ahead and quickly move forward as soon as possible would be commercial guys using it is because it is already developed. It will cost very little money to add the one or two items that need to get added to this particular platform she just showed us.

Whereas, I believe it gets a lot more complicated. There was a for-hire component on there, so maybe that is not hard. But my understanding also is that NMFS is pretty attached to already the headboat reporting program. My concern is that I want the council to understand we don't want to wait for the perfect for everyone to move forward with what has already been developed for the commercial industry. Hopefully, that intent will be captured in the record.

MR. ATACK: Anymore discussion?

MR. GOULD: Just off base here a little bit; is this a program that will be supplied by NMFS and the council free of charge or is there going to be an application charge for it or just how is this going to work when we go to this system here?

MS. MARHEFKA: My understanding, in talking to Gregg on break, is that I think -- I don't know if there is a cost for the application, we actually didn't ask that. There is no cost for the application. You would have to voluntarily -- if you are being part of the voluntary program you would have to have your own tablet or computer. Whatever equipment you already had or wanted to buy, it would be part of you voluntarily being part of the program and the application is free. In essence there wouldn't really be a lot of additional cost for the voluntary part.

MR. WAUGH: Remember, I mentioned about this electronic technology plan that is coming, and you are going to be expected at some point to do some cost sharing. This is a way to get out ahead of the curve. Do you want to do cost sharing on a VMS system or something like this or do you want to get out in front of it and say; hey, we're doing cost sharing; I am getting a tablet for \$400 and that addresses your reporting. It addresses tracking where you're fishing, so there is no need for VMS. It gets you guys out in front of all of these requirements doing cost sharing on your own terms rather than reacting to something.

MR. HULL: Other than the lat/long component of this, which is tracking you, we are already providing all this information just on the logbook paper form. This is where it brings in the VMS component of it to where now you've got your lat/longs tracking and it is like on a map. As Jim said, even if you didn't report until the end of your trip, which is what a lot of us do now obviously with the paper logbook; you can pretty much go back and track where you were, where on the paper logbook you are just putting your grid and your depth.

This is going to give you an exact GPS track of where you did fish. Other than that, that is the only difference that I see; and then the compilation and probably the speed of compiling all this electronically rather than paper.

MR. FREEMAN: Really, couldn't we add just five more questions to the dealer report and that could be a dealer report and the logbook all turned in at one time? I know one is state and the other one is going to be for federal; but all the information basically is already listed on the dealer report for the most part. I would think it would be very minimal as far as expense-wise, and at one time be sent to both places.

MR. FEX: Yes, I've made a comment to Bonnie about why don't we just one dealer permit fills out the logbook, but they have to have two. That way they can verify it. The dealer says one thing, the fisherman says another. That way they can verify both. Believe me, I wish we just had one piece of paper; me and the dealer got together and wrote it up.

MR. FREEMAN: Even on the dealer reports now, your logbook number is listed on that dealer report, so that would take care of the boat. You could actually sign off on it as the fisherman, where the fish house isn't doing it.

MR. FEX: Yes, I agree with you, by all means. Like I said, I was trying to get it down to one report; why the dealer couldn't just fill it out; I could just say it all; but they want the two reports, that way they can verify it. I wish we could get away from it.

MR. WAUGH: In addition to the verification with two sources, the original idea behind the logbook separate from the dealer report was to get more detailed catch by area and effort by area. Now the existing paper logbook has statistical grids that are useless. It has depths fished and stuff. It is for the whole trip, so it is useless as far as meaningful catch per unit effort.

When you look at it like that, it makes a lot more sense just to have one form. We're, also allowing fishermen to fill out the logbooks at the end of the year. You can go on and on. That really degrades the utility of the logbook. This system allows the full potential of the logbook to be realized, with minimal cost and disruption to your fishing operation.

You really get the detailed catch, effort, discards by area. We talked about spawning SMZs, how are you going to measure the impacts to fishing? Well, if we had this data, you could look at that and see what is being caught in areas that you're talking about closing. If you get down to drilling; Francine mentioned wind farm.

All this stuff is coming, guys; and if you have your detailed catch by area information, that is only going to help you more. This would give us a lot more detail than you can get from one integrated form that is filled out at the dealer level. That is the real utility of having the logbook filled out in more detail versus what you get from the dealer.

MR. FEX: One other positive thing I see about this is it is still a tablet and you could still use it to check your e-mail and do your Facebook and do all the other things you do on the internet. It is useful I think, too, for that point.

MR. ATACK: Okay, anymore discussion on this? If not, we're ready to vote on the motion. **The motion reads recommend that the council move forward with implementing voluntary electronic log reporting for all federally permitted vessels. All in favor. The motion passes, Anybody opposed? It is unanimous.** Was there another motion you wanted to make, Terrell?

MR. GOULD: I would like to make a motion – and I will probably need a little help with this – that the council should strongly consider once again a process where the recreational sector is required to report electronically their catches. This should be done either via permitting system or whatever – does anybody want to help me with this – due to the lack of adequate data from the recreational side.

MR. HULL: I'll second it. But on the first one it was voluntary; this says a process here. Maybe if you put it as voluntary, then maybe you would get some participation; but without having to require to permit everybody first, it is going to be tough. Maybe you could get them to report voluntarily without making them all get permitted first, which is what they need also.

MR. GOULD: Well, that would probably be a good step, but I see enough where I go out and a lot of these guys don't play by the rules. There are a bunch of them that do, but it only takes a few bad eggs to spoil the brew. With the way that the fisheries are restricted now, it is a very, very sore point on my part, being a federally permitted vessel and operator, to see somebody go out that can, with near impunity, flaunt the rules and get away with it.

There has got to be some kind of mechanism put in place to reduce this and level the playing field and everything. I'm not sure what the process would be. I know it would not be cheap for either NMFS or the council to implement, but there is always that darkness in data collection on the recreational side. That has got to be attended to sooner than later.

MR DeMARIA: I agree with Terrell, and I know a number of people in the Keys, recreational anglers, that go out day after day. I don't know what they do with all that fish. I would like to see something where they report what they did with the fish. They can't possibly be eating all they're catching. And with grouper close to four or five dollars a pound, I think I know where it is going; backdoors of restaurants. As the price of fish rises, the temptation to sell it is going to increase. We all know it is happening in the Keys.

MR. WAUGH: I just talked with Francine. There is an effort underway to do a pilot study. Right now it is focused in the northeast. If we have volunteers that want to get in touch with Francine in the private recreational sector, a group or 10 to 15 anglers down here that want to participate in this; that would get us ahead of the game.

For cracking the private recreational, it is going to be a longer-term, more involved process. But if it is something that is cell phone based; Sea Grant has done pilot studies. We here at the council level came out in our visioning process that the recreational sector wants to participate. If we could get some people identified in the southeast that want to participate in this process; that would get it started. I think it is a great opportunity.

MR. ATACK: Terrell, I would recommend a friendly amendment to the verbiage like instead of require, I think we could start with the council provide or develop a voluntary electronic reporting system that the private recreational anglers can use for data collection. Then once that is developed and it works, then you could then look at requiring it at that point.

MR. GOULD: Just an incremental process?

MR. ATACK: Yes.

MR. GOULD: I am comfortable with that.

MR. ATACK: It would be like an amendment anyway you have to go through. Without an amendment; the system could be developed for the voluntary reporting.

MR. GOULD: I'm comfortable with that if my second is.

MR. JOHNSON: I'll support this. I'm not trying to rain on the thing, but I did listen to a lot of discussion about this from a group of people that have been working in this field for a lot of years. It is a waste of money. Every time they've tried it, they spent a lot of money and no one does it voluntarily. The only way – there are two things; you either have a carrot or a stick to make people comply.

There is no carrot here; so if you don't add a stick to it, if it is not require, if they are not going to get a license and unless they do, they are not going to do it. The reason logbooks are filled out is because if you don't, they don't give you your permit. Again, I will support it but I think it is not going to go anywhere because there is no requirement, and these people just aren't going to do it.

MR. GOULD: I think you've got a very valid point, Robert. While we're here; gosh, we're running ahead of time so much, let's revamp this a little bit more and have some more discussion on it, toughen the teeth a little bit. Recommend that the council consider a mandatory, maybe – well, maybe that is a little bit too –

AP MEMBER: Take the "maybe" out.

MR. GOULD: Yes, consider a mandatory electronic reporting system for private recreational anglers to improve recreational data collection. I think in some of the states there is getting ready to be programs where the recreational fishermen are going to be registered a little bit. I heard a little bit in the background about it.

I think this would start putting a little bit of teeth into it. They are going to eventually have to be permitted. There are no two ways about it. Six years ago I nearly got in a fistfight with one of the recreational guys from Florida about it. His comments were I don't go out there to make reports for the government; I go out there for fun. In other words, he wanted to enjoy the resource without being a part of being a part of the process of reporting what he caught so that we could keep this sustainable. There has got to be some teeth in it, and I think this is a good way to start it.

MR. MOSS: I have a couple of questions for Robert. What would be the additional cost for a recreational side, which, by the way, I am a Florida recreational angler; not the one that got into a fistfight. What would be the additional cost, particularly if you can run it off of the same platform? I'm very much for this, by the way.

Now, the other comment I will make as kind of a part B. Again, as a recreational guy, recreational people down there are going to have a real tough time with you making it mandatory for recreational guys and voluntary for commercial fishermen. I'm just telling you; and again I am for this. Believe it or not, I actually thing that it should be mandatory, because recreational people forever are crying about commercial guys stealing all the fish, but nobody wants to report

from the recreational side what we're actually catching. I am for this. I am playing devil's advocate. I understand what you are saying.

I am just saying when it comes to electronic reporting; when you put the word mandatory versus the word voluntary, people are going to start getting pissed off. It is going to be a little bit tougher to push through; again, devil's advocate and just kind of my two cents on that.

MR. ATACK: Yes; but really right now it is going to be voluntary; because to make it mandatory, it has got to go through an amendment, and we are not really using it yet. The voluntary part is, say, January, I think. Then once it is being used and all the flaws are out of it and da, da, da, da, da; then I would think an amendment is going to come through, and it will become the requirement and the paper will go away. Then it would be mandatory for the commercial and private and for-hire, I think.

MR. GOULD: Can I address this real quick? In the permitting process, your first permit is fifty bucks right? Then for each permit; say, like for snapper grouper is fifty bucks, then highly pelagic is twenty bucks each one. That is a small pittance to pay for a permit. If you can go out there in a \$250/300,000 Contender or Donzi, you can afford that seventy dollars to get a permit.

MR. WAUGH: Just briefly; the requirement to provide the commercial logbook is mandatory. What we're talking about is – right now that is paper. What we're talking about is allowing fishermen rather than submitting paper to voluntarily do it electronically. If they choose not to voluntarily do it electronically, they have to mandatorily submit the paper logbook.

MR. MOSS: Trust me, I understand that; and again I'm kind of speaking on behalf of however many thousands of recreational fishermen that don't know that. They don't know that there are federal logbooks that the commercial guys have to report. When they see these two coming through – and, listen, as soon as I get home I am going to start posting on message boards; look, guys, we really need to volunteer for this.

I am going to talk to all of my friends and we really need to get involved with this. If you want to catch more red snapper, then we've got to start reporting what we're catching, so that they know they are out there.

I'm just saying that if they start seeing in the newspapers or as somebody said Carl Wickstrom decides to post on Florida Sportsman that; hey, they are making this electronic reporting voluntary for the commercial guys, but they are making it mandatory for us recreational guys; you need to get out there and talk to your congressmen, so on and so forth. It is going to get a lot of traffic that way. I know you guys have all seen it before, I've seen it before. Of course, it is never going to be mentioned that commercial guys are already reporting regardless. It is just going to take these two snippets and that is what it is going to run with.

MS. MARHEFKA: I just have a suggestion that actually may help us work through this and move on. We are going to talk about the vision blueprint. What I am hearing from this panel is as part of the vision for this fishery we all see more accountability for the recreational fishery. Maybe at that point we could make suggestions about permitting recreational vessels or how we vision the recreational fishery being managed at that point. In the meantime we could make this voluntary to ease some of his concerns. Then during the visioning part – I don't know if that

makes sense, but I feel like it would meet all the needs. We're getting beyond electronic logbooks when we start talking about permitting recreational fishermen.

MR. GOULD: What you are suggesting is good chess. That is a good move; you know what I'm saying. I can very well go along with that.

MR. ATACK: Okay, Terrell, is that our motion?

MR. GOULD: That is affirmed there. You can take that as the motion.

MR. ATACK: Since it has been reworded, does somebody want to second it?

AP MEMBER: I'll second it.

MR. ATACK: Okay, any more discussion on it?

MR. MOSS: One more thing – and again at the risk of throwing a problem out there without the solution – Robert brought up a good point. Like I said, I am going to go home and try to spread the word and get people to do this, but people in general don't want to do things without some sort of an incentive. I don't know what it could be.

I don't know what the incentive plan could be to get people on board with doing this when it is voluntary. But that is kind of food for thought. He is absolutely right; you need to kind of have a carrot out there for the recreational guys to do this, to get a decent amount of buy-in. But again, I hate posing the problem without the solution. I don't know what it could be.

MR. GOULD: The carrot could be the stick over their head. I would make it very clear to them that you can do this voluntarily or a few years down the line this is going to be mandatory. Through the many reauthorizations of the Magnuson Act – I don't know if you keep up with it – but the timelines for everything have gotten tighter and tighter and tighter.

We are overdue for a reauthorization right now, and I shudder to see what is in it when it comes out, because I guaran-damn-tee you it is not good for you or good for me in either our recreational capacity or our way to make a living off the waters. Hold the stick over them and say it is coming.

MR. ATACK: **Okay, I am going to read the motion: recommend that the council consider a voluntary electronic reporting system for private recreational anglers to improve recreational data collection. All in favor of the motion. The motion passes. Anybody opposed? It is unanimous.** Okay if there are no other motions for that part of the program, we are going to move on to Mike Errigo on the Joint Charterboat Electronic Reporting Amendment.

DR. ERRIGO: This is just the summary report. I don't have any slides or anything to show. I don't know if anyone looked through it, but basically a lot of the discussion you guys are having – the council is actually moving towards looking at electronic logbooks for the charterboat sector; you know, the charterboat fleet jointly with the Gulf, because the Gulf also wants to implement electronic logbooks for their charterboat fleet.

There is a technical subcommittee that was put together. Members from both of the councils are on it, Science Center representative, state representatives are all on it. I am the representative from the South Atlantic, and we met in May of this year; got together and talked about it. Basically, a lot of what you guys have been talking about and a lot of what people want is what we think should be implemented for logbooks.

What is going on right now with headboats, where they have an electronic logbook and they are reporting on a weekly basis; that it should be standardized across everything, so you have this application. It can be on your phone or your tablet. It can be on your computer. It can be on the internet; just log in.

Although we did say it was preferred to have something that you could have on the boat to log as you went to reduce recall bias. You fill out all the information. Everyone is putting in very similar information about locations, what we caught, how much we caught. You hit send, it all goes to ACCSP, or some other central location where they organize the data, and then they send it out to everyone who needs it.

They send it to the state, they send it to the federal government, and they send it HMS. Wherever somebody is required to report, they would send the report to. The fisherman himself or herself only have to fill out a single report and hit the button, and that is that. That was our vision for how this should work.

We were specifically talking about charterboats, but that is what we think it should be for all the sectors that are reporting via logbook. I think that is where we're all moving. There are a lot of things to consider though for electronic reporting logbooks. A lot of people don't realize that it also requires validation, dockside sampling, and things like that.

You still have to have people on the docks intercepting some subset of boats that are coming in to look at the catch, to weigh and measure, and to get samples for assessments like otoliths for aging and things like that; but also to cross validate logbooks to see if there is a discrepancy; and if there is, so that we can correct for it, especially in the beginning.

Not everybody is going to fill out the report and not everybody is going to do it correctly. We need to be able to correct for that if we are going to use it to track the landings. But the hope is if we can get all the for-hire boats onto electronic logbooks; that we can do away with the current MRIP sampling survey and track the landings with the logbooks instead.

That is a bit down the road. In order to track the landings of like snapper grouper species, we would need to get all the for-hire boats on and not just the federally permitted ones. That requires all the states to be on board; and so the states have to implement the reporting requirements along with the council.

Right now North Carolina and South Carolina both have –South Carolina has a logbook in place, paper-based, and they are moving to electronic reporting. North Carolina is implementing an electronic logbook, and they will probably have it up and running next year. Florida has gone through the pilot study, and I believe they are also moving towards electronic reporting, but I don't know if 100 percent of their charterboats will be on it or not. I am fuzzy on the details. Georgia does not have any logbook program at all for their for-hire sector.

I think the first step – the council has the jurisdiction or the authority to require mandatory logbook reporting of all the federally permitted vessels. I believe that the suggestions from this meeting of the technical subcommittee would be to, as a first step, require all federally permitted vessels to report via electronic logbook. Then from there hopefully be able to bring all the state vessels on board.

Once the electronic system is set up, all you need to do is get the application, fill out the application correctly, hit the send button. As long as everything is uploaded correctly, you can come on board on the system. Hopefully it will become easier after the initial implementation. We already have the headboats on that kind of system, so that infrastructure is kind of already there.

MR. ATTACK: Mike, don't the charterboats have to have the federal permits to participate in the snapper grouper fishery? You made the comment about getting all the charterboats versus just the federally permitted charter for-hire boats.

DR. ERRIGO: If you are landing them inside state waters, you don't have to have a federal permit for a charterboat to fish on like reefs and catch like black sea bass. They also don't have to follow the federal rules if they are fishing in state waters and the rules are different. When we close sea bass in federal waters, South Carolina state waters stay open for black sea bass and they can continue to land black sea bass in the closed season as long as they are catching them in state waters.

MR. GOULD: In North Carolina they by default go along with the federal guidelines. The permitting, same thing; there was something else that you said, and I'm having a brain fart right now, about the electronic reporting. You've got a perfect system right now, and I would highly recommend mentioning it to each and every state, where you could take her program, have it go into a central location.

They send the information to the feds; they send the information to the states. What I'm looking at right now for my operation is doing a federal report and a state report. Talking about a pain in the butt, as bad as I hate to do reports; if we could take and get with the states, have this one here; the thing that I like about this lady's application, program or whatever you want to call it.

The present one that is used by the headboats; I cannot access it until I am within internet range. In other words, on the way in when I've got two or three hours of free time where I can sit down and really think it through and do a hyper-accurate report – not on the one with charter headboat, no. It has got to be on the thing.

This one here that they've got, the program is on your computer; it is on your thing. You can do it on the way in. That improves the data collection on my part, the reporting on my part. I would like to see you really consider the change from the southeast program that we've got now to something more familiar to hers. I've talked to Ken Brennan about it; I've talked to John Hackney about it.

DR. ERRIGO: We had an ACCSP representative. Mike Cahall is also on the technical subcommittee. I believe he had a program like this in mind when he was telling us about what their capability is. This is exactly what we would like, an application or a series of applications;

people can just develop whatever applications they want as long as they collect the information that the logbooks require to be collected in the format that is required.

Then it all gets sent to we were thinking ACCSP. They would collect all the data; QA-QC, organize it the way it needs to be organized, and then send all the appropriate data to all the appropriate people. We have heard lots of complaints about multiple reporting; I have to fill out the same exact logbook like three times, because some people have an HMS license.

I've got to send it to the Southeast Center, I've got to send it to the state, I've got to send it to HMS. It is like the same report. It has like one or two things that are different. Why do I have to fill out all this information when I already have filled it out? That was the hope. That is what we would like to see. I do not know much about the headboat or the current headboat program; but I would hope that we could move to a system similar to what was presented to us here. That is the vision of the technical subcommittee, a system similar to that.

DR. KELLISON: Without much familiarity with the current headboat reporting program, I think that it is very similar, but that the big difference that Terrell was pointing out is that there is not a capability of entering it without an internet access. That would be a core difference. Otherwise, I think conceptually they are very similar.

MR. ATACK: Any other questions? Okay, thank you, Mike. Now we are ready for Amber with the visioning update.

MS. VON HARTEN: I'll start off just to kind of briefly going over this sector summary that was in your briefing book; it is Attachment 9. This was produced from the port meeting results. Previously I believe we had given you information on the state-by-state summaries. This is based on sectors.

Just quickly, the most commercial participation came from North Carolina and Florida, as you can see in that red column there. Georgia had the most recreational participation. That was kind of based on – we had one meeting that was centered at a saltwater sportfishing club, and we had almost all their members come out for that meeting, which was good, because the recreational sector was definitely one sector that we did not have real strong participation from in some of the other states.

Then for the for-hire sectors, Florida and North Carolina had the higher participation. The rest of the summary here kind of breaks it down by sector and highlights some of the key issues that came out and some of the strategies or the recommended solutions that were brought up at the port meetings.

The major themes throughout the sectors were data collection, science and reporting, reducing discards and minimizing waste; flexibility in terms of the ACLs and some of the closures that are currently in place, and access to the markets, so kind of year-round access to the fishery. Regional management, habitat in the context of MPAs and those strategies for managing habitat and artificial reefs.

A few allocation issues came up and communication; and that is in the context of better understanding the science behind management's stock assessments and data collection programs

and things like that. There is a lot of really, really good information in this summery, some really good strategies that came out from participants in the port meetings. As I told you all before, we had about 371 people participate in the 26 port meetings. We were really happy with that. If there are any questions about the sector summary, I can answer those.

Okay, the next thing I am going to talk about is the visioning workshop that we had just last week with the council members. This was held last week, Tuesday through Thursday. It was primarily the mechanism for the council members to get together and reflect on the input that they had heard from the port meetings and start crafting their Draft Vision Blueprint, is what we're calling this now, for the snapper grouper fishery based on the port meeting input as well as what they would like to see for the fishery.

It was really a workshop style format. We did breakout sessions based around some topics that were coalesced from input from the council members and what they felt were a priority, as well as what you just saw from the port meetings. They kind of jived pretty nicely to come up with these seven main topics that you see up here.

I know this is kind of difficult to see; but sub-regional management, data collection and reporting, bycatch, year-round access, stakeholder engagement, habitat and ecosystems and allocation were the seven breakout topics that the council worked on last week. But before we even started looking at these specific topics, we kicked the meeting off and did a vision blueprint exercise.

We asked the council members to come up with what exactly did they see five years from now after this blueprint had been put into place; what did the fishery look like by sector? Looking at that 30,000 feet level, looking down the fishery; what did they see in the commercial sector; what had happened after they implemented this blueprint, and we went sector by sector.

That was a really interesting exercise, and I can tell you in light of the last two presentations and conversations about data collection in the recreational sector; that is definitely at the forefront of the council's mind in terms of improving recreational data collection and improving the reporting mechanisms that are available to all sectors.

We did that sector by sector; and we revisited that exercise at the end of the workshop to see how the council's initial vision on that first day matched up to the breakout discussions they had had over the course of the other couple of days. We asked them to consider things that maybe shouldn't be in the vision based on their discussions and add new concepts that should be part of the vision. They will look at that again in December.

I just wanted to show you this, because like I said we did these breakout sessions where we broke the council out into three tables and staff helped moderate discussions at the tables based on the different subjects. We did one at a time, and then we got together after about 20 or 30 minutes and did a plenary session where we summarized each table's thoughts about specific strategies that they wanted to use to address sub-regional management, data collection, bycatch, and so on and so forth.

These are the main headers here, the main topics, and what you see under here are some of the major themes that came out under each topic. I will note here these two that came out under data

collection. It says explore recreational catch programs and improve and expand reporting mechanisms. Some of the strategies that came out under those two themes were mandatory reporting for the recreational sector, and then the reporting mechanisms; things like electronic reporting, swipe cards, a recreational permit and stamp, catch cards, more portside sampling for the recreational sector, and improvements to the commercial reporting.

All of those ideas that you were just discussing is on the council's mind. The next steps for this is about I guess December 2013 was the last time that the council looked at the existing snapper grouper goals and objectives that are in the existing fishery management plan.

They worked on those for a couple of meetings; and at the December meeting last year we were at the point where, okay, we had a straw man of those revised goals and objectives in a draft form that we could then take out to the port meetings.

That is when we started focusing on the port meetings. Now what we're going to do at a staff level is, first of all, do a gap analysis for the council for the December workshop where we are going to look at the port meeting information and see where there may be some missing issues that came up that stakeholders are interested in and see if there is potentially any other strategies or themes that they might want to consider in their goals and objectives.

Then we're going to take this information from the visioning workshop last week and these major themes and the strategies that the council came up with and kind of develop and revise those goals and objectives further; and then fit those strategies underneath all the different goals and objectives.

Hopefully, by the December workshop, which will be that Monday morning of the December council meeting, we'll have some kind of Draft Vision Blueprint Document for them to look at. Then we're going to get into a discussion hopefully of what these goals and objectives really look like and do they meet the needs of what the vision is saying.

We'll also be discussing at the workshop in December kind of the next steps in terms of how we want to collect more public input about this draft blueprint, because it is definitely something that will be taken out in some fashion. We're not sure yet if it will be more port meetings or a scoping fashion or what; so we'll discuss next steps.

Eventually in the spring our tentative plan now is to have another visioning workshop with the council members after we've gotten the public input to start prioritizing some of these strategies; what can the council start addressing in the short term and what can be planned out over the long term? Eventually I think the short-term strategies would be incorporated into an amendment that would be developed to start addressing those strategies. With that, I will take any questions.

MR. ATACK: This table is not I guess in the briefing material that we've got. It might just be good to send that to everybody, because it is kind of a condensed summary of what the issues are and the topics are.

MS. VON HARTEN: Absolutely; I can send that out. Like I said, we'll have hopefully a more detailed version with the strategies and actual goals and objectives for December.

MS. MARHEFKA: Amber, I am still having a hard time figuring out what the end result will be from what the vision document will look like. Is there going to be a statement that says the council wants the vision of the commercial fishery to look like this and then there are going to be ways they think they can get to that?

Is that going to be in the form of the goals and objectives; that is how that is going to look? I feel like there is supposed to be this place we all want to get to, and that the council is going to agree this is where we want to get. Then there is going to be all kinds of ways to get there. I can't visualize what that endpoint is going to look like.

MS. VON HARTEN: Right now they have a draft vision for the overall fishery. Perhaps that is something that they want to consider is coming up with a vision statement for each sector; that could be something. But, yes, essentially this is going to be the blueprint or kind of like the strategic plan for how this fishery will be managed into the future.

It is something that personally I feel needs to be looked at on an annual basis, especially as council members come in and out, to make sure that whatever management decision is being made at the council level meets and fits somewhere under this vision. Yes, it will be in the format of almost like a strategic planning document that the council can use to guide their management decisions into the future. Obviously, like I said, some things are going to be able to be addressed in the short term and other things would be addressed over the long term. It is going to be flexible and it is going to change. The vision statement; I can pull it up on the internet.

MR. ATTACK: You are going to do a gap analysis; so what you will have then, when you do that gap analysis, you will have basically as a comparison of where you are to where you want to be, right? When you do that gap analysis, then you will have items that are different from what they are now that we want to change, right, is what you are looking at? Then you will probably have action items or how we are going to get there, what changes need to be done to get there is kind of what you are going to do?

MS. VON HARTEN: The gap analysis is the gap analysis on the workshop last week. We've heard from the public what the problems are and what is not working and what is currently in place. The gap analysis is going to look at what was said in the port meetings. If there was a specific strategy or management tool that the public suggested; that perhaps the council it didn't come on their radar screen or maybe they thought of it and it was discussed at this workshop last week, but for some particular reason they chose not to include that.

That is what the gap analysis will be. This blueprint is going to have – the council also developed four strategic goals of science, management, governance and communication. They have these draft strategic goals; and then under the strategic goals will be specific goals and objectives that will address specific issues; whether it is by sector or by topic or whatever.

If you don't know this, all of the information, including every single briefing book from every visioning workshop, all of the port meeting summaries at the meeting level, as well as the state level, as well as the sector summary; all of this is on our website. If you ever wanted to look at that, you can. Right now this is what the draft vision statement and strategic goals and objectives looks like.

This is the vision statement here. The snapper grouper fishery is a healthy, sustainable fishery that balances and optimizes benefits for all. That is a very broad, general statement, which is how typically vision statements are crafted. But, again, this is still a draft. This might be something that the council wants to look at again.

Like I said, perhaps consider doing sector vision statements; that is going to be up to them. I will just quickly read through the strategic goals. Like for science this one says management decisions are based upon robust, defensible science that considers qualitative and quantitative data, analyzed in a timely, clear, and transparent manner that builds stakeholder confidence.

Then an example of a goal under that – and some of these goals, I have to say, were created under the Snapper Grouper FMP long ago when other management measures were being considered. Some of them are not exactly maybe relevant right now to how the council wants to proceed in managing this fishery.

Another broad goal could be obtain quality data to monitor and assess biological, economic, and social impacts in management. An objective under that would be expand and enhance current methods of data collection in the South Atlantic Region, and then a strategy to get to meeting those goals and objectives could be your motion that you just put on the table; you know, require mandatory electronic reporting for the recreational sector, using X, Y, Z tools. That would be your strategy for meeting that goal and objective.

MR. ATACK: Yes; and if that goal is completed, you could put a completion date. Then when you look at this thing later, if we get to where we want to be, then all the goals will be completed by a certain date. Typically then you do a periodic review to make sure that we're on track or have accomplished.

MS. VON HARTEN: Exactly; these strategies should be developed in a way that you could check off that objective and say, okay, we did that. Typically objectives are time-oriented and realistic and measurable and things like that if you are really following the true strategic planning methods of developing goals and objectives.

Here is a management goal; adopt management strategies that rebuild and maintain fishery resources, adapt to regional differences in the fishery, and consider the social and economic needs of fishing communities. Here are a bunch of different goals and some other objectives that the council needs to revisit and look at.

Communication; employ interactive outreach strategies that encourage continuous stakeholder participation that supports two-way engagement between managers and stakeholders while building a greater understanding of science and management. Then the governance one was added towards the end, and that needs to have some goals and objectives developed for that. But the strategic goal reads commit to a transparent balance and timely decision-making process that follows flexible yet well-defined protocols and strategies.

A lot of these could be used for other fisheries in the South Atlantic eventually, if the council decides to go down that route. Are you understanding kind of what is going to be an end product? It is going to be this Draft Vision Blueprint that will look something perhaps like this; that has specific strategies that then in the spring at the next workshop, the council will look at

those and start prioritizing; okay, what can we do; let's start putting maybe some time-oriented objectives under this, so we can know how quickly we can implement some of these or start working on some of these and how some of them may be for the long term.

MS. MARHEFKA: As a business owner, I would just strongly recommend that the council does consider breaking out their vision by sector and to be as not specific, but as clear as possible with what they really, in my case, want the commercial fishery to look like, because that will help me plan where I go with my business.

The council has a vision of where the council wants to go; I need to follow that and have that same plan for my business. For instance, I would recommend something like maximum flexibility for the commercial fishermen so they can make money year round; just an example. Therefore, as a business owner I would think, well, maybe that would mean I want to make sure I have all my endorsements, and I keep them.

Maybe the council is more important to get the most money out of the resource thereby they are going to look at bigger boats and favor fewer boats that catch more, in which case I would know as business owner I need to go out and buy some quota. To the extent that the council can be clear, especially in my case for the commercial sector, as to what they want the commercial fishery to end up looking like; so that we can plan our lives and our businesses accordingly would be helpful. Esoteric words don't help me know what I need to do five years from now.

MS. VON HARTEN: I encourage any council members that are here that want to comment on last week or kind of some thoughts.

DR. DUVAL: We had, I felt, a really great meeting last week. Staff did a lot of hard work to help keep council members focused on the kinds of tools that we would want to explore as we develop and get the fishery to where we want it to be. I appreciate Kerry's comments about esoteric words; but a vision is it is kind of pie in the sky; it is kind of where you want things to be; so that statement up there is meant to be exactly like that. It is not supposed to be specific.

But those kinds of comments are very helpful when we're looking at what are the objectives for the fishery, specifically in regard to the commercial sector. I'm sure there will be objectives that are specific to the for-hire and the recreational sectors as well and then the strategies or the tools to get there.

That was the whole point of undertaking this process, anyway, was for those of you who are the regulated community to be able to plan for your businesses and so we would not continue to engage in sort of triage or crisis management and be able to move forward like that. I guess I would encourage all of you to go ahead and explore the visioning links on the council's website.

There is a lot of great information there; and as you will see there are lots of folks up and down the coast that have lots of different opinions, many of which are in conflict with one another for how the fishery should be managed or what they would like to see. That is going to be a really tough struggle for the council reconciling all of those different opinions. I heartily encourage any of you to continue to provide comments to staff as we move along in this process.

MR. ATACK: That concludes the agenda that we have. Now we're going to move into other business. One request I got from Don is the south Florida lines. We'll talk about that here for a minute.

MR. DeMARIA: I was hoping Rob would be here to help me with this one, but he is not here. South Florida is just really confusing with all the different agencies. There are the Gulf, South Atlantic, Fish and Wildlife, State, Sanctuary Boundaries. It is incredibly confusing. If I miss something, Richard, you let me know.

Even the line that defines where the South Atlantic and the Gulf Council's begin is different. The state definition goes kind of from Tortugas up 83 degrees and across and about through the top part of Marquesas and then up U.S. 1. I talked with John O'Malley, with the feds – and Myra can bring this up – their definition is somewhere along the south side of the islands, the southernmost tip.

If you are fishing between say the southern tip of Big Pine and U.S. 1, you need a Gulf permit, according to the feds. The state, you would need a South Atlantic permit to fish in there, is my understanding talking with John. It is very confusing. There ought to be just one definition of where the boundary is. I talked with several other fishermen.

It seems to make sense – I don't think we' would ever get the boundary for the South Atlantic and the Gulf to move, but it would make more sense even if we could just get the boundary for the snapper grouper fishery to move north of the Keys maybe nine or ten miles or so; the reason being that is more of a vague area right there.

There is not a lot of snapper grouper fishing going on in there; it is a shrimping type bottom. But the way it is now, going down U.S. 1 or even the south side of the islands, it goes right through historical fishing areas, especially for the commercial fleet. They fish on the south side and the north side.

A lot of fishermen, commercial guys, gave up their federal permits or lost them; they didn't have enough landings. A lot of them were smaller boats; they didn't want to put a VMS on board. For one reason or another they lost their federal permit, so they can't fish on that north side any more. That was an important part.

If the line was just moved up a little further north. To the north of that is more of a bandit fishery; to the south it is more of a handline fishery. It is just two distinct areas. Right now it goes right through the center of the historical commercial fishing areas. I suppose that would be my request is that they move the boundary up a little bit further.

Even if it just went up to state waters, which is nine miles in the Gulf; that would help. It would make it a lot less confusing. Also another problem, the way they have got the line drawn through Marquesas; that was an area and still is where fishermen anchor when it's rough. If you get a good southeast wind, you can come in there and anchor in four or five feet of water and be calm and spend the night.

But if you don't have a Gulf permit, you can't anchor on the north side of it. You can transit through it; but if you have got fish on board and the wind comes out of the south and you move

on the north side to anchor; you are in violation unless you've got a Gulf permit, the catch shares, the VMS, and all that. I didn't realize that until just recently. That is a problem there. If we moved the line a little bit further north, those people wouldn't be in violation for anchoring there.

MS. BROUWER: I apologize; I had the map on a thumb drive and I can't find my thumb drive; so I'm attempting to pull up the official boundary between the South Atlantic and Gulf councils that is in the CFR. I'm getting there.

MR. DeMARIA: If anyone else has a suggestion how to simplify the problem, I would like to hear it. I'm just not sure how to do it other than moving the boundary.

MR. JOHNSON: I don't have any suggestion other than are you going to make a motion for a specific boundary or are you just looking for input? Obviously, you've only got, what, you and Richard here from south Florida. I'm not sure what you are asking for.

MR. DeMARIA: Well, I would like to discuss it a little bit and I will make a motion of some sort, yes. Again, I was hoping Rob would be here, because he was going to help with the recreational side; but that didn't happen.

MR. STIGLITZ: Has there been a problem, Don? Is there a problem with somebody doing something wrong? I haven't heard of anybody having problems or anything with this. Inside the islands, I don't think there is anybody commercial fishing up inside the islands, but there might be that I don't know about.

If you were to move it further north, the fish that were being caught on the north side, which would be going to the Gulf quotas, would now be starting to go to the Atlantic quotas. Would we get an increase to our fisherman and a decrease to their fishermen? That was my concern about it.

MR. DeMARIA: I would think if you added more area, then your quota would have to go up, I would think, but I'm not sure. The problem is it is not so much Marathon in your area, but to the west of Key West; Marquesas and New Grounds and that area. That is north. That is now in the Gulf. Historically fishermen fished both areas.

If you fish in the Rebecca Channel, you would go to the north and fish some of those rock piles in the south. Now there is a very distinct, hard line that you can't cross or you will be in violation. It took a lot of area away from fishermen that had Gulf permits and lost them for various reasons.

That thing about anchoring, too, that is a problem not be able to anchor on the north side of Marquesas when the wind is blowing hard out of the south you would be in violation. You can transit through it. But it just seems all the other fisheries; the swordfish, the lobster, golden crab and all that other stuff, there is not really a problem with the distinct lines. It is the snapper grouper that is the problem.

If we could just somehow move that line north, the line separating the Gulf and South Atlantic snapper grouper fishery; that would alleviate a lot of problems for us. When she brings up the

state thing, which I have here, you can see how kind of confusing it is. This is just state boundaries. There it is.

MR. JOHNSON: I guess my question – and maybe Gregg can answer this – is this something that would have to be looked at jointly by the Gulf Council, the South Atlantic Council and the state of Florida? Obviously, I would support your motion, but the South Atlantic Council couldn't just make a decision on this. It would have to come from all three groups, I would think.

MR. DeMARIA: You can see it is kind of confusing. I guess I can go up there and point. I don't even know where to begin. That is the one that the state gave me. The federal one is a little different. I am confused about it. I'm not sure where to start on a lot of this. It is a mess.

MR. WAUGH: The separation between the Gulf and South Atlantic Councils is specified in the Federal Register. We are looking for the exact latitude and longitude; but that is delineated and that was –

MR. DeMARIA: It is different than what the state boundary says.

MR. WAUGH: That is something that the state will have to reconcile, but I can assure you that boundary between the two councils was contested. There was a lawsuit brought originally by the South Atlantic Council. David Cupka tells a story about how that boundary was settled on a golf course during a golf game with the attorney general at the time.

MR. DeMARIA: That is different than what the state says.

MR. WAUGH: Then the state has a problem, they got it wrong. Sorry; you are not going to get any traction getting the councils to talk about changing that line. We can talk with Jessica and find out why there is a discrepancy with what the state is using as the boundary between the two councils. We'll be glad to follow up with that and get back to you.

MR. DeMARIA: What really needs to happen – and I guess I could make a motion – is that south Florida be a separate region.

MR. GOULD: Believe it or not, I was just getting ready to say that. It looks like this is a massive turf war between the Gulf Council and the South Atlantic Fisheries Management Council. Your area and south Florida, the state of Florida; your area is unique in so many ways that I don't see where it can be adequately governed by the Gulf Council, by the South Atlantic Fisheries Management Council, or even the state of Florida.

There should be another council made, a special zone that encompasses that area, the entire area right on out to the Dry Tortugas and beyond. That way there wouldn't be any turf battle; there wouldn't be any lawsuits. You would be able to do what is the best for your fisheries down there, which is completely different from mine.

That is why I don't say a whole lot about what goes on down there, because I don't have enough expertise in it; but the fair thing to do would be like divorce yourself or secede from the South

Atlantic Fisheries Management Council and the Gulf Council and the state of Florida; have the federal government make you a zone of your own, and then everything will be copasetic.

MR. DeMARIA: Help me make a motion.

MR. GOULD: Make one; I'll second it.

MR. JOHNSON: Can I just jump in? What are you going to do with all those South Atlantic permits? Are those people going to be able to sell them to somebody else or are they going to turn into a new "special" south Florida permit? Are they going to have an option? As of right now, if you have a South Atlantic permit, I can come up and fish in your backyard if I live in the Keys. How would you address that? By the way, 50 percent of all snapper grouper permits are in – I think it is 50 percent, it's a bunch.

AP MEMBER: They are in Monroe County.

MR. GOULD: I would think there would be an amicable way to work around that. It is just like my state has an agreement with the state of Virginia. Our commercial boats can go up there and buy landing permits, fishing permits at a bit higher rates than what their state pays, but they can still go in there. Add a little fee to it, okay, this is the way it is, this is a transition period. Over several decades or a decade nobody will even remember what it was.

Okay, well, we've got to have a \$20 permit to go down into Florida Keys protection zone, big deal. It takes a lot of worry off a lot of other people doing turf battles in between. I think it is a miniscule thing to think about what it would cost for a \$20 or \$50 permit to go into those waters.

MR. WAUGH: Don, I was scrambling trying to find the legal definition of the two zones. Maybe you could just recap what the problem is because I don't know of any turf war we're having with either Florida or the Gulf Council. We've got a group that is working on a joint amendment to resolve the management differences in that area; but if you could just recap what the problem is, then it would certainly help me understand what we need to do.

MR. DeMARIA: As an example the two lines are different that divide the two councils. One runs up U.S. 1; the other one is up the south side of the island. That is the difference. It ought to be one line so people aren't getting in trouble. I don't know anyone that has gotten in trouble yet, but it ought to be consistent.

You can see on that map there are all the jurisdictional boundaries. There are state waters. It is not like going up off of Jacksonville or somewhere where it is just three miles from the coast. This is three miles state waters from any exposed rock. You could be 12, 14 miles offshore where those mutton snappers spawn at Western Dry Rocks, and you are still in state waters, because you are within three miles of Western Dry Rocks.

It is very confusing to know whether you are in state waters or federal waters. Right now we've got – and there are so many people fishing down there. In the recreational fleet we've got everybody from large 60-, 70-foot yachts, Contenders, down to jet skis, fishing in federal waters. They will strap spear guns on their jet skis and go out to the reef. It is a different area. It is just different than up here. I think a separate region is warranted. We've talked about that for years.

Separate management unit for south Florida I guess is what I'm saying. I don't think it is going to go anywhere, it never has, but I will make the motion again.

MR. HULL: Don, you are saying that the Gulf Council recognizes a different boundary line than the South Atlantic Council between the two areas?

MR. DeMARIA: The federal and the state.

MR. HULL: The Gulf Council and the South Atlantic Council; you are saying that they recognize a different line?

MR. DeMARIA: The state and the councils have a different line.

MR. HULL: As Gregg was saying, the problem is with the state.

MR. DeMARIA: I don't know who it is with; I'm confused.

MR. HULL: Gregg is saying that the line is there and it is in script between the Gulf Council and the South Atlantic Council federally is an agreed-upon line. Then you are saying that the state says that they recognize a different line between the two.

MR. DeMARIA: A separate one, yes. I thought I had it figured out until I talked to the NMFS guy the other day; and he said, no, it is kind of a vague line. It goes on the south side of the islands, but everybody has kind of been using U.S. 1.

MR. WAUGH: We will check and resolve that difference; because at first it was the state and now you're saying a NMFS agent told you this. If we can get that and get a copy, we'll find out where the confusion is and get back to you.

MR. DeMARIA: That is not the main thing. That is just an example of how confusing things are with those different lines. I really think a motion to the effect again that south Florida should be a separate management unit; try it again. Sure, that's fine.

MR. ATACK: So it's going to be an SMZ with no fishing?

MR. GOULD: One other thing, Don, you might want to consider in this is where it says south Florida, including the Florida Keys out to, what, Dry Tortugas is about the furthest part of it; include all of it. If you are going to get it, get all of it.

MR. JOHNSON: I think it might have a better chance if you had some clear definition as to where you want the boundaries. I guess this gives them the idea and then they can work that out, maybe.

MR. DeMARIA: I just was going to be vague about it and let them work it out. It is not going to go anywhere; I have tried it numerous times before. But if it does go anywhere, then we can really work on seceding from the Union like we tried once, Key West.

MR. MUNDEN: Relative to the motion, become a separate management zone for what; what are we talking about here, anyway?

MR. DeMARIA: A separate management unit for everything.

MR. STIGLITZ: Who would control it? Would the South Atlantic control it; would the Gulf Council control it or would we become our own council?

MR. DeMARIA: The South Florida Fisheries Council, I suppose.

MR. GOULD: Just think about this, Richard; you wouldn't have to travel as far for these AP panel meetings. You could be on that. You would be right at home.

MR. STIGLITZ: He's thinking about us.

MR. GOULD: Yes, definitely. To me it is really a win-win situation. You've got a line that delineates between the councils, the Gulf Council, the South Atlantic Fisheries Management Council. It gives you a buffer zone between the two. You give these fellows an opportunity to manage their own fishery, which like I said to me it is a very, very unique fishery. It is nothing like what we've got up here. I think it would be a win-win situation over quite a few decades.

MR. DeMARIA: I think part of the problem is the snapper grouper is the main one, certainly. The species that you all target up here, the red snapper, the gag, black sea bass, the pink porgy is nothing more than a bycatch at best for us. Some of it doesn't even exist in south Florida. The black sea bass and pink porgies are very rare.

The species that we target, the yellowtail, the mutton snapper, the black grouper, are a bycatch at best for you all. We are comparing apples and oranges. Your season is the summer, ours is the winter. It is two different things; and to have a different council, that would be the best thing. I don't think we'll ever get it, but it kind of sends a message that they need to keep working on this south Florida thing and resolve it somehow.

MR. ATTACK: Well, we can't read the motion right now, but I think we remember what it was. If you want, we can go ahead and vote on the motion. Do you remember what the motion read, Don?

MR. DeMARIA: I think it was something to the effect of creating a separate management unit for south Florida.

MR. ATTACK: All in favor of that motion; all opposed. Two opposed; the motion passes. Is there any other discussion on that or any other business? Robert.

MR. JOHNSON: I'm sure this will probably have some discussion. I was asked by a seafood dealer in Mayport, inadvertently through some fishermen, to have the council look at the second B-liner opening and adjusting lowering of the trip limit. His logic behind this was you have all these species that become available that second opening. As soon as B-liners open, everybody goes B-liner fishing. He thought that it would probably serve the marketplace better and the fishermen better if maybe there was less of a trip limit during the first opening.

Instead of having 1,000 pounds, maybe give the council the options to go 800, 600, 500 or whatever. I'm just throwing this out here to the group, 750, whatever. I would just like to see some analysis on it and maybe run by staff to see what that would do to the opening. His concern was everybody turns into a B-liner boat because they all want to fish the B-liners while they are open. Then all of a sudden after the B-liners are filled, everybody goes to try to catch these other species. I don't know how to put that in a motion other than I guess the motion would read have council staff run analysis on different trip limits for the second vermilion snapper opening.

MS. BROUWER: One suggestion; if a council member decides that this is a good idea, they will give us guidance to do this. I would suggest that you just leave it recommend to the council; and then they can decide if they want the staff to do it or not. I will type that up in just a second.

MR. FEX: You want a smaller trip limit on the second opening, am I correct? Okay; this is because a dealer doesn't want that much B-liner at one time? Am I getting the grasp of that?

MR. JOHNSON: Yes, in Mayport especially these guys are doing turnaround trips. They are hitting the dock, unloading. A lot of them are grabbing a fresh crew and going right back out. The weather is good and they are just filling the ACL quicker, even though we have a step-down that will be in place.

There is a split season on gray triggerfish this year. That is going to help a little bit, but his logic was you have red porgy available, you've got shallow water grouper available, you've got these other species available; why are we still making trips on one species? As a dealer he felt it would be more valuable to have some of those other fish coming into the marketplace instead of just flooding them with one species.

MR. FEX: I think that is the fishermen's fault. Honestly, that is them guys doing that. They are driving off there; they are strictly targeting those B-liners. Believe me, I did it. I did it when B-liners opened. It is the hottest time of year. I would rather fish at night; I am not out in the hot beating sun. I could fish all night and catch B-liners.

Then getting to the dock, unloading the fish and jumping a new crew; that is the derby, and that is their mentality. Believe me, I busted my butt. I know I have to take the next three months off. The problem is we're going to drop these trip limits down to where I am going to lose my profitability.

Once I got to the 500 pound trip limit, I was making money but it just wasn't that much. I know Charlie has complained about the trip limit being too small. It is not profitable for the big folks. But we're not going to get rid of this derby; it is us that are creating it. Whenever we regulate it to whatever point, we're going to do it.

When the 500 pound trip limit was there, the B-liners; I was bad about it. I went out there in a day, caught my 500 pounds of B-liners, maybe caught 300 pounds of other fish; 800 pounds of fish. My profit was smaller. We can't regulate our trip limit too low, because we are still going to target that single species. For some reason we do it, especially in the summertime, because it is hot. I want to fish at night. I don't want to fish all day. I want to go home and sit in the AC.

MR. JOHNSON: Yes, and I am just mentioning what I was told. I do not hardly commercial fish during the second opening myself, because that is during charter season; but it is just from his perspective. It was just a question he wanted; and if I can't get a second for it, so be it, but just throwing it out to the group.

MR. ATACK: I guess one data point. The first season lasted until April 19th, which is 140 days, and then the second season lasted 72 days. It closed September 12th this year.

MS. MARHEFKA: I'm torn on this, because I fit both. We are a dealer and a boat. I am very sympathetic to what Kenny is saying as far as being able to make profit at 500 pounds. The part of me that sells fish needs B-liner in the marketplace longer at that second opening, and my customers need it longer.

I don't know what the solution to that is, but I wonder if it is not just worth seeing the analysis. We're not saying let's let it happen, but let's look at if the trip limit was lowered, how much longer would the season stay open and go from there; or is that just opening the door way too much for you? I do, I feel for you. My boat can make money on 500 pounds. I get that yours can't, so I'm torn about it.

MR. GOULD: One suggestion; every area is so different and diverse and everything, one suggestion you might want to approach your state DMF who has the authority. Your state has the authority to limit landings in the state. Instead of going through the federal level, go through the state level.

MR. JOHNSON: Then you are just benefitting the other states and no fisherman wants your state to catch his state's fish. His point was everything else is on the table. You have all these other species to help balance out your trip to make it profitable. In January you have B-liners and gray triggers; that is what you've got, unless you amberjack fish. It is important to keep that trip limit at ten boxes; well, black sea bass.

But July 1, everything is on the table. His point was why are we continuing to fish at the higher trip limit when we could lower it a little bit, maybe diversify and catch some of these other species and keep those fish in the marketplace? It is really not a big deal to me, okay. I'm just saying this was his logic and I thought; well, okay, I'm on the AP and I'm supposed to speak for people in my area, so I will bring it before the AP.

MR. GOULD: Hypothetically speaking, suppose this is January the 1st. You have a lot shorter run as average than what we do down here, don't you; 65 miles, 70?

MR. JOHNSON: They are running 50 miles.

MR. GOULD: All right, pretty much the same. The weather down there is a lot better a lot of times there during the winter. They've got a narrow window. I don't know a whole lot about it, but I'm just trying to look out for my guys up here. Anyway, you go ahead and say something, I'll say nothing else.

MR. KRUSE: The problem with north Florida is you've got about four boats there. What it is, the captains are greedy. They care less; really, believe me. They care less about the crew,

believe me. I know these guys; I've known them for years. They are shooting in and out, in and out, in and out; and they are targeting those B-liners like you're talking about, like the dealer is talking about.

But where we are I'm fishing out of Georgetown right now, basically; that is where I'm at the last four or five years. We don't do that; nobody does that up there. These guys are so close and they are just running around. They've got five guys on the boat, a five-man crew. You've got 1,000 pound trip limit on B-liners; that crew is not making much money.

They are getting tossed, like you're saying; they come in, unload and get another crew. Well, a lot of them are not doing that. They are just going home, they go home, see their wives, give them a check, come right back. That crew doesn't even have a chance to do anything. They just have to get the boat ready.

But what I'm saying that is where the real problem is. North Florida, I mean that is where I started fishing out of Mayport, Florida, back in '79. The problem is there on the B-liners. They are just destroying them. There are four or five boats. It doesn't take long; the poundage that we're allowed to catch, it doesn't take long.

You've got four boats with five men; that is 20 men. It is going constantly in and out, day and night, day and night, day and night. They are fishing day, fishing night and coming right back. Up there north of there it is not happening that way; it is not happening that way. We go out there, and I can't afford to go out and catch 1,000 pounds and come in, myself on my boat, and I can't do it.

The expenses are too high and everything else. I have to catch grouper, scamp, and everything else to go along with it. No problem; I don't have a problem with it. I've always been a B-liner fisherman, trigger fisherman. But when I went fishing, I went fishing, I went fishing for everything. But what they're doing; that is what is messing the whole works up; the same thing with red snapper; north Florida. I've seen it and I've seen it and I've seen it.

The same thing happened there. You get a guy with a part-time lease, with a lease and they're fishing part-time, they've got a good business on the Hill; weekends, boom, here we go; in and out, in and out selling red snapper. I'm getting off the track on that; but that is what happened with the snapper.

My last trip before they shut the snapper down, I can say I caught 31 boxes; but these guys were going in and out with 7 or 800 pounds every day. That is how thick the red snapper are, and they are still that way. I threw 400 pounds away last week and watched four big mules float off after venting. They went down and came right back; they are dead.

Basically I am tired of wasting fish; 1,100 pounds last week; 600 pounds of triggerfish, 400 pounds of snapper, and other fish; that is what I threw away, two men on a 45-foot boat. I used to have a five-man crew and now I am down to just me and a crew member. That's it. But they've got five men, they are shooting in and out, and that is what is happening. That is why that quota is getting knocked down so quickly.

MR. GOULD: One thing that I might suggest – Mr. Red there just suggested this – why not have a daily trip limit? In other words; you’ve gotten your fish for today, whatever you catch that day you bring in and everything, instead of staying two or three days?

MR. JOHNSON: I wasn’t wanting to complicate things and I’ve gotten a lot of feedback so I can report to him and say, hey, look, maybe you just need to regulate your own house and tell these guys I’m only going to buy this much. By the way, he doesn’t come to any meetings, so I was a little bit hesitant to even bring it forth; but I was asked so I’m doing it. So be it.

MR. ATACK: Did we get a second on that motion? That is the motion. Did anybody second it?

AP MEMBER: I would second it.

MR. ATACK: Jimmy, did you have something?

MR. HULL: You said it at the end there he needs to manage his own dog, because he is getting overloaded with fish and that is his problem, and he can’t move his fish. He needs to tell those fishermen, hey, I’m not buying any more fish; you need to target something else. I know who it is. I know the situation and I think he knows that, too, but that is what he needs to do. We can’t solve that problem. You start doing these trip limits, then you start affecting different areas that need a higher trip limit to make the day. We can’t do that for him. He needs to do it.

MR. JOHNSON: I haven’t been able to make a motion in so long; I just can’t help myself. I do have one more thing that has been before this AP on several occasions. I was one of the persons that did not support it, to be honest with you. It has been mentioned to me by charterboat operators in my area.

I see every sector is struggling and everybody wants to sort of protect their own interest. I know in my marina alone I’ve got three new charterboats, one which came from Cape – somewhere up in New England, a big party boat. At some point I am just curious if this group thinks it is wise maybe to cap the for-hire effort.

I know in the past I’ve always been the guy that was all for the free market; but the problem we have in Florida is we’ve got everybody and their brother is a charterboat. Most of them are under the radar. Most of them aren’t federally permitted. They go buy a state fishing license, they’ve got a captain’s license and they are a charterboat.

There is no way to keep track of these people. I don’t know, I just want to throw the motion out there for limited entry in the for-hire sector. I know it was mentioned at port meetings. Again, I was against it in the past; but you know if you want to have a bar in St. Augustine, you’ve got to go buy a liquor license. They’ve already given out as many as they are going to give.

At some point I just wonder when is enough charterboats enough? I know they have it in the Gulf; and I am hesitant because it does put an atmosphere, a divisive atmosphere out there, because you start looking out for your own interest. I’m talking about for the for-hire sector, which would be – in the Gulf it is set up, they have six pack boats and then they have multi-passenger boats; if you are federally permitted.

MR. ATACK: It is also like headboats, partyboats?

MR. JOHNSON: That is correct; there have already been a couple control dates put into place. The council could look at a new one. I'm not trying to exclude anyone. I'm just wondering at what point enough is going to be enough charterboats in the state of Florida. The people in my industry say we've got enough and we get more coming every day.

MR. DeMARIA: I agree with you, Robert; I've talked to some charterboat guys in the Keys. They are getting frustrated; there are just so many charterboats now. Anybody can move to the Keys and operate out of their house. There are all these people operating out of their backyard, and the pie can just be divided up so much.

You are right, there is a point. Just like the commercial fishery, there was a line drawn and we limited a number of people. The charterboat, it just keeps growing and growing every year where I'm at. At some point I would think you have to limit it; it should be. A lot of fishermen seem to be in favor it. Some of them aren't, but there is quite a few that wish they would have gone with the control date when it was.

MS. BROUWER: I just wanted to ask a question or more of a clarification. What I heard you say, Robert, is that most of these folks are not federally permitted; so implementing a limited entry program for those that are isn't going to really solve your problem. That would have to be done more at the state level.

MR. JOHNSON: I understand that is an enforcement issue. I mean I do get that; but I just think if you have that clarity of the sector; this is the for-hire sector. As it is right now, we're just lumped together with the recreational guys. I don't mind that for the ACLs, but we're talking about electronic reporting and a requirement for the for-hire sector. I just think it is time that if we're going to do all that, then we should cap the effort.

MR. FEX: Yes, Robert, I agree with you. I've heard several people say that at the meetings I went to, and they said it has almost become a saturation of too many charter vessels in our area. I agree with you on that and I will support you.

MR. ATACK: The motion was seconded by Don, so it has been seconded. Any other discussion on the motion? Okay, I am going to call for the vote then. **The motion reads recommend that council consider implementing a limited entry program for the for-hire sector. All in favor; all opposed. Seeing none; the motion passes.** Any other business?

MR. OSBORNE: I need to bring up again I'm getting a lot of pressure from everybody in the hook-and-line tilefish sector to change the start date of that fishery. I would like to make a motion, yes. As of right now, we want to change it to March 15. It's just commercial, just the hook-and-line, the bandit sector.

MR. ATACK: Now will that affect the longline or is that a separate start date?

MR. OSBORNE: No, longline starts January 1st, and they've got their own quota.

MR. ATACK: Seconded by Robert. Go ahead, Jimmy.

MR. HULL: I was going to recommend that if you could somehow word it to where when the longline fishery closes, that then the hook-and-line fishery would start, because the longline fishery can close at various times. You are going to be without fish possibly; that is the only thing.

MR. OSBORNE: Yes, we've talked about that, too. It could work two ways. The longliners can control their fishery, too. If they ever got their heads together, we might not get to fish. If it is worded like that; you have to have some kind of start date, you can't just say when it closes. What if it doesn't close? That would be a good way to reallocate some quota, you know.

MR. ATACK: Okay, did somebody second it?

AP MEMBER: I did.

MR. ATACK: Okay, any more discussion on this? **Let me read it: recommend that the council consider changing the start date of the fishing year for the commercial hook-and-line golden tilefish fishery to March 15th. All in favor of the motion; any opposed. It looks like it is unanimous.** Any other business?

MR. GOULD: I never have asked for any time at the end of the meetings. Everybody knows who I am I think by now; Terrell Gould out of Morehead City. There have been things that have bothered me about this process for a number of years. One of them is the way the Magnuson Act has been changed against our better interest in many ways over the years through outside influence, big money-making lobbying efforts in Congress to get these changes in; and just generally decreasing timelines that could really benefit both the fisheries and the fishermen.

They've got so many changes in it now, the fisheries managers who do an excellent job in my opinion within the perimeters that the law allows them, but the law makes them go tighter and tighter. Look at your rebuilding strategies. It used to be ten years; now a lot of them are five years; it cuts down half the time to rebuild a stock.

Sea bass is a good example. They practically choked it off, gave it five years and it was rebuilt in two, two and a half. Gregg, do you have any comment on that; the rebuilding of the sea bass? No, okay. There are many, many things. In my sector the way the stocks are rebuilt there, we are still fishing for a pittance.

You've got to realize that the area between North Carolina/Virginia Line down to south Florida encompasses over; well over 40,000 square miles. Now there is not a fish in every square mile of that, but there is plenty of bottom between it. What I've seen here the last few years – and I'm sure if the law was a little bit different, our fisheries managers would give us more laxity in what we can retain.

Our creel limits would go up, our ACLs would go up; but because of the restrictive nature of the laws, we can't; which has done one thing, which has increased our discard rates proportionately. On my boat now an average day, anywhere from 500 to 1,000 pounds goes back overboard. I can show you my trip reports. Some of the council members have been out before; they know exactly what I'm talking about. I've seen things closed down; fisheries closed down in this process that was done by mistake.

Red porgy is a good example. Back in 1996, there was a mistake between the reports being done for red porgy and scup. The scup north of Cape Hatteras had been decimated by the trawlers. The scientists got the data mixed up together, which showed a precipitous drop in the red porgies. Well, they immediately shut it down.

I think within three months they had realized their mistake. It was never admitted; and after three years of not being able to catch one, they finally gave us one; we're up to three now. During my 18 hour trips we throw back 4, 5, 6 times our limits; run from them.

But it has got to a point in my career, folks, that I'm tired of it. I've given it the good fight. I think I've got a couple more years on this, but I'm quitting. This is my resignation. I hope you all realize that I've enjoyed being here, but I can't do it no more, okay.

MR. ATACK: Thank you, Terrell. Are there any other comments or business. If not, then we will adjourn the meeting. I thank everybody for coming and hope you have safe travels.

(Whereupon, the meeting was adjourned at 12:45 o'clock p.m., October 22, 2014.)

Certified By: _____ Date: _____

Transcribed By:
Graham Transcription, Inc.
November 5, 2014

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PLEASE SIGN IN

In order to have a record of your attendance at each meeting and your name included in the minutes, we ask that you sign this sheet for the meeting shown below.

South Atlantic Fishery Management Council
Snapper Grouper Advisory Panel Meeting:
Tuesday, October 21, 2014

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In order to have a record of your attendance at each meeting and your name included in the minutes, we ask that you sign this sheet for the meeting shown below.

South Atlantic Fishery Management Council
Snapper Grouper Advisory Panel Meeting:
Wednesday, October 22, 2014

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80	Beckwith, Anna	annabarriosbeckwith@gmail...	23565270 min
79	L, J	captainira@aol.net	-887646 min
70	Hudson, Rusty	dsf2009@aol.com	490 min
60	Mahood, Bob	robert.mahood@safmc.net	-24451620 min
37	Harter, Stacey	stacey.harter@noaa.gov	88 min
34	pugliese, roger	roger.pugliese@safmc.net	100 min
32	Poholek, Ariel	ariel.poholek@noaa.gov	175 min
27	Sedberry, George	george.sedberry@noaa.gov	434 min
27	Binns, Joe	joebinns@gmail.com	140 min
26	Heyman, Will	heymanwill@yahoo.com	95 min
22	FARMER, NICK	nick.farmer@noaa.gov	104 min
20	Helies, Frank	fchelies@verizon.net	236 min

SA DAY 2

60L, Ira	captainira@att.net	22663221 min
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70Karp, Fran	fkarp@harborlightsoftware.com	124 min
60Beckwith, Anna	annabarriosbeckwith@gmail.com	-24449703 min
40Poholek, Ariel	ariel.poholek@noaa.gov	36 min
31Spain, Bill	bill@harborlightsoftware.com	111 min
24pugliese, roger	roger.pugliese@safmc.net	64 min
23Heyman, Will	heymanwill@yahoo.com	14 min
22Mahood, Bob	robert.mahood@safmc.net	151 min
21Helies, Frank	fchelies@verizon.net	179 min