

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPEL COMMITTEE

**Sheraton Atlantic Beach Oceanfront
Atlantic Beach, NC**

December 4-5, 2007

SUMMARY MINUTES

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened in the Pamlico/Hatteras Room of the Sheraton Atlantic Beach Oceanfront Hotel, Atlantic Beach, North Carolina, Tuesday morning, December 4, 2007, and was called to order at 8:35 o'clock a.m. by Chairman Mac Currin.

Mr. Currin: We will call the Snapper Grouper Committee to order. Welcome to everyone. We're glad you're here and welcome to our new member and, Monica, I think you've got an update on some legal issues.

(Whereupon, a closed session was held.)

Mr. Currin: We'll open up the doors and will very shortly begin on our regular agenda. I believe the agenda is relatively straightforward. Are there any suggested modifications to the agenda? Seeing none, is there any objection to proceeding with the agenda as stated? Seeing none, the agenda will stand approved. We have minutes from our last meeting, September, in Myrtle Beach. Are there any corrections or additions to the minutes?

Mr. Brown: On page 24, the fifth continuous paragraph, the second line, you used the word "guilted" and it should be "gilded".

Mr. Currin: So noted. Is there anything else? Is there any objection to approving those minutes, then? Seeing none, those minutes will be approved. Our next agenda item can be found under Attachments 1 and 2. Gregg, I assume you're going to start with Attachment 1. Gregg is going to walk us through that, on Amendment Content and Timing.

Mr. Waugh: This was discussed at the Executive Committee meeting yesterday as well and the Executive Committee approved these changes, but we do want to just reiterate these changes with the Snapper Grouper Committee. We had noticed that we needed to adjust some of our document preparation timelines in order to meet the new Magnuson-Stevens Act requirements and so what we did was we had a conference call with George, Duane, and Mac on October 30th, to get a little bit of guidance to put this together to bring it to the council meeting.

Again, this is Attachment 1 and there are no proposed changes to 15A and 15B. The council is taking final action on 15A on this meeting and will taken action on 15B at the March meeting. Amendment 16, we're addressing gag and vermilion. We have a one-year deadline from June 2008 to complete that. Our recommendation is that that document is not ready for approval for public hearing at this meeting and that we defer that approval until March. We need some more guidance from you all that we'll get in a few minutes.

Then we will give final approval at September and so we'll be three months behind the June deadline. Amendment 16 will contain the SFA parameters and ACLs for gag and vermilion, interim allocations, management measures to limit recreational and commercial sectors to their ACLs, and we were recommending to move consideration of shallow-water grouper unit to the comprehensive ACL amendment.

What the Executive Committee has recommended is that that be moved into Amendment 17, so we

take a look at how we group deepwater and shallow-water groupers in order to address their overfishing status and bycatch considerations.

The comprehensive allocation amendment, we will be working on and taking -- We anticipate taking final action in December of 2008 or March of 2009. This will lay out permanent allocations for all our species. Amendment 17 will deal with our remaining overfishing species and it will also address greater amberjack, mutton snapper, and look at accountability measures.

The Reauthorized Magnuson-Stevens Act specifies that we must have ACLs in place for all species that are overfishing by January 1, 2010. In order to do that, the council needs to take final action at June of 2009. We're proposing, within Amendment 16, to look at SFA parameters and ACLs and rebuilding programs, if necessary, for red snapper, greater amberjack and mutton snapper. Those are the three that are in the late stages of the SEDAR process right now.

ACLs for golden tilefish, and snowy grouper, we're projecting that overfishing will end in 2009. Golden tilefish overfishing should have ended in 2007. Black sea bass overfishing should end in 2009 and then also for red grouper, black grouper, speckled hind, and warsaw. Interim allocations as necessary, if the comprehensive allocation is not finalized. Management measures to limit the recreational and commercial sector to their ACLs and species groupings; we're proposing to deal with all of those, other than for the deep and shallow-water groupers, in the comprehensive ACL amendment.

We would look at accountability measures and within the accountability measures, we now this is going to generate a lot of discussion, but in addition to limiting the commercial and recreational sectors to their allocation, we also will be looking at improvements to our recreational catch data, biological sampling, bycatch data, fishery independent data, and also socioeconomic data.

We'll look at excluding some species from the snapper grouper fishery management unit. We've got some species that perhaps are adequately managed by the states and we can remove them from our FMP and one new item there is that in Amendment 17 we'll look at extending the management unit through the Mid-Atlantic area. As George indicated, we have offered two seats, voting seats, to the Mid-Atlantic Council and that's the position Red is in now.

The comprehensive ACL amendment will deal with all remaining species in all FMPs and so all snapper grouper species will have ACLs or be in some grouping with ACLs. That needs to be done by January 1, 2011, and so final council action needs to be taken by June of 2010. Attachment 2 -- If you want to handle any questions, Mac, I'll show the Attachment 2 timeline in one moment.

Mr. Currin: Are there questions for Gregg so far? I just have one, Gregg. Which committee is going to be the lead on the comprehensive allocation amendment?

Mr. Waugh: That needs to be decided at this meeting. We're having a discussion at the full council and you did say allocation amendment, right?

Mr. Currin: Yes.

Mr. Waugh: That needs to be decided during the discussions at this meeting.

Mr. Currin: Okay. Are there questions for Gregg? I see none and we'll move ahead to Attachment 2.

Mr. Waugh: What this shows is the timeline for the preparation and again, the Executive Committee has approved this. It shows a lot of activity, as you can see, for 2008. I don't want to go into all the details here, but we proposed, and the Executive Committee has accepted, a slightly new process for scoping, because we have so many new activities coming up.

Again, this is Attachment 2 and you can see that as far as snapper grouper amendments, 15A will be finished and 15B -- This is looking in 2008. 15B, we'll approve and submit for formal review in March, but then Amendment 16, gag and vermilion, we would approve it for public hearing in March with public hearings before the June meeting and final approval and review of SSC comments and public hearing comments at June and then final approval and submittal in September.

Snapper Grouper Amendment 17, scoping early next year, looking at the options paper and approving for public hearing in September with public hearings prior to our December meeting and then final approval and submitting the document in March of 2009.

I won't go into a lot of detail with LAPs. The proposal is to scope this and work on options and perhaps, if it moves along as quickly, we could have a document ready for public hearing in December. We'll just have to see how that moves along and then the comprehensive ACL amendment and working on that and approving for scoping later this year.

Dr. Crabtree: I guess we'll need to talk at full council about committee-wise how we're going to deal with the comprehensive ACL amendment as well, won't we? It's not clear to me who would be the lead committee or if we would do a joint committee.

Mr. Waugh: To me there, it seems it would perhaps be good for each committee that has species in that to deal with the ACLs. Certainly a large part of that is snapper grouper, but the Mackerel Committee would work on the mackerel species. Each of our species committees would work on putting that together. How then all those bits and pieces come together, that's a good question, how we deal with that.

Mr. Currin: Are there other questions for Gregg on this continued very aggressive schedule that we have set? I hope we can maintain the sanity of our staff and teams that are working on these things.

Mr. Geiger: I guess the thought comes to mind, Gregg, that we don't even have a continuing resolution yet budget-wise. Do you have in your mind if in fact we get a continuing resolution and we're funded at the same level we were last year, recognizing the increases that were identified as necessary during Executive/Finance, where we would pare back and how we would massage this particular schedule?

Mr. Waugh: Bob may want to come up and comment on that. We haven't laid out alternative strategies for how we would deal with that. Bob may have a better feel for whether this level of

activity is reflected in the current budget and how much we would be able to do if it was a continuing resolution and level funding.

Mr. Mahood: I think if you look at that budget sheet that shows 2007/2008, I don't think all the numbers are on that sheet, but I did some rough calculations that if we were level funded at the same levels as we got last year from Congress, our budget line item, the additional money we got from NMFS for the reauthorization activities, the same level we got from NMFS last year for NEPA and regulatory streamlining and the amount we're requesting for administering the SEDAR process, we would still be approximately \$115,000 short.

We're close even at that level. I think at that point in time, what we would have to do is look at it and then come back to the council and make some recommendations. It's so up in the air right now. Most of the time, we at least have some idea of what we're going to get, but at this time, unless somebody has gotten some word from above here in the last day or two, we just don't know what it's going to look like. We could get cut below level funding, for that matter. You just never know at this point, but we certainly will let you know if there's a problem.

Mr. Currin: Other questions for Bob or for Gregg?

Ms. Smit-Brunello: Gregg, could you briefly explain, at least for the record, as to why you don't think the council can meet the one-year deadline on Amendment 16?

Mr. Waugh: The guidance -- If you recall at the last meeting, we pushed pretty hard to get guidance for preferred alternatives for all of our different actions and we weren't able to get preferred alternatives for all of the different actions. The way the economic impacts are calculated now, it looks at the interaction of all the various alternatives.

We've got a sufficient number of actions, each with a sufficient number of alternatives, that if you were to try to analyze all the various combinations, you get up into well above a hundred possible combinations. We could not do the economic and social analyses of the alternatives.

In addition, some of your guidance was sufficiently broad that we're unsure of the specific alternatives that you wanted to look at. What we're hoping to get at this meeting is a selection of preferred alternatives, just as in terms of direction to your staff and the team, so that we can go back and analyze the impacts both for all the alternatives within an action, but then to look at the impacts of all the alternatives across the amendment.

If you think of those as the global impacts of the amendment itself, you can't analyze those until we have some idea of what preferreds you have and they can be -- If you're not sure of a preferred for a particular item, we can work several combinations, but the model, the economic model, is set up to calculate the overall impacts from the no action for every action and then look at various combinations based on your preferreds.

We don't have sufficient guidance. We also, if you look at the workload that our staff, the snapper grouper teams, the regional staff and the Center staff, have been operating under, the primary goal was to complete 15A and 15B to meet the legal mandated timelines and there just wasn't sufficient

time for the teams to complete Amendment 16.

Ms. Smit-Brunello: From my perspective, it seems like the bigger issue -- We have to talk about two things. There was an enormous workload issue, I think, between this last council meeting and this meeting. I should have mentioned this earlier, that we were unable to get the DEIS for 15B filed in time for you all to take final action here. There just wasn't enough person power to do it and so as you know, you'll be scheduled to look at that in March.

I don't want the council members to think that they have to pick a preferred alternative before we can do the requisite economic analysis so that you can then see the preferred alternatives with the analysis. Maybe we ought to have that discussion briefly here, because otherwise, we're really putting the cart before the horse and you all are -- I don't want you to think you have to pick a preferred before we do the economic analysis, because I don't think that that's accurate.

I understand Jim Waters' model is a tiering kind of thing, where he compares all the preferreds with each other from each different action and what the overall cumulative effects would be, which I think is a great thing and it gives the council a lot of information before it in terms of how different alternatives react with each other, but in terms of NEPA -- Maybe Rick even wants to speak to this, I'm not sure, but I think you're analyzing -- In an action, you're analyzing the alternatives against the no action alternatives. I think that's what NEPA requires. Maybe we ought to have some discussion on this.

Mr. Waugh: I put together a short document and it might be helpful just to run through this as an example. This was shared with Monica and the Region last week, in preparation for this meeting, and it just highlights the issue. If we look at an amendment with one action and three alternatives -- Again, three is not a significant number here, but if you have an amendment, no action, some modification to size and bag limits, and a seasonal closure, we would analyze all of these alternatives in detail and the global impact of that amendment would be based on whichever alternative you chose. That's relatively straightforward.

If you were to choose Alternative 2, that would be the impacts of the amendment itself. Now, let's look at another example, Amendment Y with three actions, each with three alternatives. You've got some modifications to management for pudding wife, sergeant major, and sailor's choice. Each of those actions has three alternatives, no action, some modification to size and bag limits, looking at a seasonal closure.

We would analyze, under each action, analyze all three of these alternatives. What's the global impact of Amendment Y? Again, we analyze each alternative in detail. The impact of this amendment is the sum of the preferred alternatives for each action. If you don't give us any preferreds and you want us to analyze this, then there are eighty-one possible combinations that would need to be modeled and analyzed. We can't analyze that large number.

This illustrates why we need the council to indicate preferred alternatives and I think it's important to understand when we become legally vulnerable and when why we're asking for these preferreds.

We're asking the council to indicate preferreds and give direction to staff and the team so that we

can do all of the analyses. That information then comes back to you all to look at. You may want to change your preferreds. Up until the time we approve a document for informal review or formal review, it seems to us that you're working on a document, you with your staff, and we're not legally vulnerable until you produce a document.

We certainly want to be careful that we aren't using those analyses to justify a preferred, but I think the council is astute enough to look at a document before it goes out to public hearings and if need be, re-choose your preferred alternatives based on the analyses before you. That's basically an overview of why we feel, under the way we are doing economic analyses now and given the complexity of our amendments, why it's helpful to have the preferreds, but again, you reexamine those preferreds before you approve a document for public hearing and before you approve it for formal review.

Mr. Currin: Gregg, very quickly, before I get Roy, what are the time implications for the economists doing the economic analysis of having to analyze eighty-one possible combinations? What are we asking, as far as time of Jim Waters or whoever else is doing that economic analysis, to accomplish that?

Mr. Waugh: Jim would have to answer the specifics, but it just -- Trying to get the analyses of the no action and the preferreds for either one or two possible combinations is difficult enough. I can't give you a specific timeline, but it would certainly not meet any of our timeline needs if they have to try to analyze that many possible combinations.

Dr. Crabtree: This is an issue that was brought up last week and Gregg sent his email around and we took a look at it. There's probably no one way you have to do things, but I did sit down with our NEPA folks and with our economists and we had discussions with Jim Waters. We think it is possible to do the analysis, even if the preferreds haven't been chose.

What Jim would do for a specific action, if there is no preferred chose, when he runs his model, he would run it using status quo for that action. That would be the basic analysis of it and that we would go forward with. Now, later on, if we choose a preferred in that, there would have to be a rerun, but the model is all set up and we don't think that's a show stopper.

We have published DEIS before that didn't have preferred alternatives chosen. We've gone all the way to the final public hearing and the vote to submit to the Secretary before in the past before choosing preferreds. I don't know that we have in this council, but we've done it in the Gulf any number of times. We think you can do this and so it's not -- I don't think that you have to analyze every possible permutation.

Within an action, you analyze those alternatives relative to the status quo and then you've got to do a cumulative effects analysis that looks at how all of these may interact with each other and may work, but when you do that, you'll use the preferreds that have been chosen, but if there's an action with no preferred chosen, you would use status quo there.

You could say that's not going to give you an accurate picture of where you're going, and that's a fair enough comment, but it's getting close to where you need to be and when you do choose the

preferred, you would have to revisit that and deal with that particular analysis.

We've had amendments before in the past where at the end of the day, the council chose status quo for an action and decided not to do it and so that's sometimes how it goes. I think this issue we can deal with and I think that the decision of whether you choose a preferred has to be based on a case-by-case basis. Do you have enough analysis to make a reasoned and defensible decision by selecting a preferred alternative?

I want to read you a few sentences. This is out of the NEPA book that we all used when we did NEPA training and there's a paragraph in there that's entitled: "The EIS should not be a post-hoc rationalization. An EIS must serve as the means of assessing the impacts of a proposed action and alternatives before any commitment to a particular action is made by the lead agency. The EIS must not be a justification of decisions that were made prior to the completion of the NEPA analysis." Then it cites the Code of Federal Regulations: "As previously stated, federal agencies must not prejudice that a selection of the proposed alternative or action by creating resources prior to the NEPA analysis."

The EIS must not be a justification of decisions that were made prior to completion of the NEPA analysis and so we need to be careful about this and I do think -- I have talked to Jim Waters about it and he's here and so we can talk to him, but he can run his cumulative effects analysis even if we don't have preferreds for some alternatives.

We just need to go through this and we need to look at each of these actions and determine do we have sufficient analysis to choose a preferred now. If we do, fine and let's choose it, but if we don't, we shouldn't choose a preferred at that point, just to kind of facilitate the analysis, because I think we can get with Gregg and folks and I think we can work through that.

Mr. Geiger: I think Roy answered my question and my question was to Gregg, as to whether or not this was a -- Were you speaking on behalf of the team or was this something that you put together from our council staff perspective? I think Roy just answered that question that you prepared this and it was sent to the team for comment and review and I think we've got that comment and review.

I'll have to tell you that from my perspective, it always has struck me as being strange, selecting a preferred before you had any analysis to understand what all the alternatives did. From my perspective, again, it would be much more comfortable to have some analysis to look at and then base your decision on the analysis, as opposed to seeming to select a preferred alternative before you do any analysis or have sufficient analysis to make a decision. That's just --

Mr. Waugh: Perhaps I was just confused. I thought we had a bottleneck in terms of the ability of the economists to complete these analyses, but we've been assured that that's not an issue and that Jim Waters can complete the level of analyses in the timeline that we need and that the regional economists can complete the recreational economic analyses. If that's the case, then there's not an issue. We can analyze all of these multiple alternatives.

Mr. Brown: One thing I wanted to add is I think it should be clear that whatever alternatives are selected or designed, the analysis has to be independent of what you decide as your preferred. By

picking a preferred, you really don't necessarily get anywhere right away, but what's important is that you have things laid out and you have a good analysis of alternatives that you have presented in the document, so you can get to a good decision.

Once you pick a preferred, if further down the process you decide that you need to go a different direction, based on input or analysis or whatever, you should be able to change your mind, as Roy had mentioned earlier.

Mr. Geiger: I guess we've heard before the concern about the complexity of the economic analysis and how it had the potential to hold up a document and I'm not clear how soon Jim Waters is brought into this process. Maybe it's that he needs to be able to come in sooner and look at the overall scope and maybe provide some information to us as to how complex and how many permutations are going to be necessary to come up with analysis. In some cases, we may have to deviate from an accepted modus operandi.

Dr. Crabtree: I'm going to suggest that Gregg and I and Jim and Rick and Jack maybe have lunch together and talk through this and see. I do agree with Gregg that one thing we need to do at this meeting is look at the scope of the alternatives we have and are there things in here that we don't think are reasonable alternatives and that we don't need to take a look at.

The other thing I think that, and I've talked to Jim about could he look at this, would be to give us some indication of what actions in the document are highly interrelated, so that if you choose this action, it will have a tremendous influence on the impacts of what you choose in this action.

As examples, OY is based on MSY and so clearly your choice of MSY is going to determine what OY is. To me, that's a good reason to bundle those and have an action in there that says MSY is this and OY is this. Jack has talked to me about that with a seasonal closure of vermilion that it may have a lot of impact on the effectiveness of a seasonal closure for gag, because if you close both of them at the same time, it may be that a lot of the trips won't be taken and so they would be more effective.

That may be an argument that you ought to bundle those, because you really can't analyze them in isolation, because what you choose in this action has a lot to do on how effective what you choose in this action is. I think Jim could probably point us towards things that are expected to have correlated impacts and if that happens, we ought to talk about does it make sense to move them into a single action and bundle them together, so that they're analyzed within that action.

As I go through Amendment 16, I think there are a number of ways we could combine some actions and bundle things around that would reduce the number of alternatives and get around some of the problems with it.

I know Jack has done some work looking at that and I don't know if he's had a chance to talk to Gregg or not, but let me suggest we work on that and maybe even today, Gregg, we could get Jim and talk through it some, so that we make sure we're all on the same page this week and before full council. That would be my suggestion.

Mr. Waugh: I suggest we just surface these issues when we get into Amendment 16 and not that I don't want to get together and discuss it over lunch, but I have a previous commitment with someone else. To me, it's more an issue of workload and if Jim is here and can speak to how we might want to bundle these alternatives in 16, that's fine. If you look at the Amendment 16 document, the biological impacts are very complete. Jack has done a super job putting that together.

Where we're missing the information is on the economic and social side. I suggest we just start working through Amendment 16 and we'll look at these bundles and get some indication of what concerns Jim may have in order to meet the timeline to turn this document around for our March meeting.

Dr. Crabtree: Alex went to see if Jim could step in for us for a minute, because I want to make sure that I'm accurately portraying Jim's view and I don't lead you down the wrong path. We could get him in here, if you want, and just talk a second with him about it.

Mr. Currin: I think that would be good at some point, either now or during our discussion of 16, which is coming up next. I do share some of Gregg's frustration and I think it's well based and well founded.

If we look back at the condition of some of these documents that have come to us and the comments we've received from the SSC about the total absence of some of the economic data in some of these amendments, when we thought we were moving along on schedule here, and then we were pushed back another meeting because we had to wait for those sorts of analyses. It's frustrating to everybody, I think, to have to wait because we aren't provided with the analysis that we thought we were going to get or were unable to get it because of the workload.

Dr. Crabtree: Gregg is right that the workload issues are still there and I don't know how to make those go away.

Mr. Currin: Anything else on this particular issue? We'll broach this again; I'm sure, as we get back into 16. Did you say Alex was going to try to locate Jim now and bring him in? Do you want to continue with that now? Is that the best way to proceed or wait for him and deal with that as we go through 16? What do you think? I don't want to stop if we don't have to.

Our next scheduled agenda item is Amendment 16. Those are Attachments 3 and 4. The first item under that agenda item is to receive our SSC report from Carolyn. I think Rick went to get her or Mike did. She should be on the way. If you want to grab a cup of coffee very quickly, do that while we wait for Carolyn, but don't leave the room.

Dr. Waters is here and, Jim, if we could get you to come up to the table and find a microphone. We've been having some discussion about the timing of these amendments and the timeliness of the economic analysis and the detail associated with it as it relates to when the council picks preferreds.

We realize there's some problems jumping out ahead of the process and picking preferreds before we've got the analysis, but at the same time, there's frustration, at times, waiting for the analysis and then including all the combinations that might have to be analyzed. It pushes that timeline out,

potentially. We're just trying to get a feel for how timely the economic analysis can be and how involved they might be, based on large numbers of alternatives and potential combinations of those alternatives. That's why we sought you out, for your sage advice.

Dr. Waters: From the commercial perspective, we were able to modify the model we did for Amendment 15 fairly easily to handle what we have proposed so far, for the types of management actions you have proposed so far for Amendment 16.

I think we can -- As long as you don't come up with any new types of management tools that would require reprogramming of the model, I think we can stack up the alternatives and run them fairly expeditiously. There's always a danger that when you -- The more things you want to try, before you know it, you've got an infinite number of possibilities and we want to kind of keep that to a minimum.

My preference would be not to have to work all through the Christmas vacation either. I would kind of like to take a little vacation this time of year, but I think we can handle a fairly large number of alternatives fairly expeditiously for the commercial side of things. I haven't been running the recreational analysis.

Some people in the regional office have been doing that and I would be reluctant to try to speak for their ability to handle these alternatives. Really, where the slow down would come in, once the model is put together, you can crank it out, but there's always a lot of output. Really, the hardest part of the analysis is not running the model, but checking out the output and trying to figure out what it means.

The more things there are to try, the harder it is to assimilate and figure out what the output is telling you; find out what the story is. It's possible that we may not have a very complete write-up for you, but I think we can crank the numbers and we can make numbers available to the regional office. I'm just sure whether we're going to have a very pretty write-up.

Mr. Currin: A pretty write-up doesn't bother me too much, or the absence of a pretty write-up, but the total lack of some sort of write-up does bother me some, because that leaves big gaps in our documents that don't go unnoticed by people who are reviewing those and asked by this council to assess the state of the amendment and the like. You think its possible then to get some sort of write-up of the analysis and output of the model within a reasonable time?

Dr. Waters: I know I can run the model and I can produce the output. Depending on your briefing book deadline for the March meeting, I'm not sure what the write-up would look like.

Mr. Currin: Then we've still got the one big gap which you weren't able to address and that's the recreational model and the timeliness of that.

Dr. Waters: I'm just saying that I haven't been running that analysis and I'm not willing to speak for the people who have been running it.

Mr. Currin: I certainly understand that. Roy, does somebody from your office have any insight into

that aspect of the economic analysis?

Dr. Crabtree: I think Tony Lamberte is doing the recreational side on this and we met with Steve Holliman and talked quite a while about this and I think we resolved some questions in his mind as to what's being asked of him. We can have, I believe, the document ready to go to public hearing by the March meeting.

I think the key is -- You know if you have a bag limit that you know won't get you there and so you need a closed season to go with it, rather than having umpteen bag limit possibilities and umpteen closed season possibilities, narrow it down to a few bag limits with a closed season bundled with it that gets you where you need to be.

I think doing things like that, so that we don't get in the situation Jim is talking about, where there are countless permutations -- Right now in the document, for example, we have an alternative for trip limits, but it doesn't specify any particular trip limit. Clearly that's a problem to come in and do the analysis.

There's a lot of things I think we can do to narrow down how many alternatives are in the amendment, but based on my discussions with Steve Holliman and with Jim, I think we can get this done. We do have a lot of work and we have a lot of workload issues and we've just got to work through those and deal with them, but this is going to be a very high priority and we're going to have to have this ready to go by the March meeting.

Mr. Currin: George, did you have something?

Mr. Geiger: My comments were basically in a general vein, Jim. I understand what Dr. Crabtree is saying and I appreciate that, but there again, instead of choosing a preferred alternative, we're narrowing the choice of alternatives down to a very narrow in scope view, which kind of points towards a direction.

My question was how early do you get involved in the process to tell us how complex the alternatives that we've selected are and that we need to pare them down, because we've selected are far too numerous in regard to combinations or permutations of the result, and that it interferes with your ability to accomplish your task on time?

The other concern is, as I've always expressed to Gregg, is from the council perspective, I want to know the truth. Don't tell me you can do something if you can't, because in the end, if we can't, it's far worse than knowing about it upfront and being able to make adjustments for it then. I understand Dr. Crabtree is driving his people and there's just -- Sometimes people will sign up to things that they know can't be done without telling the boss that we can't do it or we need to do it this way instead of that way.

I just want to make sure that we're not carte blanche signing up to something that can't be done and we're doing the right thing and the smart thing that will eventually get us to the end result, as opposed to having to delay because of some potential unforeseen problem. I don't know if that made sense or not. That was more of a statement than a question.

Dr. Waters: The alternatives do get pretty numerous sometimes. Let's say that you had an action for a quota and you've got three alternative levels for a quota and then you have an action for a seasonal closure and you've got five alternatives for a seasonal closure and all of a sudden you've got fifteen alternatives right there and then you've got five more alternatives for a trip limit and there's fifteen times five and you're up to seventy-five. Things start snowballing like that.

It can get out of hand pretty quickly and so I would recommend keeping the -- I guess we need, for NEPA purposes, at least three alternatives for each action. If I could, I would keep them as minimum as possible.

Mr. Geiger: To that point, I appreciate that, but we need help keeping us within those guidelines and my concern is how soon in the process do you get involved, to raise the flag at the team level to say this is beyond the pale here and I can't get it all done and we need to narrow the scope?

Dr. Waters: This amendment actually is a little bit different than what we've had in the past. The difference is that I actually have my model up and running right now, whereas in the past we were still developing a model and these amendments kept coming at us, one right after another, and it was hard to actually make any progress on development, because we were trying to plug the holes on some of the other things.

As long as we don't come up with any new types of management actions that cause me to have to go back into the model and reprogram, I think I'm ready to mass produce. Now, whether I'm able to assimilate all the numbers that come out and figure out what's really going on, that's going to be the bottleneck at the moment, but I can crank some numbers now.

Ms. Smit-Brunello: I understand what Jim is saying, but I also have to tell you that there's this rule of three that we've talked about in a variety of a number of ways, especially with NEPA alternatives, there -- You need to choose a reasonable range of alternatives. If that's two, fine. If it's four or five, don't hit me, Jim, but that's fine, too. Then we need to have some sort of -- You need to do the analysis you can do within that time period to get it done.

Maybe you can't do as in depth of an analysis that you could if you had only three alternatives, but there's got to be a way of looking at it and you all need to look at a reasonable range. I would urge you not to be tied to the number three, for all its mystical wisdom, and to come up with a reasonable range, regardless of what that number is.

Mr. DeVactor: That was the same thing I was going to say. You're exactly right, that the law just calls for a reasonable range of alternatives. I think what we're getting at here is maybe putting some alternatives to the rejected alternatives appendix, the practice that we've used in the past, where there's alternatives that we don't think that we're going to put into place, for some reason. Let's just justify it and move it to the appendix and that would narrow the range down, but, again, it would be on the record and it would be in the document as to why that's not a reasonable alternative.

Ms. Smit-Brunello: Right, you need to explain why you've moved them.

Mr. Currin: Any other questions for Jim or comments about this? I think it's going to resurface as we go through 16. Jim, thank you very much for coming in and helping us out with this. Carolyn is here to give us the SSC report, or draft, on where they are to date, or to the moment, on Amendment 16.

Ms. Belcher: Thanks, Mac. Actually, I was asked to present information on our report so far on our recommendations for fishing level methodology, Amendment 15A and 15B, and Amendment 16, but if you have specific points that you want, I'll address them in any order that you want.

Mr. Currin: That's fine, any way you want to go about it. We've got you on the schedule, but our agenda has us taking care of 16, but while you're here, we will utilize your time to receive the SSC comment on all of those.

Ms. Belcher: To 16 specifically, the fishing level recommendations methodology, we had had an ad hoc meeting that met back in September that was supposed to try to see if we couldn't get a working framework for methodology.

Mr. Robson: Again, can we confirm where we're at in terms of the document?

Mr. Currin: Where we are is you don't have a document yet. Carolyn has submitted a draft report, which we will have to copy to make available to everyone. Nobody has got it yet. It just hit the desk up here or the table about two minutes ago. We've got it projected.

Ms. Belcher: I'm going to paraphrase this. I'm sure you're all competent to read it, but I feel more like if you have specific things that you would like to ask me, I can probably do a better job of providing that, rather than try to look for it within what's in front of me. The bottom line is that -- Again, we had the meeting back in September, where we were hoping for a methodology framework to be produced.

Unfortunately, because of LAPs and guideline presentation, which we still have not seen, a lot of people were uncomfortable with going forward without those guidelines in front of them. We have some components that are available for us to look at and assess as potential components of the methodology and overall. Kyle Shertzer, Erik Williams and folks at the Beaufort Lab have come up with a methodology that works with risk probabilities that they've found has worked.

Their specific working example was for gag, that it does have potential. The biggest problem we have is it works well with data abundant species, but data poor species, it's not so good. We have one component that's a possibility.

The Lenfest Report which came out, which has a proposal of looking at productivity, susceptibility, and environmental risk is another key to that that we've been looking at. Bob Trumble has agreed to take on running some of these preliminary PSAs for some of the species that are on the list of things that we need to do by 2010 and he's agreed to do that in the upcoming timeframe. We're not talking about something that's being put off for six months. He's willing to do that now.

Do we have a methodology? No. Did we have a lot of debate over the fact that we don't know

which way to go? Yes. What we did finally agree to is that in light of not having something, the best that we can offer you is numbers that we currently have in front of us, whether it's based on projections, as we've talked about with black sea bass, or relative to numbers that we gave you back in June with regards to gag and vermilion.

It's not like we're dead-ending and telling you that we can't do anything, but just in light of what's in front of us, we can't give you what we consider to be a better methodology, other than what's currently considered status quo.

Again, we're trying to make some progress towards a more grounded methodology, but at this point, we've got some things that aren't cohesive together. They're just kind of individual floating things that we would like to drag in together to make the methodology, but we just don't have that in a framework at this point in time.

We have requested, again, based on the fact that Kyle Shertzer's methodology does have a lot of promise, that these probability tables, which assign some sort of degree of risk of overfishing to specific years, as you're working through a time series or a specific implementation year -- We've asked that those numbers be run for the June meeting, so that we can actually start looking at some of these quasi-implementation risks at this point.

That's where our biggest concern is, is when we see the statement in Magnuson that says that we will end overfishing with our choice, is that a definite or is that based on the data that's at hand? If it's a definite issue, a lot of us are scared about the risk that's involved in that. We would like to say that the estimate that we put forward will do the job and right now, it's difficult to assess that.

Again, with these probabilities that Kyle and Erik have been able to generate relative to what specific management actions or landings or poundage's will give us, that's what we're hoping to have in the future. At this point, I'll go ahead -- If you have specific concerns or questions relative to what we have or have not done on this section, I would like to at least attempt to try to answer questions.

Mr. Currin: Are there questions regarding where the SSC is on establishing fishing levels, the recommendations from them?

Dr. Crabtree: Carolyn, your last little bit there, you're right that the Act says we're going to end overfishing, but clearly if we're going to have fishing going on and fisheries going on, there will be some likelihood that overfishing will occur. We will at some point have to address what's an acceptable level of risk that overfishing will occur. That's something the council is going to have to grapple with.

I think what we need from the SSC though is some information to let us look at -- We're going to have a catch limit of sorts and a catch target and somewhere in the buffer between those two, you address the likelihood of going over. We're going to need some guidance from you guys and some analysis to kind of allow the council to make some informed decisions about how that goes.

I expect that the National Standard Guidelines will give some general guidance as to what acceptable

probabilities might be, but I think that that's going to vary from case to case and from fishery to fishery. It may be different for commercial than recreational, where you have very tight control over harvest levels and with a hard TAC, for example, versus a fishery where you have very indirect controls over what's caught.

I don't think we're looking for the SSC to tell us what those probabilities are and all, but rather to give us the scientific guidance we need so we can make reasoned decisions about those kinds of things.

Ms. Belcher: One of the things that Erik did present to us was a slide that basically was the interpretation of what exactly the SSC has been asked to do. Technically, the way that the flow chart worked is that we were asked to identify the overfishing limit, to start with, make that transformation to poundage which would equate to an ABC.

At that point, it shifts to the council level, where the ACL is actually determined and the ABC is the upper limit of that. With that statement, we're giving you a number, but at that point, the onus of how you want to assess that risk does fall to the council, but the concern was, because we were told we were setting the ACLs, our concern was how do we be objective with determining the probabilities.

Again, I think it's going to be just in segueing into this new language of how we're assigning these and then again, within the scientific realm, what are those probabilities going to be? You're correct that something we don't have a lot of data on, you're going to have such a high degree of uncertainty. You're not going to be able to get a high degree of confidence that you'll be able to end overfishing.

Dr. Crabtree: Clearly the SSC is not setting the ACLs. The council will specify the ACLs and the Act says that and they'll have to be in the FMP, but you will provide that ABC, which may be at the overfishing level or you may decide to come down from that a little bit because of your concerns about the science and the uncertainty and maybe the uncertainty is not uniformly distributed or something and you would then provide kind of the upper bound on where those ACLs would lie.

Dr. Chevront: That all sorts of fits in with what I was going to jump in here and say, but one of the things that I think it's really important that we get from the SSC on this is not just that upper limit, but also tell us what the poundage that would be associated with decreasing the risk of overfishing in the future.

In other words, what it would help us to do is to make a decision as if we gave up X number of pounds, how much more certainty are we going to get that we are not going to overfish? We need that kind of information that is going to help us make the decision when we set that ACL. We need you to say you can't go higher than this and if I'm not mistaken, the Magnuson Act says that it must be left than 50 percent probability.

If you start at 49 percent or something and start working your way down in whatever increments seem reasonable to you, some kind of information like that would be very valuable to the council when we are starting to determine how much risk are we willing to accept, based on what you say is

the maximum level of risk is acceptable based on science, or the lack thereof.

Ms. Belcher: That's exactly the methodology that Kyle and them have outlined. It will produce a table of values relative to poundage rates and let you know what the probability is. The biggest issue is, depending on how the limits are decided to be set, if they're going to be truly done on an annual level, we do have a compounding issue relative to risk.

It's not independent and so that's the other thing that needs to be discussed, is to how, when we're building in for like a five-year management, there's a compounded risk that has to be addressed that can't be just handled in incremental and not assume that there isn't going to be a compounding effect.

Dr. Chevront: I've thought about that as well, because I understand the statistical concept that as you project out into the future your confidence intervals get wider and wider. You can pick a point interval as you go, but you have less belief in the certainty that you're correct the further you get out from that starting point.

In the absence of being able to do annual projections, which is going to be difficult to do, given the number of species that you have to deal with, that maybe what you do when you calculate that is you make the assumption that in the previous year's you did not go over that poundage. What that could potentially help you to do is to narrow some of those confidence interval ranges so that you end up with a tighter band, making an assumption that you didn't go over in the past.

I think that could be argued mathematically one way or the other, but at least it's an assumption that you might be safe to say, because you're placing your bet on the most statistically probable number that will occur, but you're going to compound over time. You can't go too many years, but you have to be able to go some and in my mind, it would be best if we could do whatever we can to keep our confidence level, those confidence bands, as tight as we possibly can. I was just sort of thinking that might be one method that would help us to do that. Rick, you might want to be able to comment on that.

Mr. Currin: Other questions for Carolyn at this point?

Mr. Waugh: Not so much for Carolyn, but just this issue of the council choosing the risk level, I would just urge a little caution in that when we get into Amendment 16 that we pick some alternatives that hedge our position a little bit, because pre-reauthorization, the councils were choosing the risk level. Post-reauthorization, the way some people read the Act is that authority for setting the overfishing level was taken away from the managers and given to the scientists.

Congress felt the scientists were more capable and better suited to set that overfishing level. I would just urge some caution, in reading into that that now under the reauthorized Act, that the council still gets to set the risk level. That's the problem where we are pre-reauthorization. We just need to hedge our bets a little bit, because we won't know until the final rule is out.

Mr. Currin: Other questions or comments?

Dr. Chevront: Gregg, I would just like you to help clarify something for me then. I was sort of under the impression that the SSC can set the maximum level of acceptable risk and the reason why that was given to them, as opposed to the managers, is the fact that they would be basing it on more objective scientific data, but that the council itself would have the privilege, so to speak, of wanting to be even more conservative if they so chose, which would mean choosing a level at which the risk of overfishing would be less than even the level set by the SSC.

In essence, the SSC sets the upper bounds, but the council still can choose to be more conservative if they so choose. In a way, they are still involved in setting some level of risk, but it's just that the SSC sets the maximum level of risk. Am I correct in thinking that?

Mr. Waugh: Yes, exactly. My point was we can't get into a position where the SSC just gives us a table and I hate to say this, but with no preferred. They have to tell us here's our recommendation on the overfishing level and that will have a risk associated with it. You're absolutely right that the council then can be more conservative and less risky, but the SSC has to give you that ceiling.

Dr. Chevront: My assumption was that any table that we saw from the SSC would not give us -- We would not see any numbers at less risk than what the SSC set as the maximum level of risk. We would see the maximum poundage and anything we chose would have to be less than that and we would see no numbers that were a higher level of poundage, because the SSC says this is not an acceptable level of risk to take and therefore, you cannot consider these. I just assumed that was the case.

Ms. Belcher: I think that's where some of the dilemma is lying with the SSC. It's not that we're uncomfortable with setting the upper range. We do that now. That was our whole discussion and argument on Sunday, is that in light of not having a methodology, we have recommended a value. We came up with values. The problem is do we have a risk assessment for that? No, we do not.

We just have a number and so when you start saying that we are supposed to pick below that level with an assigned risk, for us that's difficult, because we need to figure out what is an acceptable risk. We want to be objective about it.

Those of you who do statistics, you understand Type I and Type II error. This is very similar to that type of thing. Are we going to be risk-prone or are we going to risk-averse? Under what conditions are you going to be willing to slide beyond a 50/50? That, for us, is a very -- That's a policy call that we feel needs to at least give us -- It needs to be given to us as a direction, as to how -- We don't know how the council wants to act in terms of risk adversity and risk proneness.

Dr. Crabtree: I think we're getting too confused now. Acceptable levels of risk is a policy call and it's going to be made by the council. Now, the SSC is going to give us an overfishing level that presumably if we go over it, there would be a greater than 50 percent probability that overfishing has occurred.

The SSC has some latitude in what that overfishing level is, but it's going to roughly coincide with fishing at the maximum fishing mortality threshold. If we have a highly uncertain assessment, the SSC may decide that, given all the uncertainties of the assessment and what we think that

uncertainty is distributed, we're going to recommend something a little lower than that, but I don't think the SSC needs to get engaged in the game of is a 30 percent probability of overfishing okay or is a 40 percent or a 20 percent.

Those are policy calls. I think there will be guidelines and guidance coming towards those, but those are going to be calls that are going to come out of the council and they're largely going to be driven by deciding where are we going to set our target level, which is in some sense going to be related to the specifications of OY and the control rules that we have.

Those are all things that will be in the plans and in the FMPs. We may need to revisit them and look at the advice from the SSC, but I don't think you ought to get too -- I don't think the SSC should get too wrapped in are we going to have to make risk type decisions. You're going to provide advice on risk levels, but those, in the end, will be policy calls that will be made by the council.

Ms. Belcher: We're in agreement with that and that's, again, the concern and debate and I think a lot of it, again, is the overlap in the language. People keep coming and approaching us about what we're setting ACLs at. We're providing the upper range for an ACL and not the ACL. I think, again, it's just going to be getting used to these new acronyms.

We've spent a lot of time talking and I was like, we set these levels already. Call them what you want to, but we already put these forward. We give you MFMT and we give you an optimal yield. It's working within the range of what we have and the label is immaterial.

Dr. Crabtree: I think that's right and I don't think it's that different for you. The difference now though is the council can't come in and just say we're going to set the catch above that anyway. That's happened in the past and that's clearly not allowed at this point anymore.

Mr. Waugh: I think where the SSC is having some difficulty is the example Roy just used is setting the overfishing level based on if you go above that, you have a 50 percent chance of overfishing. They are not all comfortable with that 50 percent chance of overfishing and therein lies the rub. Some want to be much more risk-averse, but they're not comfortable and can't settle in on what level. That's where I think the SSC is struggling right now.

Dr. Crabtree: That's fine and I think if they want to provide advice on that, that's fine, but that will ultimately be a decision the council will make.

Mr. Currin: If I understand it correctly then, we're going to get an ABC from the SSC, but no real understanding or estimate of what level of risk is associated with that ABC. If that's the case, then I'm not sure where that leaves the council.

Ms. Belcher: In the future, we will be able to assign the probability risk. I don't think -- In the case of gag, Erik could more than likely give you an assigned risk, based on how we've assigned ABC currently, but what we're saying is that -- What it is is that we can go through the stock assessments and we can give you those cutoffs that we recommend, just like we've done in the past.

If we have to provide the probabilities, we have to come up with the methodology under which

we're going to assign those probabilities. If we're being told that that value will equate to a probability of 50 percent chance, the ABC itself is a 50 percent chance that we will end overfishing, then we're going to have to look to see what the value is and it may change relative to it may not be the traditional values that we've produced in the past, as far as 75 percent of FOY and those types of things that we've used. We outline that table and we do the SFA parameters and that's how we've been doing that in the past.

Dr. Crabtree: One more point, remember, too. The ACL requirement is not in effect now and it isn't -- Let's not get too wound up on it with gag and vermilion. I think if we do this right that we'll be pretty consistent with where it's going to go, but those requirements don't come in place until 2010.

I just don't want to see us get so wound up in confusion here that it slows us down right now and I'm not sure how to clarify all this until the guidelines are finalized. We're going to likely be done with this amendment, or pretty close to it, by the time those guidelines are actually finalized.

We're going to need a recommendation for an ABC from the SSC that lets us know this is what we best assess that if you catch more than this there's a 50 percent likelihood and then this is what the council is looking at specifying for OY, which would be our catch target, and these are the poundage's of landings that would correspond with those. I don't think that's much different than what you've normally done for us in the past.

Then if we could get a risk assessment that says if you fish at the OY level here's the likelihood that you might actually be overfishing with that, that would be, I think, helpful to us and helpful in our choosing of what an appropriate target level would be.

Dr. Chevront: Actually, I think dealing with gag and vermilion right now, where we actually do have assessments, regardless of how we all may feel about them, we may have data. What are we going to do when we've got to get to warsaw grouper and things where we don't have data? How is the SSC going to figure out -- How do they assign risk when they don't have data to help decide what that acceptable biological catch is going to be?

I really think that what they're dealing with right now is a walk in the park compared to what they're going to have to face a year or more from now. I don't know whether those guidelines that they're talking about that are going to help to choose ACLs are really going to give them something concrete to stand on when it comes to dealing with data-poor species.

We're in for -- They're in for some tough work, but we are too when it comes to looking at how we deal with some of these so-called data-poor species that we don't have any assessments on. It's going to be a punt and who knows what to do?

Mr. Waugh: In terms of the recommendations we have now from the SSC, we've got an ABC for both gag and vermilion, but we don't have an overfishing level. They're likely to specify that overfishing level at the June meeting. It's certainly not going to be higher than the ABC and so my recommendation would be, when we get into the specifics of Amendment 16 that we look at some alternative level of ACL, if you will.

Right now, we're calling ACL equal to this ABC and so for gag as an example, the ABC recommendation is 694,000 pounds gutted weight. I would suggest we have two alternatives for our ACL, one at 694,000 and one at just 50 percent of that, so that we're covered, so that when we come to the June meeting and are looking at all the public hearing comments and the SSC comments and they then have an overfishing level that's going to be less than the 694,000, it's within the range of alternatives that we've taken out to public hearing. I just picked the 50 percent just as a midpoint and hopefully their overfishing level would not be below that and we would do the same thing for vermilion.

Dr. Crabtree: The SSC could provide us an overfishing level right now. We must have what the yield if we fished at FMSY would be right now. We've got that number. I'm not sure in Amendment 16 we ought to even have an action called ACLs, but I think somewhere in the document, we ought to lay out this is our target catch level, which presumably is going to correspond with OY, which I guess is what the ABC you've given us is 75 percent of MSY.

If we have that and then we have an estimate of what the yield at FMSY would be, I think we have those two components, but I don't know in this document right now if we really need to specifically get into the nomenclature of an ACL, but just lay out here's our quotas and here's our target catch levels and those types of things and probably be sufficient.

Mr. Currin: I think you're probably right, Roy. I think the desire to try to get to that level in 16 is to eliminate having to do it somewhere in the future. That's the desire. Maybe we can't get there.

Dr. Crabtree: We don't even have -- I don't think we have accountability mechanisms in here anymore. We've put those back and so it seems to me we're going to have to revisit this. The ACLs really don't do anything other than trigger accountability mechanisms. I think one of the things that will come out of the guidelines is to ask councils to identify what they already have in place that meets the requirements for ACLs and annual catch targets, if we do that.

If we set this up in a way that makes it clear what catch corresponds to our MFMT and what catch corresponds to our FOY, it may be simple just to say those are our ACL and our annual catch target and we would be okay with it, but we're going to have to come back and redo this anyway, because we're going to have to specify the accountability mechanisms at that point and I don't think it would be that complicated to draw on this and update it then.

We can make a stab at it now, if that's what the council wants to do, and I can try to guide you as best I can as to where I think the ACL rules are going to come down in the end. It sounds like we do have what we need from the SSC on that now, in terms of the yields and all. It's really up to the council.

Mr. Currin: Other questions? Are you done with 16 then? Do you want to go to Amendment 15A and 15B?

Ms. Belcher: I haven't gone over 16.

Mr. Currin: Go ahead then.

Ms. Belcher: That was just the methodology nightmare. Basically, we looked at the evaluation of the ABCs or ACLs, however you want to look at the language, for gag and vermilion and again, it's a debate over the methodology right now. We got to a point where we finally just had to say because we don't have methodology; it doesn't mean that we can't produce anything.

We've already given numbers and we've already recommended levels of management. The biggest problem is that with an ACL, there's an implementation risk that hasn't been accounted for. It's not going to be accounted for right now and so the best thing that we can give you is status quo.

That doesn't sit well for most, because, again, status quo hasn't done us well in the past, but the bottom line is that's the best we can do. We can't stop the wheels of progress just because of an absence of a method. We've been able to do it in the past and we need to continue at least in light of not having anything else to continue on our current path.

For gag and vermilion, basically we ended up deferring back to what we had had our discussions on in June. Those values are produced based on the parameters that we've done in the past, 75 percent of FOY, and felt that, again, this was the best point that we could put forward for you all.

Our biggest concern is, again, scientific uncertainty. We need to account for that buffer between the optimal fishing level and the ABC. That's what we need to discuss and how we're going to build on that. That's something that obviously we address when we're going through stock assessments, because we look at the uncertainty around the estimates, but when we start setting these levels in the future, that's going to be where a lot of our focus is going to be, on that uncertainty, where you all will be on that risk of implementation.

We're more on based on our data at hand, how comfortable do we feel with the levels that we're projecting forward. Out of our discussions, the following motions were what we put through. Motion 1 reads that the SSC recommends the use of current values of ABC and OFL, which we're considering to be equivalent to MFMT, for gag and vermilion snapper as we established at the June 2007 meeting in Key West.

For gag, the equilibrium for OY, which is based on F of OY, is 1,217,000 pounds and equilibrium MSY is 1,238,000 pounds. The ABC for the first year of implementation is expected to be 694,000 pounds and OFL is expected to be -- We will determine that. The big thing is the numbers are available and it's just a number crunch. We just didn't have those reports in front of us to pull those numbers back out.

For vermilion, the ABC in the first year is 628,459 pounds in whole weight, which reflects a calculated reduction of 61 percent of total catch, and the OFL, which will be based on Fmax, which is equivalent to FMSY, or 0.355, will be in conjunction with that. Again, it's just going back and doing the calculation, just not having the numbers in front of us.

Further, the SSC recognizes that there's limited information available and agreed that the procedure for determining ABCs is not currently available. Therefore, we calculated ABC for 2008, again,

based on the June 2007 meetings, as an interim until we can finalize procedures. The ABC for 2009 will be set at the same as 2008, because we recognize that a projected increase in biomass would increase a precautionary level in the second year, which has more uncertainty.

The ABC values for gag grouper and vermilion snapper are based on levels used by the SAFMC in the past. Again, we're still using current management thresholds that we've been using in the past and again, without having any further means to assess them, that's, we felt, our best point to start with.

Relative to the post-quota bycatch mortality, we put a motion forward to send the PQBM methodology and the effectiveness of season closure for commercial and recreational fisheries forward and we would like to have the Snapper Grouper AP review to help determine the range of values, such as looking at ranges of trips that are not taken and the ability for species avoidance, to bring the results back to the SSC at the June meeting.

We want input from the fishermen to help Jack fine tune that, to get a better handle on how many trips would actually not be performed because of change in regulations, as well as how they target for species avoidance.

We discussed the draft document. Again, this is a lot of -- A lot of concern was expressed because semantics right now I think we're getting hung up on is -- Half of the group was afraid that we were being asked to accept the document as a final form and what we kept trying to get through is it's more of a commenting action.

What we ended up deciding on for a motion is we accept and forward the draft document for further development as currently presented to the SSC. The SSC recommends implementing market-based incentives as soon as possible in future amendments and at that point, those were our main motions and action items. We agree that the document in its current form should proceed. There were no major issues with it on our behalf.

Dr. Crabtree: Carolyn, one of the comments we got on Amendment 15A from one of the environmental groups had to do with setting the snowy grouper minimum stock size threshold. The preferred alternative right now sets it at 75 percent of BMSY. In the past, we've normally set it at one minus M times BMSY, but snowy grouper, I think, M is, what, 0.07?

Dr. McGovern: 0.12.

Dr. Crabtree: 0.12 and so we went with setting it something lower, because the concern was that setting it at one minus M may put it so close to the BMSY level that we might, just with natural fluctuation, tend to go below it. This has been an issue that's also come up in the Gulf of Mexico with gag and red grouper.

There were some simulation runs done in the Gulf of Mexico which showed that even at setting it at one minus M, the likelihood of going below it, if you're fishing at the FOY and target level, was pretty low and so the council went forward with leaving things at one minus M. I don't know if you all talked about that at this meeting or at a previous meeting, but do you have any guidance for that

or do you remember if there were any strong views on the SSC as to whether 75 percent of BMSY, which is currently the preferred, makes sense scientifically or whether we would be better off to go with the one minus M?

Ms. Belcher: I can't really say that we had any conversation about that specifically. There had been some peripheral discussion, but I don't really even remember if that was actually on the record. I can't really comment on that.

Mr. Robson: I think I'm going to need more clarification on some terms. Could we go back to the first recommendation, Carolyn, where we're talking about OFLs and ABCs? Could you kind of go back through, on the discussion for gag, what the terms are that we're referring to? I guess it's not clear to me, and maybe I'm the only council member here that's still a little fuzzy about the interchangeable terms. We're using ABCs and OFLs and I would like to maybe just go back through that one more time, so I understand what those all mean in terms of measures.

Ms. Belcher: Basically, the way we were drawing our equivalencies is the optimum fishing level is equivalent to what we've given you in the past, which is a maximum fishing mortality threshold and so the values that we've generated in the SFA in the past that we have used to make those numbers that meet for ABC allowances.

We're still using the same numbers we've used in the past, but it's just building the analogs in under the new acronyms. That was where we tried to at least abbreviate and it gets busy with alphabet soup in there. In the specific case of, again, dealing with the gag, we referred to MFMT and then --

Mr. Robson: Sorry to interrupt, but you said optimum fishing level?

Ms. Belcher: The OFL. Am I -- I might be wrong in that.

Dr. Crabtree: When you say the optimal fishing level that would be the OY, optimum yield, level, which I think corresponds to your ABC.

Ms. Belcher: Right and that's -- That value is generated based on the maximum fishing mortality threshold and so that number we don't have. The OFL comes from that rate, but we don't have that calculated. The actual poundage, we don't have calculated.

Mr. Robson: OFL is not overfishing level. I thought --

Ms. Belcher: That's my bad on that. I have a hard time keeping them straight as well.

Dr. Crabtree: Just because I think everyone is confused now, I think what you're saying is the ABC is the yield corresponding to the OY level. The OFL would be the yield at the MFMT, which in this case is Fmax.

Ms. Belcher: Right.

Dr. Crabtree: That number, I guess we don't have up on here yet, but we can get that.

Ms. Belcher: Yes, because we're going to transfer that rate to poundage. Sorry.

Mr. Currin: Does that help, Mark? Thank you. Are there other questions for Carolyn on the SSC recommendations for Amendment 16, where they are now? I see none. Go ahead and move into 15, in any order you would like.

Ms. Belcher: With Amendments 15A and 15B, we just had some basic action items that we addressed relative to both simultaneously. The first thing that I would like to bring, and again, this is just in the basic narrative under 15A and 15B, is for considering the previous rejection for lack of social and economic information.

The socioeconomic folks were very happy with the progress that was made on the economic analysis and wanted to commend the National Marine Fisheries staff for producing a very well written and transparent description of the models. Overall, again, they were very pleased. On the other hand, they were still a little bit disappointed with the socio data on the other end of it.

The motions that came out of our meeting relative to 15A were we first of all addressed the issue of can we recommend that the economic analysis was adequately addressed and we said yes. We feel that, again, the reason that we had held it up was because of the best available science not being represented. We did feel that that was specifically addressed and we were willing to let the document go forward now, because it has been addressed.

The review of ABC/fishing level actions for consistency with rebuilding trajectories, we still agreed that that would hold the same. Again, in light of not having a different methodology, it's kind of difficult to say whether or not we should change anything.

Allocation alternatives, we were asked to evaluate those. The SSC felt that allocation decisions are more towards policy. However, the socioeconomic folks felt that they could provide some guidance and information on allocation. As far as numerical any kind of estimates or something, they could probably help with some of the science involved in that, but as far as actually being able to say which method was better, they felt that was more left to a policy decision.

Our next motion was relative to endorsing 15A and 15B as based on best available science and the motion that we put forward was to endorse both 15A and 15B as best available science, with the exception of, again, the social analysis concerns. Again, the economic was well addressed, but the socio side they felt was just boilerplate and a little deficient.

They provided -- As far as guidance in rectifying the remaining document and analytical deficiencies, they provided commentary in Section A. Qualitative economic analysis for Amendment 15B describes the difficulty of modeling allocation changes, as allocation analysis requires estimates of declining marginal value of commercial catch and recreational catch.

On the commercial side, estimates of declining price of commercial catch is difficult when the product is in heavy competition with imports. On the recreational side, difficulties in estimating diminished marginal value curve for fish caught and kept. Published estimates of value support

analysis with a constant marginal value curve. A lot of this -- I apologize, but I'm reading what came from our economic folks.

This issue is theoretically important, yet it is unclear whether the MRFSS data would support a diminishing marginal curve for individual species. With strict bag limits, it is less likely that diminishing returns will set in before the bag limit is met. In addition, for both commercial and recreational fisheries, behavioral modeling of effort should be conducting in response to allocation changes.

Although the social impact assessments and public hearing documents in 15A and 15B were comprehensive and well written, the SSC concluded the assessment for the social effects were ramifications of the proposed actions and allocation was inadequate for decision making. In essence, the social information was determined by the SSC to be incomplete and inadequate in facilitating a ranking of regulatory and allocation options. This was especially the case with respect to proposed resource allocations among commercial and recreational fishers.

It was subsequently recommended that the social scientists responsible for assessing the social effects develop an ordinal or qualitative assessment to allow managers to at least ordinarily rank the various regulatory measures and allocations. These ordinal metrics should consider either singular or as a composite score to allow an assessment of potential levels of social impacts.

Because I'm not a socioeconomist -- I'm sure Brian understands more of the language than I do. Any clarification, I might have to defer to the socioeconomic person on the committee, but basically, again, our main motions were that we could at this point say we felt comfortable with 15 going forward.

Mr. Currin: Questions?

Mr. DeVactor: Brian maybe perhaps can answer this, but do you have an idea or did they talk about how much work this would entail? We have a tight timeline with this. I see modeling has to be done and such like that or is this something that can be done in the course of a week or two weeks, do you think?

Dr. Chevront: When we were first talking about this last June, that we were going to have to do this amendment, I made the comment about are we going to have social and economic analysis in this. I believe at that time we said we would try and we've done a pretty good effort at trying to get the economic analysis, but in my estimation, what we see in 15A and 15B is not social analysis, but it's descriptive analysis.

It's a description of the communities as they exist and even in some cases, those descriptions were written six or seven years ago and so they're not even accurate and up to date for now, given the incredible amount of development and loss of infrastructure and all the other things that have occurred on our coastlines.

I don't think it is possible to collect social data and have it analyzed in the timeframe that we have to come up with useful social analysis that looks at these alternatives that we're considering and looks

at the social costs and benefits associated with these alternatives. I just don't think it's possible. The council doesn't have a social scientist anymore. They have an economist and as far as I know, nobody has been assigned to do social analysis for 15A and 15B.

Mr. Currin: It's a data problem, Brian, as much as anything?

Dr. Chevront: Yes, as much as anything, it is.

Mr. Currin: That's quite different than an inadequate analysis being done. It's just that the information is not there, which is an age-old problem.

Dr. Chevront: It's a matter of priorities and the data aren't there because nobody put the priority on gathering the data. It's not because it couldn't be available. It certainly could be available, but just nobody has put the emphasis on trying to collect it.

Mr. Currin: I think you made the point that some of the data are based on analysis four or five years old, well several years old, and that they're not adequate because of that. I think some would argue that even five or six years ago that they weren't adequate.

Mr. Geiger: If we could go back up to the allocation issue that -- Carolyn, in general, with all due respect, and I would be willing to discuss this -- In most cases, I think you're absolutely correct, from the SSC perspective, that it is a policy decision. In this particular case however, when the argument was made and we developed the 88/12 alternative, it was not based on year, but strictly a catch per time period, as was projected.

My argument at that time was that it would be unfair or infeasible to set an allocation that would not allow us to stay on track with a rebuilding plan, because the poundage weights associated with the allocation would be rapidly caught, basically as bycatch, so quick that you're going to be over and you'll never have a chance of staying on that rebuilding track.

In fact, I've got information that we're at that point already and so in this particular case, the allocation was identified as the potential for helping us stay on rebuilding without exceeding an unreasonable sector allocation, based on what we know the catch levels to be. For the most part, it is policy, but in this particular case, an allocation was proposed to help us remain on the rebuilding schedule, based on known catch history.

Mr. Currin: Other questions or comments for Carolyn regarding 15A and 15B? Anything else that you have for us, for the Snapper Grouper Committee, at this point? Thank you very much and relay our thanks to the SSC, for all their time and effort in getting all of this to us in a very timely manner. We appreciate it and thanks. Let's take about a ten-minute break and be back at twenty-five after, roughly, to restart.

(Whereupon, a brief recess was taken.)

Mr. Currin: If we can get the Snapper Grouper Committee back to the table, we'll reconvene. Are we ready to go? Next on the agenda is Amendment 16 and Gregg is going to start out giving us a

little overview of the whole amendment and what's contained in that and then we will talk about post-quota bycatch mortality and the committee will then review it and see what kind of progress we can make.

Mr. Waugh: We're primarily responding -- I'll breeze through some of this first stuff, because it's similar to the public hearing presentation, but we're dealing with the stock assessments for gag and vermilion. The SSC has passed on those values. Gag is undergoing overfishing as of 2004. It's not overfished as of the start of 2005. For vermilion, it's undergoing overfishing as of 2006 and the biomass parameters are unknown.

Again, we're under this one-year deadline that we've already discussed and we're comparing the annual catch level to the historic harvest to get a reduction and so if we look at the average annual landings of 2004 through 2006 and when we get into the specifics of the amendment document, we're looking at 2004/2005 data, because 2006 is not yet finalized. We also may have some discussions about perhaps not specifying annual catch limits in Amendment 16, but anyway, the level to end overfishing is 694,000 pounds.

It's similar for vermilion snapper. The catch level to end overfishing is 628,459, a 61 percent reduction, and we're looking to get a redo of the stock assessment using age-based methodology. Current regulations, just to remind everybody, vermilion is a twelve-inch size limit and a ten fish bag limit and a commercial quota of 1.1 million pounds. On gag, it's a twenty-four-inch size limit, a two fish bag limit and during March and April, everybody is limited to the bag limit and no sale.

We looked at a full range of alternatives to get reductions. If we look now for gag, and this is in Amendment 16, which is Attachment Number 4, on pages 4-5 through 4-9, the MSY is 1.238 million pounds gutted weight. That's the yield at FMSY. The OY is 1.217 million pounds.

The minimum stock size threshold, using the formula the council has specified, is 6.816 million pounds and this is -- We were proposing to call these annual catch limits, but this is the trajectory of fishing mortality rates that will end overfishing and then again, the stock status, here's your minimum stock size threshold, the spawning stock biomass as of 2005. It's not overfished, but we do have overfishing ongoing.

Then in terms of the alternatives, on pages 4-10 to 4-12, we have several interim allocation alternatives. Alternative 1 is no action and in terms of what we compare those landings to; we're using 2004/2005. Alternative 2 would use the years 1999 through 2003 and this results in a 51 percent commercial and 49 percent recreational allocation. This just happens to be the same as the 2004/2005 and so this reflects current landings and it's close to the AP's recommendation of 50/50.

Alternative 3 would use the years 1986 through 1998 and that gives you a 66 percent commercial and 34 percent recreational allocation. This set of years was chosen because it's pre-Amendment 9 regulations. Alternative 4 is 1986 through 2005 and this is a 61 percent commercial and 39 percent recreational allocation. This is the longest time series of data and includes pre-Amendment 9 years.

If we look at the impacts of whether you call them annual catch limits or call them just your catch level to end overfishing, plus the allocations, this table shown on page 4-12, Alternative 2, if you use

that allocation formula and compare what the commercial quota would be as compared to their 2004/2005 average landings, it would reduce their average 2004/2005 landings by 37 percent. On the recreational side, it would be a 40 percent reduction.

Alternative 3 would have an 18 percent reduction on the commercial side and a 59 percent reduction on the recreational side. Alternative 4 would be a 24 percent commercial reduction and a 52 percent recreational reduction.

In terms of looking at the quotas, Alternative 2 would set out commercial quotas based on the allocation alternative and post-quota bycatch mortality and we've got some recommended numbers, a range of numbers, from the SSC and Jack is going to give us a presentation on that in a moment.

Alternative 3 would divide the commercial quota 63.3 percent to North Carolina and South Carolina and it should be 36.7 percent to Georgia and Florida. There was a typo in the document and it showed 34.7. We've got a revised table that we can project that show those numbers.

Then Alternative 4 looks at a spawning closure. No action would just keep the March and April where everybody is limited to the bag limit. Alternative 4B would be March and April when there's no possession or sale by anyone. 4C would apply that to February, March, April and 4D to January, February, March and April.

Gag spawning closures, these impacts are shown on page 4-25, the impacts from the spawning closure, and Jack can explain the methodology, if necessary, in terms of looking at whether our spawning closures are 100 percent effective or less than 100 percent effective. We know that these things are not going to be 100 percent effective and so what I'm showing here is just the table showing the different percentages of effectiveness of the spawning season closure. These are shown as the percentage levels here, 71 percent commercial, 90 percent headboat, and all the recreational side is 90 percent.

The other table is shown on page 4-25 as well, but if you go with a March/April closure on the commercial side, you get a half-a-percent reduction and again, they're limited to the bag limit during March and April as well and that's why this percent reduction is so low.

You can see headboats are an 18 percent reduction, private MRFSS 14 percent, 18 percent charterboat. For all MRFSS modes, it's about 15 percent. For MRFSS plus the headboats, it's about 15.1 percent. If you expand it to February and March, you can see, obviously, by adding February that you get a greater percent reduction. January, February, March, and April closure, you get even more reduction in catch and, of course, your biological benefits are increasing dramatically as you expand that spawning season closure to cover the spawning and pre-spawning aggregations for gag.

Bag limits, we've got the issue of non-compliance and we know from our data -- We have data that show that fishermen do not comply 100 percent with the bag limits. This information is shown on pages 4-26 to 4-28.

Alternative 5 would adjust the bag limit. 5A is one gag or black within the five grouper aggregate bag limit and 5B would reduce the aggregate to three, with a maximum of one gag or black, and

Alternative 5C that you asked us to examine would exclude the captain and crew. If we look at the percent reductions you get, and this is on page 4-28, the top table here includes the captain and crew and the bottom table excludes the captain and crew. This shows the reductions with the aggregate bag limit just if you apply it to gag and black and just gag. We can come back and look at these as you all look at alternatives.

In terms of reducing the bycatch and this is on page 4-29 through 4-31, we've got alternatives in there that look at species groupings. That runs into some issues with the SSC and what we're suggesting here is rather than the measures that are included there, we consider two measures that would apply to the larger group of species that are shown there, such that when the gag quota is reached, we prohibit all harvest and retention of gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney.

That would also apply during a gag spawning closure. You would prohibit harvest and retention of all of those species and that gets at reducing bycatch of the shallow-water grouper species and it also gets at some additional protection for those species, where we have overfishing occurring.

Switching to vermilion snapper now and looking at the similar information that's in there, and this is on pages 4-35 to 4-41, the MSY is about 2.7 million pounds whole weight. That's the yield at Fmax. We're using Fmax as a proxy for FMSY. The optimum yield is 628,459 pounds. That's the yield at 75 percent of Fmax. That would be the level to end overfishing.

MSST is unknown at this time and whether we call it the ACL or the level to end overfishing, its 628,459 pounds. We do have a new assessment coming in 2008. That would be prior to implementation of Amendment 16.

We need to talk about what measures we want to include in Amendment 16 that address the existing assessment, how do we hedge those, depending on what comes out of the new assessment, and can we put in some measures, perhaps, to give the Regional Administrator some flexibility in implementing less restrictive measures if that's indicated from the new assessment. We'll need to talk about that. There's nothing in the document now about that.

Vermilion snapper are overfishing. In terms of interim allocations, we've got two alternatives. Alternative 1 is no action. Alternative 2 is the council's preferred and that's based on 1986 through 2005, the longest time series, and it's 68 percent commercial and 32 percent recreational. This includes pre-Amendment 9 data and this is the AP's recommendation.

In terms of looking at those impacts, if you compare that catch level and apply the council's preferred alternative, then you get a commercial quota of 385,002 pounds gutted weight and a recreational allocation of 181,177 pounds gutted weight. You compare this to the 2004/2005 average landings and the commercial reduction is 60 percent and the recreational reduction is 69 percent.

In terms of the commercial quota, then we're looking at making an adjustment to the commercial quota to come up with a directed quota based on the post-quota bycatch mortality. Jack is going to run through that in a moment, but the information that's in the document now, once you subtract the

post-quota bycatch mortality, you get a directed vermilion snapper quota, commercial quota, of 155,187 pounds.

We're also looking at a commercial spawning closure, commercial trip limits, and on the recreational side, looking at some combinations of a recreational bag and size limit and spawning season closure. 5A would increase the size limit to thirteen inches, reduce the bag limit to nine, and this gives you a total reduction of 44 percent.

5B, which is no change to the size limit, keeping it at twelve, reducing the bag limit to nine, and implementing a June through August spawning closure, you get a total reduction of 52 percent. 5C would leave the size limit at twelve inches, reduce the bag limit to six, and have a June and July spawning closure. That total reduction is 50 percent and we would also look at boat limits, but you can see that these combinations don't get us to the level of reduction that's needed.

Mr. Geiger: Just so the record is clear, on 5B you said a bag limit of nine and you have on the board there a bag of seven.

Mr. Waugh: Correct. 5A is a bag of nine and 5B is seven and 5C is six.

Mr. Robson: Are we going to go back through each of these in detail?

Mr. Waugh: Yes.

Mr. Robson: Okay, I'll hold my comments.

Mr. Waugh: Impacts from the spawning closure, again, we're looking at less than 100 percent effective and this is on page 4-49. You can see the level of reduction you get from either June, just June, just July, just August, or June and July, or June and July and August. In terms of commercial trip limits, and this is on page 4-51 through 4-55, we've got the issue of trip limited versus unlimited permit holders, the issue of which years to choose.

If you look at trip limited permit holders, those that are on a 225-pound trip limit now, if you set their trip limit at twenty-five pounds of vermilion snapper, you would get a 63 percent reduction. The tables that are shown on pages 4-51 through 4-55 lay out other trip limits, but if you just look to try to get your reduction, you would get a 63 percent reduction with a twenty-five-pound trip limit. Unlimited permits at 270 pounds, you would expect to get a 60 percent reduction.

For bag limits for vermilion snapper, you've got the issue of non-compliance, again, and the alternatives to adjust the bag limit for vermilion, we've got the tables shown here looking -- 5A is thirteen and nine, 5B is twelve and seven and June through August, 5C is twelve and six with June and July and you can see the percent reductions here.

Mr. Robson: I'll just go ahead and ask the question now. It looks like these combination alternatives -- We had a couple of different ones at the September meeting that did get a 60 or better percent reduction and I was just wondering why we chose those current combinations, when they don't even get you to the reduction we needed.

For example, if we're looking at increasing size limit, which I recall had a big impact on reduction, and yet in this case we're only looking at reducing the bag by one fish and obviously not getting where you want to go, why we didn't consider a lower bag, in combination with raising the size limit one inch?

Mr. Waugh: The numbers we were looking at in September did not factor in non-compliance. They also didn't look at all of the combined effects and so the tables that are shown in the document -- You can see some of them that show 100 percent compliance and you do get up around a 60 percent reduction. Anything else we need to add on that, Jack? I think that was the explanation. Jack said that's it.

In terms of boat limits for the headboats, and this is on page 4-59 through 4-61, headboats with an eighty-five fish limit would be a 61 percent reduction. Charterboats, a three fish limit would be a 61 percent reduction and private boats, if you go down to a one fish, you get a 51 percent reduction and then the schedule, as you all well know.

That's a quick overview, just to orient you to the impacts of the various alternatives that we have in here. Jack is going to talk about the post-quota bycatch mortality and while he's coming up and getting ready, I just want to -- As a way of putting some order to these decisions that have to be made, what we're going to suggest is working down a table like this, looking at MSY, optimum yield, minimum stock size threshold, the overfishing level from the SSC, and then looking at the interaction of all of these management measures.

Our suggestion is once you set your commercial allocation and recreational allocation, the first management measure we determine is a spawning season closure, because that will impact all the others.

Based on your suggested alternatives for spawning season closure, that will tell you how much of an additional reduction you need on the recreational side and we can look at the alternatives that we've selected thus far and see if we need to pick some others and remove some. There is a way to help us move through all of these decisions, because what I gave you just now is an overview of all the alternatives you all asked us to analyze.

Dr. Crabtree: Gregg, when would be the best way to talk about potentially bundling some of these things? It seems to me that we ought to bundle a spawning season closure with a bag limit, so that we've got a range of alternatives for both, because neither one is going to get you there.

The other thing that strikes me with it is that right now we have quota alternatives that use the same allocations. It seems to me they could kind of be bundled somehow with the allocation decision and that would reduce it. When would it be best to talk about some of those kinds of things?

Mr. Waugh: It's certainly up to the committee. Our suggestion would be to let Jack get through his presentation and then come back and work through the document first for gag, talk about our MSY, OY, minimum stock size threshold, resolve this issue of are we going to go after ACLs here or defer that into Amendment 17 with the other ACLs, and then, once we start talking about our commercial

allocations and recreational allocations, to then start talking about bundling from there down.

Mr. Currin: That makes sense. Jack, are you ready? It's Attachment 16 under the SSC tab.

Dr. McGovern: I'm going to talk about post-quota bycatch mortality, which is a term that the SSC came up with that regards the magnitude of a species that is caught after a quota is met and subsequently dies. The SSC felt that this is something that couldn't be ignored, because if you have a quota and you have a multispecies fishery, then there are going to be some portion of those species caught and if there's some release mortality, they're going to die.

What I'm going to go over is a methodology to try to capture the magnitude of post-quota bycatch that could occur and so as Gregg went over, Amendment 16 is going to have reductions in the commercial -- I'm just going to talk about commercial right now and for gag, it's going to be about 18 to 37 percent, depending on the allocation alternative, and about a 60 percent reduction in the catch of vermilion snapper.

We have a lot of management measures available to us to try to end overfishing and the magnitude of the post-quota bycatch mortality is going to depend on which suite of management measures we pick and also on the behavior of fishermen.

There are many permutations, but what I have in this presentation -- I won't talk about all of these permutations, but I'll just talk about methodology for post-quota bycatch mortality for three combinations, just quotas by themselves, a combination of quotas and seasonal closures, and quotas, seasonal closures, and a vermilion snapper trip limit.

The quotas I considered were 385,000 pounds for vermilion snapper, about 354,000 pounds for gag, a summer seasonal closure for vermilion snapper, and a longer spawning season closure for gag and about a 600 pound whole weight or 541 pound gutted weight trip limit for vermilion snapper.

There are a number of assumptions here and the first one is that the post-quota bycatch mortality, as I mentioned before, is going to vary. It's not going to be the same value all the time. It's going to change, depending on what management measures are selected and also how fishermen are going to behave. Are they going to be able to avoid the species after the quota is met? Are they going to reduce their trips and that sort of thing?

The other assumption is that vermilion snapper and gag are taken on the same trip and so management actions taken to manage vermilion snapper are also going to affect the post-quota bycatch mortality of gag. Jim Waters presented something to the SSC yesterday that indicated that gag and vermilion snapper are caught together on 50 percent of the trips and so there's a lot of interaction between these two species.

The program that I used is a program that I got from Jim Waters which I modified and I got logbook data from him, which includes value in addition to the landings of the species. In this way, if the value of a trip falls below a certain level, we could drop that trip. If the fisherman didn't make at least fifty-dollars a day after cost for the trip, then the trip could be dropped. That's the opportunity costs.

After a quota is met, I want to figure out the incidental catch and to do this, I first look at what species co-occur with vermilion snapper and then identify the species that will be taken on those trips. I'm going to go through these steps in a second. The other thing is incidental catch during a seasonal closure is determined separately and I'm going to talk a little bit about that. That has to do with the effectiveness of the seasonal closure.

The biggest assumptions that I have to make here are Steps 5 and 6 and this is that some trips after a quota is met will not be taken and, for example, if the quota for vermilion snapper is met in May, probably a lot of fishermen are going to stop fishing for the rest of the year, because that's their big fish, and they're going to go fish for mackerel or something like that. I don't know what percentage of trips won't be taken after that quota is met.

The other thing is that fishermen fish differently for vermilion snapper and gag, commercial fishermen, and they probably can avoid vermilion snapper and gag, to some degree, by changing hook size, changing location and that sort of thing. I'm not sure what percentage that is and so I provide a range of percentages for Step 5 and 6 here.

The methodology is to use logbook data from 2001 to 2005 and these are -- I'll probably use a different range of years. I'll use 2001 to 2006, because that's what team agreed upon. As I mentioned before, it includes value for the species. Jim Waters merged value of the species into the logbook dataset.

The program that I got from Jim, which I modified for the purposes here, determines net revenue, where it's the total revenue for the trip minus the trip costs. The trip costs include factors such as fuel costs, numbers of days, number of people on the crew and that sort of thing. If the net revenue is less than the opportunity cost, then the trip can be removed. If the trip does not make at least fifty-dollars a day for the fisherman, it's dropped. The incidental catch is the catch after the quota is met and so here, I identify co-occurring species on trips with vermilion snapper and gag --

Mr. Currin: Jack, hold on one second, if you don't mind. Mark has got a question.

Mr. Robson: I'm sorry, Jack, but on the opportunity costs and the net revenue estimate, is that being applied to both commercial and charter recreational trips or is it just commercial?

Dr. McGovern: This is just commercial in this dataset here and I'm going to do a similar analysis for the recreational side, but I don't know that I'll be able to include costs in there. These steps here are just trying to figure out how many vermilion snapper or gag are caught after a quota is met and the first step there is just to figure out what species would co-occur with vermilion snapper or gag and then to figure out if fishermen were -- Try to figure out the targeted trips.

A trip would consider to be targeted for a co-occurring species if at least a hundred pounds of that species were caught and then I have the list of trips where at least a hundred pounds of co-occurring species, such as scamp and greater amberjack, were caught and then I go back and I figure out the catch of vermilion snapper and gag on those trips.

Mr. Currin: Jack, excuse me one second. John Wallace has got a question.

Mr. Wallace: I'm not on this committee, but, Jack is this -- I know this is based on 2001 to 2005 and trip costs have increased dramatically since 2005, because of fuel. Even on those rates, how many got excluded? What was the percentage of exclusion because of the opportunity costs? I can give you some horror stories in fuel now, but what is -- Have you got a percentage of exclusion? How many trips got excluded because of the opportunity costs?

Dr. McGovern: I'll go through this and I'll show the number of trips that were dropped in the different steps, but in this program, there's adjustments for inflation too, with regard to fuel costs.

Mr. Wallace: We can basically prorate it into 2007? Because from 2005 to 2007, fuel costs have doubled.

Dr. McGovern: Yes, it's considered in the program and adjustments can be made to the program. I identify the trips where co-occurring species are caught and then calculate the catch of vermilion snapper when fishermen are targeting co-occurring species and so this is the incidental catch and then I look at the catch when trips are reduced after a quota is met and then look at catch when fishermen can avoid species and then to figure out the dead discards to supply a 40 percent release mortality of that. I'll go through this step-by-step.

The first analysis just looks at post-quota bycatch mortality associated with only quotas and so for the quotas, the SSC suggested a TAC for vermilion snapper of 566,000 pounds, assuming a 68 percent commercial allocation. This provides a quota of 385,000 pounds and so that's the quota I'm working with for vermilion snapper.

For gag, we have different quotas, depending on the different allocations. In 2009, the TAC would be 694,000 pounds and if we use the allocations associated with Alternative 2 that provides a quota of about 354,000 pounds. Now we figure out the total landings for vermilion snapper and gag and it's about 1.1 million pounds for vermilion snapper, average, for 2001 to 2005 and about 482,000 pounds for gag during those years.

In this program, it can drop trips and so here, about 2,000 trips are dropped because of the opportunity costs, because the trip is not making enough money for the fisherman, and it changes the landings a little bit here, and not much, for vermilion snapper and gag.

Now I determine when the quotas would be met for vermilion snapper and gag and the shaded cells show when the 385,000 pound quota would be met for vermilion snapper or the 354,000 pound quota for gag and for vermilion snapper, for example, the quota would be met in June of 2000 and if you look at the table below, you can see it would be met on June 7, 2000.

In 2001, it would be met on May 16th and so now, what I want to figure out is -- We know when the quota would be met and what would be the incidental catch of vermilion snapper or gag after that date? What vermilion snapper would be caught incidentally when targeting co-occurring species after, for example, June 7th in 2000?

At this point, I can also -- After the quota is met, the fishermen are no longer allowed to keep vermilion snapper or gag and so I can drop trips, because the pounds are set to zero and the cost is set to zero there, and due to this, about 3,000 trips would be dropped here.

Now to determine the incidental catch, I first identify the species that are most commonly taken with vermilion snapper or gag and just look at the dataset and look at trips that caught at least one pound of vermilion snapper or one pound of gag and the species most commonly occurring with vermilion snapper are gag, scamp, gray triggerfish, greater amberjack. The species most commonly occurring with gag are vermilion snapper, scamp, greater amberjack.

Now I know what species occur with vermilion snapper and so if fishermen targeted these other species, such as scamp, gray triggerfish, greater amberjack, I identify those trips where they caught at least a hundred pounds of those species and so they're targeting those co-occurring species and so now I want to figure out on these trips where at least a hundred pounds of the co-occurring species were caught, what would be the catch of vermilion snapper or gag.

On trips that caught at least a hundred pounds of species such as scamp, gray triggerfish, greater amberjack, this is the catch of vermilion snapper in 2000 to 2005 after the quota is met for vermilion snapper. The average catch would be about 339,000 pounds and if you apply a release mortality to that, then the dead discards after the quota is met would be about 135,000 or 136,000 pounds.

This is the post-quota bycatch mortality if there's no reduction in effort due to fishermen reducing their trips after the quota is met or it does not account for ability of fishermen to avoid these species. Similarly, for gag, this is the incidental catch of gag after a quota is met and after October through December.

Now the question is we know what the incidental catch would be if no trips would be removed, but we know that after a quota is met that some fishermen are just not going to make trips and so here, the trip reduction is 20 percent trip reduction, 40 percent trip reduction, and a 60 percent trip reduction after the quota is met and the incidental catch associated with that and the dead discards.

What I did is I took the trips after the quota was met and then randomly selected trips from that to get the reduction and so if 20 percent of the trips are not made after a quota is met, the incidental catch of vermilion snapper would be 189,000 and the dead discards would be 76,000.

Dr. Chevront: You may have said this before and I may have not caught it. In your definition of dead discards, is that dead when it went in the water or any fish that was expected not to survive?

Dr. McGovern: That is functions of release mortality and so this is an estimate of the total number that would be incidentally caught and released after a quota is met and then apply a 40 percent release mortality to that. 40 percent would die, essentially, and 40 percent is the accepted SEDAR release mortality rate for commercial for both vermilion snapper and gag.

Dr. Chevront: In other words, it includes both then, ones that were returned to the water dead and ones that were expected to die shortly after being returned to the water, if they weren't dead before.

Dr. McGovern: Right.

Mr. Geiger: Jack, in instances where the numbers don't match the table in your presentation with on the chart, what would cause that, the variance? For example, under gag it's 14,626 and in the book here, it's 19,588.

Dr. McGovern: I'm not sure I understand.

Mr. Geiger: The numbers on the chart differ from the numbers in the presentation.

Dr. McGovern: That's because I made corrections. I sent in the presentation about a month-and-a-half ago and I worked on it since then and made some corrections to this. What's in the presentation are updated values. What's on the screen is updated. There are a few mistakes in calculations that I made and I had to make those changes.

Mr. Harris: Jack that 40 percent discard mortality for vermilion and gag that SEDAR came up with is based on an average depth that those species are caught in those fisheries?

Dr. McGovern: Yes, it's depth-related mortality. For the recreational sector, the release mortality is 25 percent, for both vermilion snapper and gag, and it's based on depth. Here, I show the incidental catch that would occur if trips were reduced after the quota was met and the dead discards associated with that.

Another factor here is that in addition to fishermen not making trips after a quota is met, some fishermen have the ability to avoid vermilion snapper or gag. In this next slide, I show the trip reduction and then a range in ability of fishermen to avoid vermilion snapper or gag.

This is a little busier slide and so if you look for vermilion snapper, you see trip reduction after quota. It ranges from no trip reduction to 20 percent to 40 percent to 60 percent and then percent of discards avoided. This just factors in the ability of fishermen to avoid the species after the quota is met, by changing hook size and location and that sort of thing.

For example, for vermilion snapper, if 40 percent of the trips are not taken after a quota is met and fishermen can avoid 20 percent of the vermilion snapper by fishing differently, the incidental catch would be 123,000 and the dead discards would be 49,000 and really, this is where I need the help is here, and why we're going to send this to the Snapper Grouper AP, because I don't know, and the SSC doesn't have a feeling for, what trips would not be made after a quota is met and how well fishermen can avoid vermilion snapper and gag. This is where we're going to have additional help.

I also looked at other things and I'm going to quickly go through this and just show there are other factors that affect post-quota bycatch mortality, such as a seasonal closure, and here, I did the same thing, the same steps as before, except I added a spawning season closure and I set the landings and the revenue for gag to zero during the spawning season closure and as a result, some trips are dropped there, because of the opportunity costs.

Here, I say that the effectiveness of the seasonal closure is handled separately, and I want to talk

about that in a minute, but what happens when you put in the seasonal closure is the quota will be met later in the year, in most cases, but not all cases. For example, for vermilion snapper, with a summer closure, the quota would be met before the summer closure and so the summer closure has no effect on vermilion snapper. For gag, with extending the spawning season closure from January through April, the quota would not be met in most years.

I'll just go to the end here. All the steps are the same as I previously showed. The post-quota bycatch mortality would be less than before, because we closed down part of the season, but we have incidental catch during the seasonal closure itself and this deals with how effective a spawning season closure or any kind of seasonal closure is.

It has the same steps as post-quota bycatch mortality, but what I did with the seasonal closure is I did it before the post-quota bycatch mortality and compared all months of the year. I compared catches when the season would be open and then when it would be completely closed and calculated dead discards if there was no catch for the whole year and compared it if everything was open and I determined the effectiveness that way and I don't think that's the best way to do it.

I think I should do it for only the months that have a closure and I also think that the effectiveness of the seasonal closure should also consider decreased trips, trips that would not be taken, and fishermen behavior. What is in there now for the effectiveness of the seasonal closure is kind of the worst case scenario. That's basically the post-quota bycatch mortality methodology.

Mr. Currin: Thank you, Jack.

Dr. McGovern: It's going to be sent to the Snapper Grouper AP.

Mr. Currin: A lot of work went into that and there's no doubt about it. Are there questions for Jack? Certainly the AP is going to give us the best guess, and that's probably all it's going to be, on how that might affect behavior. It's a little concerning to me, because I think regardless of the opinions we get, it's still going to be kind of a guess to adjust it and I don't know what that does to us, but maybe it's the best we can do.

Dr. Chevront: I think it's important that we kind of do that, because I think we saw in red porgy that there was some effectiveness in being able to avoid the fish. Even if it's only a ballpark guess, it's better than assuming that they can't do it at all and I would like to rely on their knowledge to know how well can they actually target some of these species.

When you look at sort of the co-catching of some of these different species, I'm concerned about whether they really can do that or not. I remember talking to guys in red porgy and some of them would tell me they kept having to move to run away from the fish so that they wouldn't catch them, but others would tell me that they had no problem avoiding them. I'm really kind of interested in hearing what these guys have to say.

I'm also curious about this whole analysis, and this might throw a whole other wrinkle into it, but my assumption is that the species that are co-caught, along with gag and vermilion, also differ spatially. For example, what's going to happen in Florida and the species that are co-caught with

gag and vermilion are going to be maybe slightly different, at least in terms of percentage and quantity, than say in North Carolina.

I don't know if there's any way to account for that, especially if we end up going to something that's going to look like more regional or state-by-state management. That's going to make a big difference in how we're going to consider some of these things and I just don't know if that level of analysis can be done or if you're mad at me for even bringing it up.

Mr. Currin: It's a good point. Jack, have you got a response?

Dr. McGovern: I think you could do this type of analysis by region and just -- If you're going to have regional quotas or have like a North Carolina/South Carolina and Georgia/Florida type of analysis and just do it separately like that. The other point I want to make about this is that there are going to be some trips reduced and there is going to be some ability of fishermen to avoid the fish and so it's not the -- The highest value of post-quota bycatch mortality is not correct. It's something less than that.

Mr. Currin: I think everybody can agree with that, just finding that level that everybody is comfortable with. My big concern with the fishermen is that I suspect that the diversity of opinion or difference of opinion and experience among fishermen to be able to avoid, or thinking they're able to avoid a particular species, will vary quite a bit.

Mr. Waugh: In terms of mechanically how we get this input from the AP, I don't think we've discussed this yet. Is Jack -- Are you all going to be satisfied with Jack just contacting individual AP members or is the thought that we would convene the AP before our March meeting, which obviously carries financial implications and timing implications as well. Just some guidance from the committee, and ultimately the council, on how we deal with that.

Mr. Currin: I would like to hope that we could do it by contacting them, but I fear that that may be complicated, because of the analysis and the questions that may arise as they approach this document and go through it. Others may feel differently about it.

Dr. Chevront: Do we have a feel for how many of the AP members actually participate in these fisheries? I can see the timing concern, as well as the cost, of bringing the AP together when in fact many of them may not be affected by this fishery. It may be highly effective just to go ahead and talk to these different guys from different areas and it may be even worthwhile talking to some people who aren't on the AP, but may have some knowledge that -- Because they participate in this fishery in South Carolina, they may be able to give us an indication, at least in South Carolina in their experience.

I don't have a problem with not convening the AP, but I would just like to make sure that we can get a representative response to these questions from people who actually participate in the fishery, so that we're not spinning our wheels trying to get people together who aren't involved.

Mr. Currin: That's a very good point. We don't need golden tile longliners advising us on how they can avoid vermilion snapper.

Mr. Iarocci: Brian, earlier, I was going to raise the same points that you did. You stated all my concerns great. We do have the LAPP group meeting starting tomorrow and we do have quite a few Snapper Grouper AP members there. I think we can start with some of the members of the LAPP group to get some of these concerns, because we've got some people there that are involved in these fisheries and have talked about this and I think we will have some of the people also coming in later on for the council session that we can talk to.

This is really important. I feel like Brian does about this. We're going to have problems with this. Some fishermen will tell you that they can get away and other fishermen -- We're going to have a great discard mortality rate when we start looking at the big picture on this is what some fishermen will tell you and some fishermen won't, but we do need to get the AP, as soon as possible, onboard with some of this data, to make Jack's more inline, so we can get that opinion from the industry on this before we go back out with this.

Mr. Currin: Perhaps the best way to proceed, Gregg, unless somebody has got other ideas, is to use our AP as a basis and identify those individuals that are involved in this particular fishery, or in these fisheries, and if we need more regional representation, ask them for recommendations of fishermen in their area that we might also could ask to provide us with some input.

Ms. Merritt: I agree with Tony and with Brian and I'm wondering, Jack, can you get copies of the updated presentation to give the LAPP Workgroup tomorrow, as well as us council members who have the old version?

Mr. Woodward: Jack, what's the plan for doing a similar analysis for the for-hire sector?

Dr. McGovern: The methodology would be the same. I did a similar sort of analysis to determine the effectiveness of a spawning closure for the for-hire and headboat analysis. I'm going to try and do that pretty quickly, so that I can make that available to the AP or whoever, and have commercial and recreational methodology. I won't have real values in there, either. I'm going to have simulated values, just so that they can look at the methodology and look at the effect of reducing trips and other assumptions.

Mr. Woodward: Just to follow on to that, it seems to me that until you have that, there's really no point of convening the entire AP, because they're obviously going to have a lot of questions about that kind of analysis. I see that analysis being particularly challenging, because the for-hire sector is not in the business of just putting a quota on the boat and going home. They're in the business of selling an experience, which means that their level of fishing effort and producing discards is going to be drastically different than the commercial sector.

I was talking to somebody about that the other day and that is a perplexing problem, because how do you tell your clients, who have paid you for a six-hour trip, that you've met your catch in the first two hours and we're going back home? I realize they maybe can convert over to trolling for mackerel or something like that, but there's some real challenges in that.

Mr. Currin: A 61 percent reduction, Spud, in that headboat fishery is going to be a real challenge,

especially when we're talking about primarily summer spawning season closures. It's beyond challenging.

Mr. Waugh: I think that's pretty clear. Jack will work with AP members and other members of the various fisheries as necessary. For our purposes here and then for what we work up for the March meeting, when we look at commercial quotas and a recreational allocation, when we do the analyses for the March meeting, then as we get the information from Jack, we'll crank those in, reduce the commercial quota to come up with a directed commercial quota by the recommended post-quota bycatch mortality, and then the same sort of analysis on the recreational side. Is that what you all want us to do?

Mr. Currin: That makes sense to me.

Dr. Chevront: I was just going to say that the work that Jack has done, as typical, is pretty impressive and I think it's the best method that I've seen that we can use to estimate it and I think the idea of groundtruthing it with some fishermen, to help us fine-tune which levels we need to set, I think that's going to be the best estimate we're going to be able to come up with and I can't fathom another way of figuring out to make it better than doing that.

Mr. Currin: I assume everybody else is okay with proceeding as how Gregg suggested? Okay. That seems the best to me. Thank you, Jack, very much. That was a great job, as usual. I guess we need to go through 16 and look at some management measures and try to combine some things and perhaps consider moving some options to the Considered but Rejected file to tame this document down, so that the staff can make some headway between now and our next meeting.

Mr. Waugh: If we could, I think it would be helpful if we start with vermilion snapper. The reason I'm saying that is we have a preferred allocation alternative for vermilion snapper. Let me just take a second and run through this list of decisions.

There's some discrepancy when I was referring to page numbers. I was going off the Word version of the document and what you all have is the PDF version. If you turn to it should be pretty close to 4-42 is where the -- It's Section 4.2.3. It's where we have the recreational vermilion snapper allocation.

Mr. Currin: Is this under the management measures for vermilion or is this in the entire --

Mr. Waugh: Yes.

Mr. Currin: Okay.

Mr. Waugh: Sorry, no. It's in the Amendment 16 document. Rick, maybe you could open up the PDF version and find which page number and help us as we move through this. Up on the screen, what I've got projected and, again, this is for vermilion snapper, we've got a preferred alternative for MSY and there are only two alternatives, no action, which is really not feasible, and Alternative 2, which is our preferred.

Mr. Robson: Several of us are still trying to get located over here.

Mr. Cupka: It's on page 4-35 in our document.

Mr. Waugh: It's Attachment 4, 4A I think it is, Snapper Grouper AM 16. If in that briefing book tab you click on the index that will lead you to these documents a lot more easily than just opening up the file and looking. It's page 156 in the PDF document, the actual amendment.

If we look, our MSY is 2,699,957 pounds. OY, we've got several alternatives indicated there. Alternative 3 is the preferred, which is 628,459 pounds. That's 75 percent of Fmax. The minimum stock size threshold is unknown. The overfishing level, or the ABC, we've gotten from the SSC is 628,459 pounds. In the document, we're calling it the annual catch limit, but perhaps we should have some discussion and get guidance on whether we want to try to specify annual catch limits.

Ms. Merritt: We're all lost over here. We can't find -- We don't have an Alternative 3.

Mr. Currin: You've got to make sure you're in the right document. I was in the wrong one as well. Make sure you're in Attachment 4 and not Attachment 4A. It should read "A4 SG Amendment 16, 11/26/07" and it starts on page 156 and 157.

Mr. Boyles: Mac, it is 4A. I think it is 4A.

Mr. Currin: 4A is real different than 4 and so let's all get in 4. I think that's the easiest way, because that's where Gregg is and Rick, who is going to keep us oriented.

Mr. Waugh: What I'm doing is I'm discussing the information that's up on the table that's projected and the intent here is to get to the point where we start linking alternatives and bundling.

Mr. Currin: Is everybody where they need to be? Are we getting there? Let's make sure everybody is there, so we don't have to go back and all that. Make sure everybody has the right document open and is on the right page.

Mr. Waugh: Again, what we're -- Maybe, Mac, we should have some discussion and get guidance of are we going to continue to try to specify annual catch limits in Amendment 16 for gag and vermilion. I would suggest there's enough confusion over how we do that and the information, we're not getting all the information from the SSC, that we defer setting ACLs for gag and vermilion to Amendment 17. That would put them altogether for all our overfishing species.

Mr. Currin: That would make sense to me.

Dr. Crabtree: I agree with Gregg.

Dr. Chevront: That was just going to be my question. I was going to ask Roy if we were going to run into any problems by doing that, just to confirm it, but he says no and so I am in favor of taking those ACLs out of there.

Mr. Currin: Anybody else feel differently about that? It looks like the way to go to me.

Mr. Waugh: Then we'll just start calling them the catch level to end overfishing and so the focus in Amendment 16 will now be to end overfishing for gag and vermilion. Then the catch level to end overfishing for vermilion is 628,459 pounds. In terms of calculating which level of reduction that we go after, it depends on which set of landings you use.

We have been using the last two years worth of data, the 2004 and 2005, and I've put those numbers in here, the average commercial catch, the average headboat, MRFSS total recreational, and total catch. If you look -- If you were to pick another set of years, for instance if you were to pick 2001 through 2005, these numbers would be slightly lower and so your percent reduction would be slightly lower, but it seems we should use the more recent years. The last two years are probably more indicative of what's going to happen in that fishery than averaging back.

How you would then select which set of years to use, you could -- You fall vulnerable to the perception that you're fishing for an average set of years. It gives you a lower percent reduction. It just seems we're in better shape to use the last two years of landings as our basis as to what the fishery will catch in the future.

Dr. Chevront: Have we ever used running averages or weighted averages to help calculate these things that will allow us to put more weight on the recent years, but without throwing out the previous year's data completely? Obviously what happened in the recent past is much more likely to influence what's going to happen in the next upcoming future, but there's probably some pretty valuable information in some of those previous years and there's ways to calculate this without losing all that other data completely. I was just wondering and if that's not been done, I understand, but I just wonder if other alternatives had been considered in the past.

Mr. Waugh: All we've done is used some average set of landings and I can't remember in 13C if we used two years or three years. 1999 through 2003? We used four years in 13C.

Mr. Currin: Gregg, do you recall -- I know we've got the landings data here. There's a big table of it, but regarding the MRFSS estimates for the recreational catch, how different are 2004 and 2005, if you recall off the top of your head? Are they relatively similar or relatively tight?

Mr. Waugh: I don't remember. I think, Jack, you've got a table that has those individual years.

Mr. Currin: I know we've got a table here and I can look at it.

Mr. Waugh: I think Jack can pull that up and let you know.

Mr. Currin: The reason I ask is the basic concern over the inherent variability of MRFSS in accurately capturing what's going on in those fisheries, those rarely encountered fisheries, or species rather.

Dr. McGovern: Do you want the recreational landings for vermilion snapper for recent years?

Mr. Currin: I was just curious as to how similar the 2004 and 2005 landings were, because we do see, or have in the past at least, seen some really wild swings in the year to year landings. I just wanted to make sure that we didn't have a hundred pounds landed in 2004 and 500,000 pounds in 2005 and it gave us an average of 250,000 pounds or whatever.

Dr. McGovern: The MRFSS landings for vermilion snapper in 2004 were about 239,000 and 252,000 in 2005. The other thing with the reduction is I think the reduction is based on the Baranov equation for vermilion snapper, which is 61 percent, and changing the landings just gives you a different commercial and recreational portion of that, depending on the years selected.

Mr. Currin: Thank you very much. All right.

Mr. Waugh: If we continue using 2004/2005 -- Rick is getting the number. There's a table, Table 4-35, in Amendment 16 that's a table of historical landings. If we use 2004/2005, here are the average commercial and average landings across the recreational sector. If you look at how much we have to reduce average landings to get to our level to end overfishing, it's a total of a 59 percent reduction.

If you look at how we allocate the fishery, the commercial quota, the allocation is 68 percent commercial and 32 percent recreational. That allocates the 628,459 pounds to the -- The commercial quota would be 427,352 and the recreational allocation would be 201,107. To determine what level of reduction we need on both sectors, the commercial, you're going to track their landings and shut them down when they reach their harvest, but their level of reduction from their average 2004/2005 landings is a 56 percent reduction.

On the recreational side, we compare their allocation to their average landings, 2004/2005, and we need to get a 65 percent reduction on the recreational side. This shows that there's a linkage, in terms of how you do your allocations, with the level of reduction you then need from each side. We have this same information for the gag alternatives as well, but there, you have multiple allocation alternatives and so it's more difficult to show in a summary table like this.

As we look at the vermilion snapper management measures, we had said before we're going to look at a spawning season closure and see what reduction we get from the spawning season closure and ultimately, what we need to do is have a set of management alternatives that get a 65 percent reduction on the recreational side, in order to hold them to their allocation that results from our 32 percent allocation.

Mr. Currin: Questions or comments for Gregg?

Mr. Robson: Since we're starting with spawning season closures as a baseline to look at management, has it been determined that no other combination of bag and size limit or other restrictions in the commercial or recreational side will get us where we need to be? I just want to understand why we've decided we have to start with some form of seasonal closures.

Mr. Currin: We haven't analyzed all the possible -- We didn't go up to a fourteen-inch size limit for analyzing that. My guess is that if we did -- I think there's been some past analysis of that that would indicate that it would reach that. There are concerns about increasing size limits because of

the impacts on the discard mortality and the like. That's certainly an option that we haven't discussed in any great detail.

At some point, I would like for the committee to discuss the whole issue of non-compliance and adjusting for that in the recreational fishery. I am personally extremely uncomfortable with that, using the MRFSS survey, which is not designed for quota management, but yet we're taking -- We're actually doing more detailed and fine-scaled analysis, based on those estimates from MRFSS, to further ratchet down the recreational fishery on that.

We have the similar -- Plus, we're singling out the recreational fishery to do that. We're not trying to make those similar sorts of adjustments on the commercial side, for which we could, I'm sure, go through some sort of analytical process, based on enforcement or cases that have been identified, come up with some measure of compliance from the commercial industry and make that adjustment there.

It concerns me that we're, one, singling out the recreational community to try to adjust for compliance and, two, that we're actually using MRFSS information, highly variable for many of these rarely encountered species, to estimate those compliance measures. I don't know whether anybody else feels that way or not, but it bothers me.

Mr. Waugh: I don't want to address the issue of whether you perceive we're singling out the recreational side. The issue is we have data that shows there's non-compliance with the size limit. We used to get a trends report that gave us this data and so it's going to be -- The commercial had a certain non-compliance rate with the minimum size limit.

The issue we have is we are tracking the commercial quite closely with the quota and then we shut them down when the quota is met. On the recreational side, we're using less stringent measures and we're using a combination of seasonal closures, bag limits, and size limits to get a percent reduction on the recreational side.

We've got data that shows there's a certain level of non-compliance with the size limit and bag limit and yes, those come from looking at the MRFSS intercept data, but those are the same data that give us our MRFSS numbers. I think the council would be in a difficult position to argue that there's 100 percent compliance on the recreational side when we have data that shows there's less than 100 compliance.

If you look on page 4-57 in the amendment, and I've got it projected here, we show tables showing compliance with the size limit and we show tables with non-compliance and we do this in all places. We're giving you both values, but it's going to be hard, in the face of actual data that shows there's a certain level of non-compliance, to then argue for basing your management on assuming there's 100 percent compliance.

Mr. Currin: I understand and appreciate that, Gregg, but there's also indications from enforcement actions that may have popped somebody for exceeding a trip limit or selling fish under the table or something like that that could be used as some measure of non-compliance in the commercial industry.

There are probably all sorts of methodologies that could be developed to make some rough stabs or estimates of that for the industry, but it bothers me a lot to start expanding the use of MRFSS information to do, in this case, what I would consider to be very fine-scaled, detailed analysis of an issue such as compliance. Maybe I'm the only one that's bothered by that.

Dr. Crabtree: Aren't we basically assuming that compliance is going to continue to be about what it's been in the past? Isn't that the basic assumption we're making? You couldn't assume that all of a sudden compliance is going to be 100 percent when it never has been before. It seems to me we're reducing folks by a certain percentage and isn't that inherent in this, the way we're looking at the compliance, that it will continue to be about as good as it's been in the past?

Mr. Currin: It is if you assume that you've estimated compliance and everybody is comfortable with the way you've measured that in the past. Maybe we have done that before, but it seems like in this amendment it's the first time I've seen any analysis of non-compliance on the recreational industry, but I could be wrong on that.

Dr. McGovern: In 13C, we included non-compliance in the size and bag limits in the analysis, as well as release mortality. That's included here, too. These reflect a 25 percent release mortality. We have done that in the past and when we did the size limit analysis in 13C, we also included non-compliance for the commercial sector as well.

Mr. Currin: That's my old brain, I guess, slipping again. I didn't recall that from 13C. It just kind of hit me on this.

Mr. Geiger: The important thing Jack mentioned was that the commercial sector was included in non-compliance in that as well. There was a commercial complement, which I don't think is here. In your discussion of using non-compliance for the recreational sector in 13C, I think you just said that we used a factor for non-compliance on the commercial sector as well.

Dr. McGovern: That's correct. For the size limit, we did. There's probably non-compliance, like Mac is talking about. There's non-compliance with keeping undersized fish for bait that we're not accounting for.

Mr. Waugh: Let me come back to Mark's question of why are we saying we need a spawning season closure and we don't. You can see from Tables 4-43 that assume compliance that assume compliance and 4-44 that take into consideration non-compliance. If you wanted to leave the bag limit and the size limit the same, at twelve inches, you would need to go down to a one fish bag limit to get a 60 percent reduction. Instead of looking at a spawning season closure, you could reduce the bag limit to one and you would have pretty close, not quite, to your desired level of reduction.

Dr. Crabtree: That's the reality of where we are with vermilion and gag. I don't think there's much future in considering size limit increases for either species and I would have grave reservations about increasing the size limit further on either one.

You can't get there through the bag limit alone and so there really; unless there's something we

haven't really thought of, it seems to me we are looking at alternatives that involve both a closed season and a bag limit reduction. I don't see much way out of it. I think both species we've pushed the size limit as far as we can and going any farther simply is going to be counterproductive.

Mr. Robson: Roy, I understand that on the size limit issue. I guess I would like to hear from you a little bit more about why you feel that way in particular for vermilion. Is it just because we're at a point where the release mortality rate is going to be higher than the harvest or exactly why could we not go up another inch?

Dr. Crabtree: Yes, the release mortality rate and the discards are a real concern and it's not going to constrain the harvest. It never has. It's rarely worked on anything. All it really does is shift the selectivity's a little more towards large fish and increase the discards.

We went back with gag and we went up to twenty-four inches and the discards went through the roof, but the overfishing didn't end and the catches went back up. At some level with the recreational fisheries, you've got to get -- You've got to reduce effort. I don't think you can effectively do that with size limit issues. Plus, these are a fairly deepwater fish and you've got all the issues with throwing fish over the side, dead fish over the side.

I have gone to meeting after meeting after meeting now, in both the Gulf of Mexico and over here, hearing about all the dead fish we're throwing over the side. I just think we always want to go to the size limit because it's always the least painful and the least objectionable, but historically, if you just look at the history of what we've done, it hasn't worked.

It's basically what we've done in these fisheries in the past. We've had bag limits set high enough that almost no one can catch them and we've increased size limits along the way and it just has not worked and I don't see much point in continuing to go down that path. I think as unpleasant as it is, we are faced with the reality of looking at hard TACs and seasonal closures and low bag limits to get out of this fix.

Mr. Robson: To that point then, so when we see an analysis that shows a percent reduction in harvest by increasing the size limit, is that a -- That's just a shot in time, if you will. Is that expected to be a continued reduction, as people start fishing up into that new size limit? Is that why the --

Dr. Crabtree: A couple of things, I think, happened. One, to some extent, yes, the fish grow and you have more large fish out there. That's a function -- If you reduce fishing mortality at all, you're going to expect to see more fish out there. The other part of it is a behavioral thing. If people just fish a little bit harder, until they get larger fish, and then bring those in anyway, that's a problem.

We could go back, I think, and look at when we've reduced size limits and what the landings did. They have not historically gone down as much as we thought and they certainly haven't stayed down, in most of these fisheries. I have looked, I think, at the gag stuff and looked at that. I have not at vermilion snapper and so I don't know for sure if that's the case with it.

Remember that very soon we're going to have to put accountability mechanisms in place and so if we do things that aren't really going to effectively constrain the catch, we're going to end up

triggering accountability mechanisms, which are likely going to result in shutting fisheries down in the subsequent year and payback provisions and things, potentially, in some cases. It's just -- My personal view is it's difficult for me to see how we get this done here without looking at some closed seasons.

Mr. Swatzel: I would like to think that a year from now when we come back and have a new stock assessment that things aren't quite this bad with vermilion snapper, but from a for-hire sector standpoint, having a spawning season closure in June, July, and August, you might as well just shut down the entire season, because we're tourist-based. Probably 90 percent of our business is in those three months.

I would just suggest that one thing that we really need to look at is even if it's a fourteen-inch fish, relating to six fish or five fish bag limit, at least that alternative -- Because all we can actually sell is the anticipation of catching a number of fish. Just combining size and bag limit with the seasonal closure on the for-hire sector, at least in the Carolinas and perhaps Georgia.

You might as well just close the entire fishery for us, because it's just not going to work. I would just ask the council to consider at least an alternative where we, for example -- Even if it's a fourteen-inch fish involving a five or six fish bag limit, that we at least consider that.

Mr. Currin: Other comments or questions? We do have the information on the impacts of the fourteen-inch size limit in here, Tom, but currently there is no alternative. If there's desire of the committee to include one of those, then we can certainly do that. It's about noontime and we're going to break for lunch and come back and get into the meat of this thing and continue on.

(Whereupon, the meeting recessed at 12:00 o'clock p.m., December 4, 2007.)

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December 4, 2007

TUESDAY AFTERNOON SESSION

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Pamlico/Hatteras Room of the Sheraton Atlantic Beach Oceanfront Hotel, Atlantic Beach, North Carolina, Tuesday afternoon, December 4, 2007, and was called to order at 1:05 o'clock p.m. by Chairman Mac Currin.

Dr. Crabtree: This is a case where I wonder if we couldn't -- If you look at it as OY is completed intertwined with MSY, because it's calculated based on MSY and so clearly what you choose on MSY determines what OY is, and so I wonder if we ought not bundle this in with the MSY and have a status quo alternative that MSY is this and OY is this and then have the alternatives be MSY is this and OY is this and some sub-alternatives for OY.

It seems like doing those sorts of things would help reduce the number of alternatives and the number of permutations and it might help in the analysis of putting the document together and it seems to make sense to me that they ought to be bundled together, because they do seem intertwined in some sense.

Mr. Waugh: There's a couple of things to consider in that. Many times, the MSY is not going to be a decision for the council. It certainly is here now, because we're changing how we calculate that. Right now, the MSY is specified as the yield produced by FMSY and the proxy for FMSY is F30 percent SPR and so we're changing how we calculate MSY. In the future, as we get more assessments, MSY won't be a decision point. It will be an output of the assessment, but we'll always look at OY, because that's something that the council could change.

Dr. Crabtree: Yes, I understand that, but I don't know that that's not a reason to bundle them here.

Mr. Waugh: Right. I'm just saying these are the things to consider and in terms of bundling, what we've done is more tiered off of these. Once we get past the OY, the only OY alternative that is worked up in the other alternatives is the preferred. There's no savings in bundling these two is what I'm trying to get at. Where we need to bundle is farther in. If you all want to bundle these, we can bundle them.

Mr. Currin: Any other comments or feelings about Roy's suggestion?

Dr. Chevront: Would it just be sufficient to say then that somewhere the 75 percent of Fmax is the only OY that we're going to be using for calculations for this? That way, we can just avoid the whole bundling issue altogether, just make an explicit statement that that's what we've considered.

Dr. Crabtree: You've got to have the alternatives for OY. You couldn't just say nothing else is reasonable and so I don't see how you get around that. I'm just looking at part of the discussion this morning was the number of permutations, which was based on the number of alternatives there are. To the extent you bundle these together, you reduce the number of permutations and so you reduce the number of possible combinations that Jim Waters is faced with looking at.

If you can take this from -- What do we have? We've got five OY alternatives and two MSY alternatives. If you bundle together, then you get it down, I think, to maybe five alternatives instead of seven and so you've reduced the number of possible combinations. If you then say those extra two alternatives have to be looked at in combination with everything else in the whole document, you start reducing them.

As you go through the document, if you can narrow down a few alternatives here and in each action start narrowing some of these down, I suspect when you get to the end that you've significantly reduced the number of possible permutations, if that's a concern. I don't think it's a big deal. I think we can do this either way, but I was just looking for ways to reduce the overall number of alternatives in the document.

Mr. Currin: I think that's an admirable goal that we should all be thinking about as we go through here. If you look at Alternative 5 under OY, you don't have -- It doesn't even give us an OY value

and is that one that we should remove and send to somewhere?

Dr. Crabtree: It's not clear to me what Alternative 5 is and how it's different from the preferred.

Mr. Currin: Other than not having a value for OY specified, we can't determine -- Maybe I'm missing something.

Dr. Chevront: Maybe because I'm kind of still new at some of this process here, but if you consider the 65 percent of Fmax and the 85 percent of Fmax, the Alternatives 2 and 4 and Alternative 5, and just call them Considered but Rejected and move them out and do they still have to have the calculations and stuff done for them? Can't we justify why we decided to go with the SSC of 75 percent of Fmax?

Dr. Crabtree: When you move something to Considered but Rejected, I think you're basically saying it's not a reasonable alternative and I don't see anything in the record that would say 65 percent and 85 percent are unreasonable, but I do think Alternative 5 is just a duplication. I don't know what it is.

Mr. Currin: Other comments or suggestions here? Are there any specific suggestions on how we proceed then, Roy? I'm still not quite sure exactly what your suggestion was that we bundle them, regarding the MSY and OY.

Dr. Crabtree: I was just suggesting that we have one action that specifies both MSY and OY, rather than two actions that separate them. That's a suggestion and I think that simplifies it and I think it logically makes sense. Unless somebody knows what Alternative 5 under OY is, I would say we take that one out, because it appears to me to be a duplication of the preferred alternative.

Mr. Currin: Are you okay, Gregg?

Mr. Waugh: No, I'm sorry, I'm not okay. We put these two together and so we've got one action and we're specifying MSY and OY. Option 1 is no action. What's Option 2 and what's Option 3? What you all are asking us to do is analyze all of these impacts and have this document ready for you to approve for public hearing at March.

We can't just deal with directions to staff to combine these two. We've got one action and you're going to be specifying MSY and OY. Alternative 1 is no action and so let's put on paper what Alternative 2 is and what Alternative 3 is.

Dr. Crabtree: Alternative 1 would be no action, which would be MSY is the yield produced by FMSY. F30 percent SPR equals 0.18 is used as the MSY proxy for all stocks and OY equals the yield produced by FOY. F45 percent SPR equals 0.11 is used as the FOY proxy. Alternative 2 would be MSY equals the yield produced by FMSY. MSY equals 1,238,000 pounds gutted weight and FMSY equals 0.237, as assigned by SEDAR-10 in 2007. OY equals the yield produced by OY and have three sub-alternatives. Sub-alternative A would be FOY equals 65 percent MSY; B would be FOY equals 75 percent --

Mr. Waugh: Excuse me one second, Roy, but are you working from Tables 4-30 and 4-31, because those numbers aren't matching up at all.

Dr. Crabtree: I'm looking at gag. I'm sorry, but I was reading from gag. Basically, what you would do is have that Alternative 1, no action, language combined with the Alternative 1 OY no action language and then you would have the Alternative 2 MSY language with three sub-alternatives under it to establish OY at 65 percent, 75 percent, and 85 percent. It's just a suggestion. If staff doesn't think it makes sense, then that's fine, but it seems pretty straightforward to me to do it.

Mr. Currin: Reaction from Gregg or Rick? Does that simplify things, Gregg, or do you understand what he's saying?

Mr. Waugh: Yes, Alternative 2 would be then setting MSY equal to 2,699,957 and setting OY at 65 percent of Fmax and Alternative 3 would be --

Dr. Crabtree: I was going to be three sub-alternatives under Alternative 2 and so you would have an Alternative 2 and then you would have sub-alternatives for OY under it and Alternative 2A would be FOY equals 65 percent of Fmax; Alternative 2B would be FOY equals 75 percent; and Alternative 2C would be FOY equals 85 percent. Then Alternative 2 would be the preferred and Sub-Alternative 2B, the 75 percent, would be the preferred. That way, you've only got two alternatives with three sub-alternatives. There are probably lots of ways you could do it, but that was the way I kind of sketched it out.

Mr. Currin: Does that help, from staff's perspective?

Mr. Waugh: I don't see much of a difference. We can do it like this, but then you're still going to have to analyze the impacts -- Is it the intent that we would then analyze the impacts of Alternative 2A with the OY at 65 percent of Fmax and then analyze 75 percent and analyze 85 percent? If that's the case, then we've still got the same number of alternatives, except we've gotten rid of Alternative 5.

Dr. Crabtree: Now you have -- Even if you count the sub-alternatives as separate alternatives, you've got five alternatives there. Currently, we've got seven and so it does reduce the number of alternatives and that's my only point. I'm not saying it's a huge time saver, but if you did -- If you could go through this and reduce the number of alternatives by a couple every step of the way, then the number of possible permutations comes down, but I don't want to belabor the point and if staff doesn't think it's going to help, then so be it.

Mr. Waugh: I think as we're saying staff here, I think I saw Jim Waters in here. Remember, the region is doing the economic analysis here and so it isn't just our staff and Jack -- It has an impact on Jack, but I'm more concerned, ultimately, about the economic on the commercial side that's done by Jim Waters and in the region, the economic analysis done by the regional staff.

Dr. Crabtree: What I recall Jim said was the lower the number of alternatives and the fewer possible permutations, then that helps. I think this comes up with fewer permutations and if you accept that 2A has to be combined with one of them, I think there are really only four alternatives, but --

Mr. Waugh: There would be no action and then the MSY with the three alternatives for OY? Okay.

Mr. Currin: Are you guys good with that then? It's not a huge time saver, but perhaps some. Is everybody else okay with that and it makes sense? Okay. Where are we off to? Is it allocation, interim allocations, next, Gregg?

Mr. Waugh: Just that the MSST is unknown at this time. That was the next point. Then we will remove any reference to annual catch limits, but then the next step would be to set the catch levels to end overfishing and that would be this 628,459 pounds.

Mr. Currin: That's the recommendation from the SSC. Is everybody okay there? All right.

Mr. Waugh: Then the next item is allocations and that's Section 4.2.3.

Mr. Currin: It's page 163, I believe. If I'm wrong -- We currently have a preferred that's 68 commercial and 32 recreational.

Mr. Waugh: What I've got projected on the screen is the commercial quota would be 427,352 pounds and the recreational allocation would be 201,107.

Dr. Chevront: Is there a difference in years or something that you're looking at? The numbers don't match. What you just said, it doesn't match what's in our document and so I was wondering what the discrepancy is.

Mr. Waugh: The table in 4-34 shows gutted weight. That's the same -- That's the conversion from the 628,459, right, Jack? The landings that I've got shown up there are whole weight and so I think it might be better to work in whole weight.

Mr. Currin: That's the difference there. All right. Any comments or questions there? We're okay on allocation? All right.

Mr. Waugh: Since that's the council's preferred alternative and the only alternative other than no action, then on the commercial side if we compare that commercial allocation to the average 2004/2005 landings, it's a 56 percent reduction and we will ultimately adjust this commercial number by the estimate of post-quota bycatch mortality, to figure out what the directed quota will be.

On the recreational side, we're going to use a combination of potential size limits, bag limits, and seasonal closures to limit the recreational catch to their allocation. If you compare this allocation to the average 2004/2005 recreational catch, it's a 65 percent reduction and so we need to specify measures that will achieve a 65 percent reduction. We've got Tables --

Mr. DeVactor: In the PDF, that's page 170 for the bag limit analysis and size limit analysis.

Mr. Waugh: Table 4-43 shows the reductions if you want to look at changing the size limit to twelve, thirteen, fourteen inches and reductions to nine down to one fish. Table 4-43 assumes full

compliance with the size limit and Table 4-44 factors in non-compliance and if you want to combine a season closure with this, that's shown in Tables 4-45 and 4-46. Table 4-45 assumes compliance with the bag limit and 4-46 factors in non-compliance.

Mr. Currin: Comments or suggestions? This is certainly one place we've got a large number of alternatives. It seems from earlier discussion that the adjustment for non-compliance is the way we want to go. We should be able to whittle down some of these.

Mr. Robson: I'm probably asking out of turn here, but we're just talking about what we want to do to combine alternatives and is that where we're at?

Mr. Currin: Yes, I think we're looking towards rather than picking preferreds necessarily for any of these options at this point, we need to keep a mind toward how we can reduce or eliminate some of these large number of alternatives that we have here and so yes.

Mr. Robson: I would like to revisit that issue of the size limit. We had a brief discussion earlier and I still want to -- Our commission obviously would like to look at as many different combinations as we can to try to particularly minimize the impacts of closed seasons. I know we've change the size limit on vermilion in the Atlantic.

I would be curious to know if there's been -- I think, Roy, I don't know if you have any information, but if there's some information -- There were concerns raised that raising the size limit wasn't going to give you a permanent reduction that you're looking for, based on fishing behavior. Do we have any information on what's happened since we just recently raised the size limit for vermilion that we can look at?

Dr. Crabtree: The size limit was raised in October of 2006 and so you can look at -- Essentially, we have the first four waves now of 2007 and if you look at the discards, the B2 fish has gone way up and it looks like the landings are down relative to 2006, but higher than the previous four or five years, based on our quick look at MRFSS before the meeting.

I think Jack and folks can pull that into the document in the sections where they look at size limits and if you go back to I think it's 1999 and 2000, when the eleven-inch size limit went into place, you see a big increase in discards there for a few years. I don't really know what the landings did at that time. That's what we were able to get, just from looking at it during lunch.

I'm not suggesting right now that we take the size limit alternatives out of the document, but I think that kind of information and discussion needs to be pulled into the document so we can look at it. I also asked Alex if the Center could look at do we have a yield per recruit analysis that we could take a look at, to see what size would maximize yield per recruit. I think those two things would help us to make some informed decisions.

I might suggest that in this suite of management alternatives, at least on the recreational side, that maybe we narrow this down such that all of the alternatives bundle some sort of bag limit reduction with some sort of closed season. I guess we could have one that has a bag limit reduction and a size limit increase.

It seems to me, going back to Tom's comments earlier, that it might be worth looking at -- Certainly we can look at a spawning season closure, but it might be worth looking at an alternative that kind of defines a core summer season that we want to keep open and then some bag limit and keep the closures outside of that timeframe, since that seems like it's pretty critical to some of the headboats up there.

It does seem to me that anything we do is going to have to involve some sort of bag limit reduction at least. That's my thought on it, Mark, and we'll try to get some more information together on the discard numbers and the impacts of going to twelve-inch.

Mr. Geiger: In regard to the closed periods, we only have spawning season closures listed in the document and has any analysis been done for periods other than the spawning season?

Dr. McGovern: We have reductions for all months for seasonal closures and we can do combinations to look at effects of combined bag limits and seasonal closures pretty easily.

Mr. Robson: Obviously we can get into that and I think we're concerned about the same issue as far as the seasonal closure and what we may run into as the problem -- I think our landings issues may be somewhat different, because recreationally, they're more spread out in Florida, but you may have more significant landings say from January to April. We're kind of running out of months.

Mr. Currin: I think what everybody is trying to do is avoid the pain and I don't think there's much way to do that. Any of these alternatives here that anyone believes we can reasonably bundle in some way or remove? We've got a fair number here of combinations and we've talked about actually adding perhaps some more. I don't see much reduction there going on.

Mr. Waugh: The alternatives that you all have bundled and given to us thus far don't achieve the 65 percent reduction necessary and so it seems to me we need to wipe the slate clean and work with the Tables 4-43 through 4-46 and look at developing alternatives that meet the 65 percent reduction.

At the same time, we have to talk about putting in a mechanism, and this would apply to all the measures for vermilion snapper and not just the recreational, but commercial as well, but we will be getting a new stock assessment. We need to talk about some process -- This is worst case scenario, what we're looking at here with the existing stock assessment.

We have to develop a mechanism so that if the new stock assessment says that we don't need as much of a reduction that here's the steps that should be taken. If they indicate that there's no overfishing, then what do we want the Regional Administrator to do? Something like that to cover us, because we will be giving final approval to Amendment 16 hopefully at the September meeting and we will only know the outcomes of the assessment workshop.

We won't have the review workshop results until our December meeting and so we will have already submitted Amendment 16. I know everybody is sort of struggling with the worst case scenario, but we need to come up with some measures that give us that reduction and then also put in some measures that will deal with potential expectations from the new assessment.

Dr. Chevront: I'm not sure how we go about doing that when we have no idea what those numbers are going to be. Are you asking us to help draw up some kind of a framework for how we would handle the new numbers? I'm not sure -- It may be if -- We don't really know what the new stock assessment is going to say.

It could be that the stock is not overfished, nor is overfishing occurring, and therefore status quo is fine, but it could be that there is some degree of overfishing and it may be just a little bit overfished and then we're going to need all the tables to help make decisions if we have to come up with some kind of a combination of a change in size limit, bag limit, closed seasons, to see what we need to come up with. I'm not sure how we can give much guidance, other than to say we need to stop the process and look our alternatives over again.

Mr. Currin: I think we would ask Roy to give us some guidance on how that might play out from their perspective.

Dr. Crabtree: We need to think this through more, but my thought is that we would add another action in here and that action would allow the Regional Administrator to make the following adjustments if the required reductions are less. It would basically -- If your main priority is you don't want the closed season, then we would have some tables in there that -- Right now, we're working on say a 60 percent reduction. If the required reduction is 50 percent, then the season is lengthened by this much. If the required reduction is 40 percent, then it's lengthened by this much and if it's 30 percent, it's lengthened by this much and that sort of thing.

All I would do is see what the assessment results are and see what the FOY is and follow the exact same procedures in this document and calculate it and here's the reductions needed and boom, that's the change in the closed season and that's what goes into the proposed rule. That's my thought.

Alternatively, you could say the bag limits is increased, but I think what I'm getting the sense from people is what you really don't want here are closed seasons. That's kind of my thought on it and it would just be a one-time thing and it would be very prescriptive, maybe just round it off to the nearest 10 percent and shorten the closed season.

Of course, on the commercial side, I'm assuming we will go with a hard quota and that's just a matter of readjusting the quota according to the yield estimate. I think it's a doable thing, but I think it probably needs to be a separate action and I think we need to take some time to think it out.

Dr. Chevront: I'm not sure that the council could come up with more than just saying we like closed seasons the worst and we like reduced bag limits second worst and changing the size limit the least worst. I don't know how we can do anymore than that. This whole issue of bag limit and size limit, to me they're somehow intertwined and I think they have to play off of each other.

I know as a recreational fisherman myself when I go out fishing, especially if I go out taking kids or something, they want to catch a fish. If they can get a fish, even if it's only two, that's much more valuable to them than being able to keep six fish, but they have to be bigger. The value of the trip is really different, even though the biological part of it comes out to be the same. I have a real hard

time with the bag limit/size limit issue. I think I could probably say the closed season would be the most worst.

Dr. Crabtree: Response, Roy?

Dr. Crabtree: We have tables in the document that for a given size limit and a given bag limit that here's the reductions you get from closing various months and if I know that the council's intent is in the relaxation of the restrictions, because that's what we're talking about, you want to shorten the closed season, or lengthen the open season, then all I would have to do is go to that table and reduce the closure by the appropriate amount to make the numbers add up. I think the numbers are all in here and that's a simple enough thing to do.

I think the only tricky part of it is making sure that you indicate where it is you want to go first. Do you want to leave whatever bag limit you decide on here and that's what it's going to be and whatever size limit we come down, that's what it's going to be and you just want to shorten up that closed season? I think it ought to be really prescriptive and I think it all could be laid out in a table, because I think it's probably already in the document.

Mr. Waugh: This may actually help us better survive these public hearings, because people are really going to be geared in on why we're proposing these large percent reductions. What Roy is suggesting is we have a table in here and instead of specifying an action for here's the bag limit, size limit, season combination we want, just say the vermilion snapper recreational measures are shown in this table.

You would start at the top. The first combination would be the existing reduction that's necessary, the 65 percent. If the reduction is 65 percent, here's our recommended management combination and following up on the suggestion for rounding it to nearest 10 percent, then if it's 60 percent, here's what we want implemented and if it's 50, here's what we want implemented and if it's 40 and right on down.

That way, you would have to use these tables and construct that ahead of time, but that would be very, I would think, informative for the public to understand, that here's our suite of measures that we're looking at and depending on what the new assessment shows, we could look into this table and see what the reductions are.

Mr. Geiger: That's certainly an approach, Gregg. My problem is I go back to the fact that as we embark on this process, we said that we were going to place measures in place to achieve the reductions that are necessary and in agreement that we need to conduct a second stock assessment based on the otoliths that are being cut and based on the results of that stock assessment, we would make necessary adjustments, if there were any.

My understanding was that we were supposed to be working on this amendment to address the reductions that were required originally and have that document ready to go if in fact the stock assessment does not show a lessening of the restrictions that were called for by the original. Correct me if I'm wrong, but I thought that's where we were and quite frankly, I believe that it's our responsibility to set the management measures up and provide what we believe them to be and then I

have no problem allowing the Regional Office to make adjustments to those management recommendations which will be clearly indicated based on where we select.

If we select a very strong season closure, then he knows we feel strongly about the need for a season closure or if the season closure is not as restrictive, that's the least restrictive and he can then make an adjustment based on what our recommendation is. I see us advocating this whole process, number one, to the results of the new stock assessment and not doing anything until that stock assessment comes out and that adds to the length of the process.

Mr. Currin: That's not the suggestion, I don't think, George. I think the way I envision it is we're going to come up with a suite of alternatives here that, one, meet the 65 percent reduction that we're facing right now, but under the circumstances that the new stock assessment requires less of a reduction of that, then we need to have some contingencies that perhaps at 10 percent intervals achieves goals less than 65, if that's the case of what comes out of this new assessment.

Mr. Geiger: I apologize. I misunderstood.

Dr. Crabtree: Just for the record, what Bill Hogarth committed to North Carolina, I guess was who the letter went to, was that NMFS would review the results of the new assessment before implementing any regulatory changes. I think Mac captured what we're trying to do. We're trying to give NMFS some flexibility to relax the regulations, if it should come out that lesser reductions are required, and we're trying to make sure that how that's done will all be fully analyzed and all thought out, so that there's really no discretion on the part of NMFS when we do it, so that we don't run into NEPA issues.

It's kind of like a framework sort of process, but it's really just a one-time thing. I think really what we need to do is have staff come up with an action that would do this and to me, if we're all agreed that reducing the extent of the seasonal closure is what we want to do, then that would be the recreational side and then on the commercial side, we would just have an increase in the quota, I guess.

Mr. Waugh: We can certainly come up with the wording for the measure, but the part about if it's 60 percent what the measures are going to be, the committee needs to do that right here at the table now and if it's 50 percent, what --

Mr. Currin: That's what we're going to have to do after we finish this discussion of agreement of how to approach it.

Dr. Chevront: I was just going to suggest something along those lines. If in theory the council can then come up with -- If everybody is agreed that getting rid of a shorter season is the first thing we would want to do for the recreational fishery, we need to get some kind of consensus on that first, because that would help guide how we are going to look at the combinations of size and bag limits later on and that could eliminate a whole bunch of other potential possibilities.

If we want to eliminate a closed season before we even consider changing the size and bag limit, that will make it easier for analysis and making our decisions. Then we go looking at the other thing, but

I think we need to get some kind of consensus on the council first, before we start jumping into managing if it's 50 percent what do we do. Let's get some guiding principles to help us out here.

Mr. Currin: That's a good suggestion, Brian. It may be difficult to get to. Gregg just made a suggestion, and I'll bounce this off of you, Roy, to get your comment, that maybe it would be easier if we start on the low end and let's think about if we had to do only a 10 percent reduction, what would we do? Then we'll jump to 20 or 25 or whatever number we need to think about that and I think we'll identify the deadliest poison as we starting moving through that methodology, perhaps, but I don't know.

Dr. Crabtree: I'm not sure about the best way to do this, but it's hard at this point, because we haven't decided there will even be a closed season yet. It's hard to decide what you would relax until you at least give a strong indication of what it is you're going to do in the worst case scenario.

We really haven't even gotten to that yet and so I don't know if you work there from starting at no reduction and work up or if we go through the alternatives and what are the things that we want to look at if we really have to stick with the 60 percent and then go back from that. I'm not sure what the best way to do that is.

Mr. Currin: What's everybody else's feeling about that? What's the best approach to do this? Do you want to start at 65 and go down or do you want to start low and go up?

Dr. Crabtree: I would say let's go through the alternatives of what we're going to do in the worst case scenario and get through that and get some sense of what that series of options -- If every alternative we're going to look at has some sort of seasonal closure and then that's a different scenario if they don't -- Then I think that Jack can come up with a table that could lay out in 10 percent intervals what sorts of things there might be, but I'm not sure we can get to that just sitting here right now.

Mr. Currin: We've got a lot of tables here that run from basically -- If you look at 44 and 43 and look at the size and bag limits, they run from -- Assuming non-compliance, we go from 22 percent up to 77 with those combinations and not considering any season closures. I don't know. I think Roy's suggestion is we start at the top and go down and I'm seeing a lot of people around the table suggesting that we start at the bottom and go up. I'm easy and whatever way you all want to do it. I'm just trying to do it as efficiently as possible and start moving toward that end as quickly as possible.

Mr. Swatzel: I would like to see at least, going back to the idea that you would not have a closed season on the recreational side, at least consider a size and bag limit that meets the 65 percent for consideration as an alternative. I don't know if you want to look at Table 4-43 or 4-44, but at least from a for-hire sector, the greater number of fish to be kept is preferable, even if you have to go to a higher size limit. You're probably looking at a fourteen-inch limit and somewhere around five to six fish, I guess.

Mr. Currin: Gregg said four, I think, Tom, does that.

Mr. Waugh: Yes, you're looking at Table 4-44. It factors in non-compliance. With the size limit at fourteen inches, to get to a 65 percent reduction, you're at four fish.

Mr. Swatzel: I would like to keep that as an option, as an alternative.

Mr. Currin: One thing that might simplify it and keep us on the right track is that if everybody is in agreement that we need to include all of these measures with non-compliance. Since we've got the data there, why are we even considering alternatives that don't consider non-compliance? Could we move to eliminate all of that? Is that reasonable to everybody but me?

Mr. Robson: It makes sense to me. I realize it's not perfect information, but it's looking at reality as best we can and so we ought to consider it.

Mr. Currin: It's our best guess or estimate of reality. That's one thing we can simplify there. Tom has made a suggestion that one of the alternatives to consider then that would reach the 65 percent reduction is a combination of a fourteen-inch size limit with a four fish bag limit.

Dr. Crabtree: I won't support any alternative that contemplates a fourteen-inch size limit. I think that the discards will be absolutely through the roof and I think you're going to run into all kinds of National Standard 9 issues and problems with it.

I certainly -- If you really want to look at size limit, I would say look at thirteen, but I don't think fourteen -- I understand the desire to have it, but this has to work and we do have a National Standard that requires us to minimize discards. I just can't see how we could go up that high. If we can get a yield per recruit analysis that gives us some support for it, we can come back to it, but I certainly wouldn't support that.

Mr. Currin: Other suggestions then or ideas about consideration of the combination that Tom suggested or support of Roy's idea that it won't work, at least from what we know now?

Mr. Robson: I understand the situation with size limit, but I do think we ought to take a look at that kind of option, just because it sets some outer limits on -- It sets some bounds on a reasonable range of actions that are available for consideration. That's the one that does not include any kind of a closure and it does address the most aggressive reduction in harvest.

Now, whether it will meet the National Standards or not, I think that's something we need to look at and we need to look at some more data on discards and we need to know what the yield per recruit might be. For purposes of trying to get some alternatives laid out, I still think we ought to put it out there.

Mr. Currin: Again, we're not asking anybody to buy into any of these at this particular time, but Roy has certainly voiced some opinions and concerns about that. Anybody else feel like Tom and Mark, like this is something that should be included, at least for consideration as an alternative?

Dr. Chevront: I agree with Mark and Tom. I think it should be put in there as a consideration, knowing that the stock assessment that's going to be done is going to change. It's not likely that

we're going to end up with this and I understand what Roy is saying, but this is a worst case scenario that we're dealing with here and I think it's highly improbable that we're going to be stuck with this scenario in the end. I say I understand that need for these guys not to have a closed season.

Mr. Currin: I'm seeing general nods of agreement that this at least be kept as an alternative. Roy has suggested other ways that may shed light to make it a little more palatable or acceptable to the Regional Office and the like. We've got one, guys. We need more than that. We need to start looking at some other combinations of either size and bag limits or closed seasons that will get us to 65 percent reduction.

Mr. Robson: I was just going to suggest what combination using thirteen inches and then start looking at closed seasons.

Mr. Geiger: I do have a question. Jack, can we look at the June/July closure and effectively divide the percentage by 50 percent for one month of the two months closed or can we --

Dr. McGovern: I didn't understand the question, George.

Mr. Geiger: You've got a June/July closure and you've got a nine fish bag limit and 52.2 percent reduction. Can we assume by closing it only one month that there's a difference of twenty-three-and-a-half or something?

Dr. McGovern: No, we have a reduction for every month. That's just adding the reductions for the two months.

Mr. Geiger: That's adding for both months.

Dr. McGovern: I can provide -- If you have a specific month you want a reduction for, I can provide that. We have that information.

Mr. Geiger: Do you have it on a table now that you can distribute?

Dr. McGovern: It's in the briefing book.

Mr. Currin: Rick has got it and he can project it. It's Table 27 from the options paper or I can read them off to you right now. Do you want me to just read it to you? That may be easier than trying to project it at this point or it's up to you. Can you project them for us? They're up there. There you go. I don't have to read them.

There's the percentages associated with each month, the percentage reduction that you're going to get from each month. We heard Tom's concerns about keeping that tourist season open, because that's the most important time. May through August is a large percentage of the catch.

Mr. Robson: Where is this?

Mr. Currin: We don't have that. It was in a -- We've probably got it, but it was in a prior document

from several meetings ago, an options paper, the last meeting or the meeting before.

Mr. Woodward: This is a question that Mark might can answer, but looking at that distribution of landings in Florida, is that an accurate reflection of Florida is that the wintertime and the late fall landings that mainly are comprised of Florida?

Mr. Robson: At the September meeting, I had asked our staff to send me some of that information on Florida landings and we had to verify the numbers with the actual months. Just looking at gross data, the January/February wave is 19 percent of the recreational harvest, March/April is 20 percent, May/June is 14 percent, and July/August is 27 percent.

From January to April, you have about 40 percent of the landings recreationally. This is just for the east coast. For May to August, you have actually a little bit more than that. It looks like the only time that's least painful for both states would be the fall, September and October.

Mr. Currin: You mean for a closure?

Mr. Robson: Yes.

Mr. Currin: That gets you about a less than 20 percent reduction and we're trying to get to 65 and so we've got 20 percent there and you can combine that with some combination of size and bag limit as well. Let's see, September and October gives us 20 percent and --

Mr. Cupka: I think Mark has already answered my question. I was going to ask him about October, because that gives us 10 percent. Looking at say a thirteen-inch -- We could take a thirteen-inch and five fish and so you would have to go to four. Thirteen inches at four fish with an October closure gives us 55, but if you want to add September, you could get a --

Mr. Currin: Looking at Table 4-44, seven fish at thirteen gives you 47 percent, plus 20 percent, and that's right at 65, or almost 20 for a September/October closure. September/October gives you nine, if I'm reading it right. What am I missing?

Mr. Waugh: You can't directly add those numbers. The numbers that are shown up here just look solely at the monthly catch distribution. When you start looking at a bag limit, there's a synergistic effect there. You can't just add those two percentages together. I talked with Jack just now and he feels that between the committee and full council, we can produce a table like 4-45 -- Well, it would 4-46, because we're only using non-compliance, but do a table for 4-46 showing each month, the whole year, so that you all could look at it.

Now you're picking months that are outside the spawning season and so we have to adjust our rationale for why we're doing that, but you can't just look at that percentage and add it to the percentage here.

Mr. Currin: Okay.

Dr. McGovern: You can add it -- It's pretty close if the reductions are small, but if you have big

reductions, like if you have an 80 percent reduction for one and an 80 percent reduction for the other, you can't get a 160 percent reduction. That's like a 96 percent reduction. It's an equation in there.

Mr. Currin: Looking at the tables we've got for size and bag limit combinations and then this table for landings, we're relatively close, do you think?

Dr. McGovern: I think you can pick something out and get in the ballpark and then we can just do the computation.

Dr. Chevront: Just so that I make sure that I understand what you're talking about here, it's that you would actually be looking at separate tables, one on the columns that would be the month and the rows would be the bag limit, but then we have separate tables for each size limit of fish.

We would have a twelve-inch table and we would have a thirteen-inch table and we would have a fourteen-inch table, so that we could have a combination of bag limit, size, and closure. We're going to have basically three large tables on that size limit, so that we can choose, amongst those three dimensions, what seems to be the best?

Mr. Waugh: Maybe we better hear from Jack, because that's a lot more -- Our understanding -- Let's hear from Jack.

Dr. McGovern: I think he's got to draw it on a piece of paper and show it to me and then I'll work on it.

Mr. Waugh: What it is is look at Table 4-46, where you've got the seasons there. What we want is that for every month and then another one for a thirteen-inch and another one for a fourteen-inch.

Dr. McGovern: That would be like three separate tables for each size, yes.

Mr. Waugh: There's no need to show the 100 percent effective value in here, right? We'll just show the 79 percent and is that right?

Dr. McGovern: Yes, but the effectiveness could be better than 79. That's probably the extreme, because after we do this PQBM and make the adjustments for trips not taken and things like that, it might be a little bit better than that. That would be kind of our extreme effectiveness.

Mr. Currin: Okay. It's doable then, Jack?

Mr. Waugh: I think Jack says that he can put it together to double check, but what we can do now, as I understand him, is use the percentages from this table and add it to here roughly and then we'll double check to make sure that's getting the right percent reduction.

Mr. Currin: To make some headway then, let's use these as rough estimates and combine them with the 4-44 and then maybe to take care of the slop, we'll instead of just a seven fish bag, let's maybe include a six and a five and depending on what the 79 percent effectiveness -- The effectiveness rate, how that -- It can only go down and we'll come with some combinations.

So far, we've got fourteen inches and four fish as our only option or alternative at this point. Keep in mind also as we discuss this that Gregg said if we start choosing months outside of the summertime that we're going to need to adjust the equation, because they are outside the spawning season. To me, what we're basically trying to do here is minimize social and economic impacts for the headboat industry, the for-hire sector. That's certainly one big benefit to allowing that peak in the season.

Dr. Crabtree: I would suggest a couple of alternatives, both of these with a status quo twelve-inch size limit. One, I would like to see an option that is a four fish bag limit with a June/July/August closure, which I think gets us pretty close.

Then I would like to see an alternative, again at the status quo size limit, with a four fish bag limit, but with something approximating an October to April closure. That leaves those key May/June/July/August/September period open. I think Jack's preliminary look is that that would get us in the ballpark and give staff leeway to tweak the closures a little bit, so that the percentages work out.

I think, given the situation, there doesn't seem to be, to me, a lot to be gained by staying at these high bag limits. It looks like they're going to have to come down. That seems to be two reasonable ways to get at this without having to increase the size limit.

Mr. Waugh: The one alternative, the twelve-inch, four fish, and June through August, if you look at Table 4-46, June through August, a 79 percent effectiveness, a four fish bag limit, that only gives you a 60 percent reduction.

Dr. Crabtree: With a three fish bag limit then.

Mr. Waugh: That's 64.

Mr. Currin: Do you want to suggest two fish then, Roy?

Dr. Crabtree: No, I'm going to suggest that we add May to the closure and see if that can maintain the bag limit of four fish. I don't know if that works or not. I think there's a lot of fishing in May, isn't there? 13 percent. Does that seem to get us close? You're talking four fish, May and June and July and August, correct?

Mr. Waugh: That gives you a 74 percent reduction.

Dr. Crabtree: Then May 15th.

Mr. Currin: Maybe we could just add the appropriate numbers to the bag limit to get to 65, whatever that might be.

Dr. Crabtree: That's fine. Can we go to five fish then in May through August? Does that get us close?

Mr. Currin: Gregg has done some back-of-the-envelope calculations, Roy, and at six fish, with May to August, the closure will get you at about 67 percent. Is that one you think we should include and consider?

Dr. Crabtree: In all seriousness, we would probably rather see five fish and May 15th through August. I'm not too -- My inclination on this is we ought to forget about bag limits much over five, because of the seasonal closures we're going to be stuck with or the size limit increases just don't justify them. Would that approximate going to five and just closing half of May, Gregg?

Mr. Currin: We need to get Gregg a calculator for the table.

Dr. Crabtree: Something close to that.

Mr. Waugh: That does it, but you're splitting a month of recreational data.

Dr. Crabtree: We've done that in many fisheries many times.

Mr. Cupka: I would like to see us look at a thirteen-inch, six fish, with a September/October closure. I know that's outside the spawning season, but I think if we're going to close during the summer -- Essentially, you're doing away with the fishery. That's when these guys operate. You might as well shut the recreational fishery down completely if you're going to do that.

Mr. Currin: Gregg is running the numbers real quick on that, David, to see if that gets us --

Mr. Waugh: It's 69.

Mr. Currin: That's roughly 69 percent and so that will get us there. We've got a number of alternatives here that have been suggested and we've agreed on one, at least. Roy has suggested two more and David has got another one. Is everybody okay with including those in our list of alternatives that gets this approximately 65 percent reduction for the recreational community with all of those? There's no heartburn from anybody?

Mr. Robson: No, but we're going to have to look at every one of them. The issue of an October to April closure is going to have much more of an impact on Florida than it is up north, but that gets us where we need to go as far as the 65 percent. The only thing we didn't include was a straight thirteen-inch size with a very restrictive bag limit and no closure. You could do thirteen-inch and a two fish bag, but at some point how many do you want to have to look at?

Mr. Currin: That will get you 64.3. Is that close enough to 65 for everybody? Seeing no -- Mark's suggestion is a thirteen-inch size limit with two fish and that gives you 64.3. That's five alternatives to get us to 65 percent, or thereabouts, combinations of size and bag limits and size increases and season closures. Is that reasonable for everyone?

Dr. Crabtree: I think it is, but I think all of us ought to give some thought about this before full council. If you really believe closing the summer is going to destroy the fishery, then it sounds like

to me you're not going to close the summer and you don't think it's a reasonable alternative and if no one has interest in doing that, I don't know that there's much point in us pursuing it. I would suggest we let folks, Gregg and Jack, work these up and we can take a look at council, but we ought to give some thought about if something is just not on the table, let's decide now, rather than going a whole lot further with it.

If there's a minimum bag limit -- I don't know if people would accept two fish or not, but if there's some bag limit below which we're just not going to go, then I don't know if it's worth looking at it. Maybe we don't know yet and maybe we want more public comment, but I think those are the kinds of things we need to think about to keep this from getting too unwieldy.

Mr. Currin: Tom may have some ideas on combinations and what the minimum number of fish might be for his clients, but I fully appreciate what he has to say about the summer closure and the impacts on his industry and the headboat industry off of North Carolina. It would just be deadly. I don't know that they can avoid b-liners and try to convince people to go offshore. I don't know and I may be wrong on that.

Mr. Swatzel: I like the idea of if -- I'm certainly not supportive of a June, July, and August closure and I would agree with Roy. If the council is not going to pursue that, there's no need in unnecessarily riling up fishermen by having that as an alternative. I think we would be better served by just taking that out at this point in time.

Mr. Currin: Other thoughts from other committee members about that? Roy asked a good question, is that something that everyone around the table would seriously consider?

Mr. Robson: I think it is a good question and, again, I don't know that in Florida the vermilion issue is such a hot button issue, but if you're looking at an October to April closure off of east Florida, then that's a significant amount of time, when most of the fishery is caught. I don't know that that's any more realistic than a summer closure.

Mr. Cupka: I am concerned about it too and that's why I proposed a different alternative with a September/October closure. The impact would just be tremendous and if that was the only route to go, then that would be a different matter, but if we've got other options, I would prefer to look at some of those and get some input back from people in the public on that. That's why I proposed the one that I proposed, to get away from that.

Mr. Currin: Mark, how important are November and December to that Florida east coast fishery? How important are November and December to your Florida east coast fishery?

Mr. Robson: I don't think they're that important at all. Again, I'm running on some quickie numbers, but that's probably the -- In terms of a wave, that's the smallest percentage by the wave in Florida.

Mr. Currin: It doesn't give you much there. You've got 6 percent with those two months, but combine that with another month, like October, and then you're up into 15 or 16, roughly. Again, I'm adding them and I know I shouldn't, but it's close.

Mr. Geiger: I support what Mark said. First thing, we're dealing with the November and December as well and that makes it a marginal and really, on the east coast of Florida, b-liners are not a target species.

Mr. Currin: Where are we with regards to the question Roy asked about serious consideration of a summertime closure as an alternative? Is that something people around the table think they might support and should be included? I'm seeing some heads going this way and I'm not seeing many heads go this way.

Dr. Chevront: I just want to be sure that I understand what you're saying. It's that we'll take the summertime closure off the table and you're asking us is that what we want to do or --

Mr. Currin: That's what I'm asking. Roy asked the question or posed the question of we don't need to consider an alternative that the council is not going to seriously consider. I'm hearing from statements around here that that's not really an alternative that unless they had their hands tied behind their back and arms twisted that most of the people on this committee at least would want to consider.

Mr. Geiger: Especially in light of the fact that you can get it through other alternatives.

Dr. Chevront: Then the justification -- I mean it becomes now not a biological justification for the closure, but a socioeconomic one and we're -- What we're trying to do is keep a viable industry viable and that -- Biologically, wouldn't it be best to close the season during the spawning season, as opposed to a non-spawning season? Choosing -- If we're going to have to have a closure and have it be something other than the spawning season, then the reason behind that is because of social and economic reasons. Is that correct?

Mr. Currin: That's one reason and the only one that popped immediately into my head. Keep in mind some of the public comments that we had the other night about spawning of vermilion. Off the southern part of Florida, they're not going to be spawning at the same time that they are off of North Carolina. We've got a current that's supplying fish upstream and so it's -- We've got a pretty broad range on the spawning season. If I misspeak, Jack, please correct me. I know you know a whole lot more about that than I do.

Mr. Geiger: Brian, I understand what you're saying about a socioeconomic argument, but I think what we need to achieve here is a reduction in effort and ultimately with a reduction in mortality, a 65 percent reduction. Certainly you get the biggest bang for your buck during the spawning season, but you can get there and get the reduction, the necessary reduction, in mortality that you need by doing it another way that doesn't affect economically and I don't know that that's a socioeconomic decision, as we're going to get the 65 percent reduction in mortality one way or the other.

Dr. Chevront: Right, you're still getting the same reduction, but the decision as to when you're going to get that hit is based on economic reasoning, because the fish are actually more valuable in the summer, because they can be caught, because Tom's client will pay him to go out and get them and so they add more money to the economy at that time than they would if they were not being

caught at some other time of the year. To me, that's an economic reason for choosing a closure in the fall, because it's not a big economic time, apparently for any of the states.

Dr. Crabtree: I'll give you an analogous situation, one of my favorite species, the Gulf of Mexico red snapper. It's a summertime spawner and the council struggled with how to get these sort of types of deep reductions for years and because of the comments and the desire to avoid extreme closed seasons, they raised the size limits up and got it up to sixteen inches and now we listen to fishermen complain to us about all the dead fish floating away.

At any rate, with red snapper what we did was identify a core season that we felt like was most important to the recreational fishery and that was ultimately the summer, even though that is when they spawn. Where we've come down to now is the fishery will open June 1 to September 30th and so it's a four-month fishery and the rest of the year it's closed and a two fish bag limit.

I think that's the reality, folks, of where we are. If we get analyses that show that raising the size limits and increased discards is not going to be effective and if we identify these core months as critical to the fishery and we want to keep them open, we're likely looking at maybe a June through September fishery and the rest of the year closed and a bag limit somewhere down in that neighborhood.

Now, I don't know what the size limit analysis will show, but I have my suspicions, but that's where we are. We've got precedent for identifying a core critical portion of the fishery to stay open. It doesn't necessarily coincide with when the fish spawn, but -- That's a very analogous situation, in my view, as to what we're looking at right now.

Mr. Currin: I'm of the general opinion that the committee feels like that June through August is critical, is a core season, for the fishery, especially for the for-hire sector, and that nobody would have heartburn if we removed that alternative. Is that the general sense of the committee? Everybody is okay with that? Okay.

That was what I had as Alternative 2, a twelve-inch, five fish, May 15th through August closure. Now we're down to four alternatives that get to at least 65 percent. Are there other combinations of bag limits, closed seasons? Everybody understands Roy's concerns about the increase in size limits. We've got one so far that maintains the size limit of twelve inches, since we removed that other one. Is there another alternative including a twelve-inch size limit and not messing with that that we want to consider?

Again, we've got some of the same problems that Roy has pointed out in moving that size limit up to twelve inches last year. Until we get some further analysis, we wouldn't know really what that additional is going to be and it certainly is going to increase discards. Is everybody okay with the alternatives we have?

Mr. Geiger: Just as something that's in the back of my mind, if we propose this long-term closure and we have a core fishery, I guess is the term Roy used, and we have this long period of closure, what would that do, in your estimation, to bycatch? You have this huge closed season where people are going to be fishing for other species and come in contact with a lot of b-liners and they're not

very hearty fishy to begin with, I don't think. Do we know if it would increase, by percentage, the amount of bycatch we would see or --

Dr. McGovern: That's the post-quota bycatch analysis and we would probably have to look and see what kind of management measures we put into effect for gag too, because they would be taken on the same trip. I'm thinking commercial now, because that wouldn't be recreational, but yes. I would have to do that analysis and look and see what species are caught with vermilion snapper and look at the magnitude of bycatch.

Mr. Geiger: To that point, they are caught incidental to gag fishing in Florida. As a matter of a fact, they're commonly used for bait and so it's a consideration that would have to be understood, what the effect of this long-term closure would be in terms of bycatch. It just seems like it would be huge.

Dr. McGovern: I looked at that before and I'll have to redo the analysis and do it by month, but it's going to have an effect. There's going to be some effect on how well that closure operates. It's not going to be 100 percent effective. We know that vermilion snapper are going to be caught incidentally and they're going to die and so that needs to be reanalyzed and re-estimated. Right now, I think -- What's our estimate? It's like 79 percent effective and so we're expecting there will be incidental catch and death of vermilion snapper with additional fishing during the closed season.

Mr. Currin: Keep in mind that that's the worst case scenario, that that number may actually go down. We don't know. I think that's the upper limit anyway.

Dr. Crabtree: One other thing that we recently did, going through all the red snapper fight, was we required the use of circle hooks throughout the entire reef fish fishery in the Gulf, although the final rule hasn't published, but that was approved. We also required dehookers be onboard all vessels and we required venting tools be onboard all vessels.

We really weren't able to quantify very well what gains we want to get in the survival of released fish from those things and a lot of the testimony we heard was that people were already using circle hooks. There clearly are all kinds of enforcement issues with that, but we felt like at least we could require that everybody go buy some circle hooks and have them onboard the vessel and through more of an outreach and education thing, we could encourage people to transition over.

I haven't heard nearly as much testimony about that in the South Atlantic and I don't really have a good feel for how widespread the use of circle hooks are, but that's something else, I suppose, that you could consider and we probably have a lot of the analysis and all of that type of information all worked up from the Gulf amendment.

That's one way to get at some of these discard issues and the Gulf did it commercial and recreational, everybody. It's circle hooks, dehookers, and venting tools. That's something else for you to consider.

When you start thinking about ways to reduce discards in recreational fisheries at least, it's difficult to come up with things, because people are presumably going to go fishing even if you have closed seasons and they're going to encounter these fish and they're going to have discards. It's a tough

issue.

Mr. Currin: It's a big education issue regarding the use of those tools. A lot of the really interested fishermen, I think, and conservation-oriented fishermen, recreational guys, are choosing to use those tools now. Many don't, for lack of information about them or lack of knowledge.

Mr. Harris: There's a piece of this pie that I would like to have some analysis or discussion about and that's we've got discard mortality associated with increasing the minimum size and that's why I'm not a fan of increasing the minimum size, but we've also got discard mortality, or if you want to call it post-quota bycatch mortality, when you've got a closed season and you're still catching those fish and discarding those.

What I would like to know is what is the comparison, what's the difference, between that mortality of those species? Are we gaining anything by having an increased minimum size, as opposed to by having a longer closed season, where we're going to have bycatch mortality associated with that? What's the greatest bycatch mortality? How many more fish are we losing if we increase the minimum size, as opposed to having the bycatch mortality during a closed season? Do we have any feel for that at all?

Mr. Currin: Jack may be able to address that. The numbers are in some of the tables as far as the estimated savings or estimated harvest mortality from post-quota bycatch. Some of those numbers are available and I don't know how we can compare them to the estimates of the discard mortality.

Dr. McGovern: I think a seasonal closure helps to reduce effort and reduce discards that way and if you increase the size limit, you still have that effort out there and so there's a difference there.

Dr. Crabtree: Normally, there's a size limit where the yield per recruit is maximized and if you increase the size limit beyond that, then you're basically not getting any additional growth or yield out of the fish and that loss of mortality, whether it's natural mortality killed them because they're getting older or they're dying because we keep throwing them back, starts offsetting you.

That's what I would like the Center to tell us, is where for vermilion snapper do we maximize the yield per recruit? I can tell you in the Gulf we just went through those types of analysis for gag and red grouper and we've gone way past maximizing yield per recruit. We're throwing yield away over there, but I just don't know with vermilion snapper what the case is. That's one of the things we can look at.

Mr. Currin: Are there other comments or other suggestions about alternatives to include?

Dr. Chevront: Can we get them summarized and projected so we can look at all of them and maybe -- I think we've got four, but I'm not sure I can hold all four of them in my head at one time. That might help me think if there's something else that we need to consider. Is that possible?

Mr. Currin: I'm sure it's possible. We'll just have to type them up. Give Rick a second to get those typed. I've got them all written down.

Ms. Merritt: While he's doing that, I would kind of like to hear from Tom a little bit about if we did have an alternative that had something like the circle hook or other gear modifications, just -- What are the challenges, besides the obvious one of dealing with the public, on a headboat to do that?

Mr. Swatzel: I really don't have a problem with that. I think using circle hooks would not be a problem. It's a bit more costly than the current hooks that we use, but we could get by with that. We use dehookers now. Venting tools, just make sure that nobody stabs themselves with one of those. They're pretty sharp. It would not be a problem to have those onboard and I think that would be a good thing.

Mr. Currin: Roy made the suggestion and we haven't had much discussion of that. Is that something that the committee thinks that we should consider? We get unknown benefits from it as far as reductions in discards, but we know it's positive.

Mr. Woodward: I know how cautious we are about doing anything that the Gulf of Mexico Council has done, but I do think it's a little obvious if they've adopted these measures in their snapper grouper fishery and we haven't. There's many similarities between the fisheries in the two regions.

Mr. Currin: I guess that's a statement in favor of consideration of those tools. What does the rest of the committee think?

Dr. Chevront: Just to add on a little bit to what Spud was saying, there would also be benefits to other species as well to having these things included. Look at black sea bass mortality. If there was a way to vent those fish when they go back over, if they're undersized or something, we could maybe get a little extra benefit in some other fisheries as well.

Mr. Currin: There's not the extensive scientific studies on circle hook use and they're not perfect by any means. Most of the studies that have been conducted indicate that in the instances of swallowed hooks and resulting mortalities are much less by using circle hooks, at least for damage. They're real positive.

Dr. Chevront: We've used some of these things on some of the trips that I've been out with doing fishing for the Marine Fisheries here. A few years ago, we didn't use to vent the black sea bass. We would measure them and throw them back over and it was surprising the number of fish that just sort of either swim around in circles or lie on their sides, because their swim bladders are full.

Then a couple of years ago, we did starting venting them and the number of fish that you see dead on the top of the water, and this is just my own experience, but it was greatly reduced, maybe one out of ten instead of three out of five that you see in that condition. It does help if it's actually done properly, I think.

Ms. Merritt: I think that we ought to just go ahead and put it out there for public comment and just put in an alternative that requires conservative gear modifications, such as dehookers and circle hooks.

Mr. Currin: Venting tools as well? I'm much more familiar with circle hookers and dehookers, of

course, than I am venting tools. I don't do a lot of bottom fishing. Is there sufficient educational literature available now that others would have access to on the use of venting tools that we wouldn't have to go do some specific campaign to educate our anglers?

Mr. Woodward: I would think that we could pick up the language from the Gulf plan. There's been enough Sea Grant propaganda and that sort of thing addressing this, as well as in terms of circle hooks. The hook manufacturers themselves have produced volumes of information and surely we're not going to have to invest a whole lot of original thought into this.

Mr. Currin: I'm very, very familiar with the circle hooks and I know there's plenty of information available on those, videos and everything else, but I'm specifically asking about the venting tools, because I'm not that familiar with them.

Mr. Swatzel: I believe Florida Sea Grant helped develop one of the venting tools and you can actually buy them online and they come with a pretty extensive instruction packet with it. They are, again, very sharp, since they're hypodermic needles. You can hurt yourself with those if you're not careful, but I think there's a lot of information out there on how to use them.

Mr. Cupka: I was just going to say there is information out there, I know, that's been published by Sea Grant and all on venting tools and a lot of stuff from the Gulf, too.

Mr. Currin: I figured there was, but I just wanted to make sure. I've seen things in magazines from years back, but just to make sure that there's somewhere we can refer people to to educate them on the use of these things. It may be a real challenge for the folks on headboats, whether you want to turn the individual anglers loose with these venting tools or whether you want your mates scrambling around trying to do these as well.

The suggestion from Rita was to include that as a measure, I guess which could be combined with any and all of the alternatives in there. Is that the general sense of the committee that that's a wise thing to do? I'm seeing heads nod and so yes. Everybody is okay with that?

Dr. Crabtree: Would you want to put it in a separate action to reduce bycatch mortality, because it does seem to have a little different purpose than some of the other measures.

Mr. Currin: It probably ought to be a separate action.

Mr. Woodward: I think that's a good idea, because there's no way to quantify what we're actually going to accomplish by doing it in terms of savings of fish. It's just a good underlying conservation principle that would be articulated in this plan.

Mr. Currin: Is everybody okay with where we are with getting the recreational community to 65 percent? Okay.

Mr. Waugh: Just one separate issue. Roy had mentioned earlier about finding out what the yield per recruit is and I pulled out the March 1983 original snapper grouper plan that was dealing with yield per recruit that Jim Waters did an internal rate of return analysis with us and the actual -- The size

limit where we looking then was twelve inches and the maximum yield -- The optimum yield with that size limit was about 177.191 grams, I guess it is.

The maximum yield per recruit at that time was 177.699. You're within half a gram of maximum yield per recruit. I don't know how that's changed with any updated values we have at twelve inches. We'll see if it changes.

Mr. Currin: You want to take about a ten-minute break and then we'll come back and see what kind of combinations we can come up with to jump down to 55 percent or 50 percent or somewhere and then we'll step them down from there? Let's see if we can get that done in the next fifteen or twenty minutes after we come back. Let's take about ten minutes and come back at five to.

(Whereupon, a brief recess was taken.)

Mr. Currin: Let's get rolling. Let's get moving then. We've got 65 and we're looking for 55. I'm not going to do it like an auctioneer, but we need to do the same process. If it suits everybody, it may make sense to just jump from 65 to 55 and 55 to 45 and we carry them down as low as you want to, contingent upon the results of the new assessment.

Gregg's suggestion is we ought to go as low as 15 percent, optimistically, or lower, if you want to go, but we've got to come up with the same combinations of season closures, size, and bag limits to get us, at this point, to 55. It will get a little easier as we go down. Are there suggestions? We can use the same tables as we used to get to 65. In some cases, there may not be much difference. It looks like there's nearly 5 percent between one fish.

I presume we want to start with some combination with leaving the size limit at twelve and combining some seasonal closure. Rick is going to project that table back up that had the percentage reductions associated with every month, I presume.

Rick has got that table up there that shows you roughly -- Again, keep in mind they're not additive. Are they additive within this table? Does the percent on the right come to 100? Okay. When we start combining size and bag limit reductions, it's going to be off a little. What's your pleasure? What do you want to do? Do you want to start with a twelve-inch size limit and let's come up with some kind of closed season and bag limit that's going to get us to 55?

Mr. Robson: Can we just mirror the alternatives we've just gone through and then just scale back and then see if anybody has interest in any of the other combinations? We could start with what do you get if you raise the size limit to thirteen inches and that combination of a bag limit.

Mr. Currin: That may be a good way to proceed. We've kind of got ideas about how we want to go on this in the worst case scenario. I guess we can go that way and just add a fish to the bag limit or take a month off the closure. Does that seem like a reasonable way to proceed with everybody? It certainly doesn't preclude including other options that would be useful to get the reduction.

Mr. Robson: I'm just looking real quick now and we wouldn't even need a fourteen-inch option. Are we talking about 55 percent? Given our concerns about size limit, you're only dropping one in

the bag and it just seems like it wouldn't even be on the table.

Mr. Currin: Thirteen and four gets you to 55.8, 56. Is that one to include? What's another one?

Dr. Crabtree: Are you talking about setting up a whole new suite of alternatives for each 10 percent step-down? That is going to just become, I think, an almost impossible thing. It almost seems to me you've just got to indicate -- Somehow, we can't let this become such a huge number of alternatives that we can't analyze it and it's not clear to me right now what we're going to have to analyze with something like this. If you do four or five alternatives for every 10 percent step-down, you're going to end up with --

Mr. DeVictor: At first, I was thinking that you would have just one alternative in there for 55 percent and if it's within the range, then you wouldn't have to go out to public hearing and such and that would take care of it, but then are you doing the public an injustice of just having one alternative tied to that 55 percent? They still could choose the rest of them that pertain to the 65 percent, too.

Dr. Crabtree: Let me ask you this. Could we structure it this way, that these are the priorities for relaxing: 1)closed season; 2)size limit; 3)bag limit? Something like that, so that for whatever alternative we choose, we would then pull down this way and then maybe have some analysis with the tables that show it. I worry that putting a whole other round of alternatives in here for everything is going to be difficult.

Mr. Currin: Good point, Roy. I don't know about the structure as well, because these are contingent -- All of these things that we're talking about now, after the 65 percent, are contingent on changes, unknown changes, that may be a result of the new assessment. I'm not sure if there's a format or a model for handling something like that.

Dr. Chevront: Part of what I had talked about earlier with Jack was to develop a table that would include all of these sorts of things that we have in 4-44 that would show all the percentages, based on different month closures, by different size limit of fish and bag limit. We were going to create three separate tables for the different twelve-inch, thirteen-inch, and fourteen-inch size fish.

What I think would probably work -- Jack said he could create those tables. What we could do is come up with the guidance that we would like to give to Roy that pending the outcome of the updated assessment we can say okay, we would like to increase the bag limit up to six fish. We could make that decision.

Once we've been able to increase it to six fish, we want to decrease the size and so then we could jump down to -- We could give him the criteria to choose so he knows which table to be on and which box to go to and say this is the council's intent, depending on whatever that number is that comes out.

In other words, we would have to rely on Roy to make sure that he understands what our directive is and that we agree to that, but I think we could probably come up with something that's a compromise without having to create any new alternatives. We could have tables already prepared that would go to the public, so that when we have public hearings or whatever we could say, for

instance, if it turns out that the reduction needed to be only 20 percent, this is likely to be what the measures would be, as opposed to having to come up with formal alternatives at this point.

I just think that what we've done at 65 percent is going to work for now for this amendment and we just provide guidance to Roy for any other levels that would be lower than that. Does that seem reasonable?

Dr. Crabtree: We're talking about that and it certainly has appeal to it. I've got to -- I think Monica is going to have to look at this enough to figure out could we do it. The other way I'm thinking to come at this is just make it fairly simple that we're going to adjust the quota and we're going to take off any recreational closed season.

If we're going to go beyond that, the council would come in and change it. I don't think we should look at this as to make everything perfect. This is just to keep really draconian things from going into place if they're not necessary. Have you got anything to add, Monica?

Mr. Smit-Brunello: Roy was -- We were just having a sidebar about the general process, the way this would be -- What you think would be handled and the public so they can comment on it and then if you had the tables in there, they could see and then you could take that out for public hearing anyway and see where you got, instead of -- Then when you have the preferred at the end, then get more definitive on it.

Dr. Chevront: That's exactly what I'm suggesting.

Ms. Smit-Brunello: That sounds reasonable to me.

Mr. Currin: Thank you, Monica.

Mr. Robson: I would concur. We just need to give some guidance as to what the priorities are. In my mind, the way we've been talking, the first thing to do is cut back or eliminate the closed season. Step Number Two is you continue to back off on the size limit increase and then Number 3, you start increasing bag and go down the line until you get to the reduction that you've got to get to.

Dr. Chevront: I would like to hear from some of the people who really spend a lot of time working in this fishery, like Tom, what they think those priorities ought to be, whether you think that we need to get rid of season closures first and then reduce the size limit and bag limit. What would be your preferred method?

Mr. Swatzel: You could get rid of the season closures first. Again, in our business, I think we would prefer larger numbers of fish and so you want to keep the bag limit higher if you could and you could increase the size limit as necessary to achieve that. I think that would -- For the for-hire sector, I believe that's probably where most people would want to be.

Mr. Currin: Tom's suggestion would be then to change the priorities that Mark suggested from 2 to 3. The first priority would be to reduce the closed season. Tom preferred an increase in the bag limit and then as the third level, or priority, to reduce the size increases. Roy is not going to like

that.

Dr. Crabtree: I would have a different take. I would say don't increase the size limit to begin with, but if you do, that's the first thing we ought to undo, if we can avoid it, because of discards. I think right now we're going to have some volatility on these priorities right now.

I think we need to see a little more analysis and get a better view on it, but what I've asked Monica to do is call Mike McLemore between now and full council and run through this idea outlining the general approach with the tables and go to public comment with that, so that once we know what we're going to do and get the preferred, we could be more specific in it and would that work.

It may be we decide in the end not to raise the size limit or we don't know what we're going to do, but we could lay that out and then we can revisit the priorities maybe a little bit more down the road, when we have a better sense of the implications of the size limit. I understand what Tom is saying and no doubt from a business perspective for them that's good, but I'm just a little concerned from the biological side as to what is going to be the most effective there.

We'll try to flesh this approach out. We're kind of where we've never been before. I don't think we've ever done something like this and so we'll just have to do the best we can and figure that out and then Monica could maybe report this back when we get to full council on what we're going to do.

Mr. Currin: Is it worth considering, Roy, trying to do this in an appendix to the document?

Dr. Crabtree: No, I think it would have to be an action. It's going to have to be an action item that you establish as a preferred alternative. The other way to go with something like this would be if you submit to me we'll say on the recreational side three things. You could indicate to me that if the reductions are significantly less, which one would you prefer that we disapprove and we could disapprove one of them and that might work, but it doesn't do any good on the quota, because I'll either have to approve your quota or disapprove your quota, but I can't change it.

It might be that we could just put in there that we're going to raise the quota up, but I just think we've got to flesh it out a little bit more and see what Mike McLemore says. I'm not sure how much more we can really do on this right now.

Mr. Waugh: Maybe when Monica talks to Mike, she could run the idea by about the council providing some further guidance while the proposed rule comment period is open. Certainly we would have to lay out all the alternatives, but then if the council -- We would know what the final results from the assessment would be at December and if the council were to then comment during the proposed rule period, would that be enough to sway what was ultimately implemented?

Dr. Crabtree: You could certainly at that point comment that we should disapprove this, but that doesn't get us out of the box with quota, because you could comment that we should increase the quota, but, of course, that we can't do, unless this amendment gives us some authority to do that.

If you submitted a recreational suite of alternatives that had two or three things in it, you could

certainly comment on don't do that one, but that probably doesn't accomplish one of our purposes here, which is to give some comfort level to the public in putting something in the document. That's the attractive part of having an action there, because I know we are going to get quite a bit of concern about this as we move on.

Mr. Munden: Not being very familiar with the timelines and all that are involved, but I believe it's with protected resources that I've seen issues with a notice of intended rulemaking and that gives them an opportunity to kind of smoke them out and people can comment on that and then they come back and then issue a proposed rule. That would be an option that may be on the table.

Ms. Smit-Brunello: I haven't heard that approach before, but I'll be glad to put that on the list and look into it.

Mr. Munden: I would request that that be investigated by legal counsel.

Mr. Currin: Where does that leave us here? We'll get the tables or deal with the prioritizing of steps that the RA might take, should the assessment indicate things are better than they are this point, and do that at full council. We've got to look at the commercial measures now and decide on those alternatives. We're looking for a 56 percent reduction and is that right, Gregg?

Mr. Waugh: Of course, we get that with the quota. Plus, that quota will be adjusted for post-quota bycatch mortality and so that quota is a 56 percent reduction from their average landings. At the last meeting, you all approved an alternative, Alternative 4, to establish a vermilion snapper trip limit, consider reducing the 225-pound trip limited permit to a trip limit by the same percentage as the unlimited.

We've got some tables in here that look at the trip limit analysis and Table 4-41 shows the vermilion snapper trip limit analysis for 225-pound trip limit holders and Table 4-42 shows the trip limited analysis for unlimited snapper grouper permits.

Mr. Currin: What's the pleasure of the group as far as the range of alternatives?

Dr. Crabtree: Jack has brought to my attention a table in one of the documents, and I'm not sure if you have it, but it shows the level of landings by the 225-pound trip limited permit and the unlimited permit and the landings overall by the trip-limited permit are less than 2,000 pounds a year, every year between 1990 and 2005. That's in comparison to landings of 600,000 pounds to a million pounds by the unlimited permits.

It looks to me that the landings by the trip-limited permit are so low that I don't think they really warrant any particular trip limit, other than what they already have. They just don't seem to catch enough fish. Jack will look and see where that is.

Mr. Currin: That would be interesting to see, Roy, because I know this came from. The AP was concerned that if they had to take a 61 percent cut then they weren't going to let all these guys -- If they were looking at having trip limits on the order of a couple hundred pounds or 300 pounds, then they didn't want these other guys out there with 225 permits getting the same landings that they did.

Dr. Crabtree: If this is accurate and they're catching less than 2,000 pounds a year in aggregate, then clearly there's no need to do anything differently, it wouldn't seem. If we want to look at commercial trip limits, I would suggest we look at trip limits of 750, 1,000 and 1,500 pounds.

We've looked at how many fish folks are catching and trying to think about how many pounds that they need to make a profitable trip and it doesn't seem to me that going much below 750 pounds or so -- I'm no fan of trip limits to begin with, particularly with rising fuel costs. It just seems to cut into the profit margins and make it less efficient, but it seems like that would give us some range. If you go much above 1,500 pounds, I don't think it really has that much effect. Jack, have you found that document?

Dr. McGovern: Yes. This is an appendix to Amendment 16 and it's Attachment 4, Snapper Grouper Amendment 16, and it's a PDF document and it's 4C, Vermilion Snapper Management Measures. I don't see a table number. Oh, it's Table 2 in the document on page 8 in my version. I'll look in this version here and see what it is.

Mr. Waugh: It's Attachment 4C.

Dr. Crabtree: That's it and so if everybody sees that, I see no reason that we need to worry about the trip-limited permit holders. They simply aren't catching any fish.

Mr. Currin: Does that make sense to everybody? Gregg has got that projected. The highest years were 2001 and 2003 and they were 1,800 pounds total for the year. Is everybody in agreement? Everybody understands the rationale for eliminating those concerns? All right. Roy has suggested three trip limit levels, 750, 1,000, and 1,500 pounds. Does that suit everybody as far as the trip limit goes?

Mr. Waugh: Could we maybe use Table 4-42 and pick some numbers that we have on that table?

Dr. Crabtree: That's what I'm looking at, although I don't know why they're odd numbers. I don't think we would want to set an 811-pound trip limit.

Dr. McGovern: It's whole weight and gutted weight.

Dr. Crabtree: It's the whole weight and gutted weight kind of thing, but I was looking at it looks like somewhere on the order of 35 percent of the trips or a 35 percent reduction at under 750. If you get on up to 1,500, most people it looks like fall below that. I guess you could set something below 750, but I'm just afraid when you start really -- Particularly the larger vessels and all, you're going to start eating into their profit margins and I've had a lot of complaints in the last year about trip limits, more so in the Gulf, but guys are telling me with the fuel prices going up that what used to be an acceptable trip limit, they can't make a trip anymore.

Mr. Waugh: Maybe we should talk about why are we specifying a trip limit?

Dr. Crabtree: If we're going to have an alternative for trip limits, we would need to, but I guess the

question is do we need a trip limit or not? You're right.

Mr. Currin: The quota is going to control the fishery.

Dr. Crabtree: Jack, you had an analysis that showed us when they would close with the quota and it was as early as May, in some years, wasn't it? It was in other years as late as November.

Dr. McGovern: Right.

Dr. Crabtree: There is the possibility the fishery could close early and bear in mind we need to end the overfishing in this fishery and presumably there are going to be more vermilion snapper out there and the catch rates are going to go up and there is the potential for a derby fishery. Now, we went down the trip limit path with red snapper in the Gulf and it didn't solve the derby fishery. We still had it and we ended up with a 2,000-pound trip limit and you could only fish the first ten days of the month finally, before we went to the IFQ.

I haven't seen any of these things be particularly successful in stopping derby fisheries, although they may spread the season out some. One way to think that you might come at this other than a trip limit, if your concern is they're going to catch the quota up very quickly, is you could try having a spring quota and a fall quota. That way, at least they get another crack at it down the road, but I don't know -- Has the AP wanted a trip limit, Gregg, generally, or were they -- I think it's a tough sell with fuel prices going up.

Mr. Currin: Gregg, did you have something?

Mr. Waugh: Just that generally they don't like trip limits. I can look back and see what their recommendation was on this, but again, something to remember is what we're focusing on in Amendment 16 is just ending overfishing. We've got lots of other activities that are ongoing looking to more longer term what are we going to do with the whole snapper grouper fishery.

Maybe ultimately we could look at extending the season using other methods. I know that as fuel costs go up that it makes it tougher on them to deal with these trip limits and just view Amendment 16 as short term to end overfishing and not specify a trip limit.

Dr. Chevront: Would a way to approach this then be like state-by-state quota and let each state manage it, whether they want to do trip limits or not, depending on the individual characteristics of the fishery within that state?

Mr. Currin: One thing to keep in mind is -- I've looked at what happened with the golden tilefish fishery last year and thinking about when these things are going to close and have some other measures to try to constrain them. Historically, it closes early. I think it's closed as early as May and may extend into November. If we get the same kind of approach from the fishermen that we got in golden tilefish after the quota reduction, boom, it closed much earlier than it ever did before, because of the increased effort.

What that does, I think, is disadvantage some of those fishermen regionally that may not be in the

time season or that may have access to the resource at those times and so that's certainly a concern.

Dr. Crabtree: One way, and a simpler way, to get at that is the idea of having two quotas. You could half of it in the first half of the year and then the second half of it in the second half of the year. That kind of prevents one region from having all the advantage and so if you had a spring quota, or a spring/winter quota, and that fishery started in January and they fished until it was caught and then it would close and then it would reopen in July sometime, or August, and then fish the remainder of the quota. That is simpler.

I don't know, Brian, how to do the state-by-state quotas and let each state manage it themselves. We don't really have a framework or anything set up to allow that and I imagine it would be complicated to do it.

I guess you could do regional quotas, a Florida/Georgia and a South Carolina/North Carolina quota or something like that, if you wanted, but the idea of a quota for the first half of the year and the second half of the year is just simpler, because it affects -- Everybody gets to fish and we're not closing one area and opening the other area.

Mr. Munden: I would like to share with you my experience with state quotas and regional quotas. The Atlantic States Marine Fisheries Commission and the Northeast Region have tried to manage spiny dogfish by setting up seasons for the harvest of dogfish that were supposed to take into consideration the migration of dogfish.

It has worked totally against North Carolina, because of the fact that the dogfish haven't migrated into our waters for the past couple of years, and the New England states have harvested both the quota that was available for dogfish during the summer months and also during the winter months.

There is some interest at the ASMFC level to go to state-by-state quotas for dogfish. The Mid-Atlantic Council, in conjunction with the Atlantic States Marine Fisheries Commission, manages summer flounder on a state-by-state quota basis and we fish for scup during the summer months and the ASMFC has allocated black sea bass quota on a state-by-state basis.

In my way of thinking, that is the only way that you're going to level the playing field and put equity into the availability of quota. I know that it's a greater workload on the Agency, being National Marine Fisheries Service, but it certainly has worked in the Mid-Atlantic area. Thank you, Mr. Chairman.

Mr. Currin: Thank you, Red. Roy, and I'll let you respond to Red and he can respond to you as well, but I'm having a hard time seeing what the difference is in a state-by-state quota and one that might include two states.

North Carolina undoubtedly -- If you went to a North Carolina/South Carolina quota and a Georgia/Florida quota, each individual state is going to have to be responsible for tracking the quota within their state and then to do the -- If you're going to do it, I guess, there may be some other way, but I presume, but in our earlier discussions, we've looked at asking the states to track the quotas for you guys.

If that's the way it worked and North Carolina is going to have to do it and South Carolina is going to have to do it, then they're going to have to be combined at some interval so that we can get a more real-time handle on that.

Dr. Crabtree: I haven't thought of this that the states would do it. I'm coming at this that the Fisheries Service is going to do it. We track all of the quotas we have and so I'm assuming that's what we're going to do. Now, it doesn't have to be that way and I guess what Red is talking about involves the ASMFC as well and is that correct?

Mr. Munden: For some species. Several of our plans, such as summer flounder and bluefish, are joint plans between the council and ASMFC.

Dr. Crabtree: We could look at doing something like that, but that's considerably more involved and obviously we wouldn't be able to get that taken care of and done in the timeframe that we're talking about for this amendment. I would guess if we were going to rely on the states to do the monitoring and close the fisheries, then we would have to have some sort of -- I don't know, Monica, but a memorandum of agreement or we would have to have something in place in the plan that indicated the state responsibilities and all.

While that may be a way we want to go with this, I don't think that's something we could get all worked out between now and when we need to finalize this document. If the Fisheries Service is going to monitor it -- My only concern with state-by-state quotas is for some of the states, I think the landings are pretty low and you would have very small quotas. Jack, do you have them broken down by state.

Dr. McGovern: Yes and month.

Dr. Crabtree: These are the overall? Georgia catches, on average, 9,000 pounds of vermilion snapper.

Dr. McGovern: That's B2s. That's the landings by state right there.

Dr. Crabtree: That's the only problem I see with it, is it more administratively complicated to do it state-by-state and so the question becomes do you really need to do it that way or can we accomplish what you're wanting to do with more efficiency by combining some states or doing a first and second half of the season.

To try and do one where the states monitor it or we're going to involve ASMFC, we've never done that down here and I haven't really looked at how those arrangements are all set up with the Northeast Region. We would have to take a look at all of that.

Mr. Currin: I just remind everybody of the continuing cries we hear from the numbers of fishermen that come before the council about their interest in moving in that direction and not just with snapper grouper, but with other species as well. So far, we've been very hesitant to go very far down that road and the cry grows and gets louder and louder. At some point, I think we're going to have to get

serious about investigating how that system might work and considerations we could consider using.

Dr. Chevront: We have an arrangement with our summer flounder quota where Louis is able to open the fishery for -- I think he typically does it in ten-day increments and he sets a trip limit and then people go out and fish. We analyze the data. We also have had instances where we require daily quota monitoring by dealers.

If they're going to participate in this fishery, they have to get a permit from the state and it's free, but we then know who is going to participate in this fishery, so that we know that we're expecting a report from them every single day of whether or not they bought fish and that's essentially how our trip ticket program works. It comes from the dealer.

Then we calculate those fish and we report them as necessary. Our agency is the one that's doing the reporting for the state and we're responsible for keeping track of those fish and we're responsible to the feds on that. The burden or the responsibility falls on the state and, in essence, I think in some ways it might even be less burdensome if all the states buy into a system sort of like that. Is that not correct in your experience with that, Red?

Mr. Munden: Yes, I agree. If I may, Mr. Chairman, and in the case of summer flounder, each state receives a quota from the National Marine Fisheries Service and if you go over that quota, you have to pay it back in the commercial fishery. We monitor the landings very, very closely.

As a matter of a fact, when our summer flounder season is open, we require the dealers to report to us daily as to what their landings were for that week and then the National Marine Fisheries Service Northeast Region puts out a quota report, quota monitoring report, weekly and we're able to compare our records with theirs. We've implemented a similar system with black sea bass and also for spiny dogfish, because we don't want to go over the quota and have to take it out of next year's share.

Ms. Smit-Brunello: I was just going to say that as of right now, it has been brought up, this idea, several times by different members of the AP, as well as fishermen. What I would do is look into this. They might use it on the west coast too and on the east coast and at the next council meeting, perhaps I'll be able to come back and give you a better idea of how it could work.

Mr. Currin: That doesn't move us along much on 16 at this point and we need to get back to that. Vince, last word on the --

Mr. O'Shea: Real quick, Mr. Chairman, one of the things that -- In the case of black sea bass, for example, the commission plan deals with the state-by-state quota allocation and enforcement and compliance through the Atlantic Coastal Fisheries Cooperative Management Act. The council sets the overall total and then under the commission plans, the states impose on themselves state-by-state quotas. That's going to be a difference when you go to look at the east similar in the Gulf. There's a legal binding mechanism available through the Atlantic Coastal Act that potentially is a tool to help do this on the Atlantic side. Thanks, Mr. Chairman.

Mr. Currin: Thank you, Vince.

Dr. Crabtree: I think where that leaves us is that something that's doable, but probably not within the scope of time we have here and it's probably something -- If we want to go down that path, then I would want to hear something from the other states as to whether they're interested in going down that path, because so far, we've only heard from North Carolina.

If that's a way we wanted to go, then we probably would have to look at what that would entail in terms of amending our plans to allow us to set up framework for doing those kinds of things. I guess that's what Monica will look into.

Mr. Currin: Certainly the concerns that the other states have may not mirror the desire that North Carolina has to move in that direction and we certainly realize that and would want to hear from Georgia and Florida and South Carolina about how that approach might impact you guys. Let's get back to what we're going to do with this commercial fishery and how we're going to address that.

Am I hearing from everybody then that trip limits are probably not one way we want to go? Roy suggested splitting the seasons would be at least in the short term allow us to spread that out regionally, to some degree. Other thoughts?

Mr. Woodward: Just a question about this spreading the quota. If for some reason you had a strange set of circumstances and you didn't fill the quota in the first half, would it carry over to the second half?

Dr. Crabtree: That would be up to you, but you could certainly set it up so that any unused quota in the first half carries over to the second half. I think that's how we did it with red snapper, but then any unused quota at the end of the year was just gone, but I think we did carry over within the year.

Mr. Cupka: I was just going to say that if we're going to do something, we need to -- My only concern is the time on this. All of these are good things that I think we're going to have to look into at some point, but I don't think this is the time to be doing that if we're going to get this in place. We've already spent three months on it. The more we put in here, the longer it's going to take to get it implemented.

Mr. Currin: What I'm hearing then, or not hearing, would lead me to conclude that what we're going to do is set the TAC and let them have at it and when the TAC is caught, the season is going to close, unless we've got some other measures that the committee is interested in considering.

Dr. Chevront: Certainly that ought to be one of the alternatives, but we've got to look at other things as well, spatial differences in how the fishery works, so that we don't end up with the problem, potentially, that could have existed in king mackerel if we didn't put in some other mechanisms, such like we're talking about with the split seasons, regional allocation, something like that.

If all those fish are all caught in May, that generally means they were all caught up down south and so do we let Florida have the entire quota and none goes to North Carolina commercial fishermen? That doesn't sound too fair to me. Fair and equitable also means between each of the states as well.

Mr. Cupka: I didn't mean to imply that we shouldn't look at those. I think perhaps a temporal split would help spread that out some, but I'm just thinking more in terms of the state-by-state thing. That's a pretty complicated thing and this isn't the time or the place, I think, to be looking at something with that level of complexity.

Mr. Currin: I agree and thank you.

Dr. Crabtree: When you look at the monthly landings broken down by state, they're really not that different and all four states actually catch most of their fish in the late summer and in the fall and the least fish are caught during the first four or five months of the year and that's true for Florida as well as for the other states.

I would support putting an option in there for a split season quota, where 50 percent is available in the first half of the year and 50 percent available in the second half of the year. I just don't think that would entail a whole lot of complexity in the analysis, but it would kind of help us out. When you look at this table, you really don't see particularly different patterns in North Carolina or in Florida. Both states catch similar amounts of fish the whole time.

Mr. Currin: It sounds like a reasonable approach, Roy. I just want to make sure that on average 50 percent of the fish are caught in the first six months, as opposed to overloading that quota and then ensuring that the guys don't catch it.

Dr. Crabtree: You know, it might work out, Mac, that you would want to set aside a smaller portion of the quota in the first part of the year and save more of it for the second half. That's where the traditional fishery is and that may be because they're doing other things in other months. I guess we could get public comment on that and make an adjustment to it.

Mr. Currin: Just roughing that out, it looks like maybe 40 percent or so, on average, in the first half. Is that a reasonable approach in everybody else's mind, to consider splitting the season into two periods? Is 50/50 acceptable or do you want to use whatever the average is there? Do we have a long-term average? What are the dates on there? Yes, it's 1999 through 2005. I didn't add it up, but it's somewhere between 40 and 50. With it carrying over into the second season, then 50/50 is probably not a bad approach. What's everybody think?

Mr. Robson: It's fine as far as I'm concerned from Florida's perspective, because I was going to confirm what Roy just said. We looked at that data in September and it's very even in Florida from month to month.

Dr. Chevront: But it's not even month to month in North Carolina. If you look at the winter months, it is significantly lower than the late summer and fall and it looks like probably most of the fish are caught in North Carolina and South Carolina.

Dr. Crabtree: What if we went with 40 percent of the quota in the first half of the year and 60 percent in the second half of the year? That would reserve the largest part of it for the second half, when everybody is fishing and some of the states are fishing more than -- We could tweak that down

the road if we got public comment on it. That would ensure that there's going to be a fair amount of fish left.

Mr. Currin: Plus any carryover that wasn't caught in the first half of the season. Does that sound reasonable to everybody?

Mr. Munden: Yes, I would support the 40/60, but I was going to suggest you might want to carry both 40/60 and 50/50 forward as options.

Mr. Currin: Does that sound reasonable to everyone? That's a couple of alternatives for the splits on the seasons. What other measures do we want to consider for managing the commercial sector? Trip limits are out. Nobody wants to get into trip limits. Other measures?

Dr. Crabtree: I guess the one I would question -- We have one in here now for establishing a vermilion snapper spawning season closure that applies to the commercial sector. Do we want to continue to carry that one forward or do we just want to go with the quotas at this point the way we're setting them up?

Mr. Currin: Comments on carrying forward the spawning season closure for the commercial fishery?

Mr. Geiger: I think generally when we talked about spawning season closures, we talked about them being equitable to both sectors. In this particular case, on the recreational side, the closure is an effort closure, to achieve the effort, and if you get the reduction necessary, I don't see why it would be necessary to have a spawning season closure.

Mr. Currin: There's some differences between the two fisheries. One is in the allocations and the impacts that they have on them, in this particular species. With a higher allocation to the commercial industry, a spawning season closure, if you want to consider it, you may get some biological benefit from that, but it's up to the committee. Is that something you want to carry forward?

Dr. Crabtree: Another way to come at this would be to have the early season, or the second half of the year season, not open until September 1. Then they would likely catch the quota up and then they would have a couple of months where they're not fishing and then reopen with it. That's another way to kind of get at the same thing. I don't know, but has the AP or any of them given us any direction on what works best for the commercial fishery on this one? I'm just as good to go ahead and just have the quotas and come at it that way.

Mr. Currin: Rick may be able to clue us in on the AP's position on this.

Mr. DeVictor: I went through the AP's motions on vermilion snapper and they wanted to wait until the assessment was done. They said don't put in permanent regulations at this time, until the assessment is completed. They didn't have any recommendations pertaining to this amendment.

Dr. Crabtree: Do we have anything -- Jack or anyone else, do we have anything here that shows any

seasonal trends that may exist in price? I know in some fisheries prices dip some months, traditionally, and I don't know if anything like that happens or not.

Mr. Currin: I don't have any information on that, Roy. It's a good point you made about if we do move towards that 40 percent in that first seasonal aspect, that we may end up, if that fishery closes as a result of that, we may end up with a de facto partial spawning closure, if you don't start the other one until sometime later. That might be a good approach.

Dr. Crabtree: I guess I would suggest let's take this out and if we decide that some sort of spawning season closure in that period would be advantageous, I think we could achieve that by modifying the way the seasons open and close and get at it that way.

Mr. Currin: Would the suggestion then be to incorporate those within the alternatives of the split season or to take the spawning season closure out as a separate issue and then --

Dr. Crabtree: I'm suggesting taking it out as a separate issue and go with the separate seasons and see what the public comment is and then we could make a modification to the seasons to try and accomplish that if we wanted to or we could put an additional alternative on the season that has the second season starting somewhat later, if we wanted to do that.

Mr. Currin: By taking it out, you mean take it out to public hearing?

Dr. Crabtree: No, I mean take it out of the document, the idea of a fixed commercial spawning season closure, and instead focus the alternatives on splitting the quota and getting at it that way. Do you follow me? No fixed commercial season closure.

Mr. Currin: Okay, no spawning season closure, take that all --

Dr. Crabtree: That's out of the document. We're going to focus it on having two quotas and come at it from that perspective.

Mr. Currin: With essentially building in a spawning season closure to when one season ends and when the other one begins?

Dr. Crabtree: If we felt like that was the way to go, we could probably achieve it by having the second season quota begin in September and then adjusting how much quota they get the first time and the second time and do it that way. I'm not convinced right now that we get much benefit from having the summer closed and I don't know if that's something the fishermen want or not at this point and the AP obviously didn't give us much guidance on that. Maybe we can get some when we go out to public hearing with it.

Mr. Currin: I suspect we'll get some in the future.

Dr. Chevront: My concern would be with closure, there would be no fish available to the market and the folks that they're going to be selling to really rely on a steady supply of the fish and so for example, like here with tourist season and people are going out to eat, there's probably a higher

demand for that grouper during that time of the year.

If the restaurants know that they're not going to get any in August, they might go to somebody else. They might go to somebody else for those fish. I really would like to hear what those fishermen have to say about that, if they're concerned about losing the markets if there is sort of in the middle of their normal season suddenly they can't fish. I think that's a really important issue that we need to consider here.

Mr. Waugh: In effect, you're going to have a spawning season closure, because by splitting the season, that January through June period, that quota is going to be filled before June. You're going to have a spawning season closure in June and if you start talking about an additional spawning season closure, that's putting more impacts on the commercial sector and it's going to beg the question of why aren't we looking at a spawning season closure across the board. We're already getting a spawning season closure with that split season.

Mr. Currin: We may. It's anticipated anyway. I think that's Roy's suggestion, is to play with that. Are we okay then, in your mind, Roy, with just consideration of the two alternatives of a 40/60 split between the seasons and a 50/50 at this point or do we want to incorporate the beginning time of those various different fisheries may begin, the early fishery and late fishery? Can that be done later? Is my question clear?

Dr. Crabtree: Yes, it's clear. Obviously we could come in at the next meeting and make some modifications to it, but that probably makes life more difficult for staff and I think Gregg would tell us that if we're interested in it, we ought to do it now.

I guess if we really feel like that's an important issue to us, we might want to add another alternative to it to delay the start of the second season until a little later. I think, Gregg, were we talking with the original split -- We were talking January and then it would open back up in July? Maybe we would put in an alternative to have it open back up on September 1? I'm trying not to load this up with too many alternatives, but that would give us some range there and then we could go to public hearings with that and we could always tweak that after we heard from the public on it. Does that make sense?

Mr. Waugh: Yes, we have January through June and then July through December 50/50 and 40/60 and then there would be another set of alternatives of January through June and September through December with 50/50 and 40/60.

Dr. Crabtree: I'm okay with that if you feel like it's manageable.

Mr. Currin: Do you have a response on that?

Mr. Waugh: Again, it's easy to do the biological analysis. It's the economic and social analysis where the rub is going to come and what we heard from Jim is that his model can handle it.

Dr. Chevront: I was just going to offer a suggestion, if we wanted to pare down those alternatives a little bit, is not -- If we're going to have the later start for the second half of the season, not do the

40/60, but leave the 50/50, because you're shortening that season to begin with. If you had a season that started January 1st until it closed, leave 50 percent of the quota for that first eight months of the year and the other 50 percent in the last four months.

Mr. Currin: Is everybody okay with that, with Brian's suggestion then, of eliminating that one alternative and just have a built-in August closure with the 50/50? Okay. Are you guys okay with that? It would be an August closure, in essence.

Dr. Chevront: In essence, the first season would end August 31st, if all the quota had not been taken up by then, and then the second season would start September 1st and go through December 31st.

Dr. Crabtree: Any unused quota would carry over to the second season.

Dr. Chevront: That is correct.

Mr. Waugh: Let me just recap it then. January through June and July through December, 50/50 and 40/60. Then another alternative is looking at January through August and September through December, 50/50. In all instances, it would carry over from the first to the second period.

Mr. Currin: Read that last one to me again, so I can make sure I've got it down correctly.

Mr. Waugh: January through August, 50 percent of the quota, and then September through December, the remaining 50 percent.

Mr. Currin: Okay. Is everybody okay with that? Are there other measures for consideration in managing the commercial fishery?

Mr. Munden: I think it would be worthwhile to require the commercial fishery to use circle hooks, like we're going to require for the recreational fishery. I don't know how widespread the use of those, but traditionally they have been used for the snapper grouper species.

Mr. Currin: Would the suggestion be the same measures that we included, to have dehookers and venting tools as well?

Dr. Crabtree: I had understood that what we talked about earlier would apply to both sectors.

Mr. Waugh: What about that question of offset that you asked me?

Mr. Munden: Mac, you may recall that we had that meeting several weeks ago about circle hooks in the billfish fishery. I believe the federal regulations prohibit the use of offset hooks and is that correct?

Mr. Currin: Prohibited the use of offset hooks, yes, for HMS species.

Mr. Munden: My question would be whether or not for this proposal that we should look at

prohibiting offset hooks or just go with the straight hooks. I don't know that there's data available for either one, particularly for snapper grouper.

Mr. Currin: I think there's some data available, Red, in North Carolina for some of the FRGs. I believe that they've used actually some actually non-offset hooks or some offset hooks, but I think the general consensus from what -- Somebody else may know better than I do, but the general consensus, from what I've read, is that the non-offset hooks tend to reduce the deep hooking and gut hooking of the fish. Perhaps the requirement should stay to use non-offset circle hooks, if that's what the committee would like to do. Any other --

Mr. Woodward: What's the requirement in the Gulf? Does it speak to offset or --

Dr. Crabtree: We didn't specify either one. We just required circle hooks, non-stainless steel, and that amendment, Gregg, is on our website. I'm sure it's on the Gulf Council's website, where you can pull that section out. If any of you want to see it before we go to full council, you can either go to the Regional Office website or the Gulf Council and it's Amendment 14/27. I can try to pull that section out and we could potentially print that out and pass it around, if you wanted to look at the alternatives that they used.

Mr. Currin: At least the HMS folks are pretty dead set on the use of those non-offset hooks. If we're going to go this route, I think that's probably the thing for us to make sure we include. There's still a lot of slop in hook definitions and manufacturing. They vary quite a bit among the manufacturers with the gap and everything else. HMS is even having trouble coming up with a good definition and I think it's one we'll all have.

Mr. Woodward: That's an issue and then you get into degrees of offset and I know that from an enforcement standpoint that gets awfully complicated. Is it five degrees or more than five degrees? I can appreciate the fact that subtle differences in the hook makes a lot of difference in the ultimate performance, but I think we do need to balance the fact that we're moving into the gear requirements that we haven't really ever done before and try to look at the considerations of enforcement and just make -- We want to encourage people to use them and not bog them down with a bunch of compliance.

Mr. Currin: That's a very good point.

Dr. Crabtree: That's really where the Gulf Council was. This is something that we're not going to be sitting on people's boats and so we're really trying to encourage this and we're putting this in place, but it's more that law enforcement is going to come at this from an education and outreach kind of perspective.

That was really why we didn't start getting into -- We even looked at hook sizes and requiring a minimum size circle hook in the Gulf, but that got just too complicated as well and in the end, we just said non-stainless circle hooks and venting tools and dehookers and we left it at that.

Mr. Currin: Is everybody okay with that? I would still recommend we use the non-offset terminology, but if it is too complicated, then I'm okay with suggestions of circle hooks and let them

sort it out.

Ms. Merritt: I just want to agree with you, Mac. I think if we're going to do it, and I think HMS's position is to try to get a standard in the industry too, for those that manufacturer them, is to go with the non-offset.

Mr. Currin: Are we okay then including that non-offset recommendation? Okay. What else for the management measures for the commercial industry? Are we okay with the alternatives that we have?

Dr. Crabtree: I would like to talk about Alternative 5B in the document, which is establish a boat limit for the headboat sector and charterboat sector and private MRFSS sector. I would think we probably ought to take this out of the document. We haven't heard anyone show much interest in boat limits and I know they always create all kinds of problems. Particularly the headboat guys and charterboat guys don't like boat limits. That's something I think we could probably take out at this point.

Mr. Currin: I would assume that staff would take a direction that those things that we have not discussed today should probably be removed, but that's fine. I'm certainly okay with that and that's on page 179, in case you're interested. Where are we, Gregg? On to gag. Let's see if we can orient everybody in the document here.

Mr. DeVictor: It's on page 126 of the PDF document.

Mr. Currin: Those are management reference points. Do we want to take the same approach that we did with vermilion?

Mr. Waugh: We'll bundle the MSY and OY just like we did with vermilion?

Mr. Currin: Is that okay with everybody? I'm seeing heads nod. Interim allocations -- I'm sorry. Go ahead, Gregg.

Mr. Waugh: We've got minimum stock size threshold. We've already set the value and so there's no action there. We're changing the annual catch limits and calling this a catch level to end overfishing. We do have an increasing projected catch. What the SSC has recommended is that we set this at 694,000 and leave it there. They have some concerns about cumulative probabilities of overfishing.

We do have to deal with setting the annual catch limit in Amendment 17 and so to end overfishing, we would be setting the catch limit to end overfishing at 694,000 pounds gutted weight and in Amendment 16 that would stay at that level until modifying. We already know we're going to be modifying it through Amendment 17, because we're going to be setting the annual catch limits and accountability measures.

Dr. Crabtree: I would suggest we follow the SSC's advice on that.

Mr. Currin: Is everybody okay with that?

Dr. Chevront: I just have a question about this. When do we anticipate Amendment 17 going into effect, what year? I don't recall.

Mr. Waugh: The schedule the Executive Committee approved that still has to go to full council has us approving it for public hearing at September of 2008 and final approval in December of 2008 and then submitting to the Secretary after a final review at March of 2009.

Dr. Chevront: That means then that the quota changes that went into effect in Amendment 17 would take effect probably January 1st, 2010? Is that correct?

Dr. Crabtree: The goal would be to get the catch limits in place in 2010 and so that's certainly what we would try to do.

Dr. Chevront: What we're really saying is that the 694,000-pound catch limit -- We're talking three years and so we're saying we're -- Maybe even only just the one year. I'm not sure if --

Dr. Crabtree: It will go in place in the regulations and it will stay until we change it.

Dr. Chevront: Until we change it? So it may be changed in Amendment 17, but it may not be?

Dr. Crabtree: That will be up to the council and what we do and what we set as the annual catch limits then.

Mr. Waugh: For allocation alternatives, and this is shown on page 131, Table 4-9 shows -- We would just be using the top line here, the 2009 catch of 694,000 pounds. We have no preferreds here and so Alternative 2 is using 1999 through 2003. That's a 51 percent commercial and 49 percent recreational. Alternative 3 is 1986 through 1998 and that's a 66 percent commercial and 34 percent recreational. Alternative 4 is 1986 through 2005 and that's 61 percent commercial and 39 percent recreational.

Mr. Currin: Gregg or Rick, refresh my memory on why the 1986 through 1998 time period was chosen for that. Is that prior to implementation of one of the amendments, Amendment 8 maybe?

Mr. Waugh: I think Amendment 9.

Mr. Currin: That's where the size limit was increased or something, correct, and the spawning season closure? I'm just wondering whether there's -- Alternative 3 and 4 are not all that far apart.

Mr. Robson: Could you just state that again? What was the regulatory change that took place?

Mr. Currin: Amendment 9 implemented the size limit and the spawning season closure on gag. Is everybody okay then with these? Is there any desire to try to pare these down in any way? Are we okay?

Dr. Crabtree: Gregg, in the next action of management regulations, we have the commercial quotas and then we have three alternatives that essentially reflect these allocations. I wonder if we couldn't bundle them together so that we just have one quota alternative and the quota reflects the -- Maybe we have a sub-alternative under the allocations to establish a commercial quota based on the allocation. It seems like that might reduce permutations of this, again.

Mr. Waugh: We can certainly bundle it like that. I'm not sure it reduces the analysis, because then you've still got three different numerical estimates of the quota.

Dr. Crabtree: Yes, it just seems like the quota is determined when you choose the allocation and you couldn't choose one allocation and choose a conflicting quota analysis. They seem to be, by necessity, bundled together, because they have to be the same.

Mr. Waugh: Right, as are the recreational allocations.

Dr. Crabtree: Right.

Mr. Waugh: When you pick your allocation, that defines your commercial quota and your recreational allocation.

Dr. Crabtree: Instead of having three quota sub-alternatives, why wouldn't we just have an alternative that says establish a commercial quota and that quota would be determined by your allocation decision? Wouldn't it just be one alternative, to either have a quota or not have a quota, rather than three sub-alternatives?

Mr. Waugh: To me, the alternative that says you're going to have a quota has three sub-alternatives under it.

Dr. Crabtree: I guess what I'm getting at is the analysis of the allocations here would get at the impacts of the magnitudes of the catches. The real decision after you choose that is just are you going to have a quota or are you not.

The magnitude of the quota is determined by the allocation choice, rather than -- It just seems inefficient kind of how it's laid out now, because you make the decision about your allocation choice, but then you've got to go in the next action and you have to make that decision again in terms of the quota. In reality, you've already made it. All you're really deciding in the management regulations is whether you're going to have a quota or not have a quota, because you've already decided what its magnitude is and if you're going to have it.

Mr. Waugh: Right. The additional step you have to do is to back out the post-quota bycatch mortality.

Dr. Crabtree: Sure, but you're really not evaluating three different quotas like this, because that decision has already been made in a different action, it seems to me. Maybe it's just something to think about.

Mr. Currin: What's next?

Mr. Waugh: I'm sorry, Roy. Maybe it's because it's late in the day, but where we're setting the allocations -- Under Alternative 2, we would set the allocation at 51 percent commercial and 49 percent recreational and so you would just show right there what the quota would be and what the recreational allocation would be.

Dr. Crabtree: What I'm getting at is in the next group of management regulations, all you're deciding there is whether to have a quota or not have a quota. I think you could bundle it into the allocation decision, but really the next one, you're deciding are you going to have a quota or are you not?

You've already decided -- If you have a quota, you've already made the decision about the magnitude of it and so it's really just the analysis there is focused on the benefits of having a quota versus not having a quota. You don't need to make another decision about the magnitude of the quota, because it's already been made. Do you follow me?

Mr. Waugh: Yes, and so we would do the same thing for vermilion and add in --

Dr. Crabtree: We only have one allocation there and so it's not much of an issue, but here it seems like it's really -- If we bundled them in with the allocations, I think we could do that, but then it's kind of like it's preordained that we've decided we're going to have a commercial quota and I think if everybody believes that that's the only way to go, we could do it that way.

I think the other way might be to have a decision point where we decide we're going to have a quota and it would just be one alternative, but you wouldn't need the sub-alternatives. If I'm missing something there -- It just seems to me that's already determined in the previous action.

Mr. Robson: I don't know what to do about this. I don't know if the discussion about split quotas would have any bearing on it or not, but the -- Even Alternative 2 in terms of allocation is a significant swing away from the existing proportion of the harvest in Florida, where the gag grouper harvest in Florida is primarily recreational.

I think it's about a 33 percent commercial harvest for Florida, as opposed to an allocation we would be setting at 51 percent. It's a concern and I don't know what to do about it at this point, but I just wanted to bring that out as something that could be of significant interest to Florida fishermen.

Mr. Currin: I'm sure it's going to be of real interest to everyone else around the table when we start talking about accountability measures and all of that.

Mr. Waugh: If we're going to move on to recreational measures, this -- We're going to have three alternatives for the allocation and then that means three different sets of reductions we're going after. If you look at Table 4-11 that's like two pages away, this shows the reductions, the percent reductions, by sector across alternative gag allocations.

If you pick Alternative 2, then you're looking at a 40 percent recreational reduction and if you pick

Allocation Alternative 3, you're looking at a 59 percent reduction. Alternative 4, you're looking at a 52 percent reduction. Here's where it really starts to bend my mind how many alternatives you have, because we're taking three allocation alternatives with no preferred and so then for each recreational reduction, we're going to have multiple alternatives to look at how you're going to achieve this 40 to 49 percent reduction.

This is where we were really hoping that we could get some sort of tiering, where you made a preferred alternative for your allocation and then we would take that and run it through all the permutations for the commercial and recreational sectors. If you think of what we just did for vermilion, we'll have to do that three different times.

Mr. Currin: I guess I would have to ask Roy or Monica -- We already previously have selected the preferred allocation for vermilion. For whatever reason, we did not do that with gag. Are we stepping further out on a limb then if at this point we go ahead and choose a preferred allocation for gag, to make this analysis less onerous?

Dr. Crabtree: Remember there was just one alternative for vermilion and status quo. I guess it depends on what your rationale is using a preferred is and is it sound and defensible? I guess do you feel like you have a sufficient analysis here to make a reasonable decision of a preferred alternative?

Mr. Currin: Is there any discussion the committee would like to have to weigh in on this at this point?

Mr. Waugh: Just to throw something out, if you look at that Table 4-11, and we've got it projected here, the target gag reduction is on the order of 39 percent total reduction. If you look at your various allocation alternatives, it seems that Alternative 2 comes the closest to spreading that pain equally across the two sectors. The commercial reduction would be 37 percent and the recreational 40 percent. The other two alternatives put more of a burden on one sector and less on the other sector. That's just something for you all to consider as you try to consider selecting a preferred.

Mr. Currin: That would certainly seem to provide some rationale for selecting Alternative 2.

Dr. Crabtree: That's always a concern with allocation decisions, is being fair and equitable. The law -- We're not in a rebuilding plan here, but still, that's a concern. Fair and equitable, of course, doesn't necessarily mean equal, but equal is a pretty good place to start when you're trying to be fair and equitable and then you move away from equal based on whatever rationale and reason you have to do that.

I think you have a starting point for you at least in terms of where you're going with it. I don't know what the economic analysis is going to show. We're not going to get a full blown net benefits type of analysis, because I don't think we have enough information to do that.

We probably will get some information down the road in the amendment to give you some relative measure of the impacts of the cuts in one sector versus the other. I think if you felt like this is the closest to being fair and equitable in terms of is this closest to, basically, equal reductions in the sectors, then that would be a sufficient way to go forward at this time, if you're comfortable with it.

I'm going to abstain on this action, but --

Mr. Currin: Other thoughts from the committee on this issue?

Mr. Robson: Just for the record, at the September meeting, there were a couple of issues where I abstained from selecting a preferred alternative on allocation. We didn't deal with gag at that time, but I'm going to a commission meeting this week to discuss these very issues and so I would probably abstain from selecting a preferred during this meeting, until after I've had that discussion with our commission.

I am recommending at this point to go forward with Alternative 2, but again, I would raise that concern that for the State of Florida that even that alternative is a significant shift away from what appears to be the current recreational harvest in Florida.

Mr. Currin: I think what you said was like O.J., was if you select an allocation that might be the one you would select.

Dr. McGovern: To that point, the Snapper Grouper Advisory Panel recommended Alternative 2. They felt that it was fair and equitable among the sectors and supported that.

Dr. Chevront: If we're going to go with Alternative 2 as the preferred alternative, that means that we're going to ignore the impact of the size limit that -- I guess it was 1999, and its impact on how it changed the scope of the fishery. Basically, what it did is it reduced the commercial landings. If collectively we're willing to say we're comfortable with that, that's one thing, but I just wanted to make sure that we didn't dismiss these other alternatives outright without considering the reason why they were put there in the first place.

Dr. Crabtree: Just kind of to Mark's point about Florida's balances are different, that's true. It's more recreational than commercial and I suspect you could look at each of the states and see different shifts, but this is an overall allocation and I don't think it would force any particular state to necessarily conform to that. It's the overall catch throughout the fishery.

If, for example, North Carolina is more commercial than recreational, those things would kind of balance out. I think that the variability among the states ought to be incorporated into this, because it is based on what's been caught overall for the past -- I think it's six years or so. That might not be that great of a concern, because we're not applying these allocations to specific state-by-state --

Dr. Chevront: To that, the AP did say that they wanted a 50/50 split and that included both commercial and recreational fishermen from different states, but I just wanted to bring that point up to make sure that we as a council had considered the reason why those other alternatives had gotten in there.

I just didn't want that point to get lost. The AP made that recommendation. That makes it certainly much easier for me to consider Alternative 2 over 3 and 4. I just wanted to make sure that we didn't let those alternatives go without considering them again.

Mr. Currin: No, it won't go anywhere, Brian. I don't think that's the intent. I think the question now is to try to feel comfortable around the table with considering the selection of preferreds, so that we can perhaps streamline some of the analysis that might need to be done on this. How is everybody feeling about that?

We've talked about the AP's selection of that as a preferred and even with regards to red porgy, we had based some potential alternatives on allocations on various years of analysis, or analysis of various time periods, and they came up more or less out of the blue, but I think from a sense of fairness, and said they thought we should include a consideration of a 50/50 split on that. I would -- If someone from the committee is inclined, I would entertain a motion then to select a preferred alternative.

Mr. Cupka: **I move that Alternative 2 be our preferred alternative for this action.**

Mr. Currin: There's a motion by David to select Alternative 2 as the preferred allocation for gag grouper. Is there a second? Second by Spud. Is there any further discussion? Roy, are you more comfortable?

Dr. Crabtree: I'm okay.

Mr. Currin: No further discussion? **Any objection to the motion?**

Dr. Chevront: I'm not objecting, but I think I would like to abstain at this point.

Mr. Currin: I'll call for abstentions then. I know Mark said he would like to. Mark Robson is going to abstain and Brian would like to abstain. Dr. Crabtree, did you say you would like to abstain from this vote as well?

Dr. Crabtree: Yes, I abstain from this vote.

Mr. Currin: Anyone else who would like to abstain? Three abstentions. **That motion passes.** Now we have a preferred for allocations in gag and now we can move on, I believe, to the recreational measures. Page 134 is where the commercial measures are. Alternative 2 that we just selected results in the need for a 37 percent reduction on the commercial side and a 40 percent reduction on the recreational side. The management measures begin on page 134.

Dr. Crabtree: We're into the management measures now, correct? I guess the first option I come to is the alternatives to establish a commercial quota. Do we need to look at or do we have the same issues with regional quotas or a split quota as we went through with vermilion snapper? Do we want to look at it similarly or what do the folks from the different states feel like on that?

Mr. Currin: Gregg just reminded me that there is an alternative in there now to split it between the North Carolina/South Carolina and Georgia/Florida, but there's, as best I remember, no alternative in there to look at a split season for the management of gag, which I'm not sure whether that accomplishes the same thing.

Dr. Chevront: I'm looking in the gag management measures document on page 9, where it shows the different commercial landings by month by state. It really looks like except for Florida in January and February, the -- Like May is the highest landing month for all the other states and they seem to be relatively equal, except for January and February in Florida.

I don't know, but I just wonder if Florida has an issue with it. Otherwise, I'm not sure that there is a need for a separate split season or something like that, because it seems pretty level across the states.

Mr. Currin: Any other comments or desire to look at a seasonal split or any other kind of splits or regional splits?

Dr. Chevront: One way possibly to look at it would just make the seasons start May 1. That way, once the quota is taken up, you've got everything for the rest of the season and that would sort of build in that spawning season closure automatically, as the quota is already taken up. I don't know whether that's worth considering or not.

Mr. Currin: Is that what your suggestion is, that the fishing year begin May 1? Is that your suggestion? I suspect Florida may have an issue with that, with the problems with closures in January and February and that's when there's a significant fishery there. Is there any discussion on that idea or any thoughts? Mark, nothing? Is that something the committee wants to consider, changing the fishing year to begin May 1?

Dr. Chevront: I'm just saying that if we did that then we could just delete all these references to spawning season closure. That might actually help simplify it, if we just went ahead and did an amendment to the start of the season. I don't know, but I would appreciate Gregg and some other folks commenting on that.

Mr. Waugh: I think more so for gag than vermilion, there's some serious biological benefits to a spawning season closure. Conversely, there's a high cost to continuing to allow fishing during the spawning season closure, during the spawning season.

These fish aggregate. They're much more vulnerable to harvest and the stock assessment showed that the catch and discard mortality is very high during the spawning season as well. I just urge some extra consideration here, as we talk about this spawning season closure versus vermilion, where you don't have the aggregation and so forth.

Mr. Currin: I don't think Brian was suggesting that we do away with the spawning season closure, but just do away, perhaps, with calling it a spawning season closure and just define the fishing year as May 1 through February whatever.

Mr. Waugh: That starts the quota just before the spawning aggregation and so you're -- If you wanted to do something with the fishing year to protect spawning, you would want to start it after the spawning season.

Mr. Currin: That was the suggestion, to start it May 1. I think there's some value in calling it a spawning season closure. It explains the rationale for folks not being able to fish there and it's

become accepted. I would just as soon keep that terminology.

Dr. Crabtree: I agree. I think there are a lot of biological reasons to have a spawning season closure and I think it needs to apply to both the recreational and the commercial fisheries and I don't think the fishing year gets at that. Depending on what we decide to do with the spawning season closure, we already have March and April and if we add some other earlier in the months with it, we could effectively end up the fishing year starts then anyway, but I would like to see us keep focused on a spawning season closure and I think it ought to be applied to both sectors.

Mr. Currin: George, you had something, unless you've forgotten.

Mr. Geiger: Actually, everybody has already covered all the points and I agree entirely with Dr. Crabtree. It's an accepted terminology. Everybody understands the spawning season closures. It's necessary to get the recreational fishery included in that spawning season closure and so I would recommend we leave all the language in support of it in place.

Mr. Currin: Let's get back to gag commercial management measures and see if we can make some headway on defining some alternatives or eliminating some alternatives or adding some, if we need to. Are there suggestions?

Mr. Waugh: You did give us an alternative to divide the directed commercial quota into two regions, allocating 63.3 to North Carolina/South Carolina and 36.7 to Florida/Georgia. We have that alternative in here already.

Mr. Currin: Is it the desire of the committee to keep that as a viable alternative, as something we want to consider? I'm seeing heads nodding one way or the other.

Mr. Robson: I don't have a problem with keeping it in there. I didn't recall -- When we set the percentages, that's just based on the current landings by states?

Mr. Currin: I'm not sure of the timeframe over which those were calculated, but I suspect that they're the more recent sample of years. Gregg and Rick are looking for that.

Mr. Robson: I'm trying to follow along in the document again and I apologize for harping on this, but are we just still looking at the Amendment 16 document for all the different alternatives we've got right now?

Mr. Currin: That's where I am, Mark, on page 135 of Attachment 4. That's about the middle of the alternatives. That's where alternatives to divide the directed commercial quota into two regions occur. The one after that is to apply the spawning season closure to both the commercial and the recreational fishery.

Some of these alternatives are listed in here, because of the selection of preferred allocation, are going to be eliminated or changed. Is everybody okay with including the two regional quotas, North/South Carolina and Georgia/Florida?

Roy just spoke to his desire to include the spawning season closure, and George did as well, to both the recreational and commercial fisheries. No fishing for and/or possession of those would be allowed and there are three sub-alternatives under that. One of them extends that spawning season closure to include February as well, 4C. Is everybody okay with those? Actually, D, on the next page, includes January, February, March, and April.

Mr. Waugh: We've got these alternatives, but the target reduction on the recreational side is a 40 percent reduction. Before we know what bag limit to go after, we need to know to bundle it with a season closure, because a spawning season closure gets you a certain percent reduction and then the remaining percent reduction is going to come from the reduction in the bag limit. The bag limit analysis follows right after Tables 4-20 and 4-21. It looks at the spawning season closure and then we get into the alternatives looking at the bag limit reduction.

Mr. Currin: It's page 146. My computer is even getting tired.

Mr. Waugh: For instance, if you wanted to look at just a March/April closure from Table 4-21, that gives you a MRFSS and headboat reduction of 15.1 percent. Then you're going to have to try to get a 35 percent reduction from the bag limit.

Dr. Crabtree: That's not doable, unless you want to go to a fractional bag limit or a boat limit. Jack, what do we get, about by going from two to one? You get about 5 percent. It appears to me that there's little -- I'm basing this on our discussions of trying to minimize seasonal closures, but I don't see that we have any alternative but to go to one on the bag limit.

It seems like if we don't, we're looking at a six-month closure and it looks to me like what we're looking at for a couple of bundles is something on the order of a December through April closure and a one fish bag limit, in order to get about where we're trying to get, because I don't think even January, February, March and April gets you there.

Mr. Waugh: Jack, looking at Table 4-24 and 4-25 -- In other words, what's the most reduction we would get if we reduced the aggregate grouper bag limit to three, with gag and black to one, and exclude captain and crew? This is in Table 4-25.

Dr. McGovern: You get the reduction out of reducing the gag and the reductions for gag and black are for the combination of the two and so it's partially gag and black reduction, but the overall reduction that you would get is around 34 percent by going to a one fish bag with that seasonal closure.

Mr. Waugh: Just look at Table 4-25 and let's not talk about the season yet, but let's just get an idea of what percent reduction you get just on the bag limit from reducing the aggregate to three, because that protects other groupers as well, and dropping the gag and/or black down to one and then excluding captain and crew. Is it 4.9 percent?

Dr. McGovern: 4.9, yes.

Mr. Waugh: If you were to do that, drop the aggregate to -- We've got alternatives in here to do that,

to drop the aggregate bag limit from five to three. The gag changed from two gag or black to one gag or black and exclude captain and crew from the bag limit and then you get a 4.9 percent reduction, 5. Then you've got to get a 35 percent reduction from the closure.

Mr. Currin: Didn't we get about a 34 point something --

Mr. Waugh: 31.

Mr. Currin: 31 percent with a January to --

Mr. Waugh: January through April. This is shown in Table 4-21. No, it's actually 90 percent, less than 100 percent. Table 4-20 is with 100 percent and so Table 4-21 shows you a 31 percent reduction, based on a January through April spawning closure. We would be 4 percent under.

Dr. Crabtree: Right, which is why I'm coming in that we probably are needing to look at adding December to it or adding May to it. We'll need to look up what that gives us, but I'm assuming that would get us pretty close to where we need to be. It looks like we're pretty well boxed in on the bag limit. It's got to go to one. I think we do need to reduce the aggregate as well.

Remember, we've got black grouper, which is still listed as undergoing overfishing, and we've got red grouper that's still listed as undergoing overfishing. We don't want to do anything that's going to shift effort over to them. Then the other question we're going to come to, I guess later, Gregg, is what are we closing here? Are we just closing gag or are we closing shallow-water grouper? We're going to need to deal with that.

Mr. Geiger: Again, Jack, there's the opportunity here, with a closure in vermilion and gag, with the combination of the two, to maybe gain additional increases. Maybe we can look at that before we even have to go into December.

Dr. McGovern: I agree. If you have a similar closure for vermilion, which are caught with gag, and you also shut down the co-occurring grouper species, it probably gets you there without having to close December.

Mr. Waugh: Roy is right that we have -- At the back of the section dealing with gag, we've got this issue of the species groupings and the recommendation that we are making and made to the SSC and they accepted that for Amendment 16, is any gag quota, once that quota is filled and that quota is closed, then that list of species that are shown as the shallow-water groupers, any harvest or possession of those species would be prohibited and the same thing with the gag spawning closure. Any harvest or possession of those shallow-water grouper species would also be prohibited.

If you do this January through April spawning closure, you're getting a lot of biological reduction there. That's a huge closure and we might be able to build a good case that while that on paper doesn't show the exact percent reductions that's required, there are some other benefits coming from the closure on vermilion.

Closing during the spawning season, you're really going to have a lot more benefit. You might be

able to build a good enough case to just stay with the January through April and not go into December.

Dr. Crabtree: I think Gregg is right on that and I think Jack could probably do some rough calculations and give us some guidance on that when we come back to it in full council. I would certainly support that when the quota is caught that shallow-water grouper closes and that the spawning season closure apply to shallow-water grouper. Otherwise, we're just going to have big peaks in discards and we're still going to have people out there fishing in these areas.

Mr. Currin: Other comments? Is everybody in agreement with Roy's suggestion? It looks like we're looking at combining the December through April closure with a reduction of a total bag of three, of no more than one being gag or black.

Mr. Waugh: That's including captain and crew and I thought we were going to try to see what it looked like with just a January through April and not add December.

Mr. Currin: I'm sorry, I thought I said January. If not, I intended to. That's what I wrote and not December, but just January through April. There's one alternative that gets us to nearly 40 percent.

Mr. Waugh: Here, on the recreational side, we've already reduced the bag limit to one and we've excluded captain and crew. The only other thing left to do is to go to per boat or some fractional bag limit and so maybe this is a reasonable alternative.

Dr. Chevront: You could come up with other potential alternatives of a two fish bag limit with a longer closed season, but I don't think that that's a very viable approach. I think we'll probably get a lot of opposition from headboat folks if you have a boat limit of fish. We had this discussion at the September meeting when we were talking about headboats.

Somebody next to you catches two gag and I haven't gotten mine yet and I'm going to be pretty ticked off, because that means I can't get one. That impacts on how people feel about having gone out on a trip and I'm sure -- I don't think Tom would be real happy with that kind of a situation.

Mr. Currin: No, I don't think that's a viable alternative certainly for the headboat fishery and perhaps for the for-hire sector as well, to consider a boat limit. It might be reasonably acceptable to the private boat fishermen, but going to a boat limit for the for-hire sector is not going to float very well, I don't think.

Dr. Chevront: Is it okay just then to go with what we've got? I don't know that we have everything else that would be reasonable that we could come up with at this point. I don't know how you do fractional bag limits. I get half a fish? I don't understand how that works and we don't want to go there. We're going to get people fighting over fish at some point.

Mr. Currin: I guess you could look at just a total seasonal closure that would get you to the reduction and combine it with the current bag limit. I don't know what that would entail.

Dr. Crabtree: The alternatives we would have in this section would be the commercial quota, we

divide the quota into two regions, then establish a spawning season closure in January, February, March, and April and then we reduce the bag limit to one for gag and blacks and then another to reduce the aggregate to three, two?

Mr. Waugh: Those aren't alternatives. That's a bundled alternative, reducing the aggregate from five to three and reducing the black and/or gag from two to one and excluding captain and crew. That's bundled together as one and that gets you a 4.9 percent reduction.

Dr. Crabtree: Then that leaves us with the quotas, divide the quotas into two regions, and then a bundled alternative and that's it?

Mr. Currin: Monica looks very pensive over there, but are we okay there?

Dr. Crabtree: I think there's going to need to be some discussion on the document, Gregg, about why we're not looking at an alternative for two, a bag limit of two. We're going to need to be careful with it, because we are -- We're making some decisions here and I think they're all reasonable right now, but we're basically saying longer seasonal closures, but with a two fish bag limit, is not reasonable and I don't know if everybody would agree with that or not in the general public. I don't know.

We're going to need to have a lot of discussion in here as to how we came to just that one bundle that affects the recreational fishery instead of looking at some of these other things. We ought to be prepared. We could go out to public hearing with this and be surprised that there's some people out there who see it differently and that could cause us to rethink this a little bit. It causes me a little bit of heartburn at the moment, but just sitting here right now, I agree with you. It just doesn't make sense to stay at two fish right now.

Mr. Currin: Gregg is trying to look and see if he can come up with what actual seasonal closure would be required when combined with a two fish bag limit to result in a 40 percent reduction.

Dr. Crabtree: That would be good and then maybe we put a discussion in the Considered but Rejected or something like that that we discuss remaining at two fish, but the seasonal closures would be too extensive and so we rejected that.

Mr. Currin: I don't know what it's going to be, but I suspect it's going to be very long term.

Dr. Chevront: In just thinking about it, I think if you ended up with an August 1 closure or something, that would be like totally unacceptable, but I can probably imagine allowing a one fish bag limit if you would get stuck with something like that. That would be just totally unreasonable.

Dr. McGovern: It would be a six to seven month closure, depending on the effectiveness.

Mr. Currin: Has everybody got that, six to seven months, combined with a two fish, depending on the selection of months and a two fish bag.

Mr. Geiger: I think when we talked about this earlier, the average catch was less than two fish

anyway and so to put a two fish bag limit in place that nobody is actually getting to --

Mr. Currin: There are people catching them, but the average catch is less than two.

Dr. Crabtree: The other point is we still do have an alternative to stay at two. That's status quo and we're already there and so we are looking at that.

Mr. Currin: But it doesn't get us anywhere. Everybody is comfortable with that? Maybe at full council we can get some -- I think Jack told us it's six to seven months. If you want to include that as an alternative, I don't know how viable it might be. If you feel like we need another combined alternative to get us there, then that's one.

Dr. McGovern: I was looking at the commercial. The recreational, it's like five months.

Mr. Currin: That's much more reasonable then. That's less than half the year.

Mr. Waugh: December through April would get you at 39 percent on the recreational side. That's without making any change to the existing bag limit and that's using Table 48, Jack, in your document.

Mr. Currin: With that in mind, that's not far from being reasonable as --

Dr. Crabtree: I would advise that we look at that. I think there are people out there who would be willing to give up a month to get to keep two and say if I've got to spend the gas, let me keep a couple of fish. I would say that is reasonable and we really ought to look at it.

Mr. Currin: Is everybody in agreement with that? That makes sense to me. That's not messing with the bag limit at all as far as the aggregate and so that would be leaving the aggregate at five and there's some potential down side there as well, but two gags or blacks and certainly that's a reasonable thing to consider.

Let me ask your indulgence then. It's 5:05 right now and are comfortable with trying to continue until 5:30 today or would you rather come in at eight o'clock tomorrow or 7:30 tomorrow and try to get through this? How much more have we got to do with 16, Gregg or Rick?

Mr. Waugh: I think we're pretty much finished with 16, except for one kind of big item that Monica needs to give some thought to overnight. What it is is we have picked a preferred alternative and then now we have tiered off of that preferred alternative and are looking at management alternatives to achieve that percent reduction.

What do we do with our other two allocation alternatives? Certainly our intent would be to leave them in the document and analyze the impacts of what percent reduction there would be if -- If you were to choose those, what the percent reduction would be to the recreational and commercial sectors, but then not go the added step of developing management measures of those.

Monica just wanted to give that some thought overnight and come back in the morning and tell us.

If we need to develop management measures for those other two sets of alternatives, then we need to rethink what we just did twice for bag limits and closures and so forth.

Mr. Currin: That's as far as where we can go right now with 16. Monica, did you have something else?

Ms. Smit-Brunello: My only thought is, and you can think about this too, so I'm not the only one thinking about this overnight, but my only thought is if we just do that for the preferred allocation alternative, then does that start to push the council only toward that alternative? Because if you were to think about choosing one of the other allocation alternatives, you wouldn't have all the analysis for the management measures for gag that went with that, because what Gregg just is talking about is only running the management measures, the analysis for them, for the preferred allocation alternative that you identified today. Does that make any sense?

Mr. DeVactor: Certainly we are employing a similar method for 15A, where we just take the rebuilding schedule alternative, for example thirty-three years for snowy grouper, and just carry that forward with the rebuilding strategy and so it wouldn't be anything new, because we have used it before.

Ms. Smit-Brunello: It wouldn't be anything new, but I heard some discussion around the table from other council members about yes, okay, I'll pick that as a preferred for now, that allocation measure, but I certainly want the other two measures left in the document. Just think about it and I'll think about it and maybe we can just briefly discuss that in the morning.

Mr. Waugh: Mac, our intent would be to write up the decisions we made and we can see if we can print it out. We can definitely email it and project it, but tomorrow morning just to walk through that with a fresh mind and make sure we've got all our ducks in a row, because the intent is to have this analyzed and approved for public hearing at the March meeting.

Mr. Currin: That being said, is there any headway that we can make, other than cause trouble, by trying to get into anything else for now what is now close to twenty minutes this afternoon or should we go ahead and recess until tomorrow? Rick, what do you think? Let me ask the committee then, what are your feelings? Do you want to start getting into 15A and see if we can make twenty minutes of progress there or is everybody almost brain dead?

Mr. Robson: I'm willing to do everything we can tonight, because I'm leaving tomorrow.

Mr. Currin: We'll just skip dinner and send Brian over to pay up. All of you are out twenty bucks. Do you want to see how much headway we can make in 15A? Is that suitable to everybody? I'm just afraid we're going to get strapped tomorrow. Let's go ahead and start and see how much progress we can make, Rick.

Mr. DeVactor: I'm set to give an update on Amendment 15A. Basically, we split 15 up into 15A, 15B and 17. 15A was filed with the EPA on October 19th and there's a forty-five-day comment period on the draft environmental impact statement. That comment period ended last night and, of course, we had ten public hearings for Amendment 15A and 15B.

I'm on the schedule to go through those comments, but that's basically an update on Amendment 15A, that it was filed and we had the comment period and we've been through public hearings. The schedule is for the council to approve Amendment 15A and submitting that to the Secretary of Commerce at this meeting.

Mr. Currin: We did receive some input last night on 15A and 15B. We received some emails that everybody has had an opportunity to look at. I'll open the floor for discussion of those comments that we've received that you feel like might influence the way the document is shaped or should be.

Dr. Crabtree: We got a comment from the Ocean Conservancy on Amendment 15A and I believe hard copies have been passed around to folks. They raise some issues with taking the maximum time to rebuild snowy grouper and they also raise some issues that -- I think this is the gist of the overall comment, is that they think the approach we're taking is too risky and doesn't have a sufficiently high likelihood of ending overfishing.

I think there are some things that we need to talk about and need to address and I think they do have some relevance to 15B, because we did have a discussion last week about quota adjustments. When you look at the snowy grouper, in particular -- Most of the comments from the Ocean Conservancy, and I don't know if I said this, but they're relevant to snowy grouper.

We have had discussions that the yield streams allow the TAC to increase in 2009 for snowy grouper and we had talked about putting that in Amendment 15B. I'm going to advise you not to do that, because the problem we have is we've phased out overfishing in snowy grouper, you recall, and the TAC for 2008 will go down to 84,000 pounds.

Dr. McGovern: That's the quota.

Dr. Crabtree: That's the quota, commercial quota. That's where we reach the bottom, in terms of our phasing out, but for us to come in now and take an action to increase the TAC on snowy grouper, I don't think we could really defend that, because snowy grouper is still listed on the Report to Congress as undergoing overfishing.

All of the science we have now still indicates snowy grouper is undergoing overfishing and for us to come in and try to increase the TAC or the quotas at this point -- I wouldn't want to have to go before a judge and explain yes, Your Honor, we're ending the overfishing as quickly as we can by increasing the TAC and the quotas. I think that would be a very difficult case to make.

I also am fairly certain that the ACL requirements we're going to be looking at are not going to allow you to fish right at the limit and remember in snowy grouper that these TACs, we're calling them TACs in 15A, are associated with fishing at the FMSY level and I don't think the ACL requirements in any of the versions of the proposed rule that I've reviewed -- They're not going to allow you to set your TACs and quotas there. You're going to have to set them below the limit to make sure you don't go over.

Even if you did take a step now to increase the TACs and the quotas of snowy grouper in 2009, I

believe we would have to turn right around and lower it back down again in 2010 and aside from that, I don't believe the Fisheries Service can approve an increase in the quotas for snowy grouper or TAC at this time. We've got to get it taken off the list as undergoing overfishing.

I would like to ask that we add maybe a paragraph into the appropriate section of Amendment 15A and I would like to put in there that we recognize that any of the increases in TAC that are laid out by the rebuilding strategy are contingent upon the best available science indicating that the overfishing has ended and the TAC can be increased without causing overfishing to resume.

That means we're going to have to hold the 84,000-pound quota and the 2008 TAC on snowy grouper in place until we can get the Science Center and the SSC to determine that the likelihood that the overfishing ends is sufficiently good that we can move forward with it.

Then I think we need to add another few sentences in there, either in the -- One of the comments from the Ocean Conservancy is that you're setting OY at fishing at 75 percent of FMSY, yet in the rebuilding plan, we're fishing at the FMSY level. Again, I don't think the ACLs are going to let us do that and so I would like to add a few sentences into the OY section and into the rebuilding section to recognize that the TACs laid out in this rebuilding strategy are a limit on the catches.

Those are the catches we do not want to exceed and that the council is going to need to set the management measures in place to ensure that there's a sufficiently high probability that we will not exceed those TACs and so to basically recognize that we'll be setting our target catch levels somewhat below those limits as we proceed down the road.

I think those really make much change in the document. We're talking about very low changes in the numbers of fish and so maybe a few qualitative statements in the document ought to cover it. I think it goes a long ways towards addressing some of what I think are valid concerns that they've raised in terms of the rebuilding plan.

Those are some things I wanted to bring up and I would like to hear you guys' view and are we okay with asking staff to make some of those modifications? If we are, then I would like to work with Jack and Gregg and we could probably try to come up with a paragraph or two that we could maybe put on the board or show you at full council so that you'll see what's going in before we take final action.

Mr. Currin: Comments or questions?

Mr. Geiger: I know I've spoken with a couple other council members about the Ocean Conservancy comments and unfortunately, we were not smart enough to figure out what to do about it and I think the plan that you just laid out is logical to me and defensible.

I certainly understand the criticality or the ability of standing before a judge and defending a plan and what we have in place, the way you explained it, is really indefensible. I would support that action and I think it's a good way to satisfy, again, a very constructive comment contained in this comment.

Mr. Waugh: We will certainly work to do that. The only sort of point of concern in how we present this is thus far, we have told the public that this is the trajectory to rebuild. This is not a good example to use, because it is based on FMSY. To me, the strongest argument is to point out that we will be setting ACLs that will reduce this number and so there's no sense in allowing an increase now.

The one concern I have, and I've discussed this with Roy too, is not allowing for an increase until there's an assessment update or something that determines whether a stock is still overfishing or overfished. It puts the rebuilding program on hold until administratively our SEDAR schedule matches up and certainly this is not a good example to argue this point on, because given how we set the catch levels for snowy, it should not be allowed to increase.

Just that one point of concern and I think if we explain in the document, why we're making the change and that it's more for the change with the ACL coming and not wanting to increase and then having to decrease again, I think the public will understand that a little better.

Mr. Geiger: That's right, Gregg, but unfortunately, we cannot get off -- We can't get off the red list until we get something that tells us we are no longer overfishing or overfished and the reason that's the way it is is because of the history of the management measures and how they have not been as effective as we would have hoped they were to be in ending overfishing.

Because of that traditional shortfall in management measures, we're now stuck with this process and until we have proof, we can't get out from under the gun. I think that recommendation is sane and I support it entirely.

Mr. Waugh: I agree wholeheartedly and if we want to get our red F changed, part of that problem is a lack of resources. The National Marine Fisheries Service doesn't have adequate resources to do these assessments as soon as we need them. Again, I'm not arguing this case, but for the process, we're going to need to do assessment updates more frequently, so that we can get that grade changed.

Mr. Geiger: To that point, Mr. Chairman, it's not getting out of the red zone. I don't care about the red zone. What we care about is the resource and the recovery of the resource and unfortunately, we cannot have that recovery until we put management measures in place that adequately create a recovery.

Dr. Crabtree: I think it's just a fact of life that when you make a decision to phase out overfishing over a period of several years that you're sort of stuck with it and you've got to verify that it worked. I, in preparing for this council meeting, went back and read through a lot of our old amendments, going all the way back to 1990.

You would be surprised how many times we've phased things out, but here we still sit and we're really in the same position with red snapper in the Gulf, where we're phasing overfishing and trying to end it in 2009 and 2010 and then the TACs start going up following that, but it's all contingent on did it work and then we're going to have an update and then we've got to see.

I think if we do this with snowy grouper, certainly it increases our probability of successfully ending the overfishing to well above 50 percent, I think by any measure of the science, and I think the likelihood that when we get the update that it will show that yes, the overfishing has ended is pretty good.

You can never be sure, because remember that it depends in part on Mother Nature and what's recruitment doing and those things, but I think it gets us into a pretty good posture to move forward at that point. We'll work -- I'll ask Jack and Monica and Gregg, if you would, Gregg, to help work on some language in those appropriate sections and I think that will really strengthen this document and I think it's responsive to the comments we've got and then we can review that at full council.

Mr. Robson: I agree with George. I think that's a good approach to take and I would also like to take the opportunity to thank this particular organization for the way that they presented their comments, both in public hearings and in writing. I think it was very effective and to the point.

Mr. Currin: Other comments? Other items that people noticed or were identified in the comments that we received on 15A that would cause you to consider any minor changes or modifications to the document? We'll let you guys work on that paragraph or two sometime tomorrow and come back in with that and do we want to have the committee approve those to send to the council for final approval then tomorrow, after we finish up 16 and receive that input?

Mr. DeVictor: I'm sure you've gotten it, but I have sent around a document that's called "Summary of Amendment 15A and 15B Comments". You've gotten several comments on Amendment 15A, including comment from the EPA, suggesting that an alternative for the snowy grouper rebuilding strategy be added that's between thirteen years and 23.5 years.

They recommend that you revisit the black sea bass rebuilding schedule alternative. The current preferred is ten years and they suggest using eight years. The Ocean Conservancy has given a comment that they recommend going to the MSST alternative, which is currently on the books right now, which is one minus M times BMSY, and then, of course, the alternative that we just went through, they recommended a change in the snowy grouper rebuilding strategy alternative.

North Carolina submitted a comment that they wanted the council to look further into the social cumulative impact analysis that's currently in the document. They don't believe that it's a complete look at the cumulative effects that have occurred through Amendments 13C, 15A, and 15B.

Again, those are the comments that I summarized in this document that I sent around and, of course, there's a whole host of comments on Amendment 15B and this recreational sale and such.

Mr. Currin: Everybody should have a copy of that for consideration, if you haven't looked at it already, as most of you have, I'm sure. We'll go ahead and recess until tomorrow morning. Do you want to get started earlier than eight or just do it at eight? Is eight o'clock okay? All right. We'll have to be on point and very efficient tomorrow to make sure we finish by noon. I think we can do it if we try. Thanks very much, everybody, for your attention today.

(Whereupon, the meeting recessed at 5:30 o'clock p.m., December 4, 2007.)

December 5, 2007

WEDNESDAY MORNING SESSION

The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened in the Pamlico/Hatteras Room of the Sheraton Atlantic Beach Oceanfront Hotel, Atlantic Beach, North Carolina, Wednesday morning, December 5, 2007, and was called to order at 8:00 o'clock a.m. by Chairman Mac Currin.

Mr. Currin: We'll go ahead and reconvene the Snapper Grouper Committee. We've got a couple of things left over from yesterday in 16 and 15A that we need to deal with before we move on to 15B and 17. We'll start with 16 and Gregg wanted to go back through the measures we identified and alternatives yesterday to make sure he and everyone else understands exactly where we are on this.

Mr. Waugh: Thank you, Mac. What we've done here -- This is projected up on the screen. This shows the decisions you've made and the percent reductions we were going after. In terms of the management reference points, we were asked to bundle these two together and so what we've got is MSY and OY alternatives for gag.

The no action would specify what the MSY and OY were prior to any changes. Our preferred is to update the MSY and OY based on outputs from the assessments. The MSY is straightforward. The OY, we have sub-alternatives, 65 percent, 75 percent, and 85 percent of MSY. Your preferred is 2B, which is 75 percent of FMSY. That's how we would bundle those two actions.

The minimum stock size threshold doesn't change any and then we change to specifying gag catch levels to end overfishing and that recommendation is 694,000 pounds gutted weight for 2009 onwards. In Amendment 16, we would just be setting the catch level to end overfishing and then deal with any potential increases in Amendment 17.

In terms of interim gag allocation alternatives and the resulting commercial quota and recreational allocation, this is how we bundled those two. No action and the preferred is to define interim allocations for gag based upon landings from the ALS, MRFSS, and headboat databases. The allocation would be based on landings from the years 1999 through 2003. The allocation would be 51 percent commercial and 49 percent recreational.

This alternative would establish a commercial quota of 353,940 pounds gutted weight and a recreational allocation of 340,060 pounds gutted weight. That's those two actions bundled and so when you pick your allocation alternative, it results in the calculation of a commercial quota and a recreational allocation.

The remaining alternatives will stay in the document here and be analyzed here, but as we move

forward in the document to look at the management measures, we're only going to look at management measures to achieve the quota and recreational allocation resulting from your preferred alternative for the allocation.

Ms. Smit-Brunello: Gregg, I think that's a fine approach. Just so council members know that if down the road you get different analysis and you want to choose a different preferred alternative for allocation, you're free to do that, even though it's bundled it a different way. It will just make staff have to reanalyze some other alternatives, but please know that you're still free to choose a different allocation.

Mr. Currin: Thank you, Monica. I think everybody is very clear on that. This is not the first time we've discussed this particular issue and I think everybody is very appreciative of that.

Mr. Waugh: Then in terms of potential management regulations, Alternative 1 would be the no action alternative. Alternative 2 would be to establish a gag spawning season closure from January through April that applies to both the commercial and recreational sectors. No fishing for and/or possession of gag would be allowed.

In addition, no fishing for and/or possession of the following species would be allowed: black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin groupers, graysby, and coney. That adds in that issue of during a spawning season closure, we're not allowing any harvest or possession of the shallow-water groupers, to reduce bycatch.

Here's where I just wanted to make sure this is how we wanted to present this. In terms of the directed commercial quota, the previous -- Once you set your allocation, that gives you a calculated commercial quota, but that commercial quota then must be modified based on the post-quota bycatch mortality and the SSC has reviewed this methodology and you all have looked at it.

Jack is going to work with the Snapper Grouper AP members and others to verify the most likely level of PQBM and so when you see this document in March, it will have a value for this directed quota. It may have a couple of alternatives for you all to pick from, but that -- We have to in some way account for that deduction for the post-quota bycatch mortality.

Mr. Currin: Any questions on that issue? Is everybody clear? That's going to be altered potentially by the input we get from the fishermen on how they think that the regulations may affect their behavior. That feeds in and affects the PQBM. No questions? All right.

Mr. Waugh: Then the next action was to divide the directed commercial quota in two regions and allocate 63.3 percent to North Carolina and South Carolina. Based on the quota, these are the values, 129,896 pounds gutted weight to North and South Carolina. I've got those reversed. Sorry, but it should be 224,044 pounds gutted weight for North and South Carolina and 36.7 percent to Georgia and Florida. That would be the smaller number, 129,896.

These numbers -- The allocation percentages are staying the same, because that's what you all told us how to divide it, but the actual poundage would be based on whatever value we end up with for the directed commercial quota. These poundage's will be modified when you see the document

again.

That was all the commercial measures and we'll have wording in here indicating that the commercial quota is going to be tracked and once that is met, or projected to be met, it's closed and once closed, then there's no -- We've got this wording here.

After the commercial quota is met, all purchase and sale of the following species is prohibited and harvest and/or possession is limited to the bag limit: gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney. Once the quota is met, then the possession of all of those shallow-water groupers will be limited to the bag limit.

In terms of recreational measures, the two alternatives that we talked about yesterday, 5A is to reduce the five grouper aggregate bag limit to a three grouper aggregate bag limit, reduce the existing bag limit from two gag or black to one gag or black within the grouper aggregate bag limit, and exclude the captain and crew from possessing a bag limit.

We need some clarification here. Is it for groupers or for all snapper grouper species? That was a point that we should have gotten clarification on yesterday. We're talking about within this action modifying the grouper aggregate bag limit and then changes to the gag or black grouper and you told us to exclude the captain and crew. Is that we're excluding them just from the grouper bag limits or from all snapper grouper species?

Mr. Currin: We didn't talk about that. Are there any thoughts or feelings on that? To me, it seems like a reasonable approach for all species, but I just don't know whether it needs to be done at this point for anything other than grouper, but I'm easy.

Mr. Geiger: I'm with you, Mac. I believe it's a reasonable approach for all species. I think it's kind of like a policy as you move forward, like no sale of recreational fish, should be across the board. The no captain and crew limit should also be across the board. I don't know if it complicates it by including it in here, but certainly it precludes the danger of missing it in the future if we do include it in here. Is there a problem with including it, Gregg, precluding all snapper grouper species?

Mr. Waugh: No, it will involve a little bit more analysis. We would have to look at the impacts for other species as well and I don't know if Jack has a feel for how difficult that might be to analyze. I don't think it would be a huge undertaking.

Mr. Geiger: If it doesn't constitute a showstopper, I would speak in support of having it in there, a prohibition on all snapper grouper species.

Mr. Currin: Other thoughts or opinions?

Dr. Crabtree: Do you want to nest it into these two alternatives or have it as a separate alternative to do it? You're talking about nesting it in these alternatives?

Mr. Currin: That's currently where it is and it seems kind of hidden there to me, to some degree, and

I don't know. I'm slightly uncomfortable with it being nested there.

Dr. Crabtree: The way it's written isn't clear to me, because it says exclude captain and crew from possessing a bag limit for groupers or for all snapper grouper species. Would those be like sub-alternatives or what does that mean exactly?

Mr. Currin: Go ahead, Gregg. I think I understand.

Mr. Waugh: Yesterday, we talked about excluding the captain and crew and I think our discussions yesterday focused mainly on the groupers and that was to help achieve the overall reduction. Jack is still working on what the cumulative reduction would be from dropping the aggregate, dropping the gag or black, and excluding captain and crew. We know what those reductions are individually, but we don't know what the cumulative would be.

It was a part of this Alternative 5A in order to achieve this 40 percent reduction. If you remember, the January through April spawning closure didn't quite get us all the reduction we needed. It was a part of this alternative. 5B just deals with a season closure and does not alter the bag limits. If we're going to do this, it would simpler, from an analytical standpoint, to leave it within this alternative here.

Mr. Currin: Other thoughts?

Mr. Cupka: I share some of your concerns too, Mac. I think it's, in a way, kind of hidden here. If there was some way to highlight it -- On the other hand, Gregg is telling us it would be easier to handle it if we leave it in there. I don't know what the answer is, but I would sure like to somehow see it highlighted, so that it -- The way it is now, it's almost like it's going to slip through or something. I don't know whether people are going to pick up on that or not.

Mr. Currin: Again, I'm not opposed to the concept at all. My personal opinion is that I would rather see it just applied to the groupers in this amendment and then carry that issue forward for other species in 17 or somewhere else. I think it just -- We've got a good reason for doing it here, to effect those reductions that are needed for groupers, and if we include the other species, it's going to affect the analysis on vermilion, potentially, and God knows what else. That's kind of my gut feeling anyway. Are there other comments or reactions?

Mr. Swatzel: I guess the assumption is that it applies to the for-hire sector and do you need to specify that? You talk about captain and crew and it's kind of understood, in general, that that's for for-hire, but it's not real specific in your language.

Mr. Currin: Good point. I think that's the intent and is it not, Gregg?

Mr. Woodward: I agree. I think we need to strike that "or for all snapper grouper species" language out of there, because we did not analyze it for b-liners. It's the same effect and obviously there would be some impact if you apply that to b-liners that would affect all our alternatives thus far.

Mr. Currin: I don't think the effects would be huge, but the analysis would be required for b-liners

in this amendment. Am I getting the sense that everybody, in general, is more comfortable with having this just apply to the groupers in this amendment? I'm seeing most heads nod up and down. All right, we'll strike the reference to other species, Gregg.

Mr. Waugh: Okay and we'll make sure in the discussion that this is clear and so the for-hire sector doesn't feel this is something that's slipping by. 5B was to not alter the bag limits and close the month of December to recreational harvest and/or possession of all of the grouper species. This alternative would retain the existing five grouper aggregate bag limit and two gag or black grouper bag limit. The December through April closure would result in a 39 percent reduction.

Remember, in previous action that we've set a January through April spawning season closure for both recreational and commercial and so this adds the month of December to that, in order to achieve that 39 percent reduction.

Mr. Currin: Is everybody clear on that? That was the one we talked about late and added late in the day yesterday.

Mr. Waugh: That's all the measures relating to gag and I just wanted to double check. I went through my notes very carefully and that's the measures that would be analyzed and brought back to you at the March meeting for approval for public hearing.

Mr. Currin: It seems complete to me, based on my limited abilities and memory. Is everybody okay? Anything that fell through the cracks that anybody picked up on? Okay.

Mr. Waugh: With vermilion, in putting this together last night, I noticed that I had inadvertently used whole weight for the catch level and the average landings figures that we had were gutted weight and so the percentages that we were looking at yesterday, 59 percent overall, 65 percent on the recreational side and 56 percent on the commercial, were based on comparing the allocation in whole weight to the average landings in gutted weight.

That had to be corrected and here are the catch levels in gutted weight, 566,179 pounds. If you allocate that based on your preferred allocation alternative of 68 percent commercial and 32 percent recreational, it results in a commercial quota of 385,002 pounds and a recreational allocation of 181,177 pounds.

If you then compare this commercial quota in gutted weight to the average landings in 2004/2005 gutted weight, the reduction that is needed on the -- That represents a 60 percent reduction on the commercial side and not 56, as we were looking at yesterday.

On the recreational side, yesterday we were talking about a 65 percent reduction, but we need a 69 percent reduction. The overall reduction is 63 percent and so when I go into look at the management measures, there's a couple of them that we will need to modify to get closer to or at this 69 percent. Any questions about that?

Mr. Currin: Any questions for Gregg on that? All right, let's see what else we have to do.

Mr. Waugh: In terms of MSY and OY, just like the gag alternatives, these have been bundled now. No action has the MSY and OY together and the Preferred Alternative 2 specifies the MSY. OY has the sub-alternatives and your preferred OY is 75 percent of FMSY, which is 628,459 pounds whole weight. We will add the conversions and so where we show weights, we will always have gutted and whole.

The minimum stock size threshold is unknown and here, we're going to make sure that we explain, just like we will do with the gag, why we're going forward with only the preferred alternative for our allocation. Here, it's easier, because we only have the two alternatives.

In terms of the catch level necessary to end overfishing, and this should say vermilion, the catch level is 628,459 pounds whole weight. In terms of our interim allocation and setting this interim allocation, it also results in a commercial quota and a recreational allocation. The preferred alternative is based on landings from 1986 through 2005 and the allocation would be 68 percent commercial and 32 percent recreational.

In terms of potential management measures, we're going to add the yield per recruit analysis. We'll add the first four waves of the 2007 MRFSS data, looking at released fish. We've got the no action alternative and similar to gag, we have to adjust the directed commercial quota. Let me just mention too the recreational allocation will be adjusted based on the methodology that is developed for bycatch mortality as well.

You've asked that the directed commercial quota be divided into the following season alternatives. Alternative 3A would allocate the directed commercial quota 50 percent to the period beginning January 1 through June 30 and 50 percent to the period of July 1 through December 31. Any remaining quota from period one would transfer to period two.

You never mentioned what should happen if there's any quota left over from period two and so if at the end of the year, there's any remaining quota, we need your clarification of whether you would want that carried forward or whether it would not be carried forward, such that that would contribute to stock rebuilding.

Mr. Currin: We didn't have much discussion on that. I think when we first mentioned it that Dr. Crabtree did mention that his idea would be that there would be no carry forward from one year to the next, but nobody else weighed in on that or had anything to say.

I believe that's correct, Roy. When we were talking about splitting the season on vermilion to two periods, 50 percent and 50 percent, we indicated that we would like for the carryover, if there was any from the first season, be carried to the second season, but we didn't have much discussion, other than I think you made the point that as you saw it there would be no carry forward to the next year if there was excess quota from the second period.

Dr. Crabtree: That's my view on it and that's how we have traditionally handled all of our quotas. I think we will have to revisit that issue when we talk about accountability mechanisms in Amendment 17, but for now, my preference would be to just leave it that way. Historically, generally the quota overages or underage's are on the order of 5 percent or less and so it's not a lot

of fish we're talking about, typically.

Mr. Currin: With the overall quota reduction, I suspect that there's not going to much left in this one anyway. Is everybody comfortable with that approach then? Okay. I'm seeing heads nod in the affirmative.

Mr. Waugh: Then Alternative 3B would be to use the same time periods, but a different allocation, allocate the directed commercial quota 40 percent to the period of January 1st through June 30th and 60 percent to the period July 1st through December 31st. Then Alternative 3C changed the seasons. It would be to allocate the directed commercial quota 50 percent to the period January 1 through August 31 and 50 percent to the period September 1 through December 31.

Mr. Currin: Any questions there? Everybody is clear and remember that? Is it coming back to you now?

Mr. Waugh: Next is adjusting the recreational bag and size limits and the interaction of a closed season. Alternative 4A -- We approved four alternatives yesterday. 4A would increase the recreational size limit to fourteen inches and reduce the bag limit to four vermilion snapper. That would get a total reduction of 66 percent.

Based on the recalculation of the needed percent reduction, that's not sufficient. A fourteen-inch and three bag limit would get you a 69 percent reduction and so we need clarification of whether you want to replace the alternative we discussed yesterday, fourteen and four, with a fourteen and three.

Mr. Currin: Is there discussion on that? Keep in mind this is kind of the worst case scenario, that we could end up, after some additional analysis, right back where we are now, but --

Dr. Chevront: It kind of looks like, unless we want to throw out these options altogether and start over and come up with some other approach on them, I can't see that we have much other choice as a way to reach these now required reduction levels. I'm not sure anybody else wants to start over right now.

Mr. Robson: I agree with Brian. I think we just need to adjust these based on the revised estimates of the landings.

Mr. Currin: Is everybody okay with that?

Mr. Geiger: I guess before we move on to the other alternatives, because this deals directly with bag limits and sizes, and unfortunately -- I get another lesson in what happens when you assume, but under gag, we have a prohibition against captain and crew bag limits and that was not a discussion that was included in vermilion snapper.

My question is if we're going to have it in gag, why don't we have it in vermilion snapper? I think that's a question we're going to get from the public and for consistency purposes, I believe that it's a policy thing as much as it is -- When we looked at the amount of savings you get from a captain and crew bag limits, it's miniscule, but it's a policy thing and for consistency purposes for law

enforcement. It's difficult to have no captain and crew for groupers and what do we do about other species?

I just think as we address these species, each one in turn, there are certain things that we need to include, like no recreational sale and no captain and crew. I would speak that for consistency purposes I think the captain and crew prohibition should be considered for vermilion snapper as well.

Mr. Currin: Good point. Are there other thoughts on this?

Dr. Crabtree: I agree with George, just as a consistency thing. To me, it's kind of a fair and equity kind of thing, because I think in most cases on charter vessels, the captain and crew's bag limit goes to the customers. They, in effect, get a higher bag limit than others do.

The one thing to bear in mind is that in the for-hire sector for vermilion, most of the catch is on headboats and captain and crew is not really going to get you, I think, any measurable reduction on headboats. I do think as just a matter of policy that it makes sense to be consistent and apply this and I do think there is a fairness component of this and so I would support George.

Mr. Currin: Other thoughts on this? Again, I don't know. I'm just worried about the cleanness of this and I guess if we wanted to do this for all species here that my recommendation would be to just pull it out as a separate action to prohibit it for all for-hire.

Dr. Crabtree: I thought we were just talking of doing it for vermilion and we hadn't put that in the document at this point. That was my understanding that we were going to add that in for vermilion here.

Mr. Currin: We can do it any way anybody wants to do it, but yes, I think it makes sense to do it for vermilion.

Mr. Woodward: I think that we deal with these two species and like you mentioned earlier, let's deal with the policy level later on and as it applies to the other species in the management unit.

Mr. Currin: Is everybody comfortable with that then, to move that verbiage from the gag section into here for vermilion as well? Okay.

Mr. Waugh: Then 4B, just as in 4A, we had looked at a thirteen-inch and a bag limit of two, for a reduction of 64. You need to go with a thirteen-inch and one to get a reduction of 69 percent or more. The actual reduction would be 70 percent.

Dr. Crabtree: I don't want to go back through this, but I just think we're carrying our reluctance to have closed seasons too far. I just can't imagine that people are going to want to go to a one fish vermilion snapper bag limit. I think most people would rather accept a closed season of some sort and keep the bag limits from getting that low.

I think we're getting too averse to closed seasons. We can't get this done without closed seasons

and I think we just need to accept that, but I just don't really see that as something the public is going to have any real interest in, a bag limit of one fish.

Mr. Currin: I agree totally with you, Roy, but there's some chance, at least, that it might be moved back up to two and if it remains at one after the analysis is done, then I agree with you that there's going to be no interest in that as a viable alternative, but at this point, with the uncertainty that we have on where it may end up, then I'm comfortable with keeping it. Are there any other thoughts?

Mr. Geiger: Mac, I understand what you're saying and I understand the NEPA requirements, but watching these things go through the community in scoping and early in the process, people look at the worst alternative and they pick it out and they say this is what the council is going to do automatically and everything else is lost.

All they do is focus on the worst thing and it just happened in the Gulf of Mexico on greater amberjack, when one of the potential rules was a one fish per boat. That's all people could focus on and that's going to happen here with an alternative that I certainly wouldn't vote for and don't think it's feasible and we'll hear all kinds of negative input from it. I just think it's a flashpoint that --

Mr. Currin: I guess another way to handle this is if the committee desires is to move it to the Considered but Rejected at this point and then after the analysis, if it becomes a little more palatable, it can be pulled back out, I presume, and considered. That's one way, I guess, we could go on this or we can eliminate it, if that's the committee's desire. What are your feelings?

Mr. Robson: My only argument for not eliminating it would be that if the assessments do improve, we don't want to lose that particular alternative in our thinking, the just dealing with a size and bag with a thirteen-inch level. I would somehow like to keep it so it's in front of us, if in fact we can go to more fish.

Mr. Currin: It's a good point, Mark, because we don't know where we're going to end up ultimately, based on the assessment and some of the other analysis. They may be a little more appealing sometime in the future.

Mr. Robson: I'm not arguing to keep it as a -- Your idea of maybe putting it back in the Considered but Rejected or something, at least so it's in the queue somewhere and we don't lose track of that particular alternative.

Mr. Currin: What's your desire on this? How do you want to approach it?

Mr. Cupka: I think my preference would be to leave it in for the time being, given some of the unknown about it. We've always got the choice -- In March, when we come back to look at it, we could move it at that point. This way, it's kind of a place holder and we'll get to see what the final analysis is.

Mr. Currin: That may be good, because the one question that the public may have, if we removed that or took it out of this list of alternatives, is what would happen if we went to thirteen instead of fourteen. It at least lets them know what happens if you start going above twelve and don't get quite

to fourteen.

Mr. Robson: I understand Roy's concerns, but another way of looking at that would be -- Seeing this particular alternative might be another way of the public understanding that there's a penalty for not considering some sort of closed season and this is the penalty, a one fish bag limit.

Mr. Currin: Is the general sense, at least for now, is let's leave it in there, leave it in the document, or do you want to move it to the appendix for now or what's your feeling on that? I'm not real sure I've got a clear sense from the committee.

Mr. Cupka: I would say we leave it in at this point.

Mr. Currin: Is everybody comfortable with that and okay with that? All right. I'm seeing nods of agreement.

Mr. Waugh: Then our other two alternatives -- 4C is to increase the recreational size limit to thirteen inches and reduce the bag limit to six and that gets you a 50 percent reduction and to close the months of September and October, for an additional 19 percent reduction. That gets you a total reduction of 69 percent.

4D is to reduce the bag limit from ten to four vermillion, which gets you a 40 percent reduction and a seasonal closure, no fishing for or possession, of October through April, a 35 percent reduction, for a total reduction of 75 percent.

Dr. McGovern: You wouldn't get that reduction from that combination, because they're not solely additive there. Instead, the reduction is going to be less than that.

Mr. Currin: 4C you're talking about or either one of them?

Dr. McGovern: 4C and 4D. It's going to be less than that.

Mr. Currin: The only one that would be of concerns is the one that, based on this guess, adds up to 69 percent, but we've got a little slop other places as well. I'm okay with that, knowing that it's not going to be exactly, perhaps, 69, but it should be reasonably close. Is everybody else okay with that? Okay.

Mr. Waugh: In terms of dealing with discard mortality, you wanted an alternative to reduce the recreational and commercial bycatch mortality by requiring the following: use of venting and dehooking tools and use of non-offset circle hooks. That would apply to both recreational and commercial.

Dr. Crabtree: Could we specify, Gregg, non-stainless steel?

Mr. Currin: I'm not sure there are any circle hooks made in stainless steel, but there may be. Are there?

Dr. Chevront: Didn't we intend this for commercial vessels and for-hire, but not for -- I think the way it's written now, it looks like it's required on all vessels participating in the fishery. Was that really our intention, for all vessels?

Mr. Currin: I think that's what we talked about, yes.

Mr. Woodward: The way this is written and the way it's included in this document, would this only apply to grouper, gag grouper, and vermilion? Does that language need to be changed to say that it applies to the entire snapper grouper management unit, if that's our intent, or are we going to push that forward to some later amendment?

Mr. Currin: We didn't really talk about that yesterday much. I think we were focusing on the groupers and the vermilions.

Dr. Crabtree: I guess we would do it either way, but my thought, when we were talking about it, was that it would apply to the snapper grouper fishery as a whole. I think the way we wrote the regulations with the Gulf is that if you have reef fish onboard, then you have to have the venting tools and dehookers and you have to have circle hooks onboard. That was the way we did it.

It's not really an onerous requirement for the average recreational guy. I think you can buy a venting tool for less than ten bucks and a dehooker for less than ten bucks and a box of circle hooks for less than ten bucks and now you're in compliance, pretty much.

My thought had been to apply it across the board and the reason for that is someone could go out fishing for red snapper, but he may catch a gag or a vermilion snapper and it's when you're discarding them that you want the circle hooks on. It's not just when you're targeting. For it to really have the benefits we're looking for for vermilion or for gag, you need to apply it across the fishery as a whole, I think, because all of these things tend to be caught, to some extent, together on these trips.

Mr. Currin: Tom, I knew I would see your hand. I was just thinking about the impact on the headboats.

Mr. Swatzel: The question I have is when you refer to venting tools and dehookers, how many? Is it one dehooker onboard each vessel or one venting tool? Is that sufficient?

Dr. Crabtree: That would be up to you, but I think the way we wrote the Gulf regulations, and I'll have to pull them out, and I can do that, I think that would have been sufficient. Obviously, on a headboat, we would like to see more of them. I suspect you already have more of them onboard.

The real intent with this wasn't so much headboats like yours, where we think people are already doing this, but it's the other folks out there who aren't. I think if you tried to get specific about how many more, that's just going beyond. As I said, the real intent of this is education and outreach and to try and get people to comply on their own, because we recognize that this is a regulation that many would say is not enforceable and that may be.

Look, we required that people buckle their seatbelts up twenty-five years ago and I think most people would say that really isn't an enforceable thing, but I bet you almost everybody who drives a car today wears their seatbelt and so over time, it had the desired effect and I think something like this, over time, will have a significant effect on things.

Mr. Currin: I agree totally with you, Roy.

Mr. Woodward: Just a question, just so I'll know when I go back and have to respond to questions about things like this, but if you were trolling lures that don't have circle hooks on them, which some people do to catch grouper, would it be illegal to possess grouper caught on those kind of lures? They use treble hooks on lures and not circle hooks on lures and I know this happens in the Gulf. They do a good bit of grouper trolling in the Gulf.

Mr. Currin: My interpretation, Spud, would be that if you had one circle hook onboard your boat, based on the way it's written in the Gulf, and a venting tool and a whatever that you would be okay, but maybe I'm wrong.

Dr. Crabtree: Again, let me check on it, but I think in the Gulf we may have applied that to just using natural baits and not applied it to artificial. I don't know if that's the case or not. I'm going to have to find the rule and look at how we wrote the regulation.

Mr. Woodward: That's why I suggested yesterday that we need to look carefully at the language in the Gulf plan and make sure we pick up every attribute of it that would apply. You don't have as much trolling for grouper on the east coast as you do in the Gulf, I think, but it still happens and I know fishermen are going to want to -- Upfront, we need to tell them, so they don't -- As George was saying, we don't need a flashpoint issue on this unnecessarily.

Mr. Currin: I suspect there's some that does occur in the Keys, but off of North Carolina, you don't get a whole lot of it.

Ms. Merritt: I think the intent yesterday was to put it in there as a conservation measure and not necessarily something -- Realistically, I don't think we can enforce it. It is something to encourage people and get them used to using more conservation-related gear and tackle. I don't know as we need to get into all the details of the metal used and the numbers and all of that. I just think that we're trying to over regulate on that, when we're really just trying to get out the -- As Spud said, it's more of an outreach, putting this in front of them and encouraging people to do it, do the right thing.

Mr. Currin: From the best I recall from our discussions yesterday, I think everyone was in general agreement that we would like to mirror the Gulf rules that have already been written, but in addition to that, we wanted to specify non-offset circle hooks. If the committee is in agreement, then we'll allow the staff some latitude to incorporate the language from the Gulf and make sure that we include the non-offset. That still leaves us with the issue of whether here we want to do this for the entire fishery or apply it to just gags and vermilion at this point.

Mr. Waugh: I thought Roy had made the argument that we would apply it to all the snapper grouper fishery as a whole and if we do that, I would suggest we break it out from under either gag or

snapper grouper and talk about what we're doing to reduce bycatch mortality. We could also talk about the measures that we used under gag to include those shallow-water groupers.

Dr. Crabtree: I think it should be a separate action to reduce bycatch. You can have require circle hooks, require venting tools, require this and those types of things, but I think it should be a -- I think that will help us in our bycatch practicability analysis and all that, because we'll show we're actually taking steps to reduce bycatch.

Mr. Currin: Is everybody comfortable with that, applying it to the whole snapper grouper fishery? We heard from Roy, but nobody else.

Mr. Woodward: I think that's a good idea and the one difference between us making, I guess, a policy level recommendation at this point on this matter, versus the captain and crew sales, is that we're not trying to quantify what the application of this is going to do to survival and changing quotas and things of that nature, which we are trying to do with the captain and crew possession limit. I think that makes a good justification for pushing the deliberations on the captain and crew possessions further down the line and going ahead and doing this now.

Mr. Currin: I hope at some point, as more scientific studies generate data on items like this, that we can incorporate it in our analysis and derive some sort of estimate of the savings associated with the use of these measures. Is everybody comfortable and in general agreement to pull it out as a separate item and apply it to the whole snapper grouper fishery? All right.

Mr. Waugh: The final action for vermilion that we sort of left a little bit up in the air is this issue of how we deal with potential future adjustments based on the new assessment. We had some discussion about the order in which we might want to change measures and there were a number of suggestions.

6A here shows that the first item that would be changed is to cut or eliminate the closed season, then reduce the size limit, and then increase the bag limit. 6B would leave the first priority as cutting or eliminating the closed season, but then increase the bag limit and then reduce the size limit. Then the third is to first reduce the size limit and then cut or eliminate closed season and increase the bag limit. This is still relatively incomplete as to what this would mean and how this would be specified in the amendment. We really need some more discussion and guidance on this.

Mr. Woodward: Just a wording suggestion. I would replace the word "cut" with "reduce". To me, cut and eliminate mean the same thing. I would put "reduce or eliminate" closed seasons.

Mr. Currin: I think you've done a great job of capturing different approaches that we can possibly take, but I'm still unclear myself as to how this actually gets incorporated into the document and how it's analyzed and how it gets implemented somewhere down the road. It's real unusual compared to any of the amendments that I've seen. I don't know whether Roy or Monica can offer us any guidance or suggestions on how to make this work.

Dr. Crabtree: We'll do a better job of that at the next meeting, but this is how I'm thinking. We'll come in at the next meeting and likely choose all of our preferreds and then the preferred for the

vermilion management measures will be what this focuses on and the analysis of it will likely be a qualitative type of analysis that will talk about how this will relax regulations and reduce the economic impacts of it.

It may be when we see what our preferred is that -- Let's say our preferred doesn't have a closed season. Then clearly that changes how this works. We ought to have some discussion of if the new assessment comes out and says -- We're trying to get, what, a 69 percent? If the new assessment comes out and says you only need a 60 percent reduction, I don't know that we ought to do anything with this. That's pretty close.

We ought to have some discussion probably next time about how much of a difference in the assessments does there need to be before we're going to worry about it and then, of course, if the new assessment comes out showing things are in fact worse than we thought, this isn't going to apply there, but we're going to be back at it.

That's kind of my vision on it. We would take our preferred alternative, finally, and put that -- List that this is the council's preferred and if the assessment shows a substantial change, which we would have to have some guidance as to what substantial means, then these are the things that would be relaxed and then my thought is, and, Monica, help me, but given the timing of this, we will not have published the proposed rule and so we could actually do the relaxation of the regulations, or take public comment on that, in the proposed rule, when we went out with it, because I think we would have the new assessment results by then.

Ms. Smit-Brunello: That would be my idea for it to be effective. Maybe at this point the best thing would be for the team to get together and develop this a little bit further for you all to see at the next meeting.

Dr. Crabtree: Then the other thing I would point out is if we stay on course and take final action in September that will be after the assessment workshop has occurred. We probably will have a fair notion of where this is going, but we won't be in a position to let that modify our decision, because that won't have been reviewed and we can't really make decisions based on that.

Given where we think things are going to go, that may give us some insights into whether we need this or not or it might help us in terms of how we treat it. I think it's something that we can work on it between now and the next meeting and then do the best we can with it, but we may have to really firm this up kind of when we take final action on it.

It's not clear -- I want to sit down with the economists and talk to them and Jack as well, but it's not clear to me how you would analyze the impacts of it, other than it will be a lessening of the economic impacts of whatever we do and biologically, it's fairly neutral, because whatever we're going to do is going to be because the other things aren't needed and so the impact on the stock is going to be essentially the same, in the end. We're just going to have to work through all of that.

Mr. Cupka: I guess this is a situation, Roy, I guess where we really would have to look at some of this data to see what significant really means. The example you used, 69 percent versus 60 percent, doesn't sound like a lot, but if you look in some of these tables, it could mean the difference between

one or even two fish, if everything else was held constant. We need to keep that in mind that it may not look significant, but when you start looking at these tables, indeed it may be significant in terms of the management changes.

Mr. Currin: David, depending on the months, you're exactly right. It could mean as much as a month of a season closure or a one or two fish bag limit or an inch in size limit for 10 percent. If I were forced into making a statement now about what's significant, 10 percent kind of pops into my mind. It could be fairly significant. Are there other comments?

Ms. Smit-Brunello: David, I think that's something that the council would need to specify as we get further along, so that if X happens, whatever significant is defined as, that you would all define it so that that would allow the Regional Administrator to take the action that you would want him to take.

Dr. Crabtree: One final thing is it should fall out so that you would be able to comment on the proposed rule and so you'll know where we are on it and then you can provide a comment on it and I don't know if that could play into this or not.

Mr. Currin: That's what I'm just confused about, Roy, is how procedurally and how the document itself is going to be structured. I just don't know.

Mr. DeVictor: Again, that's something that the team is going to have to work on, but I'm not sure if we need to have an action and alternatives to look at this or this could just be specified in the document, but I guess that's something that we could work out further.

Mr. Currin: Is the committee okay with letting the team and the region decide how best to approach this? I just have no basis for making any kind of suggestion that would be helpful at this point. Are you okay with no direction at all on this then, Gregg?

Mr. Waugh: That's plenty enough rope to hang ourselves, sure.

Mr. Currin: I just don't know what to say. I think you guys are just going to have to sort it out and some better minds than mine are going to have to think about how the document will be structured and put together.

Dr. Chevront: I'm just trying to think of this from a fisherman's perspective and what would make a change significant or not. In my mind, we would be something like a reduction by one month and a closed season, a reduction in the size limit by at least an inch, or an increase in the bag limit by at least one fish. If any of those three could happen as a change to the assessment, as a fisherman, that sounds significant to me and so do it by the actions that would be impacted, as opposed to choosing a number in terms of the change of the reduction and just to use that as an opening guideline.

Mr. Currin: We're going to leave it like that and let the team and the staff get together with the Region and General Counsel and see what they can come away with as far as a reasonable approach to structure of the document and incorporate these contingencies into the amendment, if that suits everybody. What else on 16, Gregg?

Mr. Waugh: That's it on 16. All the other alternatives that were in the document that are not in this list of actions that we just went through will be moved to the appendix and these are the alternatives that will be analyzed and brought back to you at the March meeting with all the detailed biological, economic, and social analyses, so that you have a complete document to approve for public hearing.

Mr. Currin: Any questions for Gregg, further questions, about 16? Thanks, Gregg, very much. We appreciate it and we appreciate you getting back into it last night and getting it all straight, at least in your mind, so that we can better understand it as well.

We will move into 15A and Rick will be up here shortly. There's some suggestion and a little bit of discussion we had yesterday with Roy about possibly changing a preferred rebuilding strategy, I think, in response to some comments that were received by some folks. I believe, and, Rick, correct me if I'm wrong, that we're talking about Alternative 3A that is located on page 47 in that document, in the 15A public hearing draft. Is that correct?

Mr. DeVactor: Yes, it's on page 47 of the PDF document and that's Attachment 5. The council's current preferred alternative is Alternative 3B, that the TAC for 2009 be 109,309 pounds whole weight.

The TAC would change every five years, according to the rebuilding plan. I think Gregg has some language too that we can show up there that Gregg put together, according to Roy's comments yesterday, that we can also look at. From what I heard, I think the intention was not to increase the TAC to this amount and so we just need clarification on that.

Mr. Waugh: Rick and Jack have taken a quick look at this and what I would suggest is you all look at it. We can email it to everybody today as well and that you give us editorial license to modify this. I'll run through it just quickly. Talking about Amendment A, containing a rebuilding strategy that takes into account post-quota bycatch mortality, that rebuilding strategy is based on FMSY and overfishing is expected to be eliminated at the end of 2008.

If you remember, in 13C we phased out the overfishing of snowy grouper and it was projected that we would eliminate the overfishing at the end of 2008. The TAC is projected to increase to 109,309 pounds whole weight in 2009.

During the public hearing process, the council received a number of letters and heard from a number of constituents. A letter from the Ocean Conservancy questioned the council's preferred alternatives for the rebuilding timeframe and setting TAC based on the maximum fishing mortality threshold rather than the FOY. In addition, the Reauthorized Magnuson Act makes a number of changes that affect how the council will set catch levels in the future.

In Amendment 13C, the council chose to phase out overfishing of snowy grouper based on concerns about uncertainty and to minimize the negative social and economic impacts to fishing communities. The council also set the TAC based on FMSY, which resulted in lower reductions. The Reauthorized Magnuson Act requires the councils to set annual catch limits for overfishing species by 2010.

Snowy grouper have been under a rebuilding program and the biomass has not increased, based on the SEDAR assessment. The council is working on Amendment 17 that will set ACLs and accountability measures to ensure the recreational and commercial sectors do not exceed their allocation. The TAC will be lower, because it must be set below the MFMT and it must end overfishing.

Then we get into what you all are proposing to change in Amendment 15A. Therefore, the council will not increase the snowy TAC now. The TAC will be specified at 102,960 pounds whole weight, until modified by Amendment 17.

Being more conservative now will increase the probability that the biomass will increase and minimize future reductions. In addition, based on the Reauthorized Magnuson-Stevens Act, it would be difficult to justify increasing the TAC before a stock assessment indicates that overfishing has ended. We can certainly modify this as the team works on finalizing this document before we submit it to the Secretary of Commerce.

Mr. Currin: Thank you, Gregg. Are there comments or questions?

Dr. Crabtree: I think that captures it pretty well. The only thing I might -- We can do some wordsmithing on it, but I would like this to make it clear that we recognize, because of the way we've laid out the TACs, that in the future we're going to need to make sure we set the management measures below those TACs sufficiently to make sure that we don't go over, because obviously if we have a lot of overages, we're not going to get where we need to be. I think this is pretty close and we can work on some wordsmithing of it and come back to it at full council.

Mr. Currin: Other comments? Just procedurally, Gregg, will that be now a new sub-alternative or how do we -- Does it match one of the ones that's currently there? I guess I'm asking whether the committee needs to change the preferred or --

Ms. Smit-Brunello: It seems to me that could just be put in the discussion of the preferred. It doesn't need to be a new alternative.

Mr. DeVictor: I kind of think it does, because right now, the council's current preferred alternative is to increase the TAC to 109,309. Just by putting that in the language, I don't know how that would work with the preferred alternative that would go to the Secretary of Commerce. You could change this current preferred alternative, I think, and put in the 102,960 or add another alternative with that 102,960. Again, this council's current preferred alternative puts in a preferred rebuilding strategy with a modified F rate and, again, it specifies the first year of the TAC.

Ms. Smit-Brunello: Sorry, Rick. You're right. I didn't have the document right in front of me. That is the language. Either you would change that language, based on your preferred alternative based on public comments -- Let me think about this or I guess, add a new sub-alternative.

Mr. DeVictor: I'm thinking the cleanest way of handling this, perhaps, is adding a new alternative to this that would have the same strategy, but would specify a different TAC for 2009. Again, since that TAC would be in the range that was taken out to public hearings, we wouldn't have to go out to

public hearing again.

Dr. Crabtree: Rick, would it work if -- Is that the preferred right there? Okay. The preferred alternative says that the TAC specified for 2009 would remain in effect beyond 2009, until modified, doesn't it? Couldn't we just change that to the TAC specified for 2008 would remain in effect beyond 2008, until modified? Then, I guess, we could put another sub-alternative in there if we needed to, but could we just not change those "2009" to the "2008" TAC in the two preferreds?

Mr. DeVictor: The question I had about that was did 13C specify TAC for snowy grouper? What it did, it put in quota, based upon 96 and 4 percent, but it never directly said the TAC will be X amount.

Dr. Crabtree: Wouldn't the TAC -- We were trying to get a percent reduction from a baseline catch level and so it seems that, by implication, the TAC would be the quota and the amount we planned on the -- I don't have 13C right in front of me and so I guess I would have to go back and look at what we worded, but I'm sure all that information is in there. Whether we explicitly called it a TAC or not, I don't know.

The only TAC we set in 13C was for black sea bass, because we set the TACs and the allocations. Rick has got the sub-alternatives here and it seems to me what we would want to do is just, given that these already went out to public hearing, just add a third sub-alternative, 3C, to specify the TAC at the level of 102,960 pounds whole weight until modified. That's certainly within the range of the two alternatives that were taken out to public hearing and so that wouldn't require any additional public input.

Mr. Cupka: I was just going to make the same comment Gregg did, that the new value is within that range that went out to public hearing and so it shouldn't be a problem to add it.

Mr. Currin: Other comments?

Dr. Crabtree: I guess, Rick, that might be the best way, put a 3C in there. I guess you would need to change that sentence, in the TAC specified in 2009. We would be specifying that though in the sub-alternatives and so that sounds like the cleanest way, to add another sub-alternative. I think David is right that it is between the range we went out with and we are responding to public comment. That seems reasonable.

Ms. Smit-Brunello: I agree.

Mr. Currin: I'm comfortable with doing that. Is everybody else okay? We will now have another Sub-Alternative 3C. Gregg has got that projected up there. Currently, our preferred alternative is 3B. I'll give everybody a chance to look at this and then I would entertain a motion to change the preferred alternative.

Mr. Cupka: **I would like to move that we recommend to the council that our preferred now be Alternative 3C.**

Mr. Geiger: Second.

Mr. Currin: Go ahead and read that motion if you don't mind, David, for the record.

Mr. Cupka: **The motion would be that the TAC for 2009 would be 102,960 pounds whole weight, until modified. That would now become our preferred sub-alternative.**

Mr. Currin: Thank you, David. Motion by David Cupka and second by George Geiger. Is there any further discussion of that motion? **Is there any objection to that motion? Seeing none, that motion is approved.** Rick, what else for 15A or for the committee as well that we need to respond to, based upon comments received within that document? We're scheduled to approve this and send it to the council for approval and forwarding it to the Secretary. Anything else you can think of that we need to deal with? Anything else that the committee has got?

Ms. Smit-Brunello: Rick, you sent out an email to council members just a little bit earlier this week and you summarized the comments received on 15A and 15B and in this email, you stated that the Environmental Protection Agency, Ocean Conservancy, and the State of North Carolina were the only ones to send in formal comments on the amendment.

Mr. DeVictor: Yes, that's correct.

Ms. Smit-Brunello: Then when this was taken out to public hearing, you stated in here that there was some questions from fishermen and other members of the general public, I guess, regarding rebuilding plans, but none of those rose to comments and they were just questions?

Mr. DeVictor: Yes, questions as to why do you need a rebuilding plan and what do the rebuilding strategies have to do with it and such like that, but really no formal comments specifying a new preferred alternative or a different alternative.

Ms. Smit-Brunello: Then you will work on addressing the EPA's comments upfront and all these comments that we received and so the council won't see -- I don't see a problem with this, but the council won't see the exact responses to those. I think we've discussed them on the record some and so you'll give staff editorial license to respond to those, as well as a few other minor just editorial changes, they're very minor, sticking in a "to" and an "and" and that sort of thing here and there. I'm sure you'll allow the staff the latitude to do those changes.

Mr. Currin: Yes, Monica, I'm certainly willing to and I presume the rest of the committee is willing to give the staff the latitude to address those comments and editorial changes. I've got a couple of well that I found in reading through it that I plan to leave with the staff. If anybody else has got any, please make sure that Rick gets those as well.

Ms. Merritt: I may be misunderstanding the question between Monica and Rick here, but we're talking about public comments that came up with new alternatives or different alternatives and is that what you're saying? I know people, in some of their comments, they alluded or they actually stated that they would like for the rebuilding schedules to be at the longest period in the alternatives. That was one that I remember seeing many, many, many times in a lot of the letters. Am I not

addressing what you're talking about there or what?

Mr. DeVactor: The public hearings that I did, there weren't any comments from the general public on that, but again, those are currently the preferred alternatives and so I guess that there could have been support for retaining that current longest rebuilding schedule and Gregg did the northern end of it and so if he has comments, that would help.

Mr. Waugh: What Monica was referring to is when you prepare the final EIS, you have to insert a section in the front that summarizes all the comments you received and then provide a response as to why the council either adjusted the management measures based on that comment or why they didn't.

The one significant comment that we discussed was the one from the Ocean Conservancy that resulted in the council changing its position and in Rick's review and I guess the team's review thus far of the public hearing comments, there are none that would require the council changing its position, but they will prepare those responses and insert them in the front of the document.

As Monica indicated, given that we're on a legal deadline from the judge to get this document submitted, that won't come back to the council for you all to see that, but they will go through and use the summary that Rick has put together and make sure we have listed all the comments that have been received and a proposed response to those comments.

Ms. Merritt: As I understand it, when we summarize to prepare the document to go to the Secretary, we're summarizing the public comments, but the only ones that we are highlighting, so to speak, are the ones that cause the council to change a preferred alternative and is that what I'm hearing?

Mr. Waugh: We will summarize all the comments in the front of the document, because that's one of the things you do, and, Rick, you can elaborate on this, when you finalize the environmental impact statement. You provide a summary of all the comments received and the council's response to all of those comments. I guess that here it's actually the agency's response to all of those comments, because the EIS is an agency responsibility.

Mr. DeVactor: This is actually required by the National Environmental Policy Act, where the law states that NMFS is required to respond to comments and you can respond to comment by putting it in the front of the document, as Gregg said, or you can change the document in some way. There's four different ways that you can actually respond to comments and so as Gregg said, we put that in the front of the document.

It's sort of tricky, because we have to go through all the -- We have long, long comments and we have to sort of pick out where they say hey, try Alternative 3 as your preferred or something like that. I guess staff has sort of done that, but certainly you have been provided with all the transcripts and the video and all of that of the comments. If you see something in there that I missed, please tell me and we'll include that.

Ms. Smit-Brunello: I think that captures where I was going with this, Rita. I didn't mean to confuse you. What I wanted to make clear for the record really was that the council has seen all the

comments.

There were only a few that were formal in the sense that they were written and submitted via letter and the rest Rick has discussed in the email and laid them out to the council members. I don't know that any new alternatives were suggested that haven't already been considered within the range. I think they're all within the range of alternatives that the council has considered in the document.

What won't happen though is that you see exactly the responses that were written to some of those comments, but I think that there's enough discussion on the record that it will just reflect what you've already talked about and so it should be fine.

Mr. Currin: I want to make sure the committee is comfortable with that and the council as well. We've had some history where we ended up uncomfortable as a result of something like this. In my mind, this is minor enough and I'm certainly comfortable with giving the staff and the team the latitude to address the comments and make the changes that we've suggested in the document so far. Is everybody else okay with that? Anybody not okay with that? All right.

I guess the only thing we've got left to do then, with that caveat that the staff will, with the latitude we've given them, prepare this document and finalize this document for submission, is to approve this to send to the full council for approval then to be sent to the Secretary.

Mr. Cupka: **I would move that we recommend that the council approve Amendment 15A for submission to the Secretary.**

Mr. Currin: There's a motion by David and a second by Mark. Is there any discussion, further discussion?

Ms. Merritt: I guess I'm going to go back to public comments. Many of the comments were from various sectors who really still do not feel comfortable with the science and the data, the schedules, the timing, and the constraints that the council has had put upon them by Magnuson-Stevens, as well as now this new twist with the timing by this judge and just this push to get it done I think is making a lot of people uncomfortable.

They have said in many, many, many of these comments from the various sectors that they would like to see some of the economic and social, as well as the schedules, redone. I just wanted to make sure that we all recognize that the public comments that are coming in are not necessarily supportive of sending this to the Secretary now. I think they recognize the problem, but they are not supportive of the draconian cuts, the scheduling, and I guess the timeline that we're on without doing more work dealing with data and controls of some of the different sectors.

Mr. Currin: Any other comments? Any further discussion? **Any objection to that motion? Seeing none, that motion is approved.** Thank you, Rick. Thank you, Gregg. Do you all want to take a ten-minute break and then we'll come back and get into 15B and 17 from here on out?

(Whereupon, a brief recess was taken.)

Mr. Currin: If you'll get back to the table, we'll move ahead with Amendment 15B. We're going to go ahead and start with 15B. Rick is going to just kind of summarize the public comments that were received on the document to date. I believe everybody has been emailed a copy of that. We had some public comment the other night and many of you have attended various public hearings on this as well.

Mr. DeVictor: The NOA for the draft environmental impact statement was published on November 9th and so there's a forty-five-day comment period, which extends to January 11th. Whereas the comment period for 15A ended on Monday of this week, this one goes until January 11th and so you'll look at this document again when you all meet in March. This won't be the last time and you're not on the schedule to submit this to the Secretary of Commerce like you have with Amendment 15A.

What I want to do is just go through the comments that were received. Again, I did the same thing as I did with 15A to summarize those comments and again, that was sent around to the council I think on Monday, that summary document. There's a table in there where I went through -- I went through the minutes again, the transcripts, and I went through the comments that were sent to us that were faxed or mailed to us and tried to summarize those comments for you. Again, you all should have received all the comments, too.

This is on the screen up there too and I hope you can see it, but starting with the snowy grouper allocation alternative, the current preferred alternative that the council has is 95 percent commercial and 5 percent recreational.

In these two columns where I say "supports taking action" or "against taking action" again, that's not in relation to a specific alternative, but that's a comment to taking action or not taking action and so there was one recommendation, and this is shown in the fourth column, to choose for the preferred alternative Alternative 4, which is 88 percent commercial and 12 percent recreational.

There was also comment to choose either Alternative 3, which is 93 percent commercial and 7 percent recreational, or Alternative 4. Those were the two alternatives from the public that suggested changing the preferred alternative. Red porgy allocation, the council currently does not have a preferred alternative for that. Again, the council said that they would like to take this action out to public hearing and see what the public had to say before choosing a preferred.

Again, from the public, there was one recommendation for Alternative 3, which is 44 percent commercial and 56 percent recreational, two recommendations for Alternative 4, which set the 50/50, which basically the Snapper Grouper AP supported, and then there was also one recommendation from the public for either Alternative 3 or Alternative 4.

Moving down to golden tilefish MSST, there was one comment to retain the one minus M times BMSY and essentially, that's the no action alternative. As you can imagine, the majority of comments that we received were from eliminating the sale of recreationally-caught fish. There were fourteen comments supporting taking action, which essentially would prohibit the sale of recreationally-caught fish, and eleven comments to retain that on the books basically, that you would be allowed to sell your recreationally-caught fish.

Most of the comments for the council taking action were received from Florida, whereas those comments that were against taking action were received from North Carolina and South Carolina. A lot of those comments came from the Wrightsville public hearing, which Rita chaired, I believe, and so she can speak to that.

There was one comment to choose Alternative 3, which would require a charter/headboat permit or a commercial vessel permit to sell, and there was one comment that you should be able to sell if you have any federal permit, such as the king mackerel permit.

As far as the council's proposed action to put in a plan to monitor and assess bycatch in the snapper grouper fishery, there were four comments for the council taking action and none to not take action on that. Again, in general, the public supported the council putting in a plan. As far as requiring gear --

Mr. Currin: Hold on one second, Rick. Mark, do you have a question?

Mr. Robson: I just want to make sure I understood that. On the recreational sale, you said that the comments were kind of split, where most of the Florida comments supported eliminating recreational sale and is that correct? I just want to make sure I got it right.

Mr. DeVictor: Yes. I think it was at the sea turtle and smalltooth sawfish action that would require gear onboard commercial and for-hire boats. The gear would reduce the impacts to these threatened species if they were caught and so there was three comments that supported taking this action and again, that came from a Florida public hearing and there was four comments that were against taking action, essentially against requiring that gear onboard those boats.

As far as the two permit alternatives, there were two comments for extending the permit renewal period from sixty days to one year. There was one comment that came from a Georgia public hearing to extend it to two years and there was no comments, essentially, on the permit transfer requirements.

Then further on in the document, I have the specific quotes that came from that and so if you want more detail on what the public said upon that, again, it's further along in the document, but that's a quick summary of the for and against and also the recommendations for other preferred alternatives.

Mr. Currin: Any questions for Rick on these summarized comments? Just I guess to clarify something, although most of the comments in support of eliminating the sale of recreationally-caught fish were from Florida, there were additional comments in favor of that from North Carolina as well.

Not all of the comments in North Carolina were opposed to that and I just wanted to make sure that everybody understood that. Are there other questions for Rick on the comments? Again, we've received some since then, via email and the public comment period as well, but it's a good summary.

What's the best way to do this, Rick, to move through that document? There are a few places we

certainly need to select a preferred, for the red porgy allocation. Would the committee like to review the alternatives as we go through, to consider any changes that might want to be made? Does that seem like a reasonable way to proceed? All right. If you can, Rick, just cue us in on where we need to be and I guess the first one is snowy grouper allocation alternatives.

It's labeled public hearing draft, Snapper Grouper Amendment 15 Public Hearing Draft. I guess that's the first action, isn't it? The allocations are on page 48 of 282. We do have a preferred there, which is an allocation of 95 percent to the commercial industry and 5 percent to the recreational. Is everybody comfortable with that? Go ahead, Rick.

Mr. DeVictor: Staff and the team talked about this and what comes out of 15A is a TAC for snowies and red porgy and then what you get out of 15B is splitting that TAC up through these allocation alternatives. We don't specify in either document what the commercial quota would be or what the recreational allocation would be.

What we came up with for the council's consideration on this is perhaps putting in language in these allocation alternatives that would say beginning in 2009 that the commercial quota would be X and the recreational allocation would be Y and so clearly stating that and then that would go forward in the final rule. I have this on the board there and I'll enlarge that.

Mr. Currin: Keep in mind with the adjustments that we just made in 15A to the snowy grouper quota that that will affect this as well. Rick has got that language that they're suggesting that we include here to specify the actual quotas for the commercial industry and the recreational industry. Is there any discussion or comments about that?

Dr. Crabtree: Just a comment. I think that's fine and we can do that, but I think we ought to recognize and -- We did hear comment the other night about the recreational harvest and I'm not at all convinced that the one fish bag limit is going to be sufficient to keep the recreational harvest within this limit.

I think they will be over it probably this year, although I recognize that the coefficients of variation on the recreational catches are pretty large, but at some point -- The best I can come up with is probably Amendment 17, when we're putting in the accountability mechanisms and ACLs, I think we're going to be faced with looking at a one fish per vessel limit on snowies and some of these.

We already have it on speckled hind and warsaw grouper and so I think we just need to keep that in mind that we're going to have to come back in with that allocation we're establishing and probably make some adjustments to try to stay within it.

Mr. Currin: We've had some of that discussion earlier, Roy, in the past, about the -- I think everybody recognizes that at some point we're probably going to have to figure out some way to constrain that fishery.

Mr. Geiger: I would submit this is no surprise. When we talked about this allocation issue originally, when I proposed that 88/12, it was predicated upon the basis of translating the allocation into poundage and when you looked at the poundage, it was ridiculous to think it wasn't going to be

caught simply as bycatch.

We discussed, when we were in that process, of closing the fishery at that time, rather than going to a one fish bag limit. We received feedback from the Regional Office that that wasn't really a satisfactory solution, because of bycatch, which would probably still place us or keep us from staying on the rebuilding path.

When you put allocations in place, although they're policy decisions, I think they're also considerations as to whether or not you're going to be able to stay on a rebuilding path to begin with and now here we are, talking about the fact that the recreational sector is going over, which we knew was going to happen, or we should have known was going to happen, based on the amount of weight that was calculated based on the allocation.

You've got an increasing fishery and it's going to keep increasing. You've got bycatch issues associated. If you go to a one fish bag limit, a one fish per boat bag limit, I don't see how that satisfies the problem, because you're still going to have the very same bycatch issues associated with the fishery.

Mr. Currin: Other comments?

Dr. Crabtree: Just one. It at least appears, from some of the comment we heard the other night, that there are vessels that are still regularly targeting snowy grouper and they're continuing to do so even with the one fish bag limit. I suspect with a one per vessel limit that you won't have anybody targeting snowy at that point, but you're right that the bycatch issues are tough to get around.

I'm not sure what the answer is. You may be right with at some point closing the fishery, the recreational side of the fishery at least. That becomes a way and maybe that's where we go on the whole thing, but I hope not. At any rate, it seems to me we're going to have to come back in Amendment 17 and take a look at those things. I don't know what the solution is right now.

Mr. Geiger: Please don't interpret my comments as standing up and waving the flag for closing the fishery. That's not what I said. I'm speaking to a realistic allocation, when that allocation is transcribed or translated into weight. If it's an unrealistic allocation, I don't believe you're going to discourage people from going and fishing for snowy grouper. That was the intention of putting a one fish bag limit in place, was to discourage people from going.

Obviously that hasn't happened and I don't know that you're ever going to discourage people from going. If there's a potential for catching a fish, they're going to continue to go and if it's an unrealistic allocation in terms of poundage, we're not going to stay on our rebuilding schedule.

Dr. Chevront: I have a question about this. Are younger and smaller snowy found at shallower depths and therefore are mixed in with other species, so that even with -- Even if there was a closed recreational -- The fishery is closed to the recreational sector, there's still going to be significant encounters. Even if somebody is not targeting or specifically fishing in the area where the big fish are, they're still going to encounter them smaller, but in shallower waters? Is that the case?

Mr. Currin: I saw Jack nodding his head and Alex to the affirmative. That was my impression as well and so yes.

Ms. Merritt: One of the things I picked up in the public comments that struck me as being perhaps of some help would be the recreational targeting of the deepwater snowy with electric reels and requiring them to go to rod and reel. I don't know how realistic that is, but it was probably one of the most interesting comments made that at least offered something that might be worth looking at.

Mr. Geiger: I speak in support of that. That's a discussion we've had at the table here in the past that didn't go very far, but part of the burgeoning nature of this fishery is predicated upon the improvement in technologies associated with being able to prosecute it. That's in terms of electronics, boat reliability, gear improvements. People who started out hook and line, plain rod and reel, went to the Electromate.

The Electromate proved to have all kinds of problems and weren't sturdy enough, but now we've got a builder here in North Carolina that's building very, very high tech and reliable electric reels, which are causing people to target those fisheries and improvements in rod technology -- Technology is just driving and enabling people to do things that they've never been able to be successful at before, which is increasing the number of people who are prosecuting the fishery, and that's going to continue to happen.

Every month, you pick up all these fishing publications and there's a new one every month and it's all about selling new and improved technological products to the fishing public to make them more successful in their endeavor and telling them how to do it. It's alarming.

Mr. Currin: The other suggestion that we heard as well was perhaps looking at limits to numbers of hooks that might be used. We've already previously addressed use of circle hooks in the fishery and tools that will help discard mortality, hopefully, but that's another option that's been discussed.

Dr. Crabtree: Just a couple of points. We have had, I think in the Gulf it was, we did look at the electric reels issue once and gave some consideration to prohibiting them. The issue that came up had to do with handicapped folks and it became sort of a big issue. That's not to say it's not something you want to look at, but that's there.

The other thing is I pulled up -- We are, it looks like, going to go over that recreational allocation a little bit, but if you look at the numbers of fish and the total catch at least, there is some evidence that it has fallen off from where it was the last five or six years. I think the regulation of going to one fish did probably have some impact.

I'm not convinced yet at this point that going to a vessel limit wouldn't have a significant effect on them. You might be right, George, that people are going to target them anyway, particularly if the fishing gets really good. I just think it's something we'll have to come back in, but it seems like the first chance we're going to have to readdress this would be in Amendment 17, when we have to set up the catch limits and all.

Mr. Currin: It's encouraging to hear you say that you think -- It doesn't surprise me that we might

go over on the recreational sector, but it's encouraging to hear that it might just be a little bit and associated with the usually very large error around those estimates, that's not quite as terrible as it might be.

Mr. Geiger: Again, the argument wasn't prosecuted back when we chose these preferred alternatives and set up the decision matrix in this document, but the fair and equitable question now comes into play as well and comes into practice. I just think it's -- When you look at the reductions that were taken by the recreational industry, we went -- At that time, we considered we went as far as we practically could, going from what was at that time a five fish bag limit to a one fish bag limit. Correct me if I'm wrong, Jack. Is that correct? I believe it was at that time five. You could keep five snowies and we went from five to one.

Again, that was all predicated upon catch history and what the allocation was, based on catch history, without any consideration as to what is actually happening within the recreational sector to an open access fishery or a public resource.

Mr. Swatzel: On the issue of allocation, I'm wondering why the committee doesn't go with at least Alternative Number 3. If you look at what we've just done on vermilion snapper and gag grouper, we've gone with a shorter history range in consideration, if I remember correctly, in consideration of how it was allocated between commercial and recreational.

I know there's not a whole lot of difference between Alternative 2 and 3, but 3 seems to be more consistent with the decisions that we've just made over the last day or so. I would just ask you to please consider that.

Mr. Currin: That's certainly an option of the committee, to consider changing the preferred alternative at this point. That's what we're trying to do, is go back through this document and look at where we are now and see what sort of changes the committee might want to make or suggest.

As it stands now, our preferred for snowy grouper allocations is Alternative 2, which is the 95/5 split between the commercial and recreational. Is everybody comfortable with where that is? Tom spoke in favor of perhaps considering a change.

Mr. Robson: I'm just trying to recall -- In the document, there was some discussion about the fact that we've already set a TAC, essentially, and wasn't there some discussion that that's sort of based on -- The commercial quota that's been set is based on a 96 percent/4 percent split and that now going back in and setting the allocation has changed it to 95 percent/5 percent.

How does that -- I'm just trying to think through this, how that factors in, if it does at all. I'm just throwing that out there, because right now, the current allowable catches are based on actually a lesser recreational percentage than what this allocation would provide. I know it doesn't change the recreational regulations any.

Mr. DeVactor: Mark is right that in Amendment 13C that quota was set upon 96 percent and 4 percent and now this would change that to 95 percent commercial and 5 percent recreational. Also, what we just did with Amendment 15A was change the TAC, too. That could change the total quota

and recreational allocation also. No, I'm sorry. I mean it would keep the TAC from Amendment 13C actually and so that shouldn't have repercussions on it, but yes, you're right. By changing that 1 percent, it would end up changing the commercial quota and the recreational allocation.

Mr. Currin: By 1 percent, yes.

Mr. Robson: How does that affect anything in 15B as far as what we're -- We're not making any changes to the -- Never mind. This is all we're doing, is resetting an allocation? Okay.

Mr. Currin: Clarifying the allocations, which haven't been done to date.

Mr. Geiger: Again, my argument is predicated upon keeping the rebuilding schedule on track. If the object of a rebuilding plan is to recover from overfishing and overfished at some point and we don't have the methodologies in place, including an allocation to do that, then we should take all the measures now to keep the rebuilding plan on track, I believe.

If we're talking about the necessity or the need to go into a one fish bag limit and the council chooses to stay on with one of these two alternatives, two or three, and we know that the recreational sector is going to exceed its allocation on a continuing basis, then I believe we need to take action now to stop that as well, or put measures in place that keep the rebuilding plan on track, based on the allocation and the poundage's associated with those allocations. Bite it now, rather than go on more years -- We've already received a lot of criticism that we haven't done enough soon enough and I think that's valid criticism.

This has been going on since 1984 that we've been trying to catch up with snapper grouper and everything we put in place never seems to make the cut in the final tally, which requires us to go in and have another amendment.

We're always behind the power curve, which is why I maintain we need to stop looking to the past and we need to begin managing the resources to the future and determine what it is we really need to do to recover these stocks, or else we're going to continue to be the council that has the biggest share of the pie with the most overfished and overfishing species and the resources that are in the most trouble in this regard.

Dr. Chevront: I want to make sure we don't lose sight of the impact of discards in the recreational fishery that are going to occur even if we were to shut down the snowy grouper fishery to the recreational sector. That's got to be accounted for and I'm not even sure that if we were to say no recreational harvest of this fish that just the bycatch that would occur from participating in other fisheries might be 5 percent of the whole thing anyway.

That concerns me and I would like for us to -- I agree with George that we need to get a handle on this fishery and we need to make it work. We need to bring the stock back and it's already painful for everybody. We all know that.

It doesn't matter at what level you're at, this is a very painful thing that's got to be dealt with, but I have a hard time even talking about changing 95 percent to 93/7 percent when I don't know what the

impacts of discards are going to be at this point. I'm at a loss as to what to do, but I agree with George that the underlying principle of what we've got to do is recover this stock.

Mr. Robson: I heard the mention of continuing to catch smaller snowies in other fishing activity. Is the potential for closing the shallow-water grouper fishery for four months or five months going to have an effect on people shifting effort or -- Well, is shallow-water grouper fishing where some of the smaller snowies are being caught? If so, that could reduce some of the bycatch issues, but on the other hand, if they're not able to fish for shallow-water groupers, is there going to be even more pressure to effort shift out to these deeper water species?

Mr. Currin: I'm under the impression, Mark, that most of the occurrence of snowies is in the vermilion fishery. That's where they're encountered, these smaller fish, and out on the edge. Is that not correct, Jack, or I'm sure there's some crossover or overlap in the shallow-water grouper fishery, but I would suspect less.

Dr. McGovern: I think in the commercial side that a lot of guys will fish like at the shelf edge for vermilion and if they're not doing well, they might just drop down to fifty fathoms and get small snowies.

Mr. Currin: Roy, I had you next and then, George, have you got another comment? Then we need to move on and decide something about this allocation issue with snowy, if we want to change the preferred.

Dr. Crabtree: I think in reality there's very little difference between the three allocation alternatives. It probably wouldn't have any difference in terms of whether the recreational are going over or not. We're talking 4 or 5 percent here. We can't really measure the catch with that sort of accuracy and so it's not likely to change the outcomes.

Remember that choosing a different alternative here though does affect the commercial quota and so if you were to choose, for example, Alternative 4, that would be more of a reduction of the commercial quota and to George's point, the problem we have and the bind we have is if we wanted to go ahead and look at putting a one per vessel limit in place in this amendment, I think we would have to go back out with some sort of supplemental NEPA document, because we didn't look at it here.

I'm agreeable to looking at taking that sort of action. I think it seems like we're going to have to. It's more a question of how to do it and if we were to try to do it here, I suspect that would delay us until anyway the June meeting.

That's something that's up to you if you want to do it that way. Your other alternatives would be to do a framework action which would adjust the bag limit. That is within your framework or wait and look at it in Amendment 17, when you come back to these other things. That's just kind of where we're sitting now. It's up to you what you want to do, but I don't think the choice of any of these three -- The real impact is it would cause some small reductions in the commercial quota.

I don't know that they're going to catch the commercial quota with the trip limit we have anyway

and so it's not clear to me that would have much impact to begin with, but certainly on the recreational side if you go from a 4,000-pound allocation to an eight or nine or even 10,000 pound allocation, given the volatility of the catches and the uncertainties with them, it's not a major change in terms of where we are.

Mr. Currin: Very good point, Roy. Personally, I would rather us not consider additional measures that would cause delay in this document. I think there's some other measures within this document that are going to be quite beneficial to the commercial snapper grouper industry and I think that, in my opinion anyway, we should move as quickly as we can with this document and address other ways to constrain the recreational fishery in 17, but that would be my recommendation to the committee. Any other comments on this allocation issue? Is there any desire by the committee to change the preferred alternative? All right. Let's go ahead and move on then.

Red porgy allocations are on page 49. We have four alternatives there. We have not selected a preferred. We have received some public input and comment on these issues. Keep in mind two of them are -- We have a no action and two of them are landings based, through different periods, and then the third is the 50/50 recommendation which came from the advisory panel. As they best stated, it just seemed like the fairest way to go about it. It's kind of in between the other two. We did receive some public support for the 50/50 and some for each of the others as well.

Mr. Swatzel: Is it correct that the advisory panel supported Alternative 4?

Mr. Currin: That is correct. I would entertain a motion from the committee to select a preferred at this point or if you would like to discuss it some before we move down that road, we can have that discussion now.

Mr. Woodward: **I'll make the motion to choose Alternative 4 as the preferred.**

Mr. Currin: Motion by Mr. Woodward to select Alternative 4 as the council's preferred.

Mr. Cupka: Second.

Mr. Currin: Second by David Cupka. Any further discussion of that? That motion is to select Alternative 4, which is a 50/50 split between the commercial and recreational sectors for red porgy.

Dr. Chevront: Again, I want to bring up the point that I made yesterday that I feel more comfortable with this Alternative 4, because this is what the AP had chosen, b\given the fact that the management that had taken place in 1999 that basically shut the commercial fishery down for a while.

I'm sure that had to be part of their discussions and that was really my only concern, was making sure that the folks involved in determining this allocation, if they're basing it back on past landings history, that they had considered that. If that AP felt comfortable going with the 50/50 split as a way to remedy that, I feel more comfortable with it.

Mr. Currin: Any further discussion on the motion? **Any objection to that motion? Seeing none,**

that motion passes.

Dr. McGovern: Just for the record, we abstain.

Mr. Currin: For the record then, the NOAA representative -- Dr. Crabtree abstained. On to tilefish reference points.

Mr. Robson: For the record, I would abstain also, pending commission review of this allocation this week.

Mr. Currin: Let the record reflect that as well. Mark, I know that you've got to cut out at some point. Maybe before we get into golden tilefish, if there are any other comments that you would like to make for the consideration of the committee as we go through the rest of 15B, I would certainly allow you to do that or have you had the opportunity already?

Mr. Robson: I think I've covered it. We've got all the allocations covered and 15B doesn't have -- Are we dealing with management recommendations for -- No, we're not dealing with management actions, like for red porgy or snowy. We've already covered all that.

Mr. Currin: The recreational sale issue is coming up, if there's anything that you would like to relay to us on that point. Again, that may be something your commission hasn't discussed.

Mr. Robson: I'm not abstaining from that issue and as far as I'm concerned, we support the prohibition on recreational sale.

Mr. Currin: Thank you for your time here. Travel safely.

Mr. Robson: I apologize to the council members and the committee. I have to go to attend a commission meeting and I'll see you all soon.

Mr. Currin: I got out of my last one with a bad back. You could call them and tell them that. Travel safely. We'll move on to golden tilefish reference points. Rick, is there anything we need to be aware of here, changes that have occurred since the last time that we looked at these and selected preferreds? Are there any changes in value in the table or anything from previously?

Mr. DeVictor: No, nothing has changed. Again, there was one comment to retain the no action alternative, the one minus M times BMSY, but besides that, there's been no changes to the numbers.

Mr. Currin: Any desire on the committee to discuss changes to the preferreds on the management measures for golden tile? Seeing none, we will leave those in place. The next issue is the sale of recreationally-caught fish. I wish we could come up with a better term for that. It's not accurate in the way it's described. They're really bag limit-caught fish, at least in a number of the states where commercial fisheries are allowed for these.

Our regulations allow the commercial fishermen who are licensed to sell in those states to land those fish and to sell them. They just are not federally permitted and so I don't know how we could

change that and it may be too late, because that's what it's been called from the word go, but it's concerned me some.

Dr. Chevront: We've really struggled over this issue. This is something that at least in the past, when this issue has come up -- I've tried to make the point here in North Carolina that we do have commercial fishermen who participate as fulltime commercial fishermen who participate in the fisheries, but they only sell the recreational bag limit.

However, we also have in North Carolina, because of the nature of being able to obtain a commercial fishing license -- You can buy one on the open market and you could probably open most any coastal newspaper and see somebody is trying to sell their commercial fishing license and so if you happen to have enough interest as a recreational fisherman that you fish often enough and you would like to go out and fish and be able to occasionally sell what you catch to cover your costs of your fishing trip, that's a possibility, too.

I understand the desire to make the fisheries professional and I would consider that latter case that I just described to really be a recreational sale of fish and then among commercial fishermen here in North Carolina, we are very divided among those who say don't allow anybody to sell snapper grouper species if they don't have the 225 permit or the regular snapper grouper permit and we have those who do and we have infrastructure that counts on being able to have some of the sales of these fish that are caught by commercial fishermen who are not federally permitted.

It's a really tough place to be here, but my feeling right now, and I'll just lay my cards on the table, is that if we don't have a way that we can adequately describe and account for those fish that are being sold by recreational fishermen, whether it's to supplement the cost of their trip or whatever, then I can't help but think that we've got to prohibit the sale.

I just don't know how to get around that. There are ways that we could do it through our trip ticket program. We could come up with parameters that would help describe who is actually a commercial fisherman selling their recreational bag limit versus a recreational fisherman who is selling a bag limit because he can, because he has a state license. Does this council want to go there? I don't know and that's something I would like to have put on the table as part of this discussion.

Mr. Boyles: I'm not on your committee, but we've talked about this and struggled about this for a long time and I would also like to weigh in from our perspective and I certainly understand where Brian is coming from on this.

From my perspective, this looks to be the quintessential policy question. We sit around and we talk about ways to reduce effort and we've got a group working next door talking about ways to use market forces, for lack of a better phrase, to potentially apply in this fishery to provide some economic incentives for self-management and self-regulation.

I think where I come down on this one is that you've got -- I'll echo what Brian said as well, where we've got folks all over the board on this in South Carolina. At the end of the day, sale -- My feeling is sale of a recreationally-caught fish provides a greater economic incentive, perhaps, for folks to go out and specifically target these fish, whereas if we prohibited that, that incentive would

not be there. I think this is something that I believe that the council ought to move forward with, in prohibiting the recreational sale.

Dr. Crabtree: First of, and I think you touched on this, Mac, I'm not comfortable with calling this recreational sale. I would rather refer to it as sale of fish caught under the bag limit. This touches on some of the comment we heard the other night, because we did have some commercial folks make a comment that the real issue here is they don't want these fish counted against the commercial quota, but the Magnuson Act defines commercial fishing.

It says the term "commercial fishing" means fishing in which the fish harvested, either in whole or in part, are intended to enter commerce or enter commerce through sale, barter, or trade. We're talking about people who are selling their fish. They are commercial fishing. They have state commercial fishing licenses, in most case.

That is the Act's decision and we can't undo that. These are not recreational fishermen. They are commercial fishermen who are catching fish that they're allowed to catch under the commercial bag limit. Their catches must be counted against the commercial quota.

Now, you could create two commercial quotas if you wanted, I guess, one for the federally permitted guys and one for the non-federally permitted guys. The problem here is these fish should not be counted against the recreational allocation and that's the reality of it. Now, we have some pretty stringent federal limited entry programs in place and when those permits for the snapper grouper unlimited were issued to these guys, that's because they had catch histories and they were identified as the folks who had traditionally been dependent on this fishery.

By allowing these unlicensed commercial fishermen to sell their catch, we're undermining our limited entry program and as these TACs come down and become more restrictive, it's going to be -- We've heard this -- Lord knows it's getting more and more difficult for these guys to make a living and when we start getting into low trip limits, I mean a hundred pounds on snowy grouper, if I've got a state license and I get my kids in the boat with me and there are four of us and we go out fishing, we could probably bring in more than a hundred pounds of fish and we're not subject to the trip limit.

I have a lot of issues here and I think our best move here is to stand by the preferred alternative and let's put a stop to this. I wish we had done this years ago and I understand that it's going to have some economic impacts on some folks, but these aren't the folks who have been traditionally dependent on this fishery.

If we want to maintain full-time commercial fishermen, particularly in the snapper grouper fishery, I just don't think we have enough fish anymore to allow what's happening these days to go on. I support the preferred alternative and I encourage us to stay with it.

Mr. Geiger: I also support the preferred amendment as it's currently proposed and certainly Dr. Crabtree stole my thunder again in discussing the definition of commercial fishing in the Act and I was going to go back to Brian's comments when we were talking about recreational fishermen who sell their fish.

There are actually North Carolina licensed people who are allowed to sell their fish. I think it's a misnomer to classify them as recreational people who sell their fish, because under the definition of the Act, they really are not recreational people and so I speak strongly in support of doing this.

When we originally embarked on this path, it was with -- One of the intended purposes was to support the commercial industry and professionalizing that industry and protecting the resource and disallowing this encouragement for people who want to go out and supplement their recreational fishing trip by selling fish for gas money from prosecuting these resources that are extremely limited in nature. Again, I support the preferred alternative.

Ms. Merritt: Much of what I had to say has already been put on the floor and so I'll try to hit upon a couple of things, along with my struggle too, because North Carolina really is the one, I think, that's going to be hurt, for the most part, with this regulation. I've always been on the record as being against recreational sale of fish.

It is such an oxymoron, but with that in mind, and we heard this in the public hearings, there's always been this accountability issue with the sale going into commerce and then being put against the commercial quota. I think Roy is right about it should be under recreational, except for one group, and that would be the tournament group.

I don't know as North Carolina has as much of it as Florida does. I haven't really looked at those numbers, but that's another group that's going into commerce, but it's a total recreational kind of a situation. Another comment came up in public hearings of this professional terminology. I think there's a lot of misunderstanding as to what the council's intention and what NMFS's intention is of using that terminology to describe a user group.

I will use the analogy of so many professionals that are known, such as teachers and doctors and lawyers and Indian chiefs out there, who do the work part-time to supplement an income. It's very important to the economy of the nation and I don't think we should disregard that, but having said all of that, I do feel like I need to stick by the no recreational sale of fish and give the opportunity to this hybrid group of commercial/recreational fishermen and give them the opportunity to be able to get into it, albeit a very expensive and tough way to go about it, is to also require the federal permit.

Mr. Boyles: Again, I'm not on your committee, but to Roy's point, I just wanted to reiterate to the committee that the State of South Carolina also has a very similar definition for what constitutes commercial fishing.

One thing, in talking with our staff about this, in the last fiscal year, there were 583 individuals in South Carolina who held both a recreational fishing license as well as a twenty-five-dollar commercial fisherman's license. Based on staff's analysis however, we don't see a lot of evidence of double counting, quite frankly, and I think that's something that gets at the problem from the standpoint of these fish making it into commerce, but not reported. However, I still believe that this economic incentive to provide people to specifically target these fish is not the direction we need to be going and so thank you.

Dr. Chevront: The other issue where this is really going to come out to be a big player in North Carolina is when we get to king mackerel. The percentage of king mackerel sales that occur in North Carolina by commercial fishermen who do not have a federal king mackerel permit is even higher than it is in the snapper grouper complex, as well as tournaments.

There are an awful lot of tournament sales of king mackerel in North Carolina and so we can effectively deal with it here under snapper grouper, but it's going to rear its ugly head again when we get to the king mackerel.

Mr. Munden: Speaking as a Mid-Atlantic representative, unless my memory fails me, we don't allow the sale of any bag limit fish, except by individuals who have the limited access permits from the Northeast Region, with the exception of bluefish. When the Bluefish FMP was being developed, the New York party boat fleet and representatives from that industry had enough clout to allow the sale of bag limit caught fish, because their clients frequently give their bluefish to the mates and they sell them to help offset their expenses.

I would prefer -- I would support the preferred alternative as being Number 2, because my greatest concern is based on the comments that we heard at the public hearing, where the fishermen, commercial fishermen, said they didn't care what the recreational guys did with their bag limit caught fish as long as it did not count against the commercial quota. As Dr. Crabtree has pointed out, we can't change Magnuson-Stevens if the fish is sold as commercial, but I think Alternative 2 is the way to go.

Mr. Currin: Thank you, Red, and it's a very good analogy. I'm glad you brought up the issue of bluefish in the Mid-Atlantic and if we were in the same situation with snapper grouper that the Mid-Atlantic Council is in with bluefish, I don't think we would be having this discussion, or it certainly wouldn't be quite as likely, but we're in some dire straits right here with regard to these fisheries.

Mr. Cupka: I also would speak in favor of Alternative 2 as being the preferred alternative and just from a little historical perspective, I can tell you this is certainly not the first time this issue has come before this council. We've been talking about it for a number of years and the votes in the past have been always kind of close.

We've always been split on it, but I've never believed that we should allow the sale of fish caught under a bag limit or caught by recreational fishermen and I think that's created a lot of problems in the past and has resulted in some of the problems that we have today, but to get back to the point that Roy was making, I guess in the past it wasn't quite as critical, because the stocks were in a lot better shape, but we don't have that luxury now and we really need to try and do away with this particular aspect of it and preserve those stocks for the true commercial fisherman, I believe, and that's why I would speak in favor of Alternative 2 also.

Mr. Currin: George, last word on this and then we'll see if there's any desire by the committee to change the preferred.

Mr. Geiger: Thank you and, Brian, you're very perceptive in talking about the king mackerel issue and understand that this whole issue of sale of recreationally-caught fish was brought up originally

in king mackerel back in 2003 or 2004 and it was decided then that it was kind of a policy that we wanted to take through to each -- During that discussion, we wanted to carry it forth to each fishery. Of course, as mackerel got derailed, here we are considering it for the first time under snapper grouper, but you're right that it's going to be another issue that comes up in every fishery.

Mr. Currin: Any desire by the committee to consider changing the preferred on this issue? I think we've had some good discussion and most of it very much in favor of this. There's certainly going to be some challenges to the individual states in implementing this in some effective way. I hope that everybody has success doing that. I think it's certainly in the best interest of the permitted fishermen in the South Atlantic that are facing drastic cuts in the quotas in snapper groupers.

Very quickly, we've got a preferred selected for the sea turtles and sawfish. I think there's probably a little bit of confusion among the public in some reaction to the cost associated with having all the equipment necessary, but I think most of those comments are made with the lack of understanding of the fact that most of those items are probably on their boats now and that if they threw a tire on or pulled a cushion out of the bow somewhere that they would have everything that they needed to deal with minimizing the impacts on these species. Any comments on this issue?

Mr. Woodward: The only thing I heard from some folks is they were kind of perplexed about this whole dip net business, because in most people's minds, the thought of trying to dip net a full grown turtle and get it over the gunnel into the boat seems to be a daunting task. I didn't have a good answer to them about that.

Mr. Currin: I'm not sure maybe that we need some clarification from NMFS, but I believe in our discussions of that that the requirement for a dip net was to facilitate smaller turtles and getting those aboard to make it easier to release them. I don't think there's any intent that somebody try to dip net a leatherback and wrestle it up over the gunnel in some way, but I don't know. Any other discussion on this issue of sea turtles and saw tooth?

Dr. Crabtree: One thing that came up with respect to the sea turtle and sawfish came to me from Don DeMaria and he really questioned why people who are exclusively spear fishermen need to have all this stuff and for the life of me, I have to agree with him on that. They're not going to -- I don't think they're going to catch a turtle and have to dehook it or any of those kinds of things.

I wonder if we could put an exception in for vessels that have only spear fishing gear onboard and no hook and line gear or something like that. I offer this up for some discussion. I believe, Jack, you at one time took a look at the headboat data and there was a small number of vessels who -- The logbook data and there was some small number of vessels whose landings were exclusively with spear fishing gear. This is clearly designed for hook and line fishing and not for spearing. I just thought we would have some discussion on that, but Don did raise that to me.

Mr. Currin: It certainly makes sense, Roy. The interaction should be zero, unless they're a terribly bad shot.

Dr. Chevront: I would like to even simply even a little more what Roy just said and instead of not just having the spear fishing gear onboard, but if there's any hook and line fishing gear onboard,

they should be required to have this, regardless of -- This is what this is aimed at, is hook and line interactions with these species. It doesn't really have anything to do with whether or not they have spears onboard.

Mr. Currin: I see your point. I'm just wondering whether there might be some loopholes there for other gears that maybe not classified or considered as hook and line. Would longline gear and all the bandit gear be considered hook and line?

Dr. Crabtree: I would certainly think so. I don't know if hook and line gear is specifically defined under the regulations, but we could certainly -- If we put an exception in there that says these requirements apply to any vessel with hook and line gear onboard, we could certainly say bandit gear or longline gear or that kind of thing. Those are defined in our regulations.

Mr. Currin: I just want to make sure if we go that route, and I'm not opposed to it, that we're all inclusive with that and we don't have something fall through the cracks, a kind of loophole for somebody. Is there a general sense of the committee that this is a good move? It makes a lot of sense to provide some sort of language. We can give the staff some latitude to develop the best language and place to put this to effect the exclusion for spear fishermen.

Ms. Smit-Brunello: I'll make sure that we talk with both enforcement and the enforcement attorneys to make sure that there's no loopholes, just as you suggested.

Mr. Currin: That would be great.

Dr. Crabtree: Mac, I did bring this up with our Protected Resources staff at one point and it is something that -- For whatever reason, when we did this over on the Gulf side, this just didn't come up. It kind of came up post that, but they were in agreement that these things are not needed on a vessel that's solely out spear fishing.

Mr. Currin: Do we need a motion, Rick, on that or are we okay just with the direction at this point? Okay. Permit transferability, one action there, or permit renewal first. That's on page 55 of 282. We have a preferred, Alternative 3, to extend the renewal period to one year.

Dr. Chevront: Just to make sure that I'm thinking about this correctly, all the other permits go out for a year for renewal, right? This would just simply put this permit in line with all the others?

Mr. Currin: I think that's correct.

Dr. Crabtree: With the exception of golden crab, which has a six-month renewal period. I would suggest the next time we amend the golden crab plan that we probably ought to address that.

Mr. Currin: I hope we'll make a note of that and retain it in somebody's mind, but yes. No desire to do anything here or change the preferred? The next issue is permit transferability. If everybody recalls, this is the issue where we're allowing currently non-incorporated permits to be incorporated within a family corporation, which can be passed down to the immediate family. That's defined in the alternative, which is Number 2.

There are a number of sub-alternatives there and so Sub-Alternative 2E is the current preferred. This has been floated around for a long time and worked on extensively by Monica and NOAA General Counsel to try to eliminate as many potential loopholes as possible and I think they've done a good job, or at least it seems like to me, but we'll have to leave it to somebody else to find those loopholes, if they're there.

Dr. Chevront: Having sat on the North Carolina Rules Review Committee and having to define a lot of really terms that you would think would make a lot of sense, do we have a legally defensible definition of immediate family member?

Ms. Smit-Brunello: It's defined in the regulations. I believe husband, wife, son, daughter, father, mother, just like that.

Dr. Chevront: Does that like include step-child and all this other sort of thing as well? You have to be really, really, really specific as to who is covered and who isn't and can we think of some other relationship that we think would like to be covered under this that perhaps wouldn't be? It really boils down to being that specific.

Ms. Smit-Brunello: I agree.

Mr. Currin: It's on the board here, Brian.

Ms. Smit-Brunello: Brian, I can provide you the, I guess, wheelbarrow loads of minutes where we discussed the permutations that could happen and Rick worked out even scenarios with individual family members as names and then went all through it. It's in the record.

Mr. Currin: Trust me, Brian that you don't want to see those minutes.

Dr. Chevront: Look, I've argued the definition of a sunrise and sunset in North Carolina and I know how painful these things can be.

Mr. Currin: That's almost a tough one, because it varies depending on where you are. I take it no desire to change that. What else have we got, Rick, that the committee needs to consider on 15B and direction from us to help you guys out?

Mr. DeVictor: That's all the actions. Again, the comment period is open until January 11th and so we'll come back to you in March with the rest of the public comments that are received and the schedule is to submit this to the Secretary of Commerce in March. I think we're in pretty good shape with this document and we'll make the changes, minor changes, as you guys specified.

Mr. Currin: Thank you very much. Anything else the committee has got on 15B? We'll move right into 17, 15C to 17. The team may need some guidance from the committee and then we will hopefully approve this document for scoping.

Mr. DeVictor: This is under Attachment 10 and it's the Amendment 17 options paper. Again,

Gregg has been through these actions a few times, I think, with you, but what this would do, again, is set the ACLs for a handful of species that are undergoing overfishing in the snapper grouper fishery. We'll also add vermilion snapper and gag to this.

It would also respond to recent stock assessments that are currently in the process for red snapper, greater amberjack, and mutton snapper and put in a rebuilding program, if it is deemed appropriate for those species, according to the results of the stock assessment. Again, this gets to the point of accountability and that's required by the Act, to put in not just the ACLs, but how do you intend to hold the fishery to those ACLs.

We have a list of actions there, starting on page 3 that go into page 4, and certainly we would like your comment on those. Again, where we are at with Amendment 17 is this is actually pre-scoping. We intend to take this document out to scoping, again, and so I don't know if we need specific alternatives at this point, but we do need direction from the committee and council on what sort of actions should be included in this to take it out to scoping. Again, that's on page -- That list of actions is on page 3 and 4.

Mr. Currin: Keep in mind the lottery permit system for snowy grouper is in here as a potential item for consideration. The one snowy per vessel idea is in here for the recreational fishery, as a means of constraining that.

There are two items, and I'm not sure whether they have made it into this options paper at all that we've kind of recommended moving in there, and that's the formation of a shallow-water grouper complex and the deepwater grouper complex to address some aggregate quotas that will hopefully reduce bycatch on those groups. I think those are the only two things that we've so far recommended that we move in there. If anything else comes up, let us know.

Mr. Geiger: May I suggest that we include the prohibition on sale of recreationally-caught species for all the species that are in 17 as well?

Mr. DeVictor: For all snapper grouper species, that would be done through Amendment 15B.

Mr. Woodward: How about this issue of possession by captain and crew? We dealt with that specifically for vermilion and gag, but we need to deal with it for the rest of the unit.

Mr. Currin: This would be a good place to do that, I think, Spud. Is everybody okay with that, the prohibition of bag limit retention for captain and crew of for-hire vessels for the remaining snapper grouper species?

Dr. Chevront: I don't have any problem with these things that are being added. My concern is it sounds like this is getting really big. This is going to be a big amendment, because there's so many diverse issues. It's sort of the catch-all and are we going to have trouble keeping this one on track? Do you foresee problems with that? When I saw that whole list, I kind of got scared. It was like are we going to now take years to get this one done, to finish this up, or are we going to end up with 17A, B, and C?

Mr. DeVictor: You bring up a great point. You look at what happened with Amendment 13 and that ended up being A, B, and C and then Amendment 15 ended up being A and B and now 17. I don't know how to deal with that. There could be a good chance that this ends up being broken up. The main thing is to deal with the ACLs, I think, because you do have a deadline with that and so that needs to be done.

Dr. Chevront: This is like if Amendment 15 is the son of 13, this is the grandson of 13. The stuff that we could have dealt with just keeps right on coming.

Mr. Currin: That seems to be where we find ourselves, Brian, and certainly the ACLs and accountability measures are going to be top priority within this large group of things to consider that we have before us. I would hope that if and when we start trying to pare this down that we will do everything that we can to try to define those shallow-water and deepwater complexes, so that we can start making some headway towards reducing bycatch of those species.

Mr. Woodward: I'm not very familiar with what we intend to do with this comprehensive allocation amendment, but would it be possible to maybe pull this possession of fish by captain and crew issue and maybe even sales issues out and fold them into that? That has something to do with how we allocate finite resources amongst sectors.

Mr. Currin: That's a good suggestion to bring forward and I hope we keep that in mind as we go. The council hasn't even determined yet which committee or group is going to take the lead in this comprehensive allocation amendment yet, since it's going to apply to all species, but that's certainly a good suggestion.

Dr. Crabtree: Could we ask that Rick go through and kind of identify the things that are directly related to establishing ACLs and accountability mechanisms and then things that are other things that we want to do, like adjust the requirements related to black sea bass pots and change the golden tile fishing year and --

It looks to me like there's a number of things -- Now, I guess it may be that red snapper rebuilding is tied into ACLs and all, but I wonder if Rick could do that and then we could look at that would give us a way to divide this into two amendments rather than one big one, because we do have statutory requirements and timelines on the ACLs and AMs and assuming -- My understanding is that the preliminary look is red snapper is overfished and we will need a rebuilding plan.

Greater amberjack is okay and mutton snapper, I'm hearing good things about that and so they may fall out anyway, but maybe we could do that and that would give us some guidance on how we could potentially split this, because I agree it is turning into a monster.

Mr. Currin: I think that's a good suggestion, Roy, and probably the sooner we do that, the better. As soon as we get some reasonable handle on the complexity and time involved in dealing with the ACLs and the AMs, then I would suggest if it looks like that's going to be extremely time consuming that we very quickly just concentrate on those and not carry all this other stuff forward and have staff working on it. Go ahead, Rick.

Mr. DeVictor: My thought too is that if indeed it comes out red snapper as you say, I agree that that probably could be handled in a separate amendment, a smaller amendment, that just deals with red snapper, because we'll be on a timeline with that too, just like we are with gag, and folding that into it with ACLs, it would probably slow down somewhat, I would think. I guess we would have to wait and see what the results of the stock assessment are.

Mr. Geiger: I think that's right and what Amendment 17 basically is, in this outline, is a catch-all to capture all the issues that are out there that need to be dealt with and I don't think it was ever intended -- In my discussions with Gregg, this was all going to be inclusive in one amendment and it was just kind of a catch-all for everything that needs to be done, so that we don't have things drop through the crack.

Mr. Currin: It's a place keeper and an identifier as much as everything else. Is there anything else you need from us on 17? Is there any other comments from the committee on 17? Are you okay?

Mr. DeVictor: Did you want to go through this action by action as Roy suggested or --

Mr. Currin: Do you want to do that now, Roy, if we can or --

Dr. Crabtree: I was kind of suggesting maybe staff and the team could go through and kind of look at some natural ways that it might fall out and then we could come back to it. I don't know that going through it now that we ought to take the time to do that.

Mr. Currin: That's kind of what I thought you meant, but I wasn't positive and so thanks for clarifying that.

Dr. Chevront: That's what I thought too and so then does this mean that we're ready to approve this thing to send it out for public scoping and if that's the case, are you looking for a motion?

Mr. Currin: Yes, unless there's further discussion or comments on this, I'm looking for a motion.

Dr. Chevront: **So moved.**

Mr. Currin: Motion by Brian to approve Amendment 17 for public scoping. Is there a second? Rita has seconded it. Any further discussion? **Seeing none, any objection to the motion? The motion is approved.** Is there any other business to come before the Snapper Grouper Committee? Rick, anything that you've got for us or are aware of?

Mr. DeVictor: No.

Mr. Currin: Seeing none, then the Snapper Grouper Committee will adjourn.

(Whereupon, the meeting recessed at 11:00 o'clock a.m., December 5, 2007.)

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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPEr COMMITTEE

**Sheraton Atlantic Beach Oceanfront
Atlantic Beach, NC**

December 4-5, 2007

TABLE OF MOTIONS

PAGE 96: Motion that Alternative 2 be our preferred alternative for the allocation of gag grouper. The motion carried on page 96.

PAGE 127: Motion that the preferred sub-alternative now be Alternative 3C, that the TAC for 2009 would be 102,960 pounds whole weight, until modified. The motion carried on page 127.

PAGE 129: Motion to recommend that the council approve Amendment 15A for submission to the Secretary. The motion carried on page 129.

PAGE 138: Motion to choose Alternative 4 as the preferred. The motion carried on page 139.

PAGE 149: Motion to approve Amendment 17 for public scoping. The motion carried on page 149.

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MIKE RAY GUFMC

RED MUNDEN SG AP MAFMC

TOM JAMIR

MONICA-SMIT BRUNSWIC

TRACY DUNN

JACK MCGOVAN

ALEX CHESTER

JIM WATERS

CAROLYN BELCHER

SCI. & STAT. SELECTION

Mark Robson, Chair
Robert Boyles
Roy Crabtree
Brian Chevront
George Geiger
Duane Harris
Susan Shipman
Staff contact: John Carmichael

SEDAR Committee

George Geiger, Chair
Brian Chevront
Roy Crabtree
Duane Harris
Vince O'Shea
Mark Robson
Staff contact: John Carmichael

SHRIMP

David Cupka, Chair
George Geiger
Rita Merritt
Mark Robson
Susan Shipman
John Wallace
Staff contact: Gregg Waugh

SNAPPER GROUPE

Mac Currin, Chairman
Roy Crabtree
David Cupka
Brian Chevront
George Geiger
Rita Merritt
Mark Robson
~~Susan Shipman~~ *SPHO WDDOWARD ✓*
Tom Swatzel
Staff contact: Rick DeVictor

SOPPs

George Geiger, Chair
David Cupka
Duane Harris
Susan Shipman
Staff contact: Bob Mahood

SPINY LOBSTER

Tony Iarocci, Chair
Mark Robson, Vice Chair
George Geiger
John Wallace
Staff contact: Gregg Waugh

** Members will be appointed to the Bluefish, Calico Scallop, and Dolphin/Wahoo Committees, if these committees need to meet during the year.

Staff Attendee List

Bob Mahood

Gregg Waugh

Mike Collins

John Carmichael _____

Rick DeVictor

Dale Theiling _____

Julie Neer _____

Andi Stephens _____

Roger Pugliese _____

Kate Quigley _____

Myra Brouwer _____

Kim Iverson _____

Julie O'Dell _____

Rachael Lindsay _____

Cindy Chaya _____

Deb Buscher _____

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

**Snapper Grouper Committee
Atlantic Beach, NC
Tuesday, December 4, 2007**

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Libby Fisher-Jon

TDC - FL

Margot Stiles Oceana

202 833 3900

Sarah Ferguson NMSP

912 591 2428

Pam Morris / Fishermen's Assoc
Carteret County

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Andy Shook - self
State of Florida

910 326 1293

276 Goose Creek Rd. Stuber NC 28539

252-393-7244

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

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NAME &
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AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

email: edougherty@ed.org

Eileen Dougherty

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PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

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Michelle Duval - NCDMF

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Sarah Fangman

912 590 2428

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