

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

**Town & Country Inn
Charleston, South Carolina**

September 17-18, 2019

Summary Minutes

Snapper Grouper Committee Members

Jessica McCawley, Chair
Anna Beckwith
Dr. Kyle Christiansen
Dr. Roy Crabtree
Dr. Carolyn Belcher
Steve Poland
David Whitaker
Tony DiLernia

Mel Bell, Vice Chair
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Dr. Mike Errigo
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Other Observers and Participants

Dr. George Sedberry
Rick DeVactor
Monica Smit-Brunello
Dr. Jack McGovern
Erika Burgess
Pat O'Shaughnessy
Duane Smith
Richard Cody

Shep Grimes
Dr. Erik Williams
CLT James Bruce
Susan Boggs
Frank Helies
Dr. Wilson Laney
Dr. Marcel Reichert
Jocef Santiago

Other observers and participants attached.

The Snapper Grouper Committee of the South Atlantic Fishery Management Council convened at the Town & Country Inn, Charleston, South Carolina, on Tuesday, September 17, 2019, and was called to order by Chairman Jessica McCawley.

MS. MCCAWLEY: We have a couple of announcements from yesterday, and I just want to let everybody know that we swore in the new council members, sort of the retread council members, some of the same folks that were re-upped, and there was a swearing-in yesterday. Also, we have an additional Coast Guard person with us today. We have Lieutenant James Bruce, and he is the Commander for the Coast Guard's Regional Training Center, and is that right?

LT. BRUCE: Regional Fisheries Training Center.

MS. MCCAWLEY: Regional Fisheries Training Center, to be more specific. Thank you so much for joining us at the table today. All right. We are jumping right into Snapper Grouper. The first order of business is Approval of the Agenda. Are there any changes or modifications or additions to the agenda? Any objection to approval of the agenda? Seeing none, the agenda stands approved.

The next order of business is Approval of the June 2019 Committee Minutes. Any changes or modifications to those minutes? Any objection to approval of the minutes? Seeing none, the minutes are approved. Now we're going to do the Status of Commercial Catches Versus ACLs, and I think Frank is going to do that for us.

MR. HELIES: Thank you. Good morning. A quick update on the commercial landings for snapper grouper, for black sea bass, we're about halfway there, 55 percent, and we closed blueline tilefish on July 30. We went over a little bit on that. Golden tilefish hook-and-line, we closed on July 23. The gray triggerfish second season, we're halfway through. Jacks, we closed on July 16. Red snapper, we closed on August 30, and we just got another update yesterday, and it looks like we're under. We're at 118,504, and so we're 94.9 percent, and we can talk about that in a minute, if you would like. Snowy grouper, we closed on August 3 at 97 percent, and we were under for the vermilion snapper first season, and so we'll have a 32,200-pound carryover, and we're only about 44 percent through vermilion snapper, as of the second season.

MS. MCCAWLEY: All right. Any questions for Frank? All right. Then next up is the Status of Amendments Under Formal Review.

MR. HELIES: I will handle that too, since I'm up here. Vision Blueprint Regulatory Amendment 27, commercial, we're looking at management measures for a whole bevy of fish and species complexes, and the council approved it in September of 2018, and the proposed rule package is currently up in Headquarters. Vision Blueprint Regulatory Amendment 26, the recreational, considers aggregate bag limit, seasonal closures, and minimum size limits, and that was approved by the council in December of 2018, and that package is also up in Headquarters.

Amendment 42, sea turtle release gear, the agency actually approved that amendment on September 5, and the proposed rule publishes today, and so the Fishery Bulletin will be going out today. The comment period ends on October 17, and then we can start working on the final rule. Finally, Regulatory Amendment 30, red grouper rebuilding, the council approved the amendment in June, and it's currently undergoing SF review.

MS. MCCAWLEY: All right. Thanks for that update. Any questions for Frank about the status of amendments? All right. Thanks, Frank. Now we're going to go to the SSC Report, and I believe we're going to get Dr. Sedberry up here to talk about the most recent meeting that was the MRIP workshop.

DR. SEDBERRY: This report is Attachment 2 in Tab 3, Snapper Grouper, the Late Materials Folder, and so the report gives additional detail on the workshop that took place in Charleston from the 19th to the 21st of last month, and, during that time, the SSC met with invited experts from the NMFS Office of Science and Technology and from the Southeast Fisheries Science Center, as well as with state agency staff involved in MRIP data collections and processing.

The purpose of the workshop was to review background information on the development and implementation of the Fishing Effort Survey calibrated MRIP estimates, including the calibration for the new APAIS design for recreational fisheries landings. The South Atlantic Council had requested the workshop so that the SSC could better understand and evaluate stock assessments that incorporate the new MRIP estimates.

The terms of reference for the workshop were developed following the March council meeting, the March council meeting and the April SSC meeting, and there was a workgroup that developed the terms of reference that were approved by the council, and they were presented in detail, I believe, at the June council meeting, and the summary here summarizes the two terms of reference, the first one being identifying sources of disparity between the Coastal Household Telephone Survey and the Fishing Effort Survey estimates of effort. It was looking specifically at a set of species currently in the SEDAR process and identifying what portion of the difference is due to changes from one survey to the other and also in the post-processing of the data.

Term of Reference 2 looked at -- It was concerned primarily with the ABC values. 2a is to compare current ABC values to updated values from the revised estimates and determine if any further information or analysis is needed for the SSC to provide updated ABC recommendations, and 2b was to consider whether the current ABC control rule is adequate for developing ABC estimates using the revised MRIP estimates.

This TOR, this term of reference, at the workshop was deferred until our October meeting, with an interim meeting of the SSC's ABC Workgroup to take up this term of reference and to make some recommendations that the SSC can consider at our October meeting.

The workshop was jam-packed with information. We had several excellent presentations from the Office of Research and Technology and from the Southeast Fisheries Science Center that dealt with -- There were eight presentations overall that dealt with MRIP design estimation, FES development review and transition, the effort survey designs, and the time series calibration back in time.

We also had a presentation on the effects of the revised MRIP estimates on stock assessments, using black sea bass as an example, to look at detailed changes that occurred with the new MRIP estimates, and we also considered what was going on with other species that are currently in SEDAR review. We had a presentation from the Fisheries Science Center about what they do in post-processing the information that comes in from the survey, and we looked at sources of large changes that have been obvious in some of the estimates, and, particularly, we looked at outliers,

which seemed to be more emphasized in the new estimates than in the old estimates, to determine what was going on with those.

Then we had a really detailed review of the calibration methodology for converting the old telephone survey into the new Fishing Effort Survey, and vice versa, and so these presentations were really quite detailed, and they provided a lot of information to the SSC to help us understand really how the new survey was developed, how it was calibrated with the old survey, and that will really help us understand how it can be applied to the stock assessments as we go forward.

After digesting and discussing for two-and-a-half days the information that was presented, the SSC came up with several consensus statements that are shown here on the next two slides. The first is that the SSC agrees that the FES design is an improvement over the old Coastal Household Telephone Survey and considers it best scientific information available. The SSC also endorses using the Fishing Effort Survey estimates to track ACLs that will be set using the new FES data and that existing ACLs set using the old telephone survey estimates should continue to be tracked using CHTS-like estimates.

The SSC endorses the use of the fully-calibrated estimates for both FES and APAIS from 2017 back to the beginning of the time series and those produced by the FES methodology from 2018 going forward for use in stock assessments in the South Atlantic. Continuing with the consensus statements from the workshop, the SSC endorses using the new FES estimates, including the calibrated historical time series, as they are in current estimates, with the understanding that evaluation of outliers would still occur on a case-by-case basis.

The SSC did not identify any circumstance in which the SEFSC post-survey processing methods caused larger effects in the catch estimates than in other circumstances, and so there was no systematic issues that we saw, systematic bias or systematic problems, in what the Southeast Fisheries Science Center does in post-processing the data. The post-survey processing of MRIP data has no effect on estimates of numbers of fish between the Coastal Household Telephone Survey and FES methods that are used in assessments.

In addition to these consensus statements that the SSC came up with, we also came up with recommendations during our discussions that are listed here. The SSC recommends that SEDAR uses a best practices working group to address a systematic way of identifying and dealing with outliers in the data used to inform stock assessments. The SSC recommends that the Office of Science and Technology prioritize conducting a simulation study testing the sensitivity to the process of estimation of the FES to explore the unbiased nature of FES estimates and to explore the effect of sample size on precision of estimates, and we felt that this could help -- These simulations could help improve stakeholder buy-in.

We made several research recommendations, the first being to conduct a study to groundtruth the effort survey, even if conducted over restricted spatial scales, and to explore the definition of a trip, boat versus shore versus resident angler versus tourist angler, et cetera, and its effect on effort and catch estimates. We felt that the trip definitions needed to be better defined and what the effect of the trip definition was on the estimates.

We also suggest that, as a research suggestion, that how outside events like hurricanes, red tides, things like that, can affect effort estimates, and we suggested a study using a data-rich species and

to scale back the data to mimic a data-poor species to explore the effects of sample size by strata, and, finally, to explore methodology for including seasonal households, which have not been included, and evaluate their effects on effort estimates, and so this would be beach rentals and things like that, where tourists may spend a week at the beach and do some fishing from shore.

As I mentioned, in terms of the Term of Reference Number 2, the SSC ABC Workgroup will meet to address ABC issues, and they will meet before our October, next month, SSC meeting to go over the landings trends and new ABCs for unassessed stocks and develop recommendations for the full SSC to consider at our October meeting. This will include comparing current ABC values to the updated values, based on the revised estimates, and determine if any further information or analysis is needed for the SSC to provide updated ABC recommendations for unassessed stocks, and this could include a reevaluation of the time series used as the data of stable effort for the ORCS methodology for species that we only have catch data.

Additional ABC Workgroup recommendations are to consider whether the current ABC control rule is adequate for developing ABC estimates using the revised MRIP estimates. If it is not adequate, recommend specific changes the council should consider, and this could include different approaches for incorporating large amounts of uncertainty into the estimation of ABC using differing statistical methods, such as a Bayesian statistical framework with non-informative or uninformative priors.

Then the SSC would really like to formally acknowledge John Foster, Rob Andrews, and other members of the MRIP team for their considerable work to prepare for this workshop and the presentations. If you listened in, you heard an extraordinary amount of detail that really explained the rationale for the switch, the testing that went along the way to determine the best methodology, the peer review and other reviews that entered into the process, and just exactly what was done, and so it really gave the SSC a much greater understanding of how the estimates were developed and how they can be applied to the stock assessments. The SSC would also like to acknowledge participants from state agencies and others who provided critical information and input to the workshop as well.

Then, finally, during the workshop, as Chair of the SSC, I asked SSC members to take notes and submit them to me, so that I can help prepare the report, and, along with their notes and information they submitted for the report, I got a lot of comments about the value of the workshop, and some of them are listed here, but the SSC really felt that this was a great use of our time and resources, to take this two-and-a-half days to further understand the FES survey and the APAIS survey and, again, how it was developed and what the issues are, and we feel confident that we have a much better understanding of the recreational fishing data and can help incorporate that into determining catch levels. With that, I will take any questions.

MS. MCCAWLEY: Thanks for that report. Are there questions?

MR. HEMILRIGHT: I was curious if there was anything that the SSC or the MRIP staff thought it might be a good thing to go out to -- It seems like they were able to help you all to understand it, but is there any process that's going to be done to maybe help council members understand it or the public understand it, because, as it might be the best process, there's still some great things lacking, when I look at the numbers that are coming out of it, because I can't get around my thick

head sometimes how you can come up with numbers for a certain species where there's only two inlets they can go out of.

It is stuff that I probably could give a better approach to this is in no way believable, even though it was a good process, and so is there any further way to help the public and council members to understand, and I think another thing that's going to be helpful is to still be able to look at the outliers, when it comes to the data workshop, and be able to -- Not argue the point, but just like this ain't believable? Thank you.

DR. SEDBERRY: Right, and this is some really incredibly complex statistical analyses that go into this, and it's a long time series, with various methods along the way, and it's really difficult to understand. It's difficult for the SSC members to understand, which is why we had this workshop. I think that some of the things that the SSC has suggested that the Office of Science and Technology do, some of these simulations that can take the questions that people have about small sample size and outliers and show what happens when you adjust those sample sizes or incorporate those outliers or discard those outliers, and say here's what those things really mean when we incorporate them into the model.

I think some of the research would help with stakeholder buy-in, and I think translating this -- The presentations were long and very detailed, and, for me, difficult to translate into a short summary, but I think that it's essential that we try to do that, and I know that the council is looking at putting something on this whole process into their newsletter, that I am hoping will improve stakeholder understanding and stakeholder buy-in to it.

I think it takes some getting used to, and seeing it used more often and seeing how the values that are incorporated into the models affect catch levels, and I think it's just going to be a process of getting used to it. Again, I understand where you're coming from, and it's very difficult. It is difficult for me to understand, and I don't have the background in statistics to be able to fully understand this, but I feel confident in the people that do have that knowledge and that they have looked at every possible permutation. They have considered all these things of small sample size and limited access, and they can model those things and determine how they affect the data coming out.

I think they have considered every possible scenario and that this really is the best scientific information available, and I know that that phrase gets thrown around a lot, and you're probably tired of hearing it, but I really think it is the best thing we have going right now, and I'm hoping that, in the next several months, as it begins to be incorporated into the SEDAR process and into the data workshops, where people are seeing what goes on and how it's incorporated into the assessments, and then, with some articles that can be written to help explain it, I think maybe we can get better stakeholder buy-in and a better understanding of what goes on it, but I sympathize with you, because I'm in the same boat.

MR. SAPP: One of my biggest concerns with this has always been the effort level and how, during the absolute bottom of the economy, the effort level was at its highest, and I had the fortune to getting to be out during those times, and I took great advantage of it, because, in a place where there is more fiberglass in the ocean in south Florida than water sometimes, there wasn't. It was wonderful, and now I'm reading these effort levels, and that's when the height of the fishing pressure was, and it's just not true.

Then what I'm hearing in this now is that, yes, there are some exceptions, but those exceptions are only going to enlarge these numbers, the outliers, the out-of-town folks and the private-dock folks, and so not only is the number already giant, but the potential is to get bigger, and that scares me, and, when the commercial sector finds out that they had a percentage of the catch for each of these species that they didn't like, they felt like it was too low, but we're surviving under it, and, now, all of a sudden, that -- Call it 40 percent, just to throw a number out there, and that's going to turn into 15 percent, because that's how much more the recreational catch is going to go up, due to these new numbers.

My whole purpose for being here was to try to create a bond, or to bring the recreational and commercial sector back together to fight what I see as a bigger battle with other folks, and that ain't going to happen now. They will have lost all confidence in us and in this science, and we're going backwards.

DR. SEDBERRY: Again, I don't have the details at hand, but certainly the consideration of the Great Recession and how that affected the number of boats that people were seeing on the water was considered. It was surprising to me that, during that time, that there actually were some increases in purchase of fuel and tackle and outboard motors that may not have been reflected on the number of boats on the water, but there were some indications that the Great Recession may not have had as big of an effect as it appeared.

Now, I don't have the details off the top of my head, but certainly all those things have been considered by the experts in the modeling. Again, I understand your point, and I can't fully explain it, because I don't have the background to explain it, but it is in those presentations, and it's in the verbatim minutes from the meeting, and I think, by going back through those and working with the council, maybe I, perhaps, ought to be able to work with them on some kind of article for the newsletter that can maybe explain it a little better.

MR. BELL: I share the frustration that Dewey and Art expressed, and you can look at -- Dewey can provide examples, and Art can provide examples, and I can provide examples of particular numbers that just seem to defy reality, but the underlying problem is we're using a survey to provide data, and it wasn't a problem until we were using it in a way that impacted people's lives immediately, and that was through -- Whether it's through managing an annual catch limit or it's considering allocations, and it wasn't a problem, but we're using a survey, and we're not using a census-type system that the commercial -- We have taken the commercial sector and implemented for them 100 percent mandatory reporting. That universe, we're comfortable with, and the numbers make more sense, and we're using a survey.

One thing that I got out of this, in attending it, was, as a survey goes, it's a good survey, and it's a valid survey, statistically valid, and it's like George says. If George has trouble understanding it, I really have trouble understanding it, but, if you would have been here, you would have seen -- I mean, they were up there discussing the formulas and all, and so, as a survey, it's a good survey, but the problem is that we're using a survey that was originally designed not to be used the way we're using it.

It's going to be frustrating, but it's what we have, and so the alternative is, okay, if we're not satisfied with that giving us the data that we might need, that we're more comfortable with to

manage annual catch limits or allocations, what do you do differently? We don't have anything in place, at the moment, that is accepted, but you really would have to shift over to a different system, and, in other parts of the country, perhaps they use other methodologies or systems, but, to get that completely shifted over and up and running, it would cost a fairly significant amount of money, but that's what we have.

I agree with the things that were said, and, I mean, I can find individual numbers that you go, well, that just can't be right, but, if you consider the -- Perhaps what we need to do is help the public understand the difference between survey-based data and census-based data or something, and that's what it boils down to, but surveys have inherent error in them. You can look on the national scene, and many, many surveys were done in 2016 about numbers and the way things should have been, and then, when they didn't come out that way, well, gosh, what do you know, the survey is -- How could the surveys be wrong? Well, surveys are inherently -- They have error in them.

The problem we have, of course, is that folks -- We're dealing with a population of millions of people, rather than, like in the commercial sector, where it's really hundreds of people, perhaps, and it's an easier system to adopt, a survey of 100 percent mandatory reporting.

I don't see us adopting 100 percent mandatory reporting for multiple millions of recreational anglers as being very practical, but there are other methodologies that perhaps, in the future, we could adopt, but it's going to require money and a change of the system, but the survey itself is a good survey, and it's designed properly, by people that know what they are doing, and I think that's what you kind of heard from the SSC, in terms of a survey, is it's a solid survey, and it's just that inherent to survey data are occasionally some interesting results that we may not really understand.

We can keep this level of anxiety about this, but that's where we are, and, again, maybe perhaps explaining to the public the difference between data obtained through a survey, a large survey, versus the kind of numbers we deal with when we're talking to tens or hundreds of individual commercial fishermen, and that may be helpful, but it's not going to make anybody feel better, because they're still not going to like the number, but it at least explains what is going on, perhaps.

MS. MCCAWLEY: Thanks, Mel.

MR. DILERNIA: Let me first start off by saying that I agree with my dear friend to my left regarding the -- I am not always very comfortable or confident with the MRIP survey and the way it works, and you and I share some of the suspicions, but I would like to speak to something that Art brought up.

There is a very interesting and peculiar development that occurred in the Mid regarding the re-estimation of the MRIP. When we re-estimated the MRIP, and let me use summer flounder now, because that was where it really came out. When we used the re-estimates, the MRIP re-estimates, on summer flounder, it turned out that the recreational take of summer flounder was much higher than originally believed to be.

Well, that then got sent back to the folks who do the assessment, and so the assessment folks said, wow, if this is how much summer flounder is being taken, then clearly the stock is larger than what we thought it was originally. Now, the concern is the commercial/recreational split with the re-

estimates, and I understand that, but what happened in the Mid was the assessment folks came back to us and said the stock is much larger than we thought it was originally.

Then our SSC came back to us and said, well, if the stock is that large, because of we're incorporating the new MRIP numbers into the assessment process, then two things occur. Number one, the accountability measures for the recreational fishery don't have to kick in, because, at first, it looked like the recreational community overfished their quota, but, if the stock is that large, they don't have to pay it back, and so we should be able to stay with status quo measures in the recreational fishery, and, because the stock was so large, and because, in the commercial fishery, we have a hard quota and a stop when we reach a point, we ended up doubling the summer flounder quota on the commercial side.

That MRIP estimates, in a sense, I guess we will say saved, or gave the benefit, to both communities. The recreational community did not have to pay back, which everyone was afraid it was going to be a significant payback and a reduction for the upcoming recreational fishing season, and the commercial fishery got a significant increase in their annual quota, and, at that point, we didn't even have to re-work the percentages.

Even if we end up re-working the percentages in the future, because of the MRIP estimates, it might be that the commercial sector stays with their same poundage allocation, because of these re-estimates, and I hope I made myself clear on that. When I first heard it, I was like, huh, because I made the motion to increase the quota, and, after we increased the quota, I said, okay, now let's increase the recreational fishery, and they said no. I said, what do you mean no, and they said, well, the commercial guys got an increase, but, because you folks overfished so much, if we just leave it alone, you don't have to do paybacks, and I said okay. Art, I am not sure if that answered your question, or got there a little bit, but I thought it was an interesting development as a result of the MRIP re-estimates. Thank you.

MS. MCCAWLEY: Thank you. I just want to say that I appreciate you guys having this workshop. I know that FWC sent a number of folks, and I know that Jim Estes made some comments, and I know that one of the comments was that he was hoping that there would be a commitment to conduct an independent study to evaluate the effort, and I don't know what happened to that at the workshop, and he wasn't sure either, and so was there some type of -- I know there were some requests made, but it didn't seem like it settled on that this was definitely going to happen. What's your recollection?

DR. SEDBERRY: We had a lot of discussion about a study to groundtruth the effort, and Jim, I think, had proposed that in his initial public comment and then brought it up again during our discussion of research recommendations, and so I think that made it into our research recommendations.

MR. POLAND: To that point, there was a fair amount of discussion at the SSC workshop, as far as looking at simulation studies, and even validation studies. My take-home from that was that we, as the council, we really need to prioritize that and speak to it from our voice and get that work done and encourage state partners to work with NOAA staff and really get the ball rolling on that, because I feel like that is really going to help as far as public perception and at least incrementally getting a little bit more buy-in with the public.

I agree with Dewey's comments and Art's comments about the numbers just seem unreasonable. They seem unrealistic, but I was here for the two-and-a-half days, and I did not see any red herring or hidden multiplier in the survey methodology that would really point to that's where it's coming from. I don't want to say that I was necessarily expecting to see that, but I was kind of holding out hope that we could find some silver bullet of, hey, this is it, but it's not there.

I think that's where we need to kind of take the next step and say, okay, what do we need to do, what do we need to do to put these landings into a realistic context, just so we can explain to our stakeholders, and I did speak to this to the SSC workshop, but, as a North Carolina rep here on the council, it's my responsibility to explain to my stakeholders what these numbers mean and justify to them how we can use these numbers in making management decisions, and I didn't feel comfortable doing that prior to the workshop, and I still don't feel real comfortable doing it, but it's what we've got, and that leads to me another point.

The real issue is, and Mel touched on this, is it's a survey, and the survey was not designed to track recreational landings and to trigger accountability measures, and that's really a disconnect with this survey and what we're required to do under Magnuson. I feel like there are other ways that we can address this, and we've got some actions right now in the council, with the recreational accountability measures amendment, that we can try to correct this a little bit, looking at considering PSEs around these estimates and that kind of stuff.

I feel like now our focus at the council needs to be prioritize these research recommendations that came out of this workshop and reach out to our partners and try to get this work done and do our due diligence on these other actions that we have that we can start to incorporate this uncertainty into our management decisions and move forward with something, because honestly, we have to move forward. I mean, we're into a year now with no ABC recommendations from the SSC, and we're starting to see how that is piling up, and, very quickly, we're going to be in a situation where no one is going to -- I mean, no one is ever happy with us, but we're going to be derelict in our responsibility, I feel like.

MS. MCCAWLEY: That is well stated. I agree that we want to have confidence in what we're doing with MRIP, and it's just those large differences in the fishing effort, and so, yes, I would love to see this independent study to evaluate effort and also to look at shoreline, and I know that George talked about the definitions of a trip and things like that, and so I'm wondering how exactly we prioritize these recommendations coming out of here and how we say, okay, well, we want the SSC maybe to look at this, but states are going to make a commitment to look at this, and I'm just not sure exactly how to do that. Did you all talk about that at all at the workshop, like the next steps following developing the recommendations?

DR. SEDBERRY: Well, I think the MRIP team is constantly looking at improvements. Like you said, the original survey was not designed to deal with accountability measures and ACL tracking and some of the things that came up with reauthorization of Magnuson, but that's -- The post-processing of the data that's done at the Southeast Fisheries Science Center addresses some of those issues, and so the survey has changed over time to address changes in regulations and reauthorization of Magnuson and new information that becomes available, and so it's not carved in stone. It is tweaked as new information becomes available, and so I think that it will be improved and become more accurate as we go along, and I don't know if that answers your question, but --

MS. MCCAWLEY: A little bit.

MR. BELL: One way to look at this, oversimplifying it, perhaps, is that MRIP is a tool, and we're perhaps using a tool in a way that it was never really intended to be used, but that's the only tool we have, and so that's the way we're using it, and so, if we can make further improvements to the tool, tweak the tool, that's great, but what it probably boils down to is how we determine we're going to use that tool for the purposes that we need, and so it gets down to maybe you are not going to make that tool give you the perfect numbers you want, perhaps, but you have to -- Whether it's considering PSEs and how you deal with that, if you can build in the ability within the constraints of Magnuson to use the data in a way where you're looking at three-year averages or something, but it's just how -- I think we have to figure out how to use the tool differently, or smarter, rather than to keep fussing about it not being the perfect tool.

It's the tool we have, the tool we can afford, and we've got to use the tool better, or smarter, or a little differently, perhaps, and that kind of comes back to us, again, within the constraints of Magnuson, but you're not going to -- You can tweak it a little bit, but I don't think you're going to make the tool do anything different, is my simple take on it.

DR. SEDBERRY: That's a very good point, Mel, and that index is -- The numbers that come out of MRIP is one index that is used, along with many other indices in the stock assessment, including other indices that look at recreational effort, the charter logbooks, the headboat logbooks, data that are perhaps a little more accurate in recording actual catches and effort, and, when disparities come up between MRIP and those other recreational indices, those are things that the SEDAR data workshop can look at and weight, or value, according to their best judgment, and so it is a tool, and it's just one tool in the toolbox, and there's lots of other things that go into the assessments.

MR. POLAND: That's a good point. If the tool doesn't work, or it's not as effective, maybe find another tool to help, but, back to the research recommendations and just prioritizing the research, the council -- I feel like we do it the way we've always done research recommendations, and, I mean, it's good the SSC put this in the report. It's out there, and it's no different than research recommendations at the end of an assessment or an FMP or anything like that.

From North Carolina's perspective, we already invest quite a bit of money in MRIP programs, particularly the APAIS program. As far as the states in the South Atlantic, we probably have the most APAIS staff out there, and we invest the most, and so, from a state perspective, certainly it's going to be hard for us to come up with a little bit more money to do this work, because we already feel like we've invested a lot, and so that's why we need to look at these university partners and other folks that we work with and encourage that agency to put some money up, and we're relying on this quite a bit, and we're relying on this to manage a fishing economy in the South Atlantic that is -- The estimates I've seen, we're \$20 or \$25 billion, and so we need to invest some time and effort and money into it.

MR. HEMILRIGHT: I was wondering if there's any way, before a data workshop, to where -- Most of the time, when you go to a data workshop, you get the numbers, and you look at them, and red flags fly up or don't fly up, and you have a very short time to argue the point or to explain why you believe something is different.

Is there any way, in some of this, since this is new to everybody, like some way, if there's a red flag before a data workshop, where you have a specific thing, because I believe the buy-in has got to be when you take instances of where you don't believe this number and you spin it up to them, or pass it up to them, and they work you all the way back, to show you the why, whether it's the best model or best anything, and that allows the individual to still go back and forth with them and say, well, this is the reason why, or look at this, but to see what's different, and so that way it's a case study on some clearly red flags, and I've got a few of them on blue-line tilefish, crystal clear.

If there's anything that could be done like that, it would help some selling points, if it's possible, to give a little more buy-in, if that's possible also, to it, and so I was wondering if there's any way in the future that maybe that some way could be implemented or looked at, and I know it's a case-by-case basis, but I'm trying to figure out a way to build confidence in -- Well, myself, I look at some of these numbers and know there ain't no way, and so I'm just curious about that. Thank you.

DR. SEDBERRY: That's a really good point, and I think, as you know, prior to the actual physical data workshop, there is usually a couple of calls, data calls and webinars, prior to that that kind of introduce what data are going to be brought up at the data workshop, and any of these red flags and outliers are brought up early on and discussed.

I think this idea of looking case-by-case at the outliers and having a -- Looking at what happened in that particular case is an important thing to do prior to the data workshop, and we talked about some examples during the MRIP workshop, and I think one of them was red porgy had a spike in 2016, and, as it turns out, most red porgy landings come in in the late afternoon in the recreational fishery, and, in 2016, there was an usual number of surveys conducted in the late afternoon, and that was possibly an explanation for that one outlier, and there's lots of examples like that that, once we dig into them, we might be able to explain those outliers and then either down-weight the point or up-weight it or whatever needs to be done to adjust it, and so I think you're right.

I think there is opportunities to do that in advance of the data workshop and come to the data workshop with explanations for what might have happened, and it's possible that some of these outliers might show in several stocks and have the same explanation, and so I think, as we get more and more into this, we'll be able to explain more of those outliers as we go along.

DR. WILLIAMS: My comments tie into a lot of following-up on exactly those things. In the vein of research recommendations, if I were the one making the research recommendations, I would -- The one I would point to is what has just been discussed, which is outlier detection and dealing with outliers. It's one area that the survey -- The survey does a great job of basically just coughing up everything they get, and they produce estimates with no regard to sample size, essentially, and so there's no minimum sample size cutoffs. They will report every single number, and there is no maximum PSE value for which they won't report a number.

That is one of the areas we get hung up on, is we don't have a sort of clear criteria for, okay, when is a sample size sufficient and when is a PSE too high that we shouldn't be using it, and that's a fruitful area to investigate, and it's along the lines of what Mel had to say, which is sticking with the survey, but still improving how we're using it, and that would be a great way to improve how we're using it.

This notion of doing a one-off study to sort of validate it, it's a great idea, but that one is going to be a very expensive one. In terms of bang-for-the-buck, I think where research recommendations could pay off is going down this path of further sort of defining outliers and defining methods for how we're going to deal with outliers, and that would actually get to Dewey and even the other point about showing up to the data workshop in advance with red flags, and, in theory, we should show up to the data workshop with no red flags. We should have the data fully vetted in advance and have all the outliers dealt with in a very specific way.

I say that because the method we're using now, and I said this at the workshop, but the method we're using now for identifying outliers is very ad hoc. We see a spike in a time series and we're looking, oh, that's an outlier, and that's not a very statistically-rigorous way to deal with an outlier, and there are very statistically-rigorous ways to deal with that, and that's what we should be striving for, and so that would be my recommendations for an important research recommendation.

MS. MCCAWLEY: Thank you. That was a very good point.

MR. WOODWARD: I think this is a good discussion about how to deal with these outliers in the context of assessments, but we still have to consider the impact of those outliers in triggering accountability measures, because, when you get an estimate, it's presented to you, and it either exceeds or is below or is at the ACL, and then that forces us to take action to mitigate the impact of that estimate, and so, at the same time that we dive into how to address these outliers, we've got to consider how is that going to affect our ability to hold ourselves accountable, because they related, but two very different things, in terms of how that number is being used, and that goes back to the true root problem of this, is the MRIP and its predecessors were never intended to be used at the temporal spatial resolution that we're attempting to use it, and they never will be.

I mean, you cannot turn a screwdriver into a hammer. You just can't do it, and, if you need a hammer, then this body is going to have to develop the resolve to get the hammer, and it may not be that we do it for every species, but we're going to have to figure out a way to do it where it matters the most, where the MRIP is going to be woefully inadequate for us to do the job that we need to do. I mean, the socioeconomic costs are too high to ignore it.

MS. MCCAWLEY: Those are good points.

DR. ERRIGO: I just wanted to say that, before, when you guys were talking about maybe having somebody come and explain to the council what was explained to the SSC, the MRIP folks worked on and developed these presentations, knowing that, in the future, they would have to present to other bodies, like other SSCs and perhaps other councils, and so there is a possibility that they can take one or two of those presentations and massage them so that they are more council appropriate and squeeze the time down a little bit, because some of them were like three hours long, and present them here.

I know Richard Cody is here, if you have any more questions about that, or if that's possible, and he would probably be the better person to ask, but I think that was the impetus behind the development of these presentations and why they were developing them. They thought it was a good idea to develop them for us.

MS. MCCAWLEY: Good points.

MR. CARMICHAEL: I think Spud kind of hit the nail on the head with his screwdriver, and that's the thought that I was having when Mel was talking about the tool, and it does come down to your accountability measures, and I think all those points that were made are valid, and so the council is working on an accountability measure amendment, and there is alternatives in there that are more than just looking at the number in one year and comparing it to the ACL in that one year, and I think that's where you start getting into how do you appropriately use that tool, because the goal there is to have some way that you evaluate the fisheries performance against whatever limit you have set up, and it seems like you could bring these different things into that discussion.

Are there some other ways of evaluating the fishery that add to the value and the information of MRIP, and I think Erik's point with having a consistent way of dealing with these outliers that is addressed, so that you aren't trying to fold outliers into that process, just as we're not then trying to fold outliers into assessments, as he said, about having that addressed, and that might ease a lot of this angst and not have us shutting down fisheries on the result of something that people think is an outlier.

MR. WOODWARD: To that point, that's, in essence, what the commission has done with the cobia plan, is to say we're going to look at three-year averages, three-year running averages, in order to make a decision about whether or not a catch limit has been exceeded to the point that mitigative actions are necessary.

MS. MCCAWLEY: I am going to look around to the committee. I think we've had great discussion on this. George, I appreciate the workshop that you guys had, and I appreciate the MRIP folks and everything that they prepared for this and the engagement of the SSC, even though it was a very difficult subject, and our state partners came together, and I appreciate all of that. I just want to make sure that there isn't anything that we need to capture right now.

I mean, we've made a lot of good points about I don't want to use a screwdriver as a hammer, and maybe we need to look at the recreational accountability measures amendment and other things, and is there anything else that we need to capture right now as part of this discussion that we want to try to do, or we just pick up some of these recommendations as we move through various projects? I am just trying to make sure we don't leave anything hanging that we wanted to capture right now, and I'm not saying there is, but I just don't want to leave this good discussion and miss capturing something in some way.

MR. BREWER: Since before I came on this council, I was convinced that MRIP, no matter how much lipstick you put on the pig, it wasn't going to do what we needed it to do. John's statement in regard to accountability measures strikes home with me, and we have got to get away from these situations where we have one bad assessment or one bad piece of information and our hair goes on fire and we shut down a fishery. The whole idea of taking a look at trends and measuring those trends and adjusting your accountability measures, or maybe adjusting your season or your bag limit or something like that based on a trend really appeals to me, and so that's all I want to say.

MS. MCCAWLEY: All right. I'm just looking around to make sure we don't want to capture anything. We talked about looking at outliers before the data workshop, and we talked about focusing some research efforts on looking at outliers in general, that that might be one of the

benefits here, and we talked about the recreational accountability measure amendment, and is there anything else that we want to capture as part of this discussion?

MR. BELL: As Chester just said, and I don't know if we need to formalize it, but, I mean, it's sort of back to us to figure out, within the constraints of Magnuson, how much flexibility do we have to use the tool differently, to use that tool in conjunction with other tools, to rely on ways, perhaps, like Spud was saying, that the ASMFC does it, and so we need to look at that, I guess, and I don't know how we would want to approach that necessarily formally right now, and it's nothing we're going to solve right now, but that kind of needs to be our focus, is maybe taking what we have, again within the constraints of Magnuson, and hopefully we have some ability to move within those constraints right now, and, if we don't, then we can identify that, but that's sort of back on us.

MS. MCCAWLEY: Okay.

MR. POLAND: Absolutely, it's our responsibility now, and what we can do is just prioritize work on that recreational AM amendment, given the context of this whole discussion we've had, and that's my way forward that I see.

MS. MCCAWLEY: All right. Anything else?

DR. CODY: I just wanted to offer two things that are ongoing right now. The first is related to the Modern Fish Act, and it's an NAS review of the compatibility of MRIP with in-season management of ACLs, and so we will be going over the statement of task with the NAS sometime later this month, and we expect some of the questions that you were asking here to be addressed in that study, and that study, the results of it, wouldn't be available for probably another eighteen months, and so there's that.

Then the second thing I will draw your attention to is the work of the rare-event species working group, and Erik is involved with that, but, right now, Westat, which is a statistical consultant for MRIP, is working on looking at some of the questions that we are interested in with rare-event species and that type of thing and how to better handle or use the data, and so we are expecting a summary report of the work that they have conducted on that sometime later this month as well.

MS. MCCAWLEY: Thanks, Richard. Any questions for Richard? I appreciate all the work that you've done on this, you and your team. I heard those presentations were phenomenal, and it sounds like some of them went on for multiple hours, but sparked some really good discussion, and I know that you guys probably feel like you're under fire from our council and others about these numbers, and I think it's just about getting it right and allowing us to ask questions so that we feel good about using those numbers, and we understand the survey, so that we can talk to others about it, and so I really appreciate all of that.

MR. POLAND: I just want to echo that. I mean, the staff that came and gave presentations were phenomenal. The presentations were girthy and detailed, and I really appreciated it, and I really felt like we were invited into the temple to look behind the tapestry on this one, but if the council can just send a letter of some type to each of the presenters, thanking them for coming and giving us the type of detail that they did, and I definitely think we should.

MS. MCCAWLEY: That sounds like a great idea, Steve. All right. Anything else? Any more discussion? Thanks, everybody. I appreciate the discussion on this item. Thank you, George, for the presentation.

DR. SEDBERRY: Thank you.

MS. MCCAWLEY: Do we want to take like a ten-minute break before we get into the best fishing practices and powerhead amendment, which is Amendment 29? Thanks.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: We're going to get going on Snapper Grouper Regulatory Amendment 29, which is the best fishing practices and the powerheads, and I'm going to turn it over to Christina, who I believe is going to give us a PowerPoint first and then dive into the decision document.

MS. WIEGAND: As always, we're going to give you guys just a little reminder of what you did at the last meeting, to sort of orient you into this discussion. In June, you guys considered input from the public hearings, and you considered input from the Snapper Grouper Advisory Panel and the Law Enforcement Panel. You reviewed the actions and alternatives, and you made a few modifications to the definition of "descending device", based on comments that you received from the Snapper Grouper AP, and then you revised alternatives under Action 2, which is the circle hook action, to exclude the yellowtail snapper fishery.

Here is the amendment timing. You guys are almost at the end of the road. This is up for final action to approve for secretarial review at this meeting. At this meeting, we need you guys to review the purpose and need statement, and there is some modifications that the Science Center has requested. We will have you review the actions and alternatives.

A new thing we're going to do at this meeting is have you review the draft council conclusions. Usually staff puts these together after you guys have taken final action, but what I've done is just put, based on the discussions you guys have had at this table, a bulleted list of what we believe your conclusions are, and we want you guys to review them to make sure that staff is not putting words in your mouth when we draft these afterwards. Then, of course, if you're comfortable with it, to approve it for formal review.

Again, the first action in this addresses descending device and venting device requirements. The second action addresses circle hooks, and then, in that third action, you've got the powerhead prohibition. I was going to show you a nice video of a red grouper being descended. There we go. We found this video to be a fairly powerful outreach tool, and so we just wanted to show it to you guys. I am not sure how deep the water is here. That's just a little treat for you guys before we dive into the decision document.

First up, I wanted to talk about the purpose and need. When the Science Center reviewed this document, they noted that, in the need, it still reads that the need is to reduce discards and discard mortality, and they felt that, really, this amendment is aimed at reducing discard mortality. The reduced discards was probably left in there from when we originally had the allowable rigs action in here that was removed before we started fully developing this, and so they've just asked that you guys consider removing that language from the need.

MR. BREWER: **Madam Chair, I move that we remove the language of “reduce discards and” from the need for action portion.**

MS. MCCAWLEY: It’s seconded by Mel.

MR. BELL: **You need to leave the word “reduce” in there, because you’re reducing discard mortality.**

MR. BREWER: **I accept his friendly correction and amendment.**

MS. MCCAWLEY: All right. **The motion is to remove “discards and” for the need for actions. Any discussion? Any objection to approval of that motion? Seeing none, that motion stands approved.**

MS. WIEGAND: Then we will move into Action 1. Again, this is the descending device and venting device action. Your current preferred alternative would require a descending device be onboard a vessel fishing for or possessing species in the snapper grouper fishery management unit. You have selected all sub-alternatives as preferred, and so this would be for private recreational, for-hire, and commercial vessels. Here, we’ve got the descending device definition that you guys modified last time. Then I will open it up for discussion on that now, unless you want to go through the council conclusions.

MS. MCCAWLEY: Sure. Go ahead through the council conclusions.

MS. WIEGAND: The council conclusions, again, this is just a bulleted list, and we’ll put this into a nice, fancy paragraph once you guys are comfortable with it, but, based on conversations, we felt that the research illustrates that the use of descending devices is an effective way to improve the survivorship of released fish and to decrease release mortality, that one of the concerns is that venting devices, when used incorrectly, can further injure fish, with a note that the Preferred Alternative 2 does not prohibit the use of venting tools for individuals that know how to properly use them. For example, you guys have talked at length about trained crew that are working on charter vessels or headboats.

Then the definition of the descending device that’s provided in the action would allow fishermen to purchase or construct their own devices, and we have put examples in Chapter 2 of the amendment document, while ensuring that such devices are effective at descending fish and reducing release mortality.

MS. MCCAWLEY: All right. Discussion?

DR. CRABTREE: I guess my concern with the amendment has to do with the making this a regulatory requirement and the very general way we’re defining a descending device, and, also, I looked at the Law Enforcement Advisory Panel meeting, and I went back and read the minutes, and there was a lot of concern there, and, basically, they seemed to agree that this wasn’t enforceable.

I read our definition, and it does seem to me that virtually anything could meet the requirement for our definition of a descending device, for example a weighted hook. Well, if that could be interpreted as a hook with a weight in front of it, that's pretty much the standard gear for bottom fishing for reef fish, and so everybody is rigged with a descending device at that point.

When I look at our purpose, it's to promote best fishing practices, and, to me, that's a different thing than requiring a type of gear, and so my concern with this, really, is that the requirement itself is so vague as to be unenforceable and that some of the things that we have in it, like the device will release a fish at a depth sufficient for the fish to recover, that there is no way a law enforcement officer could reasonably be expected to tell if that's the case or not, and that opens the door, it seems to me, for a very different enforcement standard in different places being applied and a lot of confusion, and so it seems to me what we want is to encourage fishermen to experiment and try different devices and try to find something that works.

It seems to me that that's a best fishing practice and an encourage kind of thing and not a requirement kind of thing. It seems to me that this process isn't mature enough at this point to come in and write a regulation and require it. It seems to me that you get through the experimentation and the creativity and figure out what works and what doesn't work, and, okay, these things work, and we're going to require them, and they are clear and people know what they are.

I am a little worried that we're telling fishermen that we're going to require you to have one of these, but we can't tell you what it is, because we don't really know what it is, and we're not going to require you to use it, because we don't really know when you ought to use it, and that gets into a real area of vagueness that I'm not sure is appropriate for putting in the regulations, and so I guess I would encourage you to reconsider the idea of making this a regulatory requirement and rather focus on making this a best fishing practice. That seems, to me, to be a more reasonable thing, and we do have some folks from -- A NOAA enforcement attorney and NOAA Enforcement is here, and I think we ought to at least hear their views about the enforceability of this requirement and whether we could ever really make a case off of it or not.

MR. BREWER: I also went back and read the minutes for the Law Enforcement AP and the Snapper Grouper AP, and what I gleaned from Law Enforcement was that they could not enforce the, quote, use of descending devices, nor could they enforce the depth at which a particular device would deploy, but what they said they could enforce was whether or not a descending device was on the vessel, on the boat, and there was a little bit of discussion also about, quote, rigged and ready, and I believe the statement was made of, well, if it's still in the packaging, we can pretty well tell that it's not rigged and ready.

My concern, Roy, with taking this U-turn right now is that we have been told, by the scientists, that if this is not a requirement, or a regulation, that they cannot utilize these efforts in perhaps modifying their findings. In other words, it has to be a requirement before it can go into any kind of an assessment or for their use. For that reason, and because I think this is one of the more important things that the council will deal with this week, I would move that we go forward with this as a regulation, or I would urge that we go forward with this as a regulation and as we have been discussing now -- I looked back, and we've been talking about this for pretty much a year-and-a-half, I believe, and so I think we ought to go forward with it as it's been constructed.

DR. CRABTREE: I am looking at the minutes from the Law Enforcement AP meeting, and Mr. Dunn, with NOAA Law Enforcement, says it's unenforceable, plain and simple. Any time you use terms like "the device can be, but is not limited to, or should be capable", there is just no way that an officer can make that decision. I think their concerns were much broader than just whether to use it or not, but they had to do with what is it.

Now, I have heard this statement about you can't get credit in the assessment unless it's a regulatory requirement, and I have yet to hear a single scientist say that, and I think it is completely not the case. To get credit for this in a stock assessment, you're going to have to have some credible body of information that suggests you have in fact reduced fishing mortality, and that is independent of whether this is a requirement or not, and I think, just by requiring something, if it's so broadly defined that it could be anything, that doesn't really do anything, aside from the fact that you don't know how many people are going to actually use it, but I don't think there's any basis to assume, if it's not a requirement, that you can't get credit in the stock assessment. What the assessment folks and the scientists are going to want to see is some evidence that you have reduced fishing mortality, and you will get the credit as appropriate for that, whether it's a requirement or not.

MS. MCCAWLEY: All right. Go ahead.

MR. BREWER: Quoting from the Law Enforcement AP minutes, Captain Lynn said: Rigged and ready -- The next one was the best fishing practices, and I believe this was to discuss stainless-steel circle hooks, and this went into descending devices as well. He said: Rigged and ready, trying to define rigged and ready, we sat and talked about that for a great deal of the time, and the LE AP did not come up with an enforceable definition of rigged and ready for law enforcement. The requirement to have a descending device or circle hooks onboard a vessel, that's either a yes you do or no you don't, and so that is enforceable. That's all I've got.

MS. MCCAWLEY: All right. I'm going back to my queue.

MR. BELL: To kind of deal with some of the points that both Roy and Chester made, going back to when we first moved on this, my initial recommendation that we moved on was that we had this period of time, and we went ahead and we established the requirement, but there was a period of time before it became a hard-and-fast rule, where you had to have it, and the rationale for that was to address some of these points, realizing that it would take a while to sort of socialize this with the fishing community, but, through education and outreach, they would see the value in it, and fishermen don't want to see fish floating behind the boat. They want to be able to deal with that and do the right thing.

Yes, there is an added benefit, perhaps, that, if we are saving the lives of some of these fish, that that can turn around and eventually be factored into a decrease in the number we're using for discard mortality, catch-and-release mortality, and so, okay, that's a good thing, but this is all really about changing people's behaviors.

It can take a little while to change their behavior. Of course, when you put something in the law, that is behavior modification through regulation. The purpose of the law is not really to write tickets. That is what happens when you don't comply, but that's not -- From a law enforcement perspective, they're out there on the water, whether a person is fishing or whether the person is in

possession of a species within the snapper grouper complex, going back to the point about either you have or you don't have something that you're going to show them that is your descending device, and that's going back to what I think Officer Lynn said and all, and that's about the simplest thing you can do. Either you have something or you don't have something.

Now, it's what law enforcement would prefer not to be in a position of, is determining, well, is that something reasonable or not, and that's where it gets gray. It's, of course, better if it's black and white, and the ideal situation would be if the council or NMFS were to certify these five designs or whatever it is, like we do with TEDs. For TED compliance, you have to have a TED in your shrimp net that's compliant with NOAA standards, but we don't have that, and I don't see us developing that. I don't see us -- Because part of the issue is the range of species we're dealing with.

The example that Christina showed, that's a larger fish going down to deeper water and using one of the commercially-produced devices, but then there is also a headboat that might be catching a bunch of black sea bass in fairly deep water, or a bunch of lines in the water and multiple fish, and so their device is not going to look like that device, more than likely, unless they're the bigger fish, and you could have both onboard, but I think that was originally this concept of having a period of time where you know the law is coming, and you know that, on this date certain, law enforcement is in a position to write on those, to write hard tickets, but you've got this period of time where you are working through some of this socialization of it, allowing the public and allowing private industry to do what it does, is figure out how to make better mousetraps, and that's where that could occur, and so it's kind of a combination of both. You've got the hard date, but you have the period of time, but we chose to kind of back off from that.

Also, from an enforcement standpoint, the period of time where it's not 100 percent, boom, in place allows enforcement to figure this stuff out. They do boardings, and they have interactions with fishermen, and they have exchanges on the water, and so that's why I built that in there originally, and it's just something to consider, and I don't know if that would be a compromise, but you still have a hard date, but you have a little bit of an extended period of time to allow some of these things to be worked out and allow research to be done, species-by-species, to determine, perhaps, better survival rates for species or how these things work, but that's -- We decided that, boom, no, we're going to establish a hard date, and did we end up -- I think we ended up still with no delay at all, and it was just bam? Okay, but that's just why I started out down that road.

MS. SMIT-BRUNELLO: One of my concerns, and I guess it's kind of twofold, is, one, can the average citizen reasonably understand what conduct is required of them? Can they read -- You have draft codified text, which would be in the regulations, and can they read this and figure out what they need to do or what is prohibited? Then, consequently, you want it to be definite enough that you don't want it to result in arbitrary enforcement either, which is something Roy talked about, and Duane Smith from our NOAA GC Enforcement Section is here, and maybe he could even speak to this, but the other part that's not in your codified text, but is in your amendment, is that you want this device to be used. Otherwise, why would you be asking people to carry it onboard?

I would think that would want, in your draft regulations that you're going to be looking at, that you want this to be onboard, but you want it to be used for fish that are experiencing the effects of barotrauma, and I'm not sure exactly how we put that in the regulations, but it's not in there now.

It's in your amendment, and I would think that maybe we could have some discussion on that too, as to the fact that you don't want these just to be carried onboard a vessel, and what's the point of that? You want them to also be used.

MS. BECKWITH: I hear some of Roy's concerns on the language, particularly the weighted hook issue, and that's just -- It could be dealt with by a language change. For example, instead of having that phrase that says "the device can be, but not limited to, a weighted hook, lip clamp, or a box that holds the fish while it is lowered to depth", it could read "a fish descending attached to the fish mouth and takes it back down to depth using weight or a box that will hold the fish while it's being lowered at depth", and so, instead of being specific to a lip clamp or a weighted hook, we can clean up that definition and actually give a description of what it is that we're trying to get to, and that's just one example.

I think my point is I think we all know where we want to get to, and I think there's a lot of smart people that can figure out some language to get there, and I do believe that with enough -- We have support to turn this into a regulation, and I do think that's the quickest way to alter the culture and to change behavior and to get us to where we're trying to achieve, and so I would encourage us to try and find a path forward.

MR. CONKLIN: What I'm hearing from Roy is that -- It's like Anna was saying. The definition, largely, is the definition of what we say a descender is is too vague. A weighted hook, somebody could hold up a quarter-ounce jig head and say this is a hook with a weight on it. I know, when I'm out using these things and I catch large fish and I have to descend, it takes a certain amount of weight to get some of the larger ones back down, and I don't have anything drafted up, but I'm just speaking to it, and maybe we could require a thirty-two-ounce lead or something to go along, and these are just ideas, and so you don't have to put it in here, but a certain weight.

Then, also, if we, for some reason -- If we could get a list of certified commercially-produced devices, instead of homemade ones in people's garage, and require those, we could make it enforceable, and, if headboats or whatever have a better way of doing it, they still have to have what we require, and, if they want to fill a basket up with weights and throw it down like that, that's their business, but, if we want to make it enforceable, we have a clear list of what they need to have. Whether they use it or not, we can enforce it, and so they would be able to sleep at night, and they could do it however they want. It's kind of like the circle hook rule right now.

LCDR MONTES: I would like to say a couple of notes on this, sitting in the background for the last couple of meetings and weighing-in when I can. Mel said something that kind of resonated with me a little bit. I don't know how a TED works. I don't know how a bycatch reduction device works, and that's okay. Neither do any of the Coast Guard men and women out there that are enforcing the regulations that require those.

They just need to know what to measure and what to check, and so, if we can clearly articulate a certain amount of weight, to echo what Chris said, a certain length, to where you can say, hey, here's this box or here's this piece of line or here's my descending device, and I know we talked about thirty-three feet last time, and here's this clearly articulated -- Like it has to be this amount of weight and it has to be this length of rope and it has to be -- However we can articulate that like it has to hold onto the fish and release it at at least thirty-three feet, and we're taking off of the enforcement officers the subjective nature of how does this work and having them figure out how

it works, because, like I said before, I don't know how a TED works, but I just know it helps turtles and it's good.

If we can take out the subjective nature from the enforcement officers, trying to figure out how a descending device works and be able to interpret and understand that, when it gets to a certain depth, this diaphragm releases the hooks and all of a sudden it opens up and the fish swims away -- If you can take that away from them, then that kind of simplifies things

A couple of other points I've got is the requirement to have onboard, just to echo what was written and spoken by the LE AP, is enforceable. That's easy. You jump onboard and, hey, look, you've got it. It's there. What Monica was saying kind of also spoke to me a little bit, because just having it onboard doesn't say that somebody has got to use it. If you have got a requirement to have floatation devices on your boat, like PFDs on your boat, and we don't say you have to have them on, then somebody can just have them stored in a box somewhere, and you don't have to have them on.

If we want to encourage use, and I don't think we can require use, because then we're back to my guys have to jump onboard, and, if they don't have any fish that are currently experiencing barotrauma, do we just have them demonstrate proficiency? Like I think that's a bit draconian, to jump onboard and be like, hey, show me how that works and make them use it.

Having it rigged and ready, which I know the LE AP doesn't agree with that verbiage, and so maybe we can kind of work a better way of saying it in there, but having it out available and serviceable and ready for use I think is the only way we can create a regulation that actually encourages or requires the use of the power going out. On that, I'm done. Thank you.

MS. MCCAWLEY: I am going to keep going down the queue, except for my next person in the queue was on this side of the room, and I'm going to go down to Gregg, who seems to have power on his side.

MR. POLAND: I have power.

MS. MCCAWLEY: Gregg, if you wouldn't mind, I'm going to go to Steve.

MR. POLAND: I have got a timing and process question. What I am hearing from Roy is it sounds like, if we move forward with the current definition, and maybe even with Anna's suggested edits, that it's still kind of vague and arbitrary and capricious, and the agency is probably not going to approve it. If we want to move forward with something at this meeting and get something on the books, and it sounds like -- I agree with Lieutenant Montes that, yes, we need to wordsmith this, and we need to take all subjectivity out of it, but how many meetings have we tried to wordsmith this, and we still haven't come up with it?

Do we need to consider going to some type of specification process, a list of approved devices, and, if we go that route, what kind of -- How far does that get us behind on getting this amendment approved? Can we get all that done in this meeting, or is that a substantial enough change that we feel like we need to send it back out to the AP or maybe even get more scoping? I feel like I need to know that.

MS. MCCAWLEY: Who can answer those questions?

MS. WIEGAND: I would say we've taken this out to most every AP. I mean, if you guys wanted to get specific, sort of in the way that Jeremy has indicated, specifying a specific amount of weight or a specific length of line, you might want to take that back out to the APs or scoping, but this has been reviewed by the I&E AP, the Snapper Grouper AP twice, the Law Enforcement AP, the SSC. Most of our APs that would be affected by this have seen it in multiple forms.

MS. MCCAWLEY: All right. Steve, I don't know if that fully answered your question. What were the other pieces that were left that need to be answered?

MR. POLAND: I just kind of wanted to get a sense of, if we make some changes to this, as far as adding a list of approved devices, can we do that and still be on track to take final action at this meeting?

MS. WIEGAND: No, I don't think so. I will just -- You guys have had discussions about adding specific devices before, and the concern at the time was what process one would use to say this device is effective versus this one isn't and that it possibly gets us into a situation similar with turtle gear and stuff like that, where, if new devices come on the market, those devices cannot be used until the regulations are updated to allow their use, and so that's conversation that you guys have had in the past, and I don't know if you feel differently now, but that was sort of the reason why you decided not to go down that route.

MS. BECKWITH: If we did approve some devices, it's not that the other devices couldn't be used, because we're not talking about turtles or TEDs or anything like that. They would just have to have one of the pre-approved devices, and, given that some of these are quite inexpensive, I actually don't really see that being detrimental, because we're only requiring one of these approved devices to be onboard, but, if someone also can fulfill the requirement by creating their own or purchasing a new one that comes commercially available, then it would still -- They would still be meeting the requirements by having these five or six approved onboard, but that doesn't mean that people are just going to have one onboard or one type onboard.

MS. MCCAWLEY: I am going to go back to my list, unless Monica wants to jump in to answer any of the questions that Steve brought up.

MS. SMIT-BRUNELLO: I agree with Christina. I think, if you were going to specify specific individual devices, and you had some process in which they would be approved, that's going to take some time to develop. In the larger full document you have, in Table 2.1.1.1, you have got examples of descending devices that meet the requirements in Action 1. You have got weighted hooks, lip clamp devices, and box-type devices. In weighted hooks, you've got Captain Roy's fish saver device, a Shelton fish descender, and then a homemade weighted hook, which is really broad. Then, for lip clamp devices, you've got a SeaQualizer, a RokLees EcoLeeser, a blacktip catch-and-release tool, and then, for box-type devices, it's an inverted utility crate and a recompression cage, and so you've got a really broad range of examples in the amendment, but you're not specifically requiring those particular ones. They are just examples.

If we could get more definitive, and I know this has gone around for a number of meetings, but, if you could get more definitive on what exactly it is you're requiring of someone, I think that would

be much better, whether it's a specific weight, and I'm not sure, but just those kinds of things, so that, as Lieutenant Montes said, it can be enforced on the water.

MS. MCCAWLEY: Just to wrap up that discussion, to go back to Steve's question, I guess part of what I think you're asking is, if we started adding in those devices at this meeting, could we still finalize the amendment at this meeting, and I thought that you were shaking your head no, that we couldn't, and so do you have an opinion? If we started to make those types of modifications, you think it's too much for us to finalize here this week?

MS. SMIT-BRUNELLO: That's right. I do think it's too much.

MS. MCCAWLEY: All right, and so I have a long list of people in the queue.

MR. GRINER: Generally, I am not one to want to add regulations on fishermen, but I was kind of under the impression that this was needed for us to get credit for a reduced mortality rate, and so I guess my question is then has the effectiveness of these descending devices to reduce mortality not already been studied and vetted and deemed effective? If it hasn't, then what else is really required for that to take place, for it to be included in a stock status determination? If it has already been deemed effective, what else is required for it to actually be used in a stock status determination?

I kind of go back to the circle hooks. I thought that, once circle hooks were required, we got some kind of credit for reduced mortality, and so I'm kind of wondering if it's the same with the descending devices. If they can't already been used as something that we can reduce mortality rate in our stock status determinations, or get some kind of credit for reduced mortality, without having to have it as a regulation, what else do we need to do for that to take place, for that to actually happen?

MS. MCCAWLEY: I am going to go Christina, and she is working on the answer to your question up here, and she's pulling up the document.

MS. WIEGAND: We did take this amendment to the SSC, and they had a lengthy discussion, and they concluded that there is evidence that descending devices are an effective way to reduce discard mortality. What we don't have information on right now, or wouldn't have information on, if this regulation went into place, is compliance, or, without this regulation, use of descending devices.

As of right now, through our current survey methods, they don't ask whether or not a fish was descended using a descending device, and this is sort of in contrast to out on the west coast, where Washington, California, and Oregon do have, on their state surveys, questions about the percentage of fish that were descended, and so that's sort of what we would be missing. We do have, in the amendment, a research and monitoring plan for consideration, which was sort of staff's attempt to get at that issue of not knowing the use of these devices, or, in the case of regulation, compliance with the regulation.

MS. MCCAWLEY: All right, and I'm just going to remind folks -- There's a long list of people in the queue, but, also, the Gulf Council has a workshop coming up to talk about that particular question, and that was one of the things on their list.

MR. HEMILRIGHT: I just think you've got to have some standards for whatever device you have. I know, with the turtle dehooking devices and different things that we have on a pelagic longline boat, there is stuff you buy from industry or something, but there's also ones that you can make at home, but they've got to have a certain standard of what this is to pass it, and you've got to have that to begin with and then whatever else, and then plus the buy-in from the folks, but that comes later, but I couldn't imagine being a Coast Guardsman or an enforcement officer and to hop on a boat and here's all these things. You've got to have some standards.

MR. WAUGH: I think we have been at this so long that we're starting to forget some of the previous information. Remember that we had a workshop. Chip organized a workshop, and we had devices brought in, and we're not starting from scratch with this work. We are patterning this after what's been done on the west coast, in their rockfish fishery, and we're -- My understanding is that, once they made it mandatory out there, they were given credit in the stock assessment process.

The manufacturers that we have reached out to, these devices aren't readily available in the stores. We've been told the market is too small right now to justify them making these devices, and we've been told, if it becomes mandatory, then they will make them and they will be available.

If we look to the west coast, it is working there, and we patterned this after what's done there, and I understand the concerns of our law enforcement folks here, who aren't familiar with this, and I think perhaps it would be helpful -- We met last week with Lieutenant James Bruce, who was introduced this morning, and we talked with him some about his experiences, and I think it would be helpful to hear from someone who has actually been on the water enforcing these types of regulations, and they go so far as to, on the Coast Guard vessels and some of the state law enforcement vessels, that they have purchased descender devices, and they distribute them to people, and so I think it would be very informative for the council to hear from someone who is actually doing enforcement and not thinking about doing enforcement and potential problems.

MS. MCCAWLEY: Thanks for that. Roy, to that point?

DR. CRABTREE: I just want to point that there is no federal requirement to use these on the west coast, and there is no definition in the federal regulations of a descending device. I believe it is a single state on the west coast, and it's either Washington or -- Is it, or is it Oregon? I can't remember, but there is a state requirement, which would apply in state waters, but this would be the first time there has been a requirement in federal waters. I am not opposed to the idea of using these, but I just think it is bad management to write an extremely vague statement into the rules that I can't even read it and tell what would comply and what wouldn't.

MR. BELL: Kind of going back to I guess where Jeremy was going with this and moving forward and asking if it's possible to move forward at this point, if the real sticking point right now is that what we have in this document as a definition, or a description, if that's inadequate for -- If it's not considered reasonable for enforcement, can we, with law enforcement here, sit down and work offline and develop a reasonable definition that they feel they could either determine that, yes, you have something that fits in that box or you don't, yes or no?

I think, also, one of the things to keep in mind is don't underestimate the fishermen. I think the fishermen really want to do the right thing, and they don't want to waste these fish. It's not good to have -- Whether you're a for-hire sector or private boat, it's not good to have fish floating off over the horizon, and so I think they want to do the right thing, and so I think you will get compliance, more so than you might think, because they want to do the right thing, and it will become -- As this thing socializes, there will be peer pressure, and there will be customer kind of peer pressure, and I just see it working.

If what we're stumbling over is an adequate, broad definition with examples, perhaps, then maybe we can do that, but that could be something we could perhaps achieve, and I don't know, but we might have to do that offline.

Then I would also not focus on the -- Yes, we want them to use them, but you can't enforce that part, because you're not there, perhaps, when they are using it or not using it, but what is enforceable is you have something on your boat that you show me, and keep in mind too that this would also apply for vessels that you might intercept and board that aren't actively engaged in the fishing at the time, and so I'm not so much worried about the rigged and ready aspect, because, if you intercept a boat and they've got snapper grouper species in the cooler, and they're coming from offshore, they're not fishing.

They are done, but they have the species in their possession, clearly, and they would have to show you the device that they had, and that won't be rigged and ready, necessarily, but it will be a device that fits in this box of a description that we might come up with, and, again, it's just got to be something, probably general, and I realize that, but it's going to have to just meet the basic law enforcement sniff test to either have something you're showing me that fits in this box or it doesn't.

Also, don't underestimate the power of contact with law enforcement that don't result in tickets. It's not all about writing tickets. Law enforcement has a major role to play in outreach and education, and, if you think about giving descending devices away, that's great, but part of what they do is help people do the right thing, but those contacts -- Once you have those contacts, and the public knows that, gee, I might have that kind of contact, and it's required, then they're going to try to do the right thing, and I know it's not a perfect world, but I think, if what we're stumbling over right now is simply a reasonable definition that would have the ability to kind of pass a basic sniff test with law enforcement as to whether or not it's even reasonably enforceable, then we could do that, but we might have to do that just in a little group or something, just pull law enforcement together and work it out,

MS. MCCAWLEY: I have a long list in the queue, but I'm just going to add a couple of points here. I just want to remind us -- We had a very robust discussion about what the Law Enforcement AP said at the last meeting, and we also talked a lot about venting tools at the last meeting, and remember the FWC press release had come out that was about descending devices and venting tools and not necessarily saying that venting tools are bad if they're used properly, and so we had that knowledge when we were looking at these definitions, and we were trying to make it so that it wasn't a requirement that you had to descend a fish.

In other words, if you wanted to vent the fish instead, or you were in a place where maybe you didn't need to vent or descend a fish, that you were using your knowledge of it not showing

barotrauma, that you wouldn't necessarily do either one, and so we kept the language the way it was on purpose, and so that was a conscious decision to do that.

Also, and I am afraid to even bring this up, but so we have, in Florida, in Boca Grande Pass, we went down the path of talking about specific rigs that you would use that are and are not allowed in Boca Grande Pass to fish for tarpon, and we have been back into that rule three or four times. We tried to be very specific about the type of device that had to be used, and there was not a commercially, really, available device. These were all homemade by fishermen, and, of course, you've got the people using the jigs versus the people using live bait, and it was really about how that jig was rigged.

We tried to craft a definition about how to rig that, knowing that these are all homemade devices, and then we kept having to go back in there, and we actually developed a certification process where people from our legal office, from Law Enforcement and the Division of Marine Fisheries Management, would get together and inspect every single one of these devices and determine if they were viable and they met the definition of the rule.

It was a long, arduous process, and it is somewhat difficult for law enforcement to enforce those devices now, and they do talk about the intent of the rule, and they look at the ones that were approved in the past, but people are always coming up with new devices that they want to use in the pass, and they bring them to us and try to figure out if it meets the intention of the rule or not. It is challenging for law enforcement, but they do make cases, and they make it all the way through court.

I guess one of my concerns, in specifying these particular commercially-available products, is I don't really have an issue with that, but we've heard from folks, like Jimmy Hull, when he was at the AP, and he brought the device that he uses that is a homemade device, and it seems to quick and work just as well as some of these, because FWC has tested every single one of these, and I can tell you that some of these devices are not really commercially available to the public, but we have spent many hours, and we've done a lot of studies where we tried to figure out the barriers and the hurdles to why people might not use different devices and things of that nature, and so we've done a tremendous amount of work on this, but there are pros and cons to being very specific with what's in the rule, and there is pros and cons to developing a process with which NOAA Law Enforcement or NOAA legal office would certify particular gears, and FWC has been down this road, and it is extremely challenging.

Even if you certify the gear, when the gear gets in the water, the gear might not act the way that you saw it act when you were testing it on land, and it just might not be exactly how you thought it was going to operate. The issue with tarpon is people using the jig and this breakaway gear that was ending up in the pass, and it was littering the bottom, but it was also about if you were fair or foul-hooking that tarpon species, and so it was an extremely controversial issue, and trying to regulate the gear itself maybe made some inroads, but it was very challenging, and trying to do this certification of gear was very challenging, and so let me just tell you that.

MS. BECKWITH: Again, just looking at the definition, we can easily clean this stuff up. I mean, that first sentence is way fluffier than it needs to be. It could be descending device means an instrument weighted to release a fish at a minimum of thirty-three feet. That is clear. The last sentence, instead of "should be capable", the device "must be capable" of releasing a fish, and so

at least that gets us started towards being a little bit clearer, but, again, the first sentence should really read that descending device means an instrument weighted to release a fish at a minimum of thirty-three feet.

MR. BREWER: We have had multiple, multiple discussions about the definition. By the way, I am very familiar with what went on in Boca Grande, and it was ugly, and that was one fight that, thankfully, I was able to stay out of, because it was across the state. I feel like we've been thrown kind of a curveball here, because I am reminded of the courts when they were trying to come up, under the obscenity laws, with a definition of pornography. They weren't able to do it, because you had different norms in different parts of the country. Something that somebody in California thought was just perfectly fine, somebody in Iowa thought was just the worst thing ever. The courts finally came up with -- I think their distinction was we may not be able to define it, but I know it when I see it.

You're going to be able to tell if somebody is following the intent of this regulation by looking at whatever the descending device they have is. If they have got a one-ounce sinker on a j-hook that they've taken the barb off of, you're going to go, no, that's not really a descending device. Now, the officer doesn't have to issue the person a ticket for that, but they should be able to say to them that, listen, this rule has a purpose, and why don't you go get a nineteen-dollar descending device, because, for some of them, that's exactly what they cost, something that will be effective.

I think that trying to come up with a specific definition is just not -- It's not going to be doable, and you're going to leave somebody out, and you're going to not encourage people to come onto the market with new ideas, because, if you've got these specified and they're the only ones, well, then anything new is going to have to get approved, and we may have to change the rule, and we may have to have some sort of certification exam that goes through NMFS or us, and it's just really not workable. I believe, strongly, that we should go forward with this and get it on the books.

LT. JAMES: Thank you to the council. I am Lieutenant James Bruce. I wear a couple of hats. Number one, I'm the Commanding Officer of the Southeast Regional Fisheries Training Center, and so part of me listening to this discussion is figuring out how to train the potential regulation. How do I get this onto the boots on the boats? I would normally say boots on the ground, but it would be boots on the boats, and how do we communicate that to the officers in a manner that would be effective, so that, number one, they know what to look for, that they're confident in looking for it, and, number two, it would be that they know how to educate and help either the recreational fishermen and fishers, commercial fishers, and charter and headboats, too.

Like was mentioned, I have a couple of years of experience in enforcement from the west coast, and I worked specifically on a bunch of operations with the Washington Department of Fish and Wildlife, where I would be out on the boats, and there is the ground fishery out there, and a lot of the officers -- Where in Washington state waters descending devices were regulated and were required, and a couple of the vessels had approved descending devices, and they would just hand them out as a boon to be able to help education and help folks.

I look at this pretty simply, and I think that there is both -- There is necessary, and then there is sufficient conditions, and so, if I'm reading the definition, the first necessary condition is that the fish has to get to depth. It has to get to pressure in order to reduce the percentage of mortality.

Like Mr. Bell and a few other folks were saying, it's that, in an actuality, like in real life, if I or my officers get onboard a recreational fishing vessel, and there's a gargantuan grouper on there, and someone has a half-ounce weighted descending device, that's a decently easy case to say, okay, ma'am or sir, why don't you go over there and get those lead weights and those zip ties and please come over here, and let's have a real quick discussion and let's figure out a way to make this work, because compliance and safety is going to be our first goal.

Secondly, does the device get a fish down quickly? It would have to be out of the package or in some form be able to be there, to where it's functional, and I think a lot of this has been covered, and then, thirdly, is the fish going to be able to get away once it's at whatever depth that is? It's as simple as that. All I've done is just reiterate what seems to be already discussed.

Now, from a law enforcement standpoint, definitely if it was A, B, C, and D, and we knew exactly what to measure, and I had the numbers and I had everything, that does make it simple, and so it's as simple as that. As long as I've got the necessary and sufficient conditions to meet the letter, and, the more specific you can get, of course, the easier, and then what we're looking at doing, from a law enforcement standpoint, is have we met the elements of any type of potential violation and are we able to prove in a court or as it goes to proceedings, but that would be secondary. I think number one would definitely be education and assistance, without a doubt. That's really all I have to say. Thank you.

MR. DILERNIA: First, let me say, like Chester, I have spent years reviewing websites, and I have only found two to be pornographic in all that time of my reviewing. I couldn't let Chester go by without saying anything. The Gulf Council, if I'm not mistaken, the Gulf Council requires the use of venting tools onboard, and it's not required in the Gulf?

MS. MCCAWLEY: Not anymore.

MR. DILERNIA: Not anymore. Okay. I was just wondering, because, to me, the venting tool is a very simple, easy tool to use, and it eliminates -- I mean, on the for-hire boats, you can train the crew real fast, and recreational fishermen will learn. You can buy a venting tool on Amazon for like nine-bucks, and it works, and so I don't know if Susan wants to help me understand what had happened there with the Gulf, but I thought it was required in the Gulf.

MS. WIEGAND: I apologize if I sound like a broken record, and I know I've brought this up at past meetings, but just a reminder that this council did at one point consider putting in a venting tool requirement, and that requirement was not approved by NMFS, because the literature at the time illustrated that, if venting is done incorrectly, it can cause more harm than good to the fish. It was open to reconsideration, and that's not to say that we can't consider a venting tool requirement in the future, and I will, however, note that, based on what I have seen, literature on venting tools being effective -- It certainly shows that they are effective, but the key there is that fishermen must be using them correctly, and the literature also shows that that's not always the case, and so that's sort of the history of venting tools from this council's perspective.

MR. DILERNIA: So do we have literature or research on the effectiveness of descending devices?

MS. WIEGAND: We do, and we had the SSC review the literature as well and make a consensus statement about descending devices being considered effective to reduce release mortality.

DR. WILLIAMS: I just wanted to circle back to an initial part of the discussion, and Roy had mentioned this, and just in case folks don't listen to Roy all the time, he said the same thing that I'm about to say, which is there isn't a requirement to have a regulatory thing in place for us to incorporate a decrease in release mortality into the assessment. However you can move that needle, whether it be through social, ethical, or regulatory pressure, as long as we get some data to show that that actually has occurred, we're going to incorporate that into the stock assessment.

MS. MCCAWLEY: Thank you.

MR. CONKLIN: I am just wondering -- Since we've really been working on this for a long time, and we really wanted to get through, Monica, can you tell us what we need to have black-and-white to bring to you that is going to make this a little bit easier for you all to digest? Otherwise, then this thing is screaming citizen science all over.

MS. SMIT-BRUNELLO: It's a little difficult, and I think that, if you do go forward with it, obviously, you're going to give your Council Chair the latitude to re-deem any codified text that is necessary to implement the regulations. One thing that probably we should strike from the definition is the device can be, but is not limited to. I think we should take out "but is not limited to", so that the device can be a weighted hook, lip clamp, or box that will sufficiently hold the fish when it is lowered.

That at least takes some of the wiggle room out a little bit, because, when we write the regulation, I think we're also going to have to put in that you want this to be used for a fish that has an indication of barotrauma, and so those are the kinds of things I think that would be helpful.

You know, really, the rubber meets the road when you start looking at the exact codified text that would be necessary to implement this, and that's where we really got to that this seems pretty vague. Is that average person going to know out there what is required of them, or the flip side is what's prohibited?

The more definitive we can get in here -- You know, a minimum of -- Another one is to release a fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma, a minimum of thirty-three feet, and maybe you want to get specific, that it has to be at least thirty-three feet, and so that would mean someone would need some sort of line that is at least thirty-three feet that is attached to their descending device. Again, we could get into the specifics in the codified text, which I don't think you -- You have a version of that in front of you, but I think it's going to have to be changed, so that, if you would give your Council Chair the authority to look at that again, or maybe we can even have it ready for Full Council, and I'm not sure. The idea is, the more definitive you get, the better you will be, in terms of making sure that it's not too vague.

MR. WHITAKER: Regarding TEDs and BRDs, bycatch reduction devices, I recall that those were under pressure from lawsuits and dealing with endangered species, and so there was some real urgency to have things work and know they worked and be certified by NMFS, but I don't see that really happening here in this case.

The other thing I wanted to point out is that these devices, whatever they are, are only going to be used by those that want to use them. There is not going to be anybody standing there looking at

them and watching them put them over. It's got to be up to that individual's conscience to use it, and, if that's the case, he or she is going to use something that they think works. They are not going to use a one-ounce weight.

That being said, I took a stab at drafting something last night, which I will put in the record, but it's a descending device is a device that, with appropriate weight, has a reasonable expectation of transporting and safely releasing a fish at its depth of capture, ideally or minimally at its depth of capture, ideally, or, minimally, at a depth of at least thirty-three feet, and the device must be immediately available to the fisherman and must be rigged with an appropriate clasp, such that it may be quickly attached to a line of adequate length. That's it.

MS. MCCAWLEY: All right. Chris, and then I'm going to make a suggestion

MR. CONKLIN: I am just -- Thank you, Monica, for clarifying some of what you want, and I'm wondering if we need to work on this and bring it back at Full Council, and it sounds like what we're looking for is a specific line length and a specific commercially-produced or available device that we have approved that people can go to the store and buy and not make in their garage, and that will make it enforceable. I think a weight requirement is what would get this ahead, of where we are now at least, and then we can have some sort of better discussion, once we narrow it down.

MS. MCCAWLEY: All right. I'm going to make a suggestion, and so Christina has up here I think five different definitions that people have handed to her, and I think that we need to give her time -- She might be able to come back while we're still in the Snapper Grouper Committee, and it might not need to wait all the way until Full Council, but I'm wondering if maybe we take an extra fifteen minutes at lunch and there's a working group that works on this definition that can bring back to the committee for discussion, and so some of the points that I think we've talked about that need to be in there -- It sounds like specific line length needs to be in there, a specific weight needs to be in there, a list of devices that are commercially available right now, and is there something else I have missed, Monica, that you think needs to be in there?

MS. SMIT-BRUNELLO: We'll work on it.

MS. MCCAWLEY: All right, and so we'll take a little extra time at lunch, and the folks that have provided definitions or want to be part of this workgroup, if you could get with Christina. Monica, if you want to be involved in that group, I think that would be great, and then we can come back and look at this definition. Then I would suggest possibly not taking any action, or motions, on this particular action, and maybe we move through the rest of the actions in this document, and we'll circle back to this action hopefully while we're still in committee, and does that work for folks? Does that work for you, Christina?

MS. WIEGAND: Yes.

MR. BELL: Just the thirty-three feet, everybody knows that that's just plain Boyle's Law. It's double the pressure and half the volume, and that red grouper you saw did not relieve at thirty-three feet. He didn't get relieved until -- But that's where the thirty-three feet, and I don't know if we need to fixate on the thirty-three feet, but obviously a depth sufficient to allow relief of barotrauma, but then that's, okay, how do you measure that, but the minimum would be thirty-three, perhaps.

DR. CHRISTIANSEN: Real quick, at some point, we're going to have to depend on the fishermen want to do this and make this work and your officer's discretion to do what he thinks is right. They use their discretion a thousand times a day, every time they stop a speeder or every time somebody runs a stoplight, and they have to do this, and so we could discuss this and define it 10,000 ways, but, at some point, put it in their hands and let them do their job.

MS. MCCAWLEY: All right. We've had a lot of good discussion on this action, and we'll come back to this action after the working group works on the definition, and so I'm going to ask Christina to move on to the other actions in the document, so we can at least get through those.

MS. WIEGAND: Moving on to Action 2, this is the circle hook action. Right now, your current preferred alternative would require the use of non-offset, non-stainless-steel circle hooks when fishing for species in the snapper grouper fishery management unit with hook and line gear and natural baits in the Exclusive Economic Zone north of 28 degrees North latitude, and so the only change from the status quo with your preferred alternative is requiring that circle hooks be non-offset. I will just give you guys a chance to review that, and, if you're comfortable with that, we can move on to the council conclusions.

MS. MCCAWLEY: So there were no IPT edits to this action or anything like that?

MS. WIEGAND: No, ma'am.

MS. MCCAWLEY: Any changes or any discussion on this particular action in the document? We have some preferreds in there. Does anybody want to talk about it? I am letting folks look at it. I don't see any hands up, and so we're going to move on to the next action.

MS. WIEGAND: I'm going to talk about council conclusions.

MS. MCCAWLEY: After the council conclusions.

MS. WIEGAND: Based on conversations that you guys have had, this is what staff has developed as what we believe your conclusions are, that research indicates that non-offset circle hooks do reduce the occurrence of hooking-related mortality when compared to offset circle hooks, and, thus, can improve the survivorship of released fish and that requiring their use, as opposed to requiring them onboard, ensures that the full potential benefits are realized, that requiring non-offset circle hooks south of 28 degrees North latitude would cause substantial economic and social effects, specifically to the for-hire industry, and that's based on public comment that you guys received at the June meeting and then your decision to change your preferred alternative to the way it is now, and then that non-stainless-steel circle hooks degrade faster, and those fish that are gut-hooked have a greater chance of survival, which reminds me that I forgot that you have another preferred alternative to require non-stainless-steel hooks throughout the South Atlantic EEZ.

MS. MCCAWLEY: Any questions? Are there questions about the council's conclusions or questions about the two preferred alternatives in this action?

MR. BELL: I know we only captured the law enforcement comment there about when you draw a line and it creates issues for enforceability, but I also know they had some discussion about

determination of offset versus non-offset and what that really means, but it's kind of the same sort of argument with dealing with the descending devices, to some degree, but, if you've got a non-offset and it's bent, is it still a non-offset? I don't know, but we didn't capture that, but the comment about the line, that had to do with establishment of that line, of course, we decided that would create more problems, really, than trying to go with just everybody.

MS. MCCAWLEY: Right, and it was primarily for the yellowtail snapper fishery, which we've had a lot of discussion about that particular fishery, and so I think that we're good with that line. All right.

MS. WIEGAND: The next action, last but not least, is adjusting the powerhead prohibitions in the South Atlantic. Right now, your current preferred alternative would allow the use of powerheads to harvest snapper grouper species for private recreational, for-hire, and commercial vessels, and this just puts federal waters off of South Carolina as the same as the rest of the South Atlantic EEZ.

Scrolling down to the council conclusions, again, based on your discussion, we felt that you guys believe that allowing the use of powerheads to harvest snapper grouper species in federal waters off of South Carolina would create consistent regulations for powerheads throughout the South Atlantic and that this makes regulations clear for law enforcement and for angler compliance, as well as creates equal opportunity to harvest snapper grouper with powerheads throughout the South Atlantic.

MS. MCCAWLEY: All right. Any discussion on this powerhead action? I did look at some of the analysis of the effects, and some of them seem pretty negative, and so I was going to get with you about this in the document. Any discussion or any desire to change the preferred alternative? All right.

MS. WIEGAND: Then that's it for now. We do have a draft motion for formal approval, but we can delay that until we've had more descending device talk.

MS. MCCAWLEY: Yes, and we also haven't talked about the outreach plan about descending devices, and so we would talk about that, I think, after we look at another definition. All right. Let's take a ten-minute break, and then we will move on to the next item in the agenda, which is the blueline tilefish. Ten-minute break.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: We are going to move into blueline tilefish. I am going to turn it over to Roger. I don't know if you have a PowerPoint for us, Roger, or if you're just going to dive right into the briefing document.

MR. PUGLIESE: What we have is follow-up from the June council meeting, where the council took action to move forward with addressing blueline tilefish and the action to create a new ACL for the South Atlantic region. What we are anticipating was bringing this forward to get some clarification about the actions to be included in the framework Amendment 3 to ensure that that is developed and then completed, so that it can be brought forward to the December council meeting for approval and advancement.

What we have compiled is information supporting the SSC's recommendation on development of a new ABC for south of the Hatteras area as well as north, a combination of those as best science for both areas, and providing an allowable catch limit that is a combination for the two areas, based on the SEDAR assessment as well as the coordination between the Mid-Atlantic and New England and the workgroup that established the northern catch limits and then the area north of Hatteras.

This provided us the basis which we presented at the last council meeting, which was the proposed action that would create a -- If you go directly to the table, it would create an allowable catch limit of 233,968 pounds for the South Atlantic region. Divided, the ACL for the commercial is at 117,148 and 116,820. One additional component we did was follow-up to make sure that we had a recreational ACL updated, and so, established using that ACL level, Mike E. provided the input on how to apply that into creation of an updated recreational ACT, which is established there.

A couple of things to note is that establishing those levels, if you look at -- We did add in some catch levels for both commercial and recreational, and it provides a better ability to avoid potential closures within both the recreational and commercial sectors in the fishery. As this was put together, and, as I said, there was discussion at the last council meeting about the buffer that was created originally when the assessment, or prior to the assessment being done, to address the northern area, and that actually was addressed by the new stock assessment, and so creation of the new stock assessment, identification of the two components of catch for the South Atlantic region, and then the area north of Hatteras and then the division of that catch area, essentially eliminating any kind of buffer, and, also, as created through the Mid-Atlantic Council -- They created an amendment to manage bluefin tilefish under their area of jurisdiction now, and so they have the management strategy established, and they are monitoring the fishery, and so a lot of those uncertainties to the north have been, to some degree, addressed fairly significantly.

Also, the focus on the South Atlantic to get better catch levels, and so what was discussed at the IPT level was to make sure that the council -- The appropriateness of moving forward with these established ACLs and reaffirmation of the completion of development of an abbreviated framework, and this was looked at as the most expedient way to implement this into 2020, and also the appropriateness of a revised recreational ACT.

What was raised is the assumption, going into this, is that ACL -- ABC would be equal to ACL. In the past, there has been discussion about the possibility of looking at other levels, such as 95 percent, 90 percent, and 85 percent of that. In this case, the ABC equals ACL at least seemed to track the original intent of when the council started managing this species, and so that is on the table. We just wanted to reaffirm that, and then, also, are there other ways to look at that?

That would also be tied to, if you picked a different level for ACL, then the ACT, of course, would also track in and have a reduction relative to that, and so that's what is on the table for the council to consider, so that this document can be worked on and the rest of the analysis completed and brought forward to the December council meeting for approval, and that's the very abbreviated version of what we have before us, and a lot has gone into where we've gotten to today.

MS. MCCAWLEY: Thank you, Roger. Questions for Roger? All right. So you need from us a motion that we want to try to approve this in December? Is that what you need from us?

MR. PUGLIESE: Well, I think that's acknowledging that these actions are what are going to be included in the framework to be brought forward to the council in December.

MS. MCCAWLEY: All right. Would someone like to make that motion?

MR. POLAND: **You're going to have to help me wordsmith this a little bit, but, Madam Chair, I move to revise the ACL for blueline tilefish or whatever we need to move forward.**

MS. MCCAWLEY: Roger, does the motion need to include the fact that we want to include the actions that we see in this document?

MR. PUGLIESE: Yes, and I think that's what the whole decision-point for this meeting was, to reflect the actions provided in the decision document.

MR. POLAND: **Sounds great.**

MS. MCCAWLEY: All right. **So moved to revise the ACL for blueline tilefish to reflect the actions in this decision document and return to the December council meeting.**

MR. BELL: Second.

MS. MCCAWLEY: It's seconded by Mel. Go ahead.

MR. GRIMES: Thank you, Madam Chairman. I am going to put in a plug -- Well, let me back up. Effectively now, we have ACL equals ABC for the South Atlantic portion of the stock. If we want to move forward via the abbreviated framework process, then we could maintain that ACT equals ABC construct and move forward with the abbreviated framework. If we make changes to that, then we're no longer able to use the abbreviated framework, and we would need to go through a regulatory amendment process. The only difference between that is explicit consideration of alternatives and a little more analysis and more documentation.

Having said that, it seems to me that, at least absent some rationale for why we don't need to consider a buffer between ACL and ABC -- I think the facts that we're presented with leave open or indicate there is some need, potentially, to consider a buffer between ACL and ABC, and so I'm going to read to you.

The buffer between ABC and ACL is to address management uncertainty, right, and your scientific uncertainty is addressed in the difference between OFL and ABC, and that is in the recommendation that comes from your ABC. Management uncertainty is defined under National Standard 1 Guidelines as the uncertainty in the ability of managers to constrain catch so that the ACL is not exceeded and the uncertainty in quantifying true catch amounts, i.e., estimation errors.

If you look at Attachment 4, Tab 3, Attachment 4, in your briefing materials, you have Tables 3 and 4 which have actual landings versus what the ACL was. If you look at South Atlantic blueline tilefish commercial landings, with the exception of a really bad year in 2015, catches have been - - You were 139 percent of it in 2014, 440 percent in 2015, and I don't know what happened there, but then the overages get a little bit less as we go through 2016 through 2018, and so maybe the

recreational sector -- Again, the overages seem to be getting less, and maybe there is not a need there, and there is little management uncertainty, or less management uncertainty.

If you look at Table 4, for the recreational landings, there are I guess I would say more consistent overages, and they are also getting less, but there are overages. In addition to that, I believe these are estimated harvest relative to the ACL, and it's derived using our recreational data sources, which we know have considerable error associated with them, and so that, to me, says there's at least the argument that there is a fair amount of uncertainty in this, and, given that about half of the harvest comes from the recreational sector, there could be stock-level consequences to that, and so, having laid that sort of groundwork, why don't we need additional buffers to address that management uncertainty I just discussed? Thank you.

MS. MCCAWLEY: All right, and so I have some additional questions. Was the harvest in the South Atlantic jurisdiction north of Cape Hatteras counted against the South Atlantic ACL, even though the ACL only applies to blueline south of Cape Hatteras? That's one of my questions, like what landings are included here?

MR. PUGLIESE: As far as I know, that is intended to include the entire South Atlantic region.

MS. MCCAWLEY: Even though the ACL only applies to -- Mike.

DR. ERRIGO: The proposed ACL from the newest assessment has two -- There is two separate ABCs that are going to be combined into a single ABC. Prior to that, we had a single ABC and ACL that covered the entire South Atlantic jurisdiction, and so everything from the Virginia/North Carolina border down through the Keys was counted towards our quota, but the ACL covered that whole area from the previous assessment and then from the interim rules. Now, going forward, the proposal is that you take the proposed ABC from Hatteras south and that from Hatteras to the North Carolina/Virginia border and add those together to get your ABC for the South Atlantic stock, the stock in the South Atlantic's jurisdiction, and then you can have a single ACL that covers everything.

MS. MCCAWLEY: The overfishing determination in NOAA Fisheries status of the stock report, does that -- It doesn't seem to be the same as what we've been talking about here. It seems like that that report came out and the results of that are different than what we've been talking about here, and so that was also a source of confusion for me.

MR. PUGLIESE: The original determination that came out of the stock assessment for the area south of Hatteras was that the stock was -- You did not have overfishing, and it was not overfished, based on the original stock assessment, but it was the area south, and the intent was that the management from the area north was being put together, and those catch limits were intended to limit the harvest. However, I don't think there has ever been a determination of the Northern Zone.

DR. CRABTREE: I think the north of Hatteras was -- Or at least the north of the Virginia/North Carolina was status unknown, and then the question became so what's the overall status, and I recall seeing some memos about that, and it's been very complicated, because the stock's distribution has changed, and the ACLs have changed, and the recreational landings -- This is a rare-event species, and so the percent standard errors on them are very large, and the catches fluctuate around a lot from year to year, and, by the time we get the landings, it's usually already

the end of the year, and so you're looking at what was landed last year, and so it's just a difficult one.

MR. PUGLIESE: Just a quick comment to the whole concept of management uncertainty. I think the point I was trying to make earlier on is the fact that you do have the structure in place to the north, and you do have the monitoring in place, and you have more of a focus in the South Atlantic. If anything, I would think that we are advanced further, in terms of being able to monitor this species as well as be able to track and understand what are the implications, and, given everything we've had provided by the SSC to date, this is kind of the best situation, and then the monitoring into the future, if anything, it should be even more effective to provide even better management as we move into the future.

MS. MCCAWLEY: I guess I'm just not really seeing why we wouldn't want to keep the ABC equal to the ACL, I guess is one of my points. I mean, I feel like there's kind of these other factors involved with the other states and the extended jurisdiction, and then there were, it seemed to me, some nuances with this stock status determination report that seemed to create some confusion, but I don't see a reason why we wouldn't want to keep them equal.

MR. GRIMES: It's just what I had said, because we haven't been particularly effective at constraining catch to the ACL, which means there is management uncertainty in what catch was and constraining catch to that ACL, and the whole point of the management uncertainty buffer, or the buffer between ABC and ACL, is to account for that uncertainty.

MS. MCCAWLEY: Yes, but I think that, to me, it's partly because it's a rare-event species, and so these numbers, and we've talked about this in the past, could be based on a small number of intercepts, and so it seems like it's possibly extrapolated and then the season -- At the end of the season, we've gone over, but we didn't realize that at the time, and I just --

MR. GRIMES: Madam Chair, that is all true, that the actual catch could be much less or much more, because of the uncertainty associated with the catch estimates, but, again, high uncertainty in catch estimates means management uncertainty means buffer.

MR. HEMILRIGHT: You can't have this both ways, and the both ways part of it is that you talk about the uncertainty of MRIP, but you use MRIP for allocation. The blueline tilefish commercially, the only uncertainty is there's a heck of a lot more fish out there than your science shows, and we've been reduced. The second part on the recreational side, for the Mid-Atlantic, is we had to do a Delphi process, because MRIP showed zeroes, and that's still happening with the zeroes. Down in North Carolina, we got MRIP that is showing that -- The uncertainty there is that that MRIP numbers are just out of this world, and so that's certain. That ain't uncertainty, but you can't be having it both ways.

I mean, we're catching -- There is less fish to be caught, and we're staying under on the commercial side, and so don't penalize us for MRIP and having both sides, but you can't say that MRIP is not good and then, all of a sudden, you use it for the allocation thing there. I mean, clearly it's -- How can you have it both ways? I mean, this needs to go through, and we should be catching more fish, period, than the crumbs we're catching and are allowed to catch now, but we're thankful for that, but I just -- Well, I've said enough.

MS. MCCAWLEY: All right.

MR. GRINER: I agree, and I don't think that the uncertainty is on the management side. To me, the uncertainty is on the science side, and it's the MRIP portion of this. I mean, the commercial landings are accurate, and we already have a buffer. We're not overfishing, and it's not overfished, and I don't think there's any reason why we would not set the ACL equal to the ABC. I don't think there is any reason not to.

MR. CONKLIN: My thoughts resonate with Dewey and Tim. There is no uncertainty in what the commercial people are reporting and what we're catching, and I don't feel like we should be penalized for uncertainty. If anything, we need to make sure the reporting is being done more timely, I guess, and that the announcement for shutting the fishery down is done to where we don't run over the quota and have to take a hit.

MR. POLAND: My question is to Shep. The recreational ACT, how does that not account for that uncertainty?

MR. GRIMES: If we had a recreational ACT, and we monitored landings and closed based on that ACT, yes, it would address the uncertainty. While I have the mic, I read the definition of management uncertainty at the beginning, because I wanted to make the point clear, and I would generally think of uncertainty in quantifying true catch amounts as sort of scientific uncertainty, but that's not the way it is in the guidelines.

While, yes, the commercial sector is more closely monitored and we have done a better job, generally, of constraining catch to the ACL, half of the catch of the stock is recreational, and uncertainty in quantifying those true catch amounts is reflected in the MRIP estimates, and that's higher than it is for a lot of species.

MR. HEMILRIGHT: In the Mid-Atlantic, since they implemented the 300-pound trip limit, and you have to go to greater distances to go fishing in the Mid-Atlantic, I believe, last year, we caught 26 percent of our quota, and I believe that's what it was, and so we left 20,000 pounds on the table, or something like that, and, this year, we're probably going to leave 20,000 pounds on the table, and so that's in the Mid-Atlantic part of it. I don't know how to rectify the MRIP numbers and the uncertainty in the area north of Cape Hatteras. I just don't know how to rectify that part.

DR. CRABTREE: I think this is what happened. We had a stock assessment in 2017, and they used data through 2016. Blueline tilefish was declared as not undergoing overfishing for the portion of the stock from Cape Hatteras down to the Keys. We then got the data for 2017, and they were finalized in 2018, and we exceeded the OFL. We landed 239,495 pounds, and the OFL was 226,500 pounds, and so there was a determination made that we were overfishing because we exceeded the ACL, and that included the increase in the OFL in the assessment in 2017.

The preliminary data for 2018 indicated that we are expected to exceed the OFL. Therefore, we don't think that overfishing continued into 2018, and, when the next status of stocks report is done, it will be changed back to not undergoing overfishing, and so that kind of is where we sit, and the letter that went to the council said that you're not required to take any additional action to address the overfishing determination in the letter.

Now, Shep made some points about the uncertainty of it all, and, if we set the ACL relatively close to all of this, we could end up with another overfishing determination, and, if you get enough overfishing determinations, you're going to end up having to come in and reduce all the catch levels for it, and so I think that's the gist of it.

MS. MCCAWLEY: Thank you, Roy.

MR. POLAND: I guess I'm a little confused. In reading this, I thought we had a recreational ACT for blueline tilefish, and so you're saying we're not tracking that, or is that ACT not appropriate, because the uncertainty in recreational landings is so -- I mean, I don't --

MR. BELL: Table 2.

MR. POLAND: Yes, in Table 2, we have a recreational ACT. Currently, in 2019, it's 54,653, and the proposed would bump that ACT up to 70,886, and so that's what I am having trouble understanding.

DR. CRABTREE: My understanding is you have an ACT, but nothing happens when you hit it, and so it doesn't do anything.

MR. POLAND: So there's no accountability measures associated with it?

DR. CRABTREE: It's triggered by the ACL and not by the ACT.

MR. BELL: So it's a non-functional ACT.

DR. CRABTREE: Yes.

MS. BECKWITH: Yes, but that's a separate issue, and so, right now, we do have an ACT, and so, if we wanted to change accountability measures, that doesn't have to be done in this document. This document can go forward, and we can deal with accountability measures, but I had the same look of confusion on my face, because we have the recreational ACT, and we're basically being told that, if we wanted to change the recreational ACT to anything other than what we have now, then it would not be this type of framework, and so, to me, I don't see anything that stops this document from moving forward. If we want to open a discussion on changing our accountability measures to close at the ACT, then that's a separate issue, and we need to shove that into a different amendment, but this needs to go forth as-is, and I guess I'm missing anything else.

MR. CONKLIN: I just wanted to touch on what Dewey said about the rate we're catching these fish and that we're building a cake one crumb at a time, and we're doing it pretty quick. Then, to what Roy said about do we believe that the fish are -- That there is that many out there and will the next assessment come out and determine that there are, I mean, that's completely up to however that turns out, and we usually know how some of that goes, but, I mean, in my mind, everything is supposed to look better, and we could hopefully keep it the same, and I know it's a roll of the dice, but, unless there is some sort of mandate saying we have to do something different, and it sounds like that letter that we got says that we don't, then I don't think we should do anything different.

MS. MCCAWLEY: Before I go to my list, I agree with that, Chris. I also kind of agree with what Anna is saying, that, because of that letter, and because it's not overfished and it's not undergoing overfishing, if we're going to modify and change an accountability measure, I agree that that seems to be beyond the scope of this document. This document is taking the recommendation from the SSC.

MR. GRINER: I just wanted to say the same thing. I think the document needs to go forward like it is, and I think it's not overfished, and the accountability measures is a different issue.

MR. BELL: I thought where Shep was going with this is, based on the definition of management uncertainty and looking at the data in front of us, like Table 3 for the commercial, is that, okay, going back to 2014, we have exceeded the ACL, but, if you look at the last three years, 2016, 2017, 2018, it's not bad. If you average those out, it averages out to 105 percent, but I think maybe what we're -- If we're going to leave ACL equals ABC, you just need to build a record of the rationale for why we're going to do that, and so it's about stating that we're okay with that, and here's why we're okay with that, and then you move on.

MR. GRIMES: Thank you, Mr. Bell. That's correct, and that's really where I was going with it, but I would add one nuance of top of it, and that is that we've had a discussion here, but, if the document goes forward as an abbreviated amendment, it's going to say ABC equals ACL, and we certainly need to figure out the ACT thing, because there is no ACT in the regs, and I am looking at the Code of Federal Regulations, and there is no ACT there, but, if you don't do anything with an ACT, I could understand why we wouldn't codify it, but it provides you no additional buffer, and I'm not sure why you would set an ACT if you didn't actually have any management measures tied to it.

Aside from that, if we added -- Where I was maybe going with this is we could add alternatives to consider a buffer between ABC and ACL, and that would help strengthen the record and show that we had considered additional buffers, and we would document why we didn't, but, if we did that to this document, it would need to be called a regulatory amendment and not an abbreviated amendment. In my view, that's largely inconsequential. I think, depending on staff time to do the additional analysis and development of alternatives and all that, it would be additional work to undertake before December, but it would not preclude you from taking final action on anything in December.

MS. MCCAWLEY: Okay. That was going to be one of my questions, was, if we convert this to a regulatory amendment, could we still finalize it in December, and you still think we can?

MR. GRIMES: I think that's really more of a question for staff and what else they have going on. I don't want to prejudge that for them, but we have an IPT meeting, and we're going to be doing the same things on it, whether we call it abbreviated or regulatory amendment, and it's just the amount that needs to be done between now and December.

DR. MCGOVERN: I just wanted to mention that none of our ACTs are codified, and they were developed, I think, in the Comprehensive ACL Amendment, maybe, and they were intended to be performance measures, and, if you approach them every so often, then it was like a signal that some action might need to be taken.

MR. WAUGH: I just urge a little bit of caution. I am not quite as optimistic as Shep is that this would be easy to bring back, looking at all these other alternatives as well, and it's definitely going to be more work, and I would just ask people to keep in mind that spreadsheet that is in Executive Finance. There's a lot to be done, and so every little piece, every amendment you add, takes staff time away, and it takes time away from you all at the subsequent meeting, and so just factor that into your consideration.

MR. GRIMES: The only other thing -- You heard Gregg, and it's fine, and you guys make your decision, and we'll go forth and do whatever, but I would like to make clear that, if the intent is to revise the ACT, we need to be explicit about that, the council does, and we need to include that in this document, and we have ACT in the table, Table 2, but I don't believe we have a discussion of it elsewhere, other than questions under the committee action, and, if we are going to continue the ACT, how is that number derived? I presume it's some percentage of the ACL.

MR. PUGLIESE: I mean, it's actually addressed right before Table 1, in terms of how it was calculated, and this was developed based on a previous determination. Mike went in and did the best ability to do an average of the PSEs and applied that, and it's applied to the sector, and so I think we can expand the discussion about that, but I think it's tracking the way that it was done in the past and is laid out -- We just need to beef up some of the discussion in there.

MS. MCCAWLEY: I guess I would say it's not my intention to change it to something other than ACL equals ABC, and I did have some confusion about the letter that came from the council and then this status of stocks report coming from NOAA, but, now that I've heard the explanation, I feel better about that, and I don't have a lot of concerns. The fact that it's a rare-event species, and, yes, it can be difficult to track and other things.

Also, we have talked in the past about some of the state regulations, and I can tell you that FWC is looking into the state-waters regulations for blueline tilefish, and so that's another thing that contributes to me being okay with ACL equals ABC, and so I guess I'm looking around to the committee to figure out what we want to. Do we want to maintain framework, which does a couple of things, and it has ACL equal to ABC, and it has the ACT in there, but it doesn't trigger any type of management actions, and do we want to do that, or do we want to convert this to a regulatory amendment? Remember we do have a motion on the table, and so I'm going to go to Tim.

MR. GRINER: Again, I just want to -- I would encourage everyone to maintain this as a framework and move it forward, abbreviated framework.

MS. MCCAWLEY: **I am having a conversation with Roger about maybe we should modify the motion so it's clear that we want to maintain this as an abbreviated framework document.**

MR. GRIMES: **Maybe just one minor thing, to add "ACT" to the motion, to make clear that you want to revise that, just as you have in the past.**

MS. MCCAWLEY: That's a great suggestion. Steve was the maker of the motion. Are you okay with this motion?

MR. POLAND: Yes, I'm fine with it.

MS. MCCAWLEY: Okay. **The motion is move to revise the ACL and recreational ACT for blueline tilefish to reflect the actions in the decision document and maintain as an abbreviated framework and return to the December council meeting.** Any more discussion on that?

MR. BELL: Stupid question, and so what's the timing if we don't stay on that schedule? Then what happens that is bad or not --

MR. PUGLIESE: I think, in reality, in order to get this in place, it's going to take X number of months once it's approved and submitted, and so that will delay further into 2020 to actually establish an ACL, and you may be in the position of exceeding and going to an overfished situation, or overfishing situation.

MS. MCCAWLEY: So the sooner the better.

MR. BELL: So that's a good thing to have on the record.

MS. MCCAWLEY: Yes. All right. **Is there any objection to this motion? Seeing none, that motion stands approved.** Thank you, Roger, for the work on that. Next up is the wreckfish, and we're about ten minutes from lunch. Go ahead, Shep.

MR. GRIMES: One thing, and I just wanted to put in a plug for this, and so I've worked with your abbreviated amendment process and the framework stuff a couple of times now, and the language in it is not ideal for me, right, and I think we really ought to revisit that, and so, next time we have a good snapper grouper amendment that's coming through, I would strongly suggest, and Monica and I have discussed this, and she's onboard with me, that we revisit the entire framework and fix some of the -- Tweak some of the language in it so that we can use it better in the future.

MS. MCCAWLEY: So it's not the framework process, but it's just the way it's written in the document, and I agree that it is somewhat confusing if you don't already know the intent, and it is somewhat confusing, how it's worded, and so that's a good point. All right, and so let's go ahead and break for lunch. When we come back, we'll be talking about the wreckfish ITQ.

If you want to be part of the group that is going to work on the definition for descending devices, we will actually come back -- Instead of coming back at 1:30, we'll come back at 1:45. If you're going to be part of the working group, you need to be back at 1:30, no later than 1:30, to work with Christina on that definition.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: We'll get going again, and we are still in Snapper Grouper, and I am going to turn it over to Brian, and we're going to talk about the wreckfish ITQ document, but first we're going to see a presentation.

DR. CHEUVRONT: I wanted to follow-up with what we had talked about last June, and this should be probably our last discussion on the wreckfish ITQ review. If you remember, in June, we went over, probably for the last time -- We reviewed the management history, and we discussed

the recommendations in general, and the council gave direction to the IPT to include more of the discussion regarding some of the historical decreases in the landings that were noted in some of the 1990s and early 2000s.

The IPT went back and included more of that discussion and made additional reference to the historical document, where this is discussed more fully, and that document is Yandle and Crosson in 2015, which is cited several times throughout the document, and so that's in there. What we would like to do today is go ahead and discuss primarily the recommendations and conclusions that come out of the overall review, and then we're going to talk about what you want to do from this point, because, basically, we consider the IPT's work to be done at this point, unless you have more direction for the IPT of things that you would like to do. When we get to that point, we will discuss then more what you would like and how you would like to proceed from this point.

One of the primary purposes of this review is to determine whether the council's progress towards meeting its goals and objectives for the program have been met, and, overall, I think, and we talk about them specifically in the document, is, yes, they are being met, and it is continuing to achieve its goals. However, there are some improvements that have been identified and have been discussed several times in previous meetings, that there are some improvements that could be made to the program.

Now, one of the things that has also been identified is that, if the council decides to go through and make some additional changes, is that remember that this is the oldest finfish ITQ in the country, and many of the things that are in the original document that this council identified as objectives for the wreckfish ITQ program were written long before the MSA goals for LAPPs went into place, and so there's a little bit of mismatch between what the council has identified as objectives and what the MSA has as goals, and so, if the council does decide to go forward to modify some things with the program, one of the things you might want to look at is realigning some of the council's objectives to line up more closely with the MSA goals for ITQ-type programs, LAPP programs, and that was just one of the things that was identified.

Future research needs were identified, primarily life history studies, and we know that wreckfish also exist in the eastern Atlantic, I believe particularly around the Azores, and so there needs to be some connectivity studies, in terms of life history, with the eastern Atlantic, and studies need to be looked at in terms of size and age at maturity, sex-specific differences in age and growth, and samples from whole and not just gutted fish need to be obtained. One of the things that also would probably help would be a new stock assessment.

Then one of the things that we've discussed several times as this was being developed, over the last couple of years, is that there were some issues with confidentiality and some of the constraints that it put on the ability for this review to be done. Remember this fishery has very few participants in it, and I think we're down to about seven participants in the fishery now, and confidentiality rules limited some of the refined social and economic analyses, particularly at the community level. We just weren't able to get a very refined analyses.

I believe that the National Marine Fisheries Service is working on some kind of provisions and things that can be worked out for how very small fisheries like this could overcome some of these confidentiality constraints. We tried to do something where we tried to get the participants in the fishery to waive their confidentiality rights, but you will recall that we also had to go back and get

some of the past participants in the fishery to do that, and remember we had -- There was that reduction in the ABC, where it actually was reduced. 90 percent of the ABC was reduced, and a lot of folks lost their shares, and so they weren't real happy with the council, and they weren't real excited about giving up their confidentiality, and so they weren't very happy to work with the council on this, and so there were a number of folks who just weren't willing to give up their anonymity or the confidentiality for their landings.

Cost recovery was an issue that has come up. Cost recovery refers to the collection of fees to recover the actual costs associated to the management and data collection and law enforcement of limited access privilege programs, and that can't exceed 3 percent of the ex-vessel value of the landings of the fishery, and the wreckfish ITQ program currently does not have one, but, as per the MSA, there has to be discussion of how this could be initiated for this fishery, and so there has to be some discussion, and there's not a prescription of exactly how this has to be, but there needs to be discussion of how this could be done.

One of the other things that has come out of this is you will recall that this is a paper-based system using coupons, and I believe those coupons are in 100 and 500-pound increments, and, when you're having landings that are sometimes a couple of thousand pounds, and you have run out of 500-pound coupons, and you're filling out 100-pound coupons for all of these pounds of fish that you have landed, it's a real burden for the participants in the fishery, but it also has additional benefits.

It increases the timeliness of the reported data, and it can improve the data quality, and it definitely can reduce the management time and cost, and it can help improve enforcement and monitoring, and, as I mentioned, it will reduce the burden to the shareholders. The good news is that there is already a system that is out there that could be adapted to the wreckfish ITQ program fairly quickly, and so that's one of the recommendations.

There currently is a wreckfish permit, and, in looking at all the permits that the participants in this fishery have to have, we were all kind of left scratching our heads and wondering why there is a wreckfish permit, because it seems to be totally redundant with everything else, and it does not add anything to the amount of knowledge or information that is gathered from the program. It doesn't enhance NMFS' ability to monitor harvest activities, and it provides no additional information to analysts, and so the recommendation is to just eliminate the permit altogether.

Then another issue is allocations, and there are some real issues there with that. There have been no recreational landings recorded in the headboat survey or in MRIP since at least 2012, and there has been some discussion about allocations in general, but in this fishery in particular. Currently, the fishery is allocated 95 percent commercial and 5 percent recreational. Pretty close to 100 percent of the commercial ACL is harvested each year. If it's not being harvested, it could be, and that has to do -- What is not being harvested is because of coupons not being transferred.

Some of the options that are available, just as examples, are that the sector allocations could be removed altogether, and you could consider reducing the recreational sector allocation, just to make sure that there is still some allocation that is available. The problem is that this is such a rare event that it just doesn't get picked up, and we know that there is some recreational harvest, but we just don't know how much there is, and we don't really have an accurate way of capturing it at this time.

One of the other options is, if it was allocated 100 percent to the commercial sector, that would mean that probably there would be no recreational possession allowed, and so that would be another issue that the council would have to consider. I have just lost my screen. The mic is working, but I don't have -- I have lost my image.

MS. MCCAWLEY: Can I ask you questions while we're waiting for this to come back up?

DR. CHEUVRONT: Yes, ma'am.

MS. MCCAWLEY: The cost recovery program, is there a way -- How can I say this? Even though this came before all the other items that were in the Magnuson Act, we still are required to go back and put in this cost recovery program, even though it doesn't have one, and I guess I don't really understand the requirements, now that there is new requirements and the program came before those requirements.

MR. GRIMES: You are required to have cost recovery, and this program has always been legally required to have cost recovery, but it just never happened.

MS. MCCAWLEY: Another question that I had is, and I know that we're not all the way to the end of this presentation, but, in moving forward, a lot of these things that are outlined, would all of these things be covered in amendment? If we started an amendment to look at these things, that would cover most of these items that are in the PowerPoint that were either suggestions that came out in the writing of the document -- Some of them were suggestions from the shareholders themselves, and so you could pretty much do all of that in an amendment, including establishment of a cost recovery program and those types of things, elimination of paper coupons, and all of that could be covered in an amendment?

DR. CHEUVRONT: Many of the things certainly could. A few of the things, things like the life history studies, of course, we couldn't do that, obviously, in an amendment, but things like establishing a cost recovery program, the modifications to the program itself, like eliminating the wreckfish permit, if you wanted to do that, all of those things are the kinds of things that would turn into actions in an amendment, and so, if you wanted to do that, what I would recommend is that the council have that discussion and decide when they would like to begin a wreckfish amendment, and then what I would suggest perhaps you do is to direct staff to come back with some options for you and then think about how we're going to do these actions, and then you can then say, okay, let's move this, keep this in, take this out, and then we can start the amendment process, and we would go to scoping.

Well, actually, I'm not sure how much scoping you will want to do with this. You will probably want to convene your wreckfish shareholders together, like we did during this process. We brought them together a couple of times, and so the wreckfish shareholders have been participating throughout the process. Many of these recommendations came from the shareholders, and their comments are in this document, and so they have commented on many of the things that could be actions already in this amendment, and so, in essence, they would act as your advisory panel for this, as well as the Snapper Grouper AP and your Law Enforcement AP and all that as well.

MS. MCCAWLEY: While we're still waiting for this to come up, the stock assessment, the last stock assessment -- I can't remember what year the last one was completed.

DR. CHEUVRONT: It was around 2013 or 2014, and it was paid for by the shareholders themselves. One of the things that has also been discussed, and I'm not sure if this is feasible or not, is that perhaps some of the cost recover money could be used to help support the cost of another stock assessment. Part of the issue is that, if you go to electronic reporting for this, the cost of managing or monitoring this program will go down even more. The program already exists. You're going to have a one-time sunk cost to set up the program for wreckfish, and the cost will be probably quite low, compared to what the program was before.

That will all have to be worked out, and so, comparatively, it would be less, but we don't know what those actual costs would be at this point. I don't know if there would be additional money, and we don't know what the amounts would be. 3 percent -- Realize this is not a huge program, and so it's not going to be a huge moneymaker, and it probably would not be enough to fund the actual cost of an entire stock assessment, and so I don't know how all of that would work out, but these are things that could be investigated.

MR. GRINER: Going back to the stock assessment and the cost of it, the shareholders funded their own stock assessment back in 2014, and so, if we were to do another stock assessment, would be starting all over from scratch, or would have to go back to whoever performed that original stock assessment? How would you even do another stock assessment?

DR. CHEUVRONT: The stock assessment that was used, the earlier one from 2013/2014, that was approved. That was reviewed and approved by the SSC, and so that was an official stock assessment, and so I think what would have to happen is you would have to get your SSC involved once again, and I don't know what the means or mechanism would be to get another stock assessment. I mean, that's up to your SSC, and the Steering Committee would have to be involved. I mean, there's lots of moving parts that would have to go to put this together, and so I can't tell you, but it will have to go through the same review process, and it would have to be -- It will have to undergo SSC review, and there's just no way around that.

MS. MCCAWLEY: Are there more questions, while we're waiting to get the screens back up and running? I guess, Brian, what are you looking for today from us? Are we just kind of saying, yes, we're ready to finalize this document, and then what happens to the document after we finalize it?

DR. CHEUVRONT: Ideally, I would like for you all to say, great, your work is done, and we approve of this document, and we're happy with it, and then what happens is that this becomes the review document. There was a document that was done, I believe, about ten years ago, and that was the initial review, and this was the first subsequent review. Again, the next subsequent review will be done in about seven years.

Then this document -- Jack, jump in and help me if I say something wrong or incomplete, but this document will reside with SERO, and it gets shared with other people who are doing these types of reviews, ITQ reviews, but the council's next step will then be to decide how or if they want to modify the program from the way it currently exists, and the way you do that is through an amendment, and so the document becomes a historical reference document that will drive the amendment, but it also will be the document that will be built upon for the next review.

MS. MCCAWLEY: Okay.

MR. CONKLIN: To institute a cost recovery, we would need to begin an amendment, or is that something that can come straight from the top down? I mean, it sounds like that's --

DR. CHEUVRONT: It is an amendment. It is an amendment, the way it's done. I mean, the council has some say in how this is developed, correct?

MS. SMIT-BRUNELLO: Yes, but you would need a plan amendment, I believe.

MS. MCCAWLEY: Are there more questions? Do people have specific comments that we want to discuss about the document itself? The document hasn't changed that much from what we saw at the last meeting, and I think we requested some minor edits, and it looked like there were some minor edits done to the document, some formatting and abbreviations and other things like that changed.

DR. CHEUVRONT: You are exactly right. That is exactly what has happened. What you saw in June was a document that was in pretty good shape. We continued doing some more editing, and we took the comments that were given to us in June, and we incorporated them into the document, and we did a little bit of formatting, some slight layout changes to the document, but, in essence, we have already done the 508 compliance editing that we have to do to make it a handicapped-accessible document, and that's all been done to this. Unless you have changes that you want us to make those this document, we basically consider it to be ready.

MS. MCCAWLEY: Okay, and so, if people have comments -- Chris, did you have comments?

MR. CONKLIN: Yes, and so I was just -- So we're mandated to start a plan amendment on this?

MS. MCCAWLEY: No, we're not mandated. I think the mandate was just that the review itself be conducted, and so I went to one of these shareholder meetings, when they were providing input that went into the document, and it was a very informative meeting for me. I didn't know a lot about this fishery, and, listening to them talk about how the program is working, I felt like there are a number of changes that the council could make, if we're going to do a cost recovery program and other things, and like one of them is the paper coupons.

It sounds like -- As Brian is explaining, it sounds like that's just one of the biggest pains in the whatever for them, to try to deal with these paper coupons, and so it sounds like there's a number of things where you could really just kind of modernize this whole program, and I would really like to see us do that through a plan amendment, but I think, first, what we would need to do would be to approve the document itself, since it was a formalized five-year review, and we would probably need a motion to do that, and then, if we want to start an amendment, probably a motion to do that.

MR. CONKLIN: The next thing I was going to ask is, in order to move over to an electronic reporting system, do we have to do an amendment to the council, and it can't be top-down? Okay. That's all I wanted to know.

DR. CRABTREE: You will need to do an amendment, and then we'll have to do the software and all of that to move it to an electronic format, and I assume it will be something similar to the other IFQ programs we manage in the Gulf, and that will ultimately save us time and money, because it will operate more efficiently, but there is an amount of work that will have to go into bringing it around.

MS. MCCAWLEY: Brian, would you like to continue with the PowerPoint that you were giving us and finish that up?

DR. CHEUVRONT: Sure. Thank you. We have talked about the allocations, and the next thing is to revise the approved offloading sites and times, and one of the things that the shareholders have requested is that the current requirements affect the efficiency of their operations, and this is specific times that they are allowed to offload their fish, and, if they get to the dock and it's not within one of the specific hours, which I believe are between -- It's either eight or nine in the morning and 6:00 p.m., I believe, that they cannot offload the fish.

Now, if they switch to an electronic system, this offloading can be reported electronically, and the system, like Roy was mentioning, they probably would adapt one of the systems being used in the Gulf, and we were told that that system could be adapted to accommodate the reporting of offloading in that system.

Part of the issue is that this system was instituted when there were forty-nine participants in the fishery, and, as I said earlier, I think we're down to about seven participants now, and there are very few offloading sites that are being used, and so they see it more as a hindrance to their operation, and they see it as being really kind of irrelevant at this point, but there is going to be some law enforcement issues as well that are involved in this, and so this would be kind of an issue that would be an action, if you want to pursue this, in an amendment where you would want to go through the whole process and get input from everybody to determine how you want to handle this.

One of things is that the economists, particularly that were involved in this review, would like to see a mandatory economic data collection, and economic data collection has only been collected twice, from two surveys, once in 1994 and again in 2015, and it's the only time that economic data have ever been collected in this fishery, and the need is there to collect some continuous economic monitoring, just like there is in the snapper grouper fleet, and it's needed for profitability and efficiency determinations, and that could also be built into an electronic system.

Now here we are, and we're at the next steps. We thought, originally, that there would have to be some kind of a secretarial review. Since this PowerPoint was put together, there has been some discussion amongst folks at SERO and our folks, and we realized that there doesn't have to be secretarial review of this report, and so disregard that part of it.

As I described just a few moments ago, it's a matter of you decide whether you're going to approve this report, and then you decide whether you want to give us direction as to what you want to do, whether you want to go ahead and begin an amendment, do you want to have staff bring you something back that you can look at and think about and then tell us you want to begin an amendment after that, and I think this is a good point, Madam Cahir, to have that discussion.

MR. CONKLIN: I was prepared to make a motion, and I guess I'll put it up there and then we can have discussion. **I make a motion that the council approve the 2019 wreckfish review and have staff prepare a white paper exploring options for an amendment, plan amendment.**

MS. MCCAWLEY: Okay. Let's get that on the board. While it's being typed up, I am just going to throw some ideas out there. I don't know, in this case, if we need a white paper, because, to me, the IFQ five-year review, or second-time review here, and it's probably not five years, but, anyway, but it was very thorough, and they had already talked to the shareholders, and so, in my mind, I think we could go right to an amendment, because I felt like this is like a white paper on steroids, and so, I mean, I feel like we've already passed that a little bit, and so I don't know if you want to think about that while they're getting the motion on the board.

MR. CONKLIN: **I do. Before you get it up there, I would like to accept the 2019 wreckfish ITQ review as final and begin a plan amendment for the wreckfish fishery.**

MS. MCCAWLEY: Okay. The motion is going on the board. It's seconded by Spud, and so the motion is to accept the 2019 wreckfish ITQ review as final and begin a plan amendment for the wreckfish fishery.

DR. CRABTREE: So our goal with the amendment would be to modernize the program and make it an electronic program and establish cost recovery?

MS. MCCAWLEY: As well as some of the other things that are in the document, such as the landing sites and the offload time. Yes, I would consider that part of the modernization, just to be clear.

DR. CHEUVRONT: Roy, thank you for clarifying that, and what I wanted to make sure is that all the recommendations that could appear in an amendment that you would like to see in the early stages of the amendment, and then the council would like to review those and decide what they would want to be in an amendment and if they want to remove something later on, however they want to deal with them later, through the amendment process, but everything that's in the review that could be amended through an amendment process is what you want in the amendment, and I want to make sure that --

MS. MCCAWLEY: That's what I would like to see, and I'm looking around the table to make sure, and is that what you're thinking too, that everything that's in that review that could come through an amendment is going to come through to the amendment, and then, if we wanted to pull stuff out, we could, and is that what you're thinking, Chris?

MR. CONKLIN: That's correct. It's the shareholders' desire that we modernize the way they report the offloads and everything that's in that, and it's certainly not my intent to dilute the fishery or make it less profitable for the participants that are already in it.

MS. MCCAWLEY: All right. Is there more discussion on this? **Any objection to this motion? Seeing none, that motion stands approved.** Thank you, Brian, for this document, and I thought that it was a really interesting read, and I know that it took a lot of work from you and others to put this together, plus bringing the fishermen together to review it and talk about the program, and

I really appreciate all the work that you put into it, and I found it really interesting, and I learned a lot about the fishery.

DR. CHEUVRONT: Madam Chair, it was a huge undertaking, largely done by folks from SERO, and it was a really good, collaborative experience, and everybody just worked really well together and pulled it together.

MS. MCCAWLEY: Well, I think it's excellent. All right. Next up on our agenda is Regulatory Amendment 33, the red snapper season. We are going to go into Amendment 33, and Myra is going to give us a PowerPoint, and then we're going to talk about the comments and what happened at the workshops and then get into the decision document.

MS. BROUWER: As usual, we have just a very short presentation, just to orient everybody as to what we're going to be doing, and so this is the amendment that deals with changes to the red snapper seasons, Regulatory Amendment 33, and so the amendment includes currently four actions, and the first one would remove that minimum number of days for the South Atlantic red snapper seasons, and the second action modifies the start date for the recreational red snapper season, the third action revises the days of the week that recreational harvest would be allowed during an open season, and the fourth action would modify the start date for the commercial season.

In June, you modified and you approved the purpose and need for this amendment, and you reviewed and modified the options for actions and alternatives. At the time when we reviewed this back in June, it was an options paper, and you approved it for public hearings, which were held via webinar in August, and we also had listening stations, and so I will be summarizing the comments that we received on this amendment and then get into the decision document.

Here is the approved timing. So far, in June, you approved for public hearings, as I said. At this meeting, you would review the public comment and modify the amendment, as appropriate, and select preferred alternatives, with the intent of reviewing analyses that we would bring back to you in December, at which time you would approve it for formal review.

At this meeting, what we're looking from the committee is to consider that public comment, and that's going to be Attachment 6a, and so what I've done is that attachment summarizes mostly comments that were not directly related to the actions. The ones that were also are in the decision document, and so you have those in both times, for your reference as you discuss this amendment. We do have some comments and questions from the IPT that we would encourage you to discuss on the record and select preferred alternatives, as I said, and approve the timing and approve all actions.

Attachment 6a in your briefing book is the summary of public comments, and so we had a week's worth of public hearings, and we had webinars and nine listening stations all together, and these were held over -- Well, it was four days and not a week, but it felt like a week. It was August 12th through the 15th, and we had the listening stations in North Carolina, South Carolina, one in Georgia, and four in Florida, and so, overall, we received seventeen comments during the listening stations and the webinars, and, as usual, we also have the online comment form, and we received, I believe, forty-six comments on there, and so this little summary here summarizes all of those. We had thirty members of the public that attended the webinars during the public hearings.

Like I said, I am going to wait to get into these comments, since we're going to go action-by-action, but you have those all in front of you for each of the actions. There were, I have to say, not that many that were directly relevant to the actions in this amendment, and that was sort of expected. Folks had a lot to say, as you can expect, about red snapper, and everybody has things they want to offer as solutions for how they perceive it should be managed, and so that is summarized here, where it says "other comments".

I am not going to read all of this. Some of the things that stuck out were tag programs, and that came up several times, and everybody wants -- Not everybody, but people talked about predictability being important and having regular openings being important, and, of course, there were those that felt the 2019 season should be extended because of the weather, and there were suggestions for call-in type systems, like we have in place -- Not we, but like what's in place for tuna and other pelagics.

Of course, suggesting expediting the stock assessment, and folks are really itching to see that one get done soon, and there were some suggestions for slot limits, and there was also a suggestion for a punch-card-type program, and so you can see the comments were pretty broad, and some of the complaints that we received were there were some timing issues that happened this year with a tournament that occurred in Jacksonville, and so some folks were unhappy about that. That's pretty much it. If you have any specific questions, we can come back to that, but all of those comments are summarized for you.

Let me move into Attachment 6b, which is your decision document, and I will pull up my Word version of that. We have the background that I have already talked about and the actions in the amendment and the objectives, and we've already covered all of this. Again, you have the timing in this document that you can refer back to, and here's the purpose and need that you approved in June. I am just going to go ahead and read it into the record.

The purpose and need of this amendment, of this framework amendment, is to modify the structure of the South Atlantic red snapper commercial and recreational seasons to increase the socioeconomic benefits to fishermen and fishing communities while minimizing discard mortality. This is different from what we talked about in June, and there was some language about reducing mortality of red snapper during the spawning, and that language was removed. I will pause here for a minute, to see if there is any interest in modifying the current purpose and need.

MS. MCCAWLEY: All right. What do we think about that? I see heads nodding that people think it's okay. Maybe we can come back to this after we work on some of the actions, if we need to modify it some more, and then we might need to come back, but I think it looks okay. Other folks seem like they're okay with it for now.

MS. BROUWER: Okay. Moving on to Action 1, this action is titled "Remove the Minimum Number of Days for the South Atlantic Red Snapper Seasons." Currently, if the projected season is determined, either season is determined, to be three days or fewer, then the commercial or recreational fishing season does not open for that fishing year, and you have one alternative, and this is to remove that requirement.

The IPT had some suggested edits that you see highlighted there in yellow, and the discussion basically just describes what the action would do. I should say that we have some qualitative

analysis that was included in this decision document, and so that's what you have included here. The draft amendment was also part of your briefing book, and it's a little bit more fleshed out there, but the analysis thus far has only been qualitative.

There is some economic effects, social and biological effects, as well as administrative effects, that have been summarized for you, and I don't know if you would want to get into the details of that or if you would like to just basically acknowledge that those are there.

As far as IPT recommendations and comments, we wanted to know whether you want to consider alternatives to what you have right now, alternatives that would, instead of removing the requirement of three days or fewer, maybe select a different minimum length for the season to occur. That's up to you, if you would like to do that or not.

Following that, we have what the Snapper Grouper AP commented, and, now, they met in May, and so that was prior to the guidance that the council gave us in June, and so we didn't really have a fleshed-out amendment for the Snapper Grouper Advisory Panel to comment on. What we did is we summarized the discussions that took place during the council meeting and asked them if they had anything that the council should consider, and you have in front of you the motion that they made, and so their recommendation was that the council consider not allowing harvest of red snapper during their peak spawning season, which is -- They stated it as being July and August, and also to consider commercial harvest in the spring, and they suggested May or June, and another season in September through December. That motion was approved by the AP unanimously.

Then, following that, we have the public comment summary, and, like I said before, I have only summarized, or I have included, the comments that were directly related to each of the actions in this document, and there is also a link at the bottom of the page that takes you to that online form, where you can go and read all the comments that were submitted, and so there were eleven comments that were in support of Alternative 2. What we would like for the committee to do is consider that public and IPT comments and questions and modify things as you see fit and then pick a preferred, and I will pause here.

MS. MCCAWLEY: Thank you. What we're doing here is we probably need to accept the IPT edits to this action. Would someone like to make a motion to accept the IPT's edits to this action?

MR. WOODWARD: **I will move that we accept the IPT's edits to Alternative 2, and I will actually go forward and recommend that that be our preferred alternative.**

MS. MCCAWLEY: All right. We have a motion by Spud. Is there a second? It's seconded by Mel. The motion is to accept the IPT's edits to Alternative 2 and select this alternative as the preferred.

DR. CRABTREE: Well, we ought to think about this, because, when we set this up originally, we, I think, thought a lot about this, and would you really want to get to the point where we're going to have a one-day season? I just am not sure, if we get to a point where we can't squeeze three days out of it, that we would really want to go through that action.

MS. MCCAWLEY: Well, of course, I don't want something less than three days, but, at the same time, I think even one day, or half-a-day, is better than nothing, and that's just how I feel about it.

DR. CRABTREE: I will just tell you that I think, as a matter of course, we would never open if we couldn't open for a full day.

MR. BELL: I think, of all the actions, this is the one, in particular, that folks were definitely interested in, and I hope we don't get to that, but we might, and so, if we go down to one day, that became the big question, is how low do you go, and so you're saying that one day and that's it, and there's no such thing as a twelve-hour kind of thing, and so one day would be as low as you would logically go, but, from what we've heard, that was the one action, for sure, that they wanted to have the option, and my fear in all of this too is that, as we look at the other things that we might be doing, is, again, we're optimizing that fishery, and we're doing better and better every year, and we might find ourselves going below three days, but that's a consequence of the other tweaks that we might want to make, but, if we have to take it to one day, we take it to one day, and that would as low as we would go, I guess.

MR. POLAND: I think, if one day is all we get, that's better than zero days, but I wanted some clarification, and I think Roy just answered my question, but I just remember, at the last meeting, we had a lot of discussion about if it's twelve hours or if it's eight hours, and I wanted to make sure that was just hyperbole and not -- So you're saying that the fishery would never open if it was less than one day, and do we need to capture that in some way?

DR. CRABTREE: I am not going to say never, but I don't believe we have ever opened a fishery up for less than one day, and I would not sign-off on doing that, but I'm getting pretty old, and so that doesn't mean it's not possible.

MS. MCCAWLEY: Monica and Chris and then Spud, and, just for the record, you mean one day is twenty-four hours, and it's not eight hours, and it's not twelve hours, but you mean twenty-four hours, just for clarification?

DR. CRABTREE: That is always been how we have defined it.

MS. SMIT-BRUNELLO: Just to keep in mind that National Standard 10, safety-at-sea concerns, and I think we have already heard that, with three days, with five days, whatever it is, that some of the marinas are pretty jammed up, and it's a little crowded, if you will. If you went down to one day, I think there would be some real safety-at-sea concerns with the number of people wanting to go out all within that time period, and so you should just think about that.

DR. CRABTREE: It just seems to me that, if you get to where you can't even have a three-day season, then you've got to make a fundamental change in how you're managing this whole thing, and then you have to talk about fish tags, and you have to talk about some other way to do it, but it's just you're at a point where this just simply doesn't work, and I just think that's the reality of it. If we can't get three days, then we need to fundamentally re-think the whole fishery.

MR. CONKLIN: At the last meeting, I think I asked Monica the validity of the commercial season being dependent upon whether or not the recreational numbers would allow us to have a three-day season, and, the way this is worded, does this mean both sectors -- Like if the commercial says we can have more than a three-day season with the quota that we get, then we get to go fishing? I don't remember the answer to that.

MS. SMIT-BRUNELLO: They used to be kind of tied together, but, with I believe Amendment 43, it's a -- The way I read it is that you can have a commercial season even if you didn't have a recreational season, and so, when we read this, perhaps maybe we need to separate it out into sub-alternatives, but I would read this to mean that you wouldn't -- You would get rid of the three days. With commercial and recreational, it's separate, and so, if you -- Well, if you pick this as your preferred alternative, I think you still could have a commercial season with the amount of your ACL, even if your recreational season was less than one day, and so it's kind of backward explaining, but they're separate. The commercial season is separate from the recreational season. You have two different ACLs, or we split the ACL according to the allocated percentage that you gave the recreational sector and the commercial sector, and so they're separate.

MS. MCCAWLEY: But if we didn't modify this action, and so we did no action on this, then would what Chris is saying happen? For example, if the recreational season was only going to be two days, then commercial wouldn't open, because, right now, it says that if either one of those is less than three, then neither open, and that's how I read that.

MS. SMIT-BRUNELLO: If you chose no action, I think right now, based on Amendment 43, you could have a commercial season without a recreational season.

MS. MCCAWLEY: All right.

MR. WOODWARD: Just to speak to the safety-at-sea thing, we have fundamentally changed fishermen's behavior as it relates to red snapper by going to this shortened season. We have got people putting a lot of folks in boats, just so they can maximize their boat limit and that sort of thing, and I don't see that going from three days to four days to five days to one day is really going to change that very much, and, truly, if we were concerned about safety-at-sea, we would have to consider the fact that states like Georgia are looking at forty and fifty-mile runs to get to these fish, where those states aren't.

MS. MCCAWLEY: Right.

MR. WOODWARD: We all know that we can't parse it out in that way, but that's -- I think, when you go to short-term fisheries like this, you just face the reality that you are forcing fishermen into making the same decision that they should make any day, which is whether they should go or not, but it's up to them, ultimately. I mean, we, in essence, lost the first day of this season because of localized weather in Georgia. I mean, I had a trip planned, and we cancelled, and we managed to go the next day, but so we got one day less, unless you had a really big boat, and so I can understand the concern about it, but I think we have changed expectations to the point that our fishermen would be happy to have one day, and they will have to make a decision of whether that's safe for them to go or not.

MR. POLAND: Back to safety-at-sea, and is there some safety-at-sea standard? I mean, because you used the example of a marina packed full of boats, and any random Saturday with good weather could have that condition, and so is there anything that, as far as minimum number of days or weather patterns, and I don't understand what kind of condition we need to meet to satisfy a safety-at-sea requirement.

MR. CONKLIN: Back to this Alternative 2. If we choose Alternative 2 under Amendment 43, would this change the way that commercial versus recreational seasons would be carried out?

MS. MCCAWLEY: To me, it has to happen in conjunction with other actions. I think that's what you're saying.

MR. CONKLIN: Monica said, under Alternative 1, if we chose Alternative 1, because of Amendment 43, then you could have a commercial season without a recreational, and I want to make sure that, if we choose Alternative 2, that that still is the same case.

MS. SMIT-BRUNELLO: Yes, it is. Just to answer Steve's question, National Standard 10 states that conservation and management measures shall, to the extent practicable, promote the safety of human life at-sea, and then there's National Standard Guidelines that interpret the National Standards, and I won't read you all of it, but it does talk about how fishing is an inherently dangerous occupation, where not all hazardous situations can be foreseen or avoided, and I will just cut down to Limited Season and Area Fisheries.

Fisheries where time constraints for harvesting are a significant factor, and with no flexibility for weather, often called derby fisheries, can create serious safety problems. To participate fully in such a fishery, fishermen may fish in bad weather and overload their vessel with catch and/or gear. Where these conditions exist, FMPs should attempt to mitigate these effects and avoid them in new management regimes, as discussed in other sections, and then it talks about different mitigation measures, like allow for seasonal flexibility, limiting the number of participants, setting seasons to avoid hazardous weather, and I think, in large part, these are kind of probably geared toward commercial fishing, but it's certainly applicable to recreational fishing as well.

MR. BELL: In a way, we also have that sort of behavior associated with tournaments, unless the tournament has specific rules which will cancel the tournament or call it off under certain conditions, but it's all about setting up conditions where a captain or a fisherman would maybe push the limits a little bit on safety related to weather, but it's a personal choice, and they already make that associated with tournaments sometimes, and it's not ideal, but -- I would say that, honestly, even at six days or five days or four, we're -- It's kind of that derby effect anyway.

We've been in sort of a derby effect since we cracked the door open and started this at six days, and it's still -- It's still that same sort of a limited period of time that folks have to take this opportunity, and they will push it sometimes, but that's a personal choice, and people -- But we already do it in other things, and tournaments is just another example.

MR. POLAND: Well, just to throw this out there, under the guidelines that were just read, attempt to mitigate the effect of a derby fishery, and Roy has already mentioned it, and we received a fair amount of public comment on moving to some type of tagging system or something like that, and should we refocus our effort on developing a red snapper tagging program? That way, we can get away from days, or days of the week and stuff, and just say here's your tags and go them when you so choose.

DR. CRABTREE: Well, I mean, I think, if we can't get three days out of it, that's where we are, and, to me, at that point, you've got to think about should this fishery even be open, or should we close the whole thing down, or should we only try to open this fishery every other year or every

third year. If it can't support even three days of harvest, there is a problem, but I think, at that point, you've got to think about an alternative way to management, and I understand how people feel, and five days was short, but I have a feeling that the race to get out there would be vastly worse if they were told they had one day, or even two days, and so that's my opinion. If that's where we are, then we need to rethink the whole thing, and maybe no one ought to be fishing red snapper at that point.

MR. HEMILRIGHT: Why not do a lottery for a certain amount of tags and start somewhere? If it don't work, then next year you can it, and maybe some -- Use a metric of if you did the MyFish app, or I don't know, but just some way to start the thought process, because it seems like we kick this can down the road of tags ain't going to work, don't work, don't want to work, but, I mean, what the heck? Do forty tags, or fifty tags, just some way to start something to talk about.

MS. MCCAWLEY: I thought, in the past, that there were some issues with conducting a lottery, one of the National Standards about equitability among the states and the nation, because we couldn't just make tags available only to the four South Atlantic states, and we would have to make them available nationwide, and I thought that we've had this discussion before.

MR. POLAND: Back to Roy's point, I just want to clarify that I agreed with most of what he said, except the statement that -- I think we should be able to fish for them. I'm not going to say that we shouldn't fish for them, but there is an ACL, and so, if the ACL is there, there is fish available to fish for, but, going back to the lottery system, I mean, if we can do it for federally-managed waterfowl, like tundra swan, there's got to be some way to do it for fish, like red snapper.

MR. DILERNIA: Regarding the safety-at-sea, we considered in the Mid-Atlantic at one point opening up the black sea bass fishery on weekends only, and the advice we received from the Coast Guard at that time was they thought that it would be -- That we perhaps would be creating hazardous conditions, and they wanted it to be well advance notice of when those weekends were, because they wanted to, in a sense, put additional individuals or units or assets on alert for additional SAR cases, because they felt that that it would be forcing folks to go fishing, and folks perhaps would go fishing in weather that they normally would not go fishing in, and so the Mid-Atlantic Council abandoned the concept of the black sea bass fishery on weekends at that point.

Roy makes a very good point. As a former for-hire captain, and, as most of you know, I just sold my business this year, but, as a for-hire captain, if I knew that the season every third year was going to be open for a couple of weeks, and I could book at that point, if I could bank all those days, those three-day seasons two or three years in a row and get perhaps two weeks or something out of it, from a business point of view, that would be a great opportunity, because I would know well in advance, and I could publish the dates, and I could book the boat, and so perhaps you may want to give some thought to this. If it's only going to be two or three days, you may want to give some thought to just banking them, and, after two or three years, just fishing them all at the same time. Thank you.

MS. MCCAWLEY: All right. Any more discussion? Otherwise, we're going to vote on this.

DR. CRABTREE: Just to be clear, there is an ACL, and I want to have a fishery, too. I spent an inordinate amount of time and energy to get this fishery reopened after it was closed for a number of years, and it's not a matter about that. It's a matter about how we go about controlling the catch,

and, if we get to a point where we can't even have three days, then clearly just shortening the season is not working as a way to control the catch, and we have got to find some alternative means of doing that before we can have a fishery.

MR. CONKLIN: Well, if that's the case, then, before we get backed into that corner, maybe we should start thinking about trying something different. Otherwise, everybody is going to be mad at us again.

MS. MCCAWLEY: Well, I think we talked about before that it's like rearranging the deck chairs on the Titanic right now, but I felt like we needed a new assessment before we could get out of the box that we're in, and, until we have a new stock assessment, we're left with managing these crumbs through this amendment that some folks wanted to start.

We have a motion on the board, and the motion is to accept the IPT edits to Alternative 2. Once again, we're still in Action 1, and it would select this as the preferred. All those in favor of this motion, please raise your hand, nine in favor; those opposed, two opposed; any abstentions. The motion passes.

MS. BROUWER: Moving on to Action 2, this action would modify the start date for the recreational red snapper season. Currently, the recreational season, which consists of weekends only, Fridays, Saturdays, and Sundays, begins on the second Friday in July, unless otherwise specified, and so you have five alternatives.

Alternative 2 would modify the recreational red snapper season to start in May. As you can see, we have some suggested edits there for you for clarification, and then the sub-alternatives under each of these are for the first, second, third, and fourth week of the month, respectively. Alternative 3 modifies it to start in June, and Alternative 4 modifies it to start in September. Then, finally, Alternative 5 would be to modify the recreational season to start May 1, and so that would open it up when grouper opened, for a portion of the projected allowable fishing days and resume harvest in the fall if the National Marine Fisheries Service determines the entire recreational annual catch limit would not be harvested. Clearly that last alternative needs a little bit more work, and the IPT has some questions about it, which we'll get to it in a minute, and it's just kind of very open-ended.

For this one, we have this nifty little graph that Dr. Collier pulled together from buoy data, and so this shows you the percent of days with maximum wind speeds of twenty knots or greater, which is the threshold for issuance of a small craft advisory, and this is by year from 2015 through 2018, and, again, this is based on wind speed from Georgia through Florida by the U.S. Coast Guard. Each of the colored lines represents a different year, and you can see clearly that the summer months, June through August, are the months where we have the least number of days with those conditions.

Chip also did a correlations analysis, just to ascertain and to explore if weather today is more like weather tomorrow than next week sort of thing, and so the results of that analysis confirmed that, if there is bad weather today, you will likely have bad weather tomorrow, and the other way around. If there's good weather today, there will likely be good weather tomorrow, and so did this exercise because you guys had talked a lot about your rationale for changing things around is to minimize the potential of bad weather getting in the way of fishing opportunities for red snapper. Again,

June, July, and August are likely to have the shorter bad weather events that last only one day, whereas small craft advisories can last for multiple days, from September through May.

Then we have this little graphic here, just to sort of make you visualize some of the things that you all have talked about that can influence when folks like to go out fishing, and so you have spawning season, and you have several factors, hurricanes and weather days and such, and so, for red snapper, we have a spawning season that is very protracted, and it starts in April and it winds down in October, and the peak months, of course, are June through August, and we've got pesky hurricanes over here in August through October every year, and weather days. As we just said, the best weather days are going to be in the summer months.

Access, kids are out of school in the summer, and so that's best, and release mortality due to high water temperatures, and you're going to have higher release mortality during those warm months of the year. Then, finally, over here, we have the grouper spawning closure, which is every year in January through April, and so just to give you an idea of what the best window is currently.

Following that, we have, again, some qualitative analysis of the potential biological, economic, and social effects. Things that you have talked about is, if you open earlier in the year, that's going to increase the likelihood that, should a reopening be necessary, you would have good weather for that reopening to occur later in the year, and so that's something to consider, but these are all things that you have talked about before, and, as Roy mentioned earlier, we have gone over the rationale for why the seasons are structured the way they are, and all of that rationale is summarized in an appendix to this document.

Other things to consider are, under Alternative 5, should the entire ACL be harvested during the spring, then, of course, you wouldn't have that fall opening, and that's going to create those unbalanced things, resulting in some areas having more access than others. Again, predictability is something to consider with something like this, and then here is a list of things that the IPT had comments on or wanted some more clarification. What starts a week? We just have first, second, third week, and so we just need to just, on the record, state what is a week, just to make things easier for us.

Also, consider removing sub-alternatives that fall on holiday weekends. Somebody on the IPT, and I think it was Jack, thought of this. Thank you, Jack. That would be Sub-Alternatives 2d, 3d, and 4a. We also thought that Alternative 3 could create problems for the Florida Fish and Wildlife Commission, as they are already responsible for sampling red snapper recreationally in the Gulf during that month, and so that could create some issues there.

We also thought you might want to consider moving that Alternative 5 to the next action, since it doesn't really deal with starting dates, and it's more of how you allocate the allowable harvest, and so you might want to move that one over, and then something else is, if the intent is to restrict harvest during the spawning season, consider language like we have in Alternative 4 in Action 4, and I know we haven't gotten to that, but that one states that the season would start in May, with no harvest in July and August, and this was one of the suggestions that I believe came from the Snapper Grouper AP.

Other things is it is unlikely that the National Marine Fisheries Service would have the information to determine how many fish were harvested in May to project that fall season, and these are things

that you are probably already aware of, but we're making sure that we just talk about it, and so, as you know, NMFS is dependent on the states and the Marine Recreational Information Program for providing those data, and we need information on what portion of the days would be allocated to May and for whatever spring season and what portion would go into the fall, and so here somebody had an example for how you could consider modifying the wording of that particular alternative, and so you could modify the recreational season to start in May for a portion of the projected allowable fishing days and resume harvest in September and then just specify that you would split the projected number of days evenly between May and September, and, if the projected season is an odd number of days, the higher number of days would be in May.

This is an example for how you could potentially, if you wanted to keep that alternative, make it a little bit easier for the IPT and for the public to understand. Again, the Snapper Grouper AP has the same recommendation throughout, and here is the summary of comments, and so there were three comments in support of no change, five comments in support of Alternative 2, which is that May opening, and one person stated that discard mortality is higher in the summer months, including September, and there was one comment in support of Sub-Alternative 2a, which would start the season that first week in May, on a Saturday. There were four comments in support of Alternative 4, which would be a September opening, one comment in support of Alternative 5, which is the one we were just talking about in May with a reopening in the fall, and there was one comment that suggested an August opening.

DR. MCGOVERN: One point I wanted to make is I think Alternatives 2 through 4 are there to avoid the period of peak spawning, and there are a couple of papers to indicate that peak spawning is also occurring in September. The Brown-Peterson et al. 2008 off the east coast of Florida indicate peak spawning is occurring in September, and there is a paper by White and Palmer in 2004 for the east coast of the United States that was done by MARMAP which indicates that peak spawning is also occurring in September.

MR. BELL: At the risk of becoming very unpopular, I would just point out that Myra went through Action 2 and all the alternatives we have in there, and that one action is complex enough. Realizing that we're trying to make everybody happy, from the Florida Keys all the way up through North Carolina, and kind of apply some mechanism where one-size-fits-all, or sort of doesn't, and, related to what Jack was just saying related to spawning, there is no necessarily magic time when they aren't spawning, but I think the one valuable piece of this amendment is the action we just dealt with, which allows us to go down lower than three if we have to go lower than three, and it keeps the fishery at least there.

My fear is that Action 2, as well as the following actions, which are just as complex, or even more so, I think do things that could result in something happening that is actually contrary to the stated purpose and need, which is to increase the socioeconomic benefits. Well, we might be doing things in these other actions to make everybody in the fishery have better accessibility, and the better accessibility results in higher landings, and the higher landings means we don't have a fishery the following year, and so the other actions could be contrary to the actual purpose and need statement in keeping the fishery open.

What Action 1 does is it allows you to go below three days, if it comes to that, and we don't know, right now, what the fishery next year is going to look like. I mean, we might have had a pretty good year this year, and we know what we dealt with last year resulted in a loss of a day, and it

might have been good enough this year that we lose another day, and, if you tweak it more, and accessibility improves, through all these other actions, you might take it down to one day really quickly.

I am comfortable with Action 1. As we move into Action 2, or even the following actions, I just think we may be doing things to make folks happy that may take the fishery away from them, because they're happy one year, and then, the next year, they are totally unhappy, because we did so well, under an optimized system, that we don't have a fishery anymore, or we even go -- I guess you could take yourself down below one day and then that's it, and there is no fishery, and that's my -- The time it took Myra to explain all of these things, each one of these actions is going to be like that, and it's a lot of work on staff, and it was, and thank you for doing that and all, but I just think we may be doing something that we're going to get consequences that we're not happy with, maybe.

MR. SAPP: I hate potentially burning time here, but, due to the importance, or seeming importance, of dead discards and the value to a lot of folks of this figure, F2, the chart there, the water temp concern there, I think you've got it way too soon. I mean, the hurricane season is where it is because of the high water temps, and, in our world, we don't concern ourselves with water temps and how many fish we put in a gallon of water in our bait wells until the middle of June, and so I seriously doubt that high water temps would cause a discard mortality rise in April and May, where I think September and October would be far more likely, when the water temp is at its height, to the south especially.

MS. BECKWITH: We didn't get a lot of comments from recreational anglers on this, unfortunately, but one of the few comments that I did hear, loud and clear, was that they did want to move it out of the peak spawning season, which the support that we heard for May and June, to a certain extent, amuses me, because catching a fish before they have the opportunity to spawn, versus catching them while they are in their spawning season, is one-half-dozen to the other, and so, to me, the thing that makes sense is, if we were going to do this, I would actually move the opening to September/October, where you are not only outside of the peak spawning season -- Based on Jack's comments, potentially do an October, and you would actually have the most opportunity for a hurricane and some bad weather, which might decrease effort and actually increase days, in the long run, and so I am more inclined to go the opposite route of what people want, and, instead of give them what they want, give them what they actually are looking for, which is an extended season in the long run and outside of the peak spawning season.

I don't actually think that this -- I am leaning towards the fact that this amendment is probably, in my personal view, not necessary, but, if we were going to do it, I sort of am cautious to Mel's points that we are going to do something that is actually going to make the problem worse, and so I would personally lean towards going to the other extreme and opening the season in October, when we're going to have the least amount of people actually utilizing it.

DR. CRABTREE: I think our problem right now is not the timing of the fishery. It's that we don't have enough days and enough fish to catch, and I don't see that we're going to find any better time to have the fishery than what's on the books right now, and we need stability in when the fishery occurs, and that enables us to do a better job of projecting what we think is going to be caught. If we start moving this fishery around a lot, we're going to have very uncertain catch rates, because

we're going to be fishing at a time when the fishery hasn't been open, and so I kind of am with Mel.

I don't think we're going to gain anything by moving this season around, and I think we're better off to leave it as-is and focus on how do we get a higher ACL and how do we get to a longer fishery, but I think the key right now with being able to predict things is going to be to have stability, and please don't move this further and deeper into hurricane season to try and bring effort down, because I think that would be a huge mistake, and so, okay, the three days goes off the books, but my recommendation to you would be let's leave the rest of this alone and not go forward with any of the other things in here.

MR. GRINER: I can understand the recreational issues here, but Action 4 is dealing with the commercial side, and I think there's a lot of merit to taking a hard look at when we open this red snapper commercial season. The majority of our encounters are when that grouper season opens up on May 1, and we have a lot of discards come May 1, simply because it's not open, and I think we really need to take a hard look at opening the commercial season on May 1 to coincide with the grouper season.

If we need it to stop in July and August and September or whenever, that's fine, but I know, from my own personal experience, that we had a lot of discards in May, and the number of discards we're having right now, after the season is closed, is very few. We are not encountering the fish like we were in May and June, and so, from a commercial standpoint, I think there's a lot to be said for trying to eliminate some of these discards that we're having in May and June.

MR. POLAND: I agree with Mel, and I agree with Roy, and I agree with most of what Anna said. I don't think we need to really mess with this much more than it is. Tim makes a fair point, and we can still consider and have discussion about Action 4, but one thing that I would just ask, and I ask staff this, is there's a lot of new folks sitting here, and I wasn't on the council when the last red snapper amendment was worked on, and I can't imagine that these same issues and discussions didn't occur when setting the season last time, and, Myra, can you provide just a quick Cliff Notes of the history of that and why the council decided to set it in July?

MS. BROUWER: Yes, and, as I mentioned earlier, I do have summarized the rationale from minutes and responses to comments and the final rules for Amendments 28 and 43, which is the two amendments that established the way things are now. July was a compromise, and it was combination of access, and folks wanted to have most access to the resource, and July happened to be a time that worked for both commercial and recreational and for-hire.

There was the issue of smaller vessels did not want to have to go out in the fall, and it decreased the chances of those vessels being able to have access to the fishery then, and we know this because there had been an opening prior, through emergency action, and I forget what year it was, 2012 maybe, and so those were the main things. I don't recall predictability being something that was talked about at the time.

One thing that the council did discuss, in I think it was Amendment 28, right before it was about to be approved, was there was interest in exploring whether there could be alternate weekend openings, and it just so happened that this was brought up at the meeting where the amendment was actually going to be approved, and so there was not enough time for the council to consider

things like that, but it was talked about, and this is all, like I said, reflected in the minutes, and I believe I kept -- The appendix that I just referred to is either in this decision document, and I don't want to scroll all the way to the end and make you all dizzy, but it's all in there, and it summarizes all the rationale, including why the commercial sector is managed differently, in terms of how the season is predicted and the accountability measures that are in place, which is a closure of the fishery, whereas, for the recreational sector, the season is the accountability measure, and so there is no such things as in-season closures, obviously, or paybacks or what have you. I hope that helps.

MS. MCCAWLEY: Before I go to Spud, I was on the council when we had those discussions, and I feel like we're just re-treading those exact same discussions. Like other people have said, I don't think that we need to be working on this amendment, but that's just how I feel about it.

MR. WOODWARD: As a responsible party for dragging us into this quagmire, I think we have accomplished what I intended to do, which is give people an opportunity to weigh back in on something that they never expected to last this long, and we didn't get a lot of input, and I agree with what's been said about Action 2 and Action 3. If we continue to deliberate on this amendment, I would actually recommend that we consider removing Action 2 and Action 3. If there is merit to Action 4, as Tim has brought up, use the time we've got left on discussing that. I don't think that we can really get to anything in Action 2 or Action 3 that's going to produce any benefit or probably make any sense to the fishing community.

MR. BELL: Since we had Roberts Rules training, I won't do what I could just do, but I will say that I would move that we -- I guess you would be moving Action 2 and Action 3 to the Considered but Rejected list and move on to Action 4.

DR. CRABTREE: I will second that.

MS. MCCAWLEY: All right. I've got a number of hands in the air, and so we have a motion, and it's been seconded by Roy. Is there discussion on this motion to move these two actions to the Considered but Rejected appendix?

MS. BECKWITH: My only concern is -- I see where this is going, and I see that we're probably going to open up the commercial on May 1, and so I just at least have to contemplate what the perception or the frustration from the recreational anglers are going to be if the commercial guys are opening up on May 1 and the recreational doesn't open up until July, because I have a sense that catching a fish in May and catching a fish in July is inconsequential one way or the other.

I don't have a problem opening up the recreational fishery on May 1 to match the commercial, but I don't think changing gets us much of anywhere in general, and so I just wanted to put that on the record, that I think we are going to get some pushback from the recreational community when the commercial guys open up on May 1 and we are still waiting on July, and we're going to get a lot of the comments that the commercial guys caught all the fish, and they can't interact, and they can't find them, and we're going to hear all of that, and so I just want to put that on the record. I'm a little concerned if we're going to move forward with the commercial change and not match the recreational.

DR. CRABTREE: I think that's an excellent point, and so I won't support changing the commercial season either, but why don't we go ahead and dispense with the motion on the board, and then we can talk about Action 4 and whether we want to address that.

MS. MCCAWLEY: All right. Is there discussion on this motion on the board?

MR. WHITAKER: Just very quickly, for the benefit of the Snapper Grouper AP, who said they were worried about the spawning season in the summer, I just wanted to acknowledge what Jack said, that it's actually peaking later in the year, and so it shouldn't be as big of a concern,

MS. MCCAWLEY: I just want to point out that we removed the spawning season portion from the purpose and need statement, and so it's not in the purpose and need statement of this anymore. Any more discussion on this motion? **All those in favor of this motion, raise your hand, twelve in favor; any opposition; any abstentions. The motion passes.**

DR. CRABTREE: Tim, the problem I see with Action 4 is, if we open up the commercial fishery in May, and the recreational fishery is not open until the middle of July, we're going to get a world of complaints and dissatisfaction that the commercial guys are bringing them in and the recreational guys can't, and I don't think that's good for you, and I don't think that's good for anybody. I think we set this up deliberately so that they both opened at approximately the same time, and I think we ought to just keep it that way for now.

MR. GRINER: I know, and I appreciate that, and I heard the complaints that, even though we had complaints that said, well, the commercial guys are getting a one-week jump, or a two-week jump, and they're going to catch all the fish, but, at the end of the day, I keep going back to all these discards we're having in May and June. I mean, I understand that there may be an appearance that we're getting a leg up, but the reality is that we are only catching a small amount of fish, and that little ninety pounds a trip is saving a lot of fish, in the long run.

These are fish that are getting thrown back, and so I know that we are encountering a lot less discards while we're grouper fishing right now than we were in May and June, a whole lot less, and Chris maybe wants to tell his experience with these discards, but May and June is when we are really encountering the red snapper, a lot of them. I understand there will be some heartburn, but, as far as what's best for reducing these discards, which is the purpose and need here, I think we're really got to take a long, hard look at this.

MR. SAPP: I am simply echoing Tim there. There is a right and wrong here, in my opinion, and the right thing is to save those discards. The guys are putting the effort in on the groupers and catching the red snapper at that same time, and it just seems like the right thing to do to allow these guys to catch these fish, and, with the trip limits being so limited, it still makes it the right thing to do, and, like I said earlier, my goal is to try to mend the hard feelings between commercial and recreational, and this brings the conversation to the plate, and it starts the fight a little bit again, but at least it's being discussed.

MS. BECKWITH: To be honest, I'm actually okay with the heartburn. I mean, if the commercial guys are encountering these fish more in May and June, I really don't have an issue explaining that to the recreational community, and I just recognize that there's going to be some complaints, but I am not completely opposed to having that discussion with them, and the reality is that we don't

treat the commercial and the recreational fisheries the same on most of our species, and so why we would be obsessed with doing it on this particular one isn't -- I don't feel that strongly about it, and so I think the commercial needs to choose what's right for them and right for the resource, and we need to do what we think is best for the recreational, and so I would not vote in opposition to this, if that's what the commercial guys feel is going to be best for the resource.

MR. WOODWARD: For the State of Georgia, I don't think this is going to create or increase any animosity between the recreational and commercial guys. I mean, we don't have that many commercial guys anyway, and I will also remind us that the last three words in our purpose and need statement is "minimizing discard mortality", and so, if we put that in there, and if we have an opportunity to do that, we should do that.

MR. CONKLIN: If it were to open up May 1, we usually have a reduction or a closure in our vermilion snapper fishery, and that's sort of our economic driver where we are, and, with a reduction or a closure, then that means that, on May 1, all the commercial fishermen are soaking big baits and fishing for large animals and snapper to go alongside of that.

While we still catch some, come July 1, when the vermilion open back up and triggerfish, or the trip limit goes up, it's a lot easier, generally, to fill the boat with your small fish, and you don't encounter quite as many of the larger animals. It's just you can make a little -- You get a lot more fishing filling up your holds quicker and making trips, and that's the mentality of the commercial fishermen, and there's no reason why somebody will go out there and sit around for seven days soaking big baits when they can make a check in three and go back out.

It doesn't matter to me what we do on this, theoretically, because we're going to catch the fish anyway, and what we don't bring in will get wasted anyway, and so I don't think there's a right answer for this scenario, but, in support of the purpose and need, if it's to reduce discards, then that certainly would, at least on paper, do that.

MS. MCCAWLEY: Before we go any further, I am going to let Myra talk to us about the public comment on this action.

MS. BROUWER: Thank you. This is Action 4, and you have the alternatives on your screen. Alternative 2 would modify the start date for the commercial to start the second Monday in May. Alternative 3 modify it to start the second Monday in June. Alternative 4, which I believe is the one you guys have been talking about for the last few minutes, would modify the commercial red snapper season to start on May 1 and then, further, commercial harvest would not be allowed during July and August.

Because of that language that I just read for Alternative 4, because it doesn't deal specifically with the start date, we're suggesting that you modify the title of that action, just to make it more accurate, and I will remind you as well that there is an interactive application that we showed you in June that shows opening and closing or -- What I am I trying to say? It's the most frequent times of the year when other snapper grouper species are open to commercial harvest, and so we went over that again in June. Unless there is a desire for me to open it back up -- We can do that, and you have the link in the decision document.

In terms of public comments, there were three comments in support of no change, one comment in support of Alternative 4, which is a May opening with no harvest in July through August, twelve comments that requested opening for commercial at the beginning of August, and the rationale is to provide whitefish to the market when other species are no longer available. They went on to state, if you don't do that, then please leave it the way it is.

There was one comment in support of opening in September through December and that, if the quota is not met, that it be reopened in May of the following year, and so a little bit different take on that. Another thing I wanted to point out that I did here in the public comments is that, commercially, red snapper is no longer a -- It's no longer an incidental catch, and some folks are actually targeting red snapper commercially.

MS. MCCAWLEY: Thank you, Myra.

DR. CRABTREE: When I read that, it seems to me that most of them said just leave it alone.

MS. MCCAWLEY: Before I go back to Tim, I just want to bring up kind of what seems like the obvious here, that I just feel like we're rehashing a lot of the same discussion that we had when we set things the way they are now, and, if we continue to move this forward, and comments are similar to what have already come in, then I'm just worried that we're not going to end up changing this, and so then I come back to why are we doing this amendment?

MR. GRINER: I can appreciate those comments, but I don't know whether those comments came from recreational anglers that just don't want us having a head start again, but I look at the AP, the Snapper Grouper AP, recommendation, and they were unanimous in their recommendation that it start on May 1, and so, again, I'm just going back to the discards, and that's really I'm focused on. I just hate to see the amount of discards that we're encountering in the month of May, and that's really the impetus for the whole thing, and that's what I thought the whole amendment was about.

MS. MCCAWLEY: All right. What do we want to do about this action? Do we want to keep it? Do we want to ditch the whole amendment? If we're going to keep this action, we need to accept the IPT's edits and we need to choose a preferred alternative.

MR. GRINER: **I would make a motion to accept the IPT's edits and make Alternative 4 under Action 4 our preferred.**

MS. MCCAWLEY: It's seconded by Art. The motion is going on the board. The motion is to accept the IPT's edits to Action 4 and select Alternative 4 as the preferred alternative. Just to reiterate, Alternative 4 is to start the season on May 1. Is there any more discussion on this action and on this motion?

MR. BELL: Tim, the discards that you would be encountering in May or whatever, are those the larger fish or just all sizes, or what is it that you're seeing? You're telling us your perspective, or where you guys are fishing, and that's when you encounter these things the most, and are they all sizes or big or little?

MR. GRINER: They are all sizes, but we encounter a lot of big fish, large fish, and, again, as Chris alluded to, once July and August -- Once July rolls back around, and we're back into the

vermilion and triggerfish, and the grouper bite has shut down in these hot waters, and we're not really -- We're not catching grouper, and we're not catching the snappers. We're really back into making these trips out of our vermilion and triggerfish combos.

MS. MCCAWLEY: All right. Is there more discussion on this? Are we ready to vote? All right. **All those in favor of this motion, raise your hand. Once again, this is to select Alternative 4, May, as the preferred, ten; all those opposed; abstentions, one. The motion passes.**

We are having some discussion over here, and so, before we leave this action, and then I promise that we'll take a break after this, the alternative that was chosen will not allow harvest in July and August, and so, yes, it start in May, but it does not allow harvest at all in July and August, and it seemed like, from the public comment and some other statements around the table, that other folks were wanting to continue to allow harvest in July and August, and, if that is the case, then, actually, Tim, it seems that you should choose Alternative 2, which just straight up starts the season in May, and it starts the second Monday in May, and then it's just going to run the season out until the quota is met, and so it would allow continuous harvest.

The alternative that was chosen will not allow any fishing during the months of July and August, and so it would stop the fishing, even if there is quota still on the table, and then it would have to reopen again in say September, and I'm not sure that that's what you really meant, and that doesn't really seem to follow the discussion and the rationale that went around the table, and so I'm going to go back to you, Tim.

MR. GRINER: No, and I was aware of that, but it's just I didn't want to start the second Monday in May. I want it to be May 1, and so, if we can modify Alternative 4, or modify Alternative 2, so that, instead of the second Monday, it's May 1, and then we run the season out, that's fine as well. I don't have a problem with that.

MS. MCCAWLEY: All right. I think that what I would suggest, and I am looking over here at Myra, is that I would modify Alternative 2 to start on May 1, and thanks for having that discussion about what your intent actually was, because it seems like other folks, and based on the comment, they were thinking that they were going to continue to be able to fish all the way until the quota was caught, and that would include in July and August, if there was quota still on the table, but the alternative that was chosen doesn't fit with the rationale of the discussion. Would it be your intent to say modify Alternative 2, the language in Alternative 2, to start on May 1 and then select that as the preferred alternative?

MR. GRINER: Yes.

MR. CONKLIN: The way I read it was it opens up on May 1, and, if the quota lasts until July 1, then it stops, and I was under the impression that it would open back up, but hasn't our snapper season been like thirty-eight days the past couple of years anyway, and so you've got sixty days open, and we probably will never get there with the crumbs that we're catching, but, like I said, we're going to catch them either way, and it doesn't matter to me.

MS. MCCAWLEY: I think it's partly about running continuously or not, or possibly leaving quota on the table, and it seemed like the discussion was run continuously, but that's not what we chose,

and so I think that you would be making a substitute motion to, one, modify Alternative 2, and then to select that as the preferred, and it seems like -- We would have to rescind the motion.

MR. WOODWARD: We have a passed motion that belonged to the committee that we've got to get rid of. We have got to rescind it to open this back up for further discussion.

MS. MCCAWLEY: A couple of things. one, I agree it belongs to the committee, but, basically, we would be just selecting a new preferred. You could rescind it and select the new preferred, or you could just say we're going to select a new preferred here.

MS. BECKWITH: Or we can wait until Full Council and just do this at Full Council.

MS. MCCAWLEY: I don't want to just leave this on the table. We're doing it right now, and I would rather dispense with this right now, and so what's the pleasure of the committee? Do we want to rescind this motion and start another? I can tell you that the discussion you guys had did not match Alternative 4. Let me just say right now that it does not support what you just did.

MR. WOODWARD: **I think the clean thing, from a parliamentary procedure, is to rescind it, render it null, and then, that way, you don't have it hanging out there as something that confounds or confuses the next thing we do. I will make that motion, if you want me to.**

MS. MCCAWLEY: Since we're trying to figure out exactly the parliamentary procedure here, let me go to Susan.

MS. BOGGS: I was just going to say there is no reason that you can't make a motion to create a new alternative, and, if that motion passes, then somebody can make a motion to now make that your preferred, and I don't think you have to -- Unless, like Anna is saying, you can reconsider the motion, or rescind the motion, just made.

MS. MCCAWLEY: You are making a motion to rescind, Spud, and I don't have my cards in front of me.

MS. BECKWITH: I have got mine. It's a motion to rescind, and it's debatable, and it's a simple majority vote.

MS. MCCAWLEY: Okay, and so we have a motion to rescind. Do we have a second to that? It's seconded by Mel. All right. Is there any more discussion on this motion to rescind? **Any objection on the motion to rescind? That passes. The motion is rescinded.** I am going to go to Tim to make his motion to modify Alternative 2 and then select it as the preferred.

MR. GRINER: **I would move to modify Alternative 2 for a May 1 start date and move to make that our preferred.**

MS. MCCAWLEY: It's seconded by Art. I feel like we've had a lot of discussion on this, and I don't think we need any more. In fact, the discussion that we had actually supported this and not what we actually chose, and I'm just throwing that out there. Let's take a vote on this. **Once again, we are voting on a motion to modify Alternative 2 so it has a May 1 start date and**

then select that as the preferred. All those in favor, raise your hand, eleven in favor; any opposition; abstentions, two abstentions. The motion passes.

One more thing, and I lied about the bathroom break. We're almost done, and so we need to do a couple more things. We need to accept the IPT's edits to this action, and then we probably want to move Alternative 4 to the Considered but Rejected. Would someone like to make that motion, because the IPT edit portion was in the rescinded motion.

MR. CONKLIN: I make the motion to accept the IPT's suggested edits to this amendment and also remove Alternative 4 from Action 4 to the Considered but Rejected Appendix.

MS. MCCAWLEY: Okay. Is there a second to that motion? It's seconded by Chester. Any objection to that motion? Seeing none, that motion stands approved. All right. Let's take a ten-minute break.

(Whereupon, a recess was taken.)

MS. MCCAWLEY: The lunchtime group I think was very busy, and I think they have some wording for us to check out on Action 1, and I'm going to turn it back over to Christina.

MS. WIEGAND: All right, and so you will see, on your screen here, the brand-spanking-new definition that we came up with at lunch that reads as follows: For the purpose of this requirement, descending device means an instrument to which is attached a minimum of a sixteen-ounce weight and a length of line that will release the fish at the depth from which the fish was caught or a minimum of fifty feet. The descending device attaches to the fish's mouth or is a container that will hold the fish. The device must be capable of releasing the fish automatically by actions of the operator of the device or by allowing the fish to escape on its own. Since minimizing surface time is critical to increasing survival, descending devices shall be readily available for use while engaged in fishing. I know that there's going to be some discussion about the rationale behind the sixteen-ounce weight and the minimum of fifty feet, and so I will open it up to Monica et al., who developed this definition.

MS. MCCAWLEY: Okay. I will go to Monica first.

MS. SMIT-BRUNELLO: I am looking at the et al. behind me, but -- That was supposed to be funny. I would like some discussion on the record, as Christina just said, of what the rationale is behind the sixteen-ounce weight and then also the minimum of fifty feet, and so, if we could have council members speak to that, that would be great.

MR. WOODWARD: I am Mr. Sixteen-Ounce-Weight here, and so my rationale for that is that that is a weight that is of a sufficient volume to enable a descending device, a typical descending device, to function for most sizes of fish. That is not a size weight that people oftentimes use for fishing. I mean, some people will use a big weight like that, if they're really deep-dropping or something like that, but, if that's onboard, it's a measurable attribute of the descending device, and it shows that it is prepared to be used, as does the language about the length of the line. It shows that that device is prepared to be used by the folks on the boat.

MS. MCCAWLEY: Other people that want to weigh-in on that?

MR. CONKLIN: Well, the obvious thing would be the fish, when they have barotrauma, can't swim down by themselves, and so that's why we're requiring a weight.

MS. MCCAWLEY: Others?

MR. BREWER: Just rationale, and then I have a motion. If you notice, it says a minimum of sixteen-ounce weight, and that's because some people have said that, with a much bigger fish, you've got to have more weight, and, again, sixteen ounces is something that, when you go in the tackle store, they have got those -- Not egg sinkers, but bank, and sixteen is a very common size, and so it looks -- It speaks to availability to the fishermen, and most people probably have got that on their boat already.

The language that was developed was done in such a fashion that it does not specify a specific device. In other words, we're not going to have to go through an approval process for different commercially-available devices, nor do we have to go through some sort of approval for ones that -- Somebody talked about Jimmy Hull, and he's got one that he came up with, and it works very, very well, and he shouldn't have to go through some sort of approval process. It allows for the development of new and perhaps more efficient descending devices, and so I am very happy with the language.

That being said, Madam Chair, I have a motion. **Madam Chair, I move that we approve the new descending device definition which was developed by a working group over lunch.** You don't have to put "approved by the working group over lunch".

MS. MCCAWLEY: All right, and so we have a motion to approve the descending device definition. Is there a second? Seconded by Steve.

MR. POLAND: I also feel like Monica asked for a little bit of discussion on the minimum of fifty feet, but, before I go to that, as far as the weight, ideally, you would like some language in there that says that you would use enough weight to submerge the fish, but that is still a little bit of ambiguity there, and so I'm comfortable with at least sixteen ounces, and I agree with Spud and Chester that that's a very common size. It's a pound. I've got plenty of them, and, in all honesty, I fish with twelve to sixteen ounces, because I fish in current, and I understand, in Georgia, you've got to run seventy miles before you reach any current, but not up our way.

As far as the minimum depth, again, ideally, I would have preferred some language as far as least half the water depth that you're fishing in, but, again, I understand the ambiguity in that, and, the fifty feet, there are a few commercially-available products that release based off of pressure, and the shallowest settings on those start at fifty feet, and we felt like that was an appropriate minimum depth to start at.

MS. MCCAWLEY: Thanks.

MR. BELL: Steve really covered what I was going to mention, but we had thirty-three feet in the document before, and the magic of thirty-three feet is just the laws of physics, and that's where you pick up an additional atmosphere of pressure. The example we saw earlier of the red grouper, the fish didn't relieve at thirty-three feet, and you want to get it deeper.

Fifty, as Steve mentioned, is a number that's already used by at least one manufacturer, and fifty would give you a better chance, and it is a specific thing that can be measured by the Coast Guard. You have the ability to have fifty feet of line, at least, and so I think fifty is a better number than thirty-three.

LCDR MONTES: I just want to go on the record echoing basically what Mel just said. The fifty feet and the minimum weight requirement provide the characteristics, or a start for the characteristics, for this to be an enforceable regulation. Additionally, I wanted to address, in the last sentence, one of the changes that we made, and I know that the LE AP, which I keep bringing up, said that the rigged and ready may not be enforceable, or they didn't think it was an enforceable kind of language that was in there, and so we did change that to "readily available for use", which echoes some of the similar types of regulations for safety requirements, and it uses that same language, to kind of keep it consistent, and so I wanted to just kind of socialize that as well. Thank you.

MS. MCCAWLEY: Thank you. Is there more discussion on this new definition? Are we ready to vote on this definition? All right. **Is there any opposition to this definition? Seeing none, this motion stands approved.**

MS. WIEGAND: There were no IPT edits to this action. As of right now, your preferred alternative would require the descending device to be onboard any fishing vessel that's fishing for or possessing species in the snapper grouper fishery management unit, and this is for all snapper grouper vessels, private, for-hire, and commercial.

MS. MCCAWLEY: All right. We're good with that and good with the definition?

MS. WIEGAND: First, I want to go over, briefly, the council conclusions with you guys. We will include the rationale that you have just discussed related to the sixteen-ounces and the fifty-foot additions to the definition, and, again, for council conclusions, we have put in there that research illustrates that the use of descending devices is an effective way to improve survivorship of released fish and it decreases release mortality.

Venting devices, when used incorrectly, can further injure fish. However, the preferred alternative does not prohibit the use of venting tools, especially for those individuals that do know how to use them properly, trained crew on charter vessels or headboats, for example, and that the definition of descending device provided in Action 1 does allow fishermen to purchase or construct their own descending devices, while still ensuring that those devices are effective at descending fish and reducing release mortality, and so do you have any concerns with those conclusions that we've drawn from the discussions you guys have had or any additions? Now would be a good time to let us know, so we can include it in the amendment.

MS. MCCAWLEY: All right. Are folks okay with those council conclusions? I see heads nodding yes, and I see some people still reading. I don't see any hands in the air, and I see more people nodding yes, and I think we're okay with that.

MS. WIEGAND: Last, but certainly not least, we wanted to talk about an outreach plan for best fishing practices. Throughout the development of this amendment, on numerous occasions, you

guys have mentioned the importance of outreach, both in terms of getting the word about descending devices out there as well as information on how to teach people to properly vent fish, and so, first, I wanted to go over -- The council has done quite a bit of work on best practices outreach.

The MyFishCount webpage does include a best practices tab, which includes details on best fishing practices, and that information was provided by FishSmart. Then Dr. Collier, as well as Kelsey and Cameron and BeBe, have all done a lot of work just in general with outreach for MyFishCount, in association with best fishing practices, and they partnered with the South Carolina Wildlife Federation to put out a best practices tutorial, and I know we've talked about this before, and I'm hoping that most of you guys have gone and looked and run through this tutorial, but, if you haven't, I really encourage you to. It gives some fantastic information on how to properly use descending devices.

I wanted to remind you of the comments that the Information & Education Advisory Panel made surrounding this amendment back in January of this year, and I believe that's when we spoke to them about this, and they recommended that any communication plan that's organized by the council should really take advantage of outreach information that's already out there. The state agencies, as well as nonprofits, have put out a lot of information related to best fishing practices, and it would be important to not muddy the waters and to make sure that, here in the Southeast, everyone is sort of pushing at a consistent message.

The I&E AP also suggested that the council host a separate webpage that would contain best fishing practices information and/or create a one-page brochure or a card, something that could be distributed at tackle shops or by port samplers or anywhere that we could reach the fishermen who would need to be using descending devices, and, again, they recommended that we work with partners and that communication really ought to come from key stakeholders and focus on success stories, for example some of the stuff that's been done on the west coast.

I worked with our outreach staff, and we put together a couple of different recommendations for you guys. One of the things we could do is put together a best fishing practices website, like was suggested by the I&E AP, and include the current information that we have, just in a location that's separate from MyFishCount, as well as add additional information drawing on outreach documents and videos that are already available through our state and federal partners. Again, like the I&E AP recommended, we could put together a brochure or rack card that then can be distributed to key industry stakeholders.

We could also work with industry leaders to create best fishing practices and descending device video testimonials that could be added to outreach material. Again, we can continue with the outreach events and trade show promotions. A lot of this stuff is already going on, for example the open houses at South Carolina DNR and Georgia DNR and trade shows like ICAST.

We could work on a way to incentivize fishermen, and this is sort of a challenging topic, and it would need to be discussed further, but it has been successful in other programs and other projects, and there could be a social media campaign, and I know our outreach staff is already working on a hashtag campaign for best fishing practices, and then, of course, there is other media, like press releases and testimonials and outreach tools and coordinating with federal and state partners and writing outdoor feature stories and things like that.

Again, like I said before, whenever possible, we should take into account this idea of trying to be consistent in our messaging relative to the South Atlantic region and target audiences where the outreach message will be most effective, and so what we really need from you guys is some concrete direction on where you would like us to take best fishing practices outreach and sort of some top priorities.

MS. MCCAWLEY: I can start. We had our outreach staff review this, and we certainly agree that working with the state partners, as well as possibly Sea Grant, is one good way to go. If you're going to do a rack card, we suggest doing waterproof paper or something of that nature that is a little bit more durable, so that people can take it on the boat. In the past, we have often done stickers that people can put on their tackle box, and we have lots of ideas, and we have done this a lot.

We also thought, when our outreach folks reviewed this, that maybe there was a way to create a social media account that was specific to something about best fishing practices, and they also had a lot of questions about incentivizing fishermen. We have definitely done it at the state level, but I guess I'm just not sure what you guys had in mind as ways to incentivize and what that might look like, and so we definitely had some concerns about that. I am not sure exactly -- Because there wasn't a lot of detail in there, and we weren't sure exactly what that meant, but, at FWC, and I'm sure other state agencies do too, we have tons of videos on this, and so we're certainly willing to help, but, yes, I would love to hear about these incentives.

MS. RHODES: BeBe Harrison is actually doing every single thing that is outlined in this outreach plan, specifically for MyFishCount, and so there's already a MyFishCount Facebook page developed, and it hasn't really gotten a -- It hasn't gotten off its feet quite yet, but, in terms of incentivizing, there has been some discussion underway right now with the Angler Action Foundation discussing how we could possibly go about getting them to work with us on providing things that can be used to incentivize anglers, and so providing coolers or something that is a more high-dollar item that could be used, and that's specifically for the MyFishCount program, and that's not something that has been discussed on behalf of the council, necessarily, and, given the transition that MyFishCount is likely going to take in the next couple of months, it seemed appropriate for the Angler Action Foundation to be a part of that process, and so they would be working with vendors, along with BeBe, in order to acquire those items.

As far as incentivizing folks on behalf of the council, that's something we would really need to flesh out with you all and see what's appropriate, and that's not something that the council staff will be moving forward with without input from all of you, and we definitely want to tread lightly with all of that, but, based on input from most of the stakeholders that we have spoken to about this, based on input even from our law enforcement partners, and input from the I&E AP, it seems that incentivizing anglers has the most value, in the long run. It ends up getting people really involved in participating and becoming an influencer, which is really, when it comes to the social media side of the house, what we need.

We have identified some key players that we'll likely reach out to be part of this incentivizing program and be part of our influencer campaign on social media, and, Art Sapp, you are likely going to be tapped for that, and you know now, but those kind of things are in the works on the

backend, but we really haven't moved forward with anything, just because we wanted to see what the council's comfort level was with that before started diving into those relationships.

MS. MCCAWLEY: I am certainly comfortable with that, and we have a lot of experience with incentive programs at the State of Florida, and we do this with lionfish, and we have spent multimillions of dollars to incentivize things relative to lionfish, and we also do it on the recreational fishing side, and we have our Catch of Florida Memory Program.

If you're going to embark on this, and I think it's a good idea, we at the state agency put together a solicitation plan that basically lets people know and lets folks know that you're going to go out and you're going to ask for these things, and it's very specific about how you're going to use it and then how you're going to use people's logos and things like that, and so that's just a suggestion from our end. It helps protect the people that you are receiving the items from as well as protect the entity, in this case the council, and so we could certainly help with that at the FWC, and we have forms for that and ways we go about doing that before starting, so that everybody can maybe get a little bit more excited about it and feel protected, and then these companies know exactly how their product is going to be used.

MS. RHODES: BeBe has actually been working on that, on behalf of MyFishCount, so we can adopt some things from the MyFishCount folks easily, as well as working alongside with everyone at FWC, and that sounds great. We definitely don't want to reinvent the wheel on this, and so, if there's stuff already up and running, we're happy to employ that on our end.

MR. POLAND: All of this looks great, and I think all of this is worthwhile doing. I don't call this a concern, but we haven't really gotten to the point where we've discussed this yet, but cost. All this costs something, and I understand that we're in Snapper Grouper, and we probably need to have this discussion at Executive Finance too, but I also wanted to bring it up here and start it.

I understand you all wanted to get feedback first on appropriate outreach items, and then later we get some costs, but, as a council, I feel like we have put a lot of effort into Regulatory Amendment 29, and we need to make sure that we invest the appropriate amount of money to keep the outreach going, and not just in the short-term, but in the long-term, but, just real quick, do you have any kind of rough estimates for costs for things like brochures, and then do you have like a distribution plan or anything like that? You don't have to provide it to us now, but, in the future, that's something that I would like to see, so we can kind of get a rough idea how much we want to prioritize for this.

MS. RHODES: This is going to be real rough, but, based on some brochures that we have printed in the last year or so -- We have a general counsel brochure, and we also have a Citizen Science Program brochure, and they're here, if you guys want to go check them out, but those are relatively cheap to print. I think it boiled down to us doing a thousand of them, and it cost around \$300 to \$400 to do that, and those are multisided and multipage brochures, and so, if we were going to do something as simple as a rack card, which, frankly, could be pretty challenging for the nature of this amendment, and we would probably like to provide a good amount of information in there, or as much as we can without overwhelming folks, but, if we were to do that, I don't think that would be super cost-prohibitive.

Printing those items really isn't much of an issue. It's more distributing it to the appropriate people, making sure that we have enough to support that, but we have a standing relationship with a printer who has been really good about getting us quick turnaround and keeping our costs relatively low, and so I'm not really concerned with the printing. It would be more structuring this program, if we're going to be incentivizing folks, and with the help of BeBe and the help of FWC and any other partners that we might have who are already doing that.

South Carolina has a couple other programs that are not necessarily financial incentives, but they send folks a t-shirt for having filled out a tag report or something like that, and so I think our best move is to work with partners, but I think most of the things that we're outlining here are relatively inexpensive.

If we're going to be distributing descending devices, that's a whole other ballgame, which has been proposed to us a number of times at different meetings with members of the public, and even folks in law enforcement, over at the Coast Guard, have mentioned the possibility of them being involved, if possible, and, I mean, we've really got to take a look at that, but there could be other partners who are interested in funneling all of these descending devices out to folks over time.

I think, as it stands right now, what we have on the board doesn't seem frightening to me, in terms of the costs, and, when it comes down to the influencers, we're going to need help getting that off the ground, from the state partners, but that's free. I mean, if we get those people rolling and start promoting the message, and, to me, it's the cheapest way to do it and the most effective. You get the key players to be doing it, and that's when I told Art that he's going to be one of those, and Art has a pretty significant social media following, for folks who aren't on social media. Everyone knows now, Art.

It's public knowledge, but he's big on Facebook, and he's a big billfish dude, and so everybody follows him, and he's the kind of candidate, and other snapper grouper fishermen, dolphin wahoo fishermen, those kinds of people who are on TV shows and things like that. Those are the ones that we're really trying to target for all of this, similar to what other folks have done, but that's a free approach, and I like free, and so we're going to try that.

MS. MCCAWLEY: Mel, did you have your hand up?

MR. BELL: Yes, but, between Steve and Cameron, I think we've covered it. It was basically partner where you can partner and share expenses and, again, bring law enforcement, to the degree we can, in as a partner and, like Lieutenant Bruce was talking about this morning on the west coast, you've got law enforcement somehow able to give these things out, and that's great if we can pull that off.

MR. BREWER: Two things. In so far as the influencers go, that is already happening, because I have seen YouTube videos. The whole program is not on descending devices, but you've got somebody out bottom fishing, and you catch something undersized, and they pull out their SeaQualizer mostly and use it and talk about the benefits, and so it's already happening, and I don't see that as being some great, giant step to get that rolling.

The other thing is, and it's, again, my thought, and I did it, but, during our discussions, there was discussions with regard to descending devices versus venting devices, and there got to be some

confusion, primarily because of some things I said, and, in our information, I would like to see that mistake corrected, so the people understand they are only required to have a descending device onboard, and, if they know how to use a venting tool, that is encouraged as well.

MR. WOODWARD: I think there is a lot that has been going on over the last several years related to descending devices, and we probably need, at our next meeting, a general summary report of the results of those efforts and how many descending devices of what kind have been given out, so we have some idea of what has already been distributed.

I do think there is some potential to bring some of those supporting entities back into this and possibly acquire some descending devices to give to law enforcement, so that they can use those as an outreach and education tool, but we've got -- All that's been done up to this point has been based on, if you want to do it, it's a great thing and do it. Now we're moving into a regulatory environment, and so the messaging needs to reflect why we're doing this, why are we requiring you to do this, so that people know exactly what is required of them, and, also, it's our opportunity to set expectations as to the benefits of doing this.

I mean, we don't want to oversell it, but we also need to say, well, not only are you doing this because it's the right thing to do for a conservation ethic, but it is our goal to translate this into fish saved for potential fish to be harvested at some point in the future, and so those are two things that really need to be prominent in the messaging that we generate versus what's been coming from some of these previous efforts.

LCDR MONTES: I want to go on the record and offer up to Cameron that, if we have some sort of pamphlet or educational handout, that we can -- Even in a digital format that we can push out to all of our units and start, as soon as we submit this thing, or even earlier, of like what constitutes a descending device and how people can get one, and just those outreach and education kind of tools.

That's a nice, easy way of getting word out direct to the people, even before the regulation goes into play, of like, hey, this is coming, and this is what the requirements are going to be, or, after the regulation is implemented, what are the requirements. That way, we can put it out there, because it's a nice, easy -- Even if people take it and just throw it down and ignore it, we're at least like -- We're talking direct to the snapper grouper fishermen that may not have heard about any of this before. I think that's a great way that we can kind of partner on it.

MS. MCCAWLEY: Do you think you guys have enough? I didn't hear that there was one particular tool that people wanted you to use over another, and it sounds like folks are wanting to see some information, maybe at the next meeting, about what's already out there and such.

MS. WIEGAND: What I am gathering from this conversation is staff can work on putting together -- At the Gulf meeting, a couple of meetings ago, maybe almost a year ago, they did put together a document that outlined outreach efforts that had gone on in each of the state agencies, as well as Sea Grants, and I think that's something that staff could put together for you guys that wouldn't be too big of a lift, especially if some of our state representatives can help us with the programs that you guys have done in your state, and particularly the results of those programs.

Then, in terms of outreach, there is a pretty lengthy list here, but the impression I was getting from the conversation, in terms of prioritizing, would be to prioritize putting together a brochure or something that could be handed out to fishermen as well, as working with influencers and sort of beginning the work on perhaps an incentive program that we could continue to talk to you guys about.

MS. MCCAWLEY: Sounds good. All right. That was the last part of the document, other than approval to the Secretary. Mel, did you have something else?

MR. BELL: I just have one thing that's been bothering me all along, and we've talked about this before, but, the way it's structured now, Preferred Alternative 2, you have to have this onboard with possession of species in the snapper grouper fishery, and so it's possible that you could be in thirty-five feet of water off of Charleston with black sea bass in your boat, and you never went any deeper than thirty-five feet, and you've got those species, and so I'm looking at you guys, because this is an officer discretion kind of thing.

I am telling you that I never went any deeper than thirty-five feet, and I'm on this reef, or you see me and I'm on this reef, and I'm in thirty-five feet of water, but I'm in possession of these species, and I have to have one of these things, and we just need to be able to explain that. What made me think of this is the outreach piece, is explain that to the public. I mean, that's very feasible, and I could also be in federal waters, in forty feet of water off of Charleston on an artificial reef in possession of these species, and in forty feet of water I'm in possession of black sea bass, or maybe a whitebone porgy, if there is such a thing anymore, but is that going to be a problem?

MR. WOODWARD: You started us down this road of implausible but possible outcomes, and you could take it to the next step, and that is that somebody on a fishing pier has got a black sea bass, and a joint enforcement agreement officer intercepts him. I mean, again, there's going to have to be some guidance given within the ranks of our enforcement community to prevent unintended consequences of this.

DR. CRABTREE: Well, yes, and there is some funny things about this. You could have a vessel out that's only spearfishing, but they're going to have to have a descending device rigged and ready, I guess. The yellowtail snapper vessels down in the Keys that are catching them right off the back of the boat, they're going to have to have one of these rigged and ready, and, now, I assume we would not want the states to implement a compatible requirement in state waters. I know, when I was a backcountry fishing guide, I have caught big grouper in ten feet of water, and so I would not think we would want to have those guys have to have a descending device, but there's a lot of odd things that kind of go along with this.

MS. MCCAWLEY: All right.

MR. BELL: I only bring that up just to make sure we're 100 percent -- I don't want any surprises, but that is the one little kind of weird thing to this that I want to make sure we're eyes open all the way, because I can see that perhaps happening, and I brought it up at the Snapper Grouper AP, and I brought it up before, and it just didn't really seem to bother anybody, but, as long as we're okay with that, but keep in mind that it is possible that you could encounter people that aren't fishing in waters that you would have a problem of barotrauma, but they would have to have these onboard,

and we just need to be able to explain that to them, why that is, but it's sort of the last little piece of unfinished business, I guess, in my head with this.

MS. MCCAWLEY: Okay. Maybe we don't approve this for the Secretary right now. Maybe we consider that in Full Council and think about some of these things that were brought up. I see two more hands in the air, and know that we are extremely behind today, but I will continue down this path.

MR. HEMILRIGHT: Is it possible to like add some more language in there that helps an officer or somebody use a little commonsense compliance assistance or something to that aspect, and so even those scenarios of the peer or the ten foot of water grouper species or something like that, that would help what the intent of this is, and maybe put some heavier language in for the intent, so that way, the people that have to follow this law, or help enforce it, it would help to see what the intent is and to let them use some judgment, which they always do, but just to further it.

MS. BECKWITH: I am sure we can add something in that says, when hook-and-line fishing, that clearly shows that spearfishing is not expected to be able to do this, but I also think we discussed connecting this to signs of barotrauma within the explanation, but I don't really have a problem with everybody having to have one of these onboard, and I don't care if they're in state waters or federal waters. Everyone should have one, and so the ten-foot thing doesn't really make me so nervous, and there's a lot of them out there that aren't that expensive, and so I don't think it's a big deal.

DR. CHRISTIANSEN: Would we be better served to educate the thousand law officers, as opposed to the 50,000 fishermen? I mean, it comes back to the discretion again.

MS. MCCAWLEY: All right. Are we ready to leave this and talk about this more at Full Council? People be thinking about what you just heard, and we'll come back and talk about this more at Full Council. All right. We are going to move on. Thank you, Christina. Next up, we're going to do the North Carolina/South Carolina SMZs, Regulatory Amendment 34.

MS. BROUWER: This is Regulatory Amendment 34, and so this one responds to requests from North Carolina and South Carolina to designate existing artificial reefs as special management zones. We received a request from North Carolina, back in March, and South Carolina followed about a week later, I believe, and in the request was designation for thirty artificial reef sites off of North Carolina and four additional artificial reef sites in South Carolina to be designated as Special Management Zones. What that would do is implement gear restrictions for harvest and possession of snapper grouper species within those areas.

Back in June, you provided guidance to us to begin development of this amendment to address the states' requests, as I just mentioned, and, as far as timing, at this meeting, you are going to review options and give us more guidance, and we're going to talk about public hearings and when those should be held, and then the intent, as you stated in June, is to review and approve this for formal review in December. At this meeting, what we would need to do is just to give us some guidance on the approach and the timing of this amendment and then consider some of the questions that we're going to throw at you.

This is Attachment 7 in your briefing book, and so we have a little bit of rationale here for council members to remember what the SMZs, what the intent of this designation is, and so the process to establish SMZs was implemented in the original fishery management plan for the snapper grouper fishery in 1983, and so we've included the language from that amendment as an appendix to this document, if you're curious to see exactly what the language is.

The main intent of that procedure is to create an incentive for fish attraction devices that are going to increase biological production and/or create fishing opportunities that would not otherwise exist, and so, as part of the process, there needs to be a monitoring team that is designated to evaluate these requests, and that team is comprised of staffs from the South Atlantic Council, the National Marine Fisheries Southeast Regional Office, and the Southeast Fisheries Science Center.

The charge to this monitoring team is to evaluate the request based on various criteria, fairness and equity, promoting conservation, excessive shares, ensuring that the SMZs are consistent with the objectives of the fishery management plan and the Magnuson Act and other applicable laws, consider the natural bottom in and around surrounding potential SMZs and its impacts on historical uses, and any cumulative effects.

As we have understood it, that evaluation, in past amendments, has been included as an appendix to the regulatory amendment, and we still need to go through the regular amendment process to establish these sites, and so the IPT would focus on the effects analysis of the requested actions, in addition to this other evaluation that the monitoring team would complete.

I have already mentioned what the proposed changes are, and it's thirty sites in the EEZ off of North Carolina and an additional four, which I believe there is either twenty-eight or twenty-nine existing sites in the EEZ off of South Carolina, and so we have a draft purpose and need statement, and it's very preliminary, but we went ahead and put a draft of it together, and so the purpose would be to eliminate the use of efficient gear, and, in parentheses, we have included powerheads, bandit gear, pots, and longlines, to harvest snapper grouper species at all artificial reef sites in the Exclusive Economic Zone off of North Carolina south of Cape Hatteras and South Carolina by designating the sites as special management zones. Restrict allowable harvest of snapper grouper species by spear at artificial reef sites off of North Carolina and restrict all harvest of snapper grouper species to the recreational bag limit at artificial reef sites off of South Carolina, and so it's a little complicated, but we'll get to why we needed to include all of that language in there. The need would be to reduce the adverse effects to snapper grouper species and habitat by efficient gear and increase fishing opportunities to meet the original intent of the artificial reef sites.

Moving on, we also kind of dissected the request that we received from North Carolina to extract some of the rationale that was included, and so that's what those bullets are there, and so we wanted to make sure that you had that in front of you to inform your discussions of what it is that was included in that request, where North Carolina is coming from, and the rationale that is provided for the request.

I should mention that North Carolina has requested limiting only spearfishing gear to the recreational limits of snapper grouper species, and so this is different from what South Carolina has requested. In South Carolina, all harvest in SMZs is restricted to the recreational bag limit with all allowable gear. Let me know if I need to pause, or I'm going to keep moving on.

Next, we have some IPT comments, and so, as I mentioned already, we recognize that a monitoring team is going to evaluate the proposed SMZs, in terms of the criteria we have already explained, and then the IPT is going to conduct the effects analysis, and so, in terms of promoting conservation, I think I wanted to mention that, the way that our EFH HAPCs designation currently works is SMZs kind of automatically become EFH HAPCs, and that allows the council to participate in consultation, EFH consultation, and so it provides obvious conservation benefits.

Questions that we had are do we have any information to indicate there is conflict among users, and this goes to the criteria of fairness and equity. We were wondering if user conflict is something that needs to be considered when evaluating some of these sites, and then, inevitably, there may be commercial interests that would not perceive restricted use of artificial reef sites as being fair and equitable.

This idea of the excessive shares, it's one of the three criteria in the original SMZ designation, and so we wanted to request that you kind of define what the intent is with that particular criterion, and, also, consider that black sea bass and scup are managed north of Cape Hatteras by the Mid-Atlantic Council, and so whatever gear prohibitions are placed for those two species would not be, I guess, allowed north of Cape Hatteras, and I believe there is three sites that would fall in that area.

As far as what we need, review the purpose and need statements and give us a little bit more guidance there and then any other guidance that you can give us right now, and so I will pause there and let you guys kind of mull it over, and then we'll get into each of the actions.

MR. GRIMES: One other thing that I would suggest, and it's probably a trivial thing, but just the council give a nod that the IPT constitutes this monitoring team, as discussed in the FMP, just so it's clear, because that's what we're going to do, and that's probably fine, but to be clear.

MS. MCCAWLEY: Good point.

DR. CRABTREE: I guess that confuses me, because what is it that they're monitoring? They are not monitoring this. They are going to write a document, and that seems odd.

MS. BROUWER: Right, and so, Shep, we had interpreted it differently. Initially, we thought, well, the IPT can serve the same function as this monitoring team, but then the question of we're going to be evaluating the same analysis that we put together just didn't seem appropriate, and so that's why we bring this up, to make sure that we have clear guidance from the council as to how they intend us to proceed.

DR. CRABTREE: I just want to be clear that they're not being expected to continually monitor something about these, because I don't have the staff or the people to do that.

MR. GRIMES: I will backtrack a little bit. If you don't want the IPT to serve that function, and you foresee some potential conflict there, then we need to appoint a monitoring team.

MS. MCCAWLEY: All right. Good point. I am going to look over here, to these states, to talk about the purpose and need and the monitoring team.

MR. POLAND: To the monitoring team, how has this been handled in other regulatory amendments that have established SMZs?

MS. BROUWER: The monitoring teams, in the past, have consisted of one council staff, one SERO staff, and a person from the Science Center, but, back then, we didn't have IPTs. This is going to be the first amendment where we have this IPT process kind of alongside this other monitoring team, and that's why we're a little confused, frankly.

MR. POLAND: With that, I mean, I'm fine if the IPT serves as the monitoring team in development of this, and then, on to the purpose and need, it took me a minute, reading the purpose, to kind of work out, in my head, why it's broken up the way it was, but I guess it's just because of the request for spearfishing gear in artificial reefs in North Carolina and restricting -- I get that. Nothing jumps out at me right now that I feel like the purpose and need needs to be changed.

MR. BELL: This is -- It's kind of new for North Carolina, but it's not new for us, and our initial request goes back to the original Snapper Grouper Plan and keying off of the language in the original plan itself, which allowed for the establishment of these SMZs for artificial reefs, and so I don't remember when the first amendment was, if it was 1986 or 1985, but, basically, what we've done is all of our artificial reefs in federal waters have been designated as SMZs since we started this process, and we've gone through two previous amendments to allow them to be included, and so all of this is for us is adding four new reefs that were created since the last amendment, and adding these four would basically bring all of our artificial reefs in federal waters into SMZ status, and the idea is to just keep following what we've been following from the beginning, in terms of the gear restrictions and all, and so, for us, it's just adding four new reefs into the system of SMZs, with the same requirements.

Our fishermen are used to that, and our law enforcement officers are used to that, and that's what we've been doing since 1985 or 1986, whenever that first amendment was, but it's a little different for North Carolina, starting out fresh with this, I guess, but, for us, it's not a big deal. The creation now of IPTs and a monitoring team, okay, well, that's fine, but so it's nothing new for us, and so we just wanted to make sure that we added the four new reefs that we had since the last time we touched on this.

MS. BROUWER: Okay, and so we can start looking a little bit more at each of the actions, and perhaps that's going to elicit some more discussion and provide more direct guidance. If that's okay with you, we will start with Action 1, or proposed Action 1.

MS. MCCAWLEY: Do you have more, Steve?

MR. POLAND: Yes. Real quick, before we move on, just because I wanted to make sure that it's captured, where you kind of go over the rationale for North Carolina's request to establish these, also, in the letter, we had a little bit of discussion on ESA consultations with NOAA and getting artificial reef permits for these sites, and so we have had trouble in the past, or not trouble, but we've been held up a little bit in the past with ESA consultations and pointing out, for artificial reefs, concern with derelict gear and that kind of stuff, and we felt that SMZ status and restricting certain gears that could be hung up, and potentially become derelict gear, that that would help us in that avenue, when pursuing additional permits for reef enhancement, and so I wanted to make sure that that was captured.

MS. MCCAWLEY: All right.

MR. CONKLIN: Steve, don't you know that stuff becomes part of the reef, the derelict gear? So it's your intent to only restrict commercial fishermen in there to the recreational bag limit if they're spearfishing, but they can go in and rod-and-reel and catch their commercial limit, and that's what the IPT wording was referring to? I just wanted to make sure that was your state's intent.

MR. POLAND: It is the North Carolina Division of Marine Fisheries' intent, Chris, and not just mine.

MR. CONKLIN: I said your state.

MR. POLAND: Okay. Yes, commercial fishing can still occur on these reefs. The only thing is that gear is limited to the three gears specified in the request letter, because the point of these is to remove these efficient gears from these areas, for the reasons stated in the letter, but we had no intention of removing a sector from these sites.

DR. CRABTREE: Well, there are a number of protected resources issues associated with artificial reefs, and they tend to have a lot of fishing line on them, which has led to entanglements of turtles and things like that, and so that's something that we need to look at, and it generally require a biological opinion. Now, I think, in the case of North Carolina, we're working on a programmatic opinion, but we have an awful lot of this material going out, and there are a lot of concerns with it.

I think there are a number of things that you need to be careful of here. One, I think you're going to need to be careful as to why is North Carolina requesting different rules than South Carolina is? What is the rationale for that? I would be very cautious with talking about prohibiting efficient gears. We have a whole National Standard that is based on we should, to the extent practical, encourage efficiency, and it results in more effective fisheries, in many cases, and so I think you should be very careful with that.

I have a lot of concerns with artificial reefs and that they tend to aggregate fish and make them easier to catch, which, in general, tends to result in higher exploitation rates and shorter seasons and a lot of the very things that we're often dealing with here and trying to prevent, and then these sorts of areas where special regulations apply offshore are very difficult to enforce, because they require at-sea enforcement, which puts a burden on law enforcement officers, and so, particularly off of North Carolina, out in federal waters, I am not sure that NOAA Law Enforcement, or the Coast Guard, is going to be able to devote the sort of offshore presence to these things that would be necessary, and so I think this is something that we need to be careful of and really think through.

It's not necessarily clear to me why prohibiting one type of gear, but not others, makes sense and why a gear should be punished because it's efficient, necessarily. Assuming our allocations are structured properly, assuming our annual catch limits are set appropriately, it's just not clear that it makes sense to me, and so I think there are a lot of things here that we need to think about and be careful with when we put the record together.

MR. BELL: Several things. One, on the gear efficiency, if you go back to the original snapper grouper plan, and we started down this road -- The whole reason we started down this road was because of -- This went back to the 1980s, the early 1980s, and people were using black sea bass pots on the artificial reefs, and black sea bass pots are very efficient at removing black sea bass from a small area, and so what was going on, whether it was -- Well, at that time, they weren't even necessarily commercial fishermen. They were just people using black sea bass pots back in the early 1980s to basically take all the fish off the reef.

What that did was it basically allowed just a few folks to come in and clean the reef out, and so, in that case, it was a matter of the efficiency of that gear was not compatible with the purpose the reef was built, which was to accommodate as many fishermen as possible over as long of a period as possible, and so it was the extremely efficient gears were counter to the reason we built the reef, which was to try to maximize access for the public to places to fish. The reefs, by design, are small, because it's materials that we're putting out there, and you can only put so much out.

Those small reefs were very vulnerable to being quickly fished out by efficient gears, and so, initially, we were told that this can't be about commercial versus recreational, and this has to be about the gear, and the fact that those gears are too efficient for use on those little areas and basically negate the whole purpose of the reef, and so we deliberately stayed away from this isn't about commercial versus recreational, and this is about why the reef was built, why the citizens of South Carolina, or the folks that built that reef, built it in the first place, why they invested the funds in it, whether it was the state or private donations or wherever the funds came from.

Yes, it was really about these little areas weren't capable of withstanding the pressure from these extremely efficient gears, and so, yes, it is about gear efficiency, but gear efficiency, in the case of these small areas, is -- Basically, it allows a couple of people to come in and completely clean out a reef, where, if you go to the gears that we allow, you get more people more access over a longer period of time and the benefits extended, and so, yes, that part is critical, and I can't remember what the other point was, because you got me talking about the gears there, but that's how we started down this whole road, was about realizing that we were building these small areas for a purpose of providing access, and the access was primarily for recreational fishermen for us, but this was never -- We were told, back in the 1980s, by NOAA GC back then, that this can't be a commercial versus recreational thing. It has to be about -- Based on how the plan was worded, it has to be about the fact that these gears that you are restricting are not compatible with the intent of the reef and the whole reason you built the reef and the investment in the reef, and it would basically do away with the value of the reef, and so it was always about gear.

DR. BELCHER: Similar to Roy, I was actually going to -- Obviously, being new to the process, and I don't want to get stuck in semantics either, but that was my first thought, is that when some -- It's kind of like the half-empty-half-full approach to how you look at things. It's throwing up that you're getting rid of efficient gear, and somebody automatically is like, well, why do I have to -- If I want to go out and catch ten fish faster, using a more efficient gear, why should I be penalized, versus the fact that you're dealing with something that's highly exploited, and so maybe just turning the language around makes it a little bit clearer to the individual as to what the concern is. It's the exploitation rate that's really the driving factor and not the fact that the gear is efficient. I mean, if you can catch ten fish in an hour, versus ten fish in ten hours, which way do you want to go with it?

It's not necessarily that standpoint, but it's just the fact that it's exploited, so that your ability to use that pot multiple times in ten hours, versus hook-and-line in ten hours, is very different parameters, and so I think sometimes it's just the language and how you sell it to people. You get that initial brakes on, because they are taking away efficient gear from us, and so now we're being punished, and we're going to have to go out and use a worm tied to a line and hope for the best, and I think that's kind of where I was getting hung up on it too, is I'm like I don't understand why the efficiency is the penalty as much as it's the exploitation.

MR. BELL: It is about exploitation rate or whatever, but, I mean, Georgia has had these, and we've had these, and the original rationale was all based on exploitation rate driven by effective gears or whatever, and that's why we're not changing anything in the logic or the rationale for us asking for this. This is just four more added to the twenty-nine we already have, and so we didn't change anything else. Everything that existed from the 1980s on is still in play.

DR. BELCHER: I don't disagree with you. I am just thinking, as you're selling this forward, and somebody is reading this document, setting it up as attacking the efficiency of the gear is kind of getting somebody a little more feudalistic about why you're trying to take it away from them, as opposed to we're concerned about exploitation rates on the site and driving the population down, versus, again, we find out this works well and so you can't use it. It's just one more restriction, as opposed to we're doing it for the benefit of making sure that the resource thrives there, versus tying your hand behind your back to be able to go out and exploit the fish.

DR. CRABTREE: I think you just have to recognize that a lot of things have changed since the 1980s, and most of these really efficient gears we have put in limited entry with huge numbers of restrictions and everything else, and so I'm not sure what was needed in the 1980s is necessarily needed these days, and, if you're concerned about high exploitation rates, then don't put things out that aggregate fish, because, in my experience, artificial reefs have high exploitation rates.

They concentrate the fish, and they are easy to find, and people flock to them, and you have high fishing mortality rates on them, and so I am just saying that we need to recognize the realities of the fishery and what is happening today and make sure that we justify these things based on the situation today and not something that may have held twenty years ago.

MR. GRINER: I don't disagree with -- I am not saying a gear is efficient or trying to take away efficient gear, but I think one thing that does happen with this spear gear that is so efficient is that it is very easy to target the larger, breeding fish, and, yes, it's efficient, but it's also very efficient at upsetting the balance of that reef and how that reef functions as a complex of all sizes of fish and the breeding stock, and so I think you've got to be careful with allowing a lot of spearfishing in these small areas where fish are congregating and where we're seeing problems in the commercial sector with small areas where spearfishing can take a really big toll in a real quick amount of time by targeting breeding fish, the big fish, and, to me, that's the real problem with allowing this type of gear on a small artificial reef.

MS. MCCAWLEY: All right.

MR. GRIMES: I think there are some quirks in this too, but I was listening to Mr. Bell talk, and, if it's about an exploitation rate thing, then, if everybody has to abide by the recreational bag limit, it doesn't matter if they put a longline down there. They are going -- What they are allowed to

take away is the same amount, and then there are some quirks in here, that rod-and-reel is an allowable gear, but bandit gear is not.

I went to the CFR, to find the definitions for those, and the only difference is one is permanently affixed to the boat and the other is not, which seems odd, but I don't see how that ties to any exploitation rate, and I think a lot of that is probably reflective of the fact that a lot of this was put in place in the 1980s, and we're now well past the 1980s and trying to fit it into the mindset of what we deal with today. Thank you.

MR. BELL: As it was explained to us decades ago, this can't be commercial versus recreational, but the reality is that our artificial reefs off of South Carolina are 100 percent funded by monies associated with recreational fishing. Commercial fishermen aren't really interested in them, but, I mean, they certainly could go there with gears that are allowed, and bag limits that are allowed, but, I mean, that's the underlying piece of this, is that it's not really about recreational versus commercial, but I can tell you that there probably really isn't a nickel of money associated with commercial fisheries, other than general tax revenues, to the degree that's been used.

It's 100 percent Sportfish Restoration Funds and saltwater recreational license funds and private donations from recreational fishing clubs and entities, and so the funding source that has built these sites and maintains these sites are chiefly recreational fishermen, and that's just a fact, but that's the way it's set up, and so you can imagine if we just said to use any old gear you want, and it would be a bit of a blow-back on that, I guess.

MR. POLAND: I was about to say what Mel just said. In North Carolina too, a lot of our artificial reefs are funded by Sportfish Restoration money or recreational license sales, but, to the point of the difference between rod-and-reel and bandit gear, we did have discussions about this internally when we drafting this letter, but there is a bit difference between a bandit reel and a handheld rod-and-reel. I mean, a bandit reel, you can fish heavy weight and a lot of hooks at one time, and so our intent was to remove that out of these areas, so you were physically limited to what you could handle as a person dropping a weight and hooks to the bottom.

MR. DILERNIA: I would like to build on what Mel and Steve were just pointing out, what they were both just speaking to. I think it's Dingell-Johnson money that's used for -- In Delaware, the States of Delaware and New Jersey, in the Mid-Atlantic, were told that they wouldn't receive any more monies unless there was certain designations made around their artificial reefs, and so the Mid-Atlantic Council went through a process in which we gave those reefs SMZ-type designations, so that the states could continue to receive Sportfish Restoration Funds, and so that's what we had to do there, in order for the states to continue to receive the monies. Thank you.

MR. GRIMES: The other thing that I wanted to get around to is the North Carolina request is for thirty areas, and the way it's structured now is it's a yes or no for all thirty areas, and there is no site-specific consideration of the details of those areas beyond the little coordinates and circles that are identified on the map, and I'm not saying we can't do that, and so I have a hard time getting my mind wrapped around that, and I think, in terms of the effects analysis, our NEPA analysis, we're going to have to look at unique characteristics of some of these areas, and so, even if we don't go through and have any kind of site-specific consideration by the council, I think we're going to have to have at least some superficial level of site-specific consideration for our effects analysis.

I guess it just seems like thirty areas -- I understand this is in the FMP, and it has been as long as there's been an FMP, but you could have come in -- I mean, just as sort of the process generally, you could come in and have a state ask for -- I know you're not talking about this much, but half the EEZ and say, yes, we want those being our SMZs, and this process just would put that in with little consideration, and so I think, in addition to designating these areas, maybe it's time to revisit the process that was put in the original FMP.

MR. HEMILRIGHT: Back to the point that Tony was making, we did about a two-year exhaustive, I call it exhaustive, process of identifying each site and things around it, the specifics of it, distance from land, and so it was kind of identified, and we all discussed them and stuff like that, over about a two-year process, to get the designation for SMZs, the ones in New Jersey and Delaware.

MR. BELL: Kind of to Shep's point, this whole thing started with the original language in the FMP, and it's specifically only for permitted artificial reefs, where you have an Army Corps permit, and so it can't be an SMZ here or there or anywhere else, and it specifically addresses the fact, and I guess what brought this on back then was the states were investing funds, somehow, in creating these sites out in federal waters, because they needed the deeper water, and this afforded an ability for the state to maintain the value in their investment and allow the reef to function for the purposes of which it was built, but the language in there is specifically addressed to permitted artificial reefs only, where you have an Army Corps permit, and so it's not -- We couldn't ask for half of the continental shelf or something.

MR. POLAND: I mean, Mel got my point about the siting areas and as far as tied to the Corps permits, but, going back to the rationale for North Carolina requesting these thirty sites, simply, it's the thirty sites that we have in the EEZ, but, as far as site-specific considerations, we really didn't have any reason to treat these sites any different from north to south. I mean, they all have similar material, these areas, and they're all in a similar depth range, fifty to eighty feet, and I understand including all of those in one action. If we do move forward and have scoping comments, there might be some considerations that we haven't considered that the public raises that we might need to kind of break some of these out, but, right now, we have no reason to.

MR. GRIMES: I didn't mean to imply any fault on the part of the states by that. I mean, as this body deliberates and we move forward with it, how do we want to consider, and how are we going to document, our consideration of those areas on a site-by-site basis.

MR. BELL: Also, going to the Army Corps permit, when we request that permit, or at least we've been doing this for a long time now, we tell the Army Corps that we intend to seek SMZ status for this reef, and so they know -- I mean, the whole purpose of this is all set up in the permitting of the reef itself, and, in the permitting of the reef, we have to cover the bathymetry and the area that we have to do a site selection survey, where we've gone out and surveyed the area, and so, I mean, there's a lot that goes into this, but, right upfront, we tell the Corps that this is what we're going to do with this site, and so that's all established in the permit itself, at least for us anyway.

DR. CRABTREE: I would just make a couple of points. One, once you put this material out on the bottom of the EEZ, it doesn't belong to any particular group or state anymore. It's out there, and it is not clear to me, despite what guidance may have been given twenty-five years ago -- It

seems to me that you could easily designate an area as recreational only, and I don't know why guidance would have been given that it couldn't be about recreational and commercial.

It does seem, to me, that some of this is about recreational fishermen seeing commercial gear on an area that they feel like they paid for, and so there is that element to it anyway, but it's not apparent to me why you couldn't zone some areas as recreational fishing only. At any rate, I think the point here is we need to be careful, and we need to make sure we have good rationale and that we write these things down clearly as we move forward.

MS. MCCAWLEY: All right. Good discussion. Can we move into the first action here? All right.

MS. BROUWER: Action 1 would establish SMZs in the EEZ off of North Carolina, and so your no action, Option 1, is rather wordy, but we felt we needed to really capture what you have all been talking about, and so there is currently no SMZs in the EEZ off of North Carolina, as we've just been talking about, at permitted artificial reef sites, and the no action would not establish new sites, and the allowable gear for the snapper grouper fishery for both sectors is listed, and it includes handline, rod-and-reel, spear, bandit gear, powerhead, powerhead, pot, and longline, the last two being specific for the commercial sector. Under the no action, you would not implement new restrictions on fishing gear used to harvest snapper grouper species on designated artificial reefs in federal waters off of North Carolina.

Your Option 2 would establish thirty special management zones at state-permitted artificial reef sites in the EEZ off of North Carolina, and we do have a table and Figures 1 through 3 that show you where those sites would be. Within those zones, harvest of snapper grouper species would be allowed with handline, rod-and-reel, and spear. All harvest by spear would be limited to the applicable recreational bag limit.

As Shep mentioned, some of what we were hoping to get, in terms of guidance from you, and I realize this could take some time, is do you want to -- In terms of the approach, do we just go with Option 1 and Option 2, which would be a blanket designation for thirty sites, or is there going to be a different approach that the council wants to take, as Steve mentioned earlier, to perhaps solicit some public input and then reevaluate how you want to move forward. This is all sort of included here in the IPT comments, and I'm not going to take the time to read all through this, because I think you have already touched on some of the things that the IPT had raised, the concern over only limiting spearfishing to recreational bag limits and not other fishing gear.

The last thing is we asked to discuss whether scoping or public hearings should be conducted to refine the selection of the sites and also to clarify your intent regarding development of the system management plan. In the past, it's our understanding that you have stated your intent to have a system management plan developed for all managed areas, and so we would need direction whether you want to proceed with that down the line.

MS. MCCAWLEY: All right.

MR. POLAND: I just wanted to discuss a little bit too our request for scoping hearings be held in North Carolina prior to taking action with this, and I know, on the timeline, we were kind of on schedule to take final action in December, and I just wanted to say, at least from North Carolina's

perspective, we are fine delaying final action on that until we can get these scoping hearings done in North Carolina. If we can certainly get them done before December, that's great, but I want to make sure that those hearings are concluded before we take this action up for final action.

MR. GRIMES: Hopefully my final thing is one last thing that I want to mention, is that the requests are based on a point coordinate and then a radius around that point coordinate, which means a round area, and our enforcement colleagues, at least I've heard in the past, like nice boxes and things are easier to enforce, and so that's something we will definitely want to solicit input on.

MR. POLAND: I will say, to that point, in our original letter, we did request the four-corner coordinates, but, after further consideration, and after South Carolina's request, we decided to go back to centroid and diameter, because that's how our Corps permits are, and so, in reality, to remain consistent with the language from the first FMP, we can only permit these sites as far as the Corps of Engineers permit, and so that's why we updated those lat/longs.

MR. GRIMES: Just a question. The Army Corps permitting then, this allows that material to be placed anywhere within that radius around the point coordinate?

MR. BELL: Well, once you have your permit, and so the process with the Army Corps and the state is that -- Most of our artificial reefs are boxes, but some of them are central point with a radius established, and the rationale for that, for us, was those are in closer to where shrimpers were working, and we basically have a buoy in there, and they knew that they could just stay a certain distance away from that buoy in there, but most of ours are boxes.

In looking at the wording that's actually in the plan, upon request from the permittee, possessor of the Corps of Engineers permit for any artificial reef or other modification of habitat for the purpose of fishing, the council may designate the modified area and an appropriate surrounding area as a special management zone and recommend that the Secretary promulgate regulations which will further the purposes for which the permittee modified the habitat. That is the foundation of all of this, but, yes, to your question specifically, we can -- In our permit, the permit allows us to put certain things of a certain height or material or whatever in that permit, and that's what we do. Sometimes the permits are boxes, square, and sometimes they are round.

MS. MCCAWLEY: All right.

LCDR MONTES: If the permits have them based off of a centroid latitude/longitude and then a radius around that, I see no problem, from the Coast Guard's perspective, of enforcing that as an SMZ. We're going to be able to detect it whether it's a square or a box or a circle, and I would venture a guess that, if we started going into more elaborate shapes from there, we could probably still enforce them, but I would stick with whatever the permit has, and that's probably the easiest way of just translating that over to an SMZ.

MR. POLAND: I was ready to go ahead and make a motion, because it's 5:02. **Madam Chair, I move that we approve Action 1 for inclusion in Regulatory Amendment 34.**

MS. MCCAWLEY: All right. We have a motion on the table. Do we have a second? It's seconded by Mel. **The motion is approve Action 1 for inclusion in Regulatory Amendment**

34. We've had a lot of discussion on this. Any more discussion on this? Any objection? Seeing none, that motion stands approved.

MS. BROUWER: Just to clarify, it's therefore your intent to include the action that would not only establish the sites, but also implement the gear restrictions all in one, the way that we have it in this draft set of options.

MR. POLAND: Yes.

MS. BROUWER: Moving on to the second proposed action, it would be to establish the additional special management zones in the EEZ off of South Carolina. There is currently twenty-nine SMZs at permitted artificial reef sites. Option 1 would not establish additional ones. Currently, allowable gear within those SMZs includes handline, rod-and-reel, and spear, without powerheads, and all harvest of snapper grouper species is limited to the recreational bag limit.

Option 2 would establish four additional SMZs at permitted sites. Again, we have a table and some figures showing you, including the percent area in square mileage, for both North Carolina and South Carolina at the end of this document. For this action, within the SMZs, harvest of snapper grouper species would only be allowed with handline, rod-and-reel, and spear, and harvest would be limited to the applicable recreational bag limit.

Comments here, we noted that current harvest restrictions in South Carolina SMZs also apply to coastal migratory species, and so we just wanted to make sure that everybody was aware of that, and these changes would only be applicable to snapper grouper, obviously. For the SMZs in federal waters of South Carolina, there were some inconsistencies that we noted, and there is particularly one artificial reef site that seems excluded from some of the regulations, but that's not something we need to deliberate about right now, and I just wanted to make sure that the intent was for the gear restrictions on all the SMZs to be the same, and so we're going to have to deal with that inconsistency. As for the previous action, we need guidance on whether to include this action in the amendment at this time.

MR. BELL: We have probably already had the discussion, but I can explain that one discrepancy, or the one different reef, and that goes all the way back to the beginning, and that is a reef that was actually established around a pre-existing shipwreck that had been there for decades, and so, again, because there was the potential that that site had been there for a while, and had been used by fishermen who were legally, back then, using black sea bass pots or whatever, we left that one out, because it had some perhaps pre-existing use other than the uses that we were adding to the reef, but that's why that one site was left off the original list, and that was at the recommendation of NOAA GC way back decades ago, just saying, hey, that site actually existed before your reef, and you built your reef on top of that site, and it was a wreck, and it's different from all the others.

All the other sites, we built from scratch, and there was nothing on the bottom, and so that's why we left that one site off years ago, and so that explains that particular difference, but, again, our desire was to just simply add four additional sites that have been developed since the last time we added sites, to the same status with the same applicable regulations, and it's just four new sites just like the others for us.

MS. MCCAWLEY: I would be looking for a similar motion to accept this one and then choose a preferred, if you're ready for that.

MR. BELL: **To that point, I would move that we -- We're not adding it, but we add Action 2 -- Approve Action 2 and select Option 2 as our preferred alternative.**

MS. MCCAWLEY: Are you seconding? All right, and so seconded by Steve. **The motion is approve inclusion of Action 2 in Regulatory Amendment 34 and select Option 2 as preferred.** Any more discussion on this? **Any objections to this motion? Seeing none, the motion stands approved.**

DR. CRABTREE: I think there's a lot of work to do here. I think there's a lot of NEPA issues, potentially, in terms of saying it's all thirty off of North Carolina or none, all the gear restrictions are the same, and I still haven't heard much of a reason for why we would have a different suite of gear restrictions off of South Carolina than North Carolina, and it can't just be because that's politics, and so I think there's a lot of things here that are going to need to be evaluated and looked at.

MR. BELL: That's fine. Again, our process started decades ago, and they're just starting, and, like you said, things have changed over decades, but that's probably why some of the differences, but all we're doing is simply making the four new ones look exactly like the twenty-nine pre-existing ones. If I could ask something about kind of an editorial thing in the document, and, if you would like, you could present our information on the maps, or in the tables, kind of like North Carolina's and simply just use -- They used AR, and we used PA, for Permitted Area, and you could drop the additional names on there, if you would like, and there would be a little more consistency, perhaps, in the document, and the names might be more confusing than just stick to the permitted area.

MS. BROUWER: All right, and so I'm going to throw out a question. Do you want to do scoping for these, and when do you want to do the scoping, and how do you want to do the scoping?

MR. POLAND: Yes, we want to do scoping. Originally, the division requested three scoping meetings, and we did that because we manage these artificial reefs in regions across the state, in northern, central, and southern, and we felt like that would provide opportunity for anglers that fish in those regions to comment on not only artificial reefs in their region, but artificial reefs across the state. Timing-wise, like I said earlier, if we could get it done before the December meeting, that would be great, but, if we do have to push this action to March to accommodate those, I am fine with that, too. I would expect that council staff could coordinate with the Division of Marine Fisheries staff as far as timing and locations, the specifics.

MS. MCCAWLEY: All right. Mel, do you have thoughts on scoping?

MR. BELL: Yes, we can certainly do that, and we can probably just knock it out in one, which we could set up some place like Murrells Inlet or something, to just keep it simple, and I wouldn't anticipate a lot of --

MR. POLAND: Webinar listening stations are fine, and, I mean, I recognize the cost of having staff come up, and so if we can save any money on webinars.

MR. BELL: That's fine.

MS. MCCAWLEY: Okay, and so both Steve and Mel said that webinar listening stations are fine. Webinar and listening stations, and is that fine?

MR. POLAND: I mean, I would prefer that we do three days for the three hearings, just so I could attend all three, but we do have other staff that could probably attend, and so we can do multiple listening stations in one day, if that's the only way we can fit it in, but my preference would be to do the webinar across three days, so we can --

MS. MCCAWLEY: Okay. Thanks for that clarification.

MS. BROUWER: If I could just get a clarification then as far as timing, and you would expect to take final action on this amendment in March of 2020, to allow you to consider public input at the December meeting?

MS. MCCAWLEY: Okay, and so we're going to add that to the guidance.

DR. MCGOVERN: I have a question about the system management plan. Is that to be done independent of this, and who is it to be done by? Is it going to be done by the monitoring team? Also, with regard to what the monitoring team is doing, and they're looking at fairness and equity and promoting conservation and things like that, and is that an analysis that's being a part of the amendment?

MS. MCCAWLEY: Good question. Thoughts?

MR. WAUGH: This isn't our first time doing this, and so I suggest we pick up the last monitoring team report and follow that.

MS. MCCAWLEY: Mel, did you have anything else that you wanted to add?

MR. BELL: No, that's fine. It seems a little more complicated than it used to be, but things have changed maybe over the years.

MS. MCCAWLEY: All right, and so that concludes the discussion on that item, and then, in our last fifteen minutes, we're going to try to do some of the guidance on agenda items for the Snapper Grouper Advisory Panel, and then we will conclude at 5:30.

MS. BROUWER: As we have been doing the last few meetings, we make sure that we have your blessing on the agenda items to include for your Snapper Grouper Advisory Panel meeting. The AP is scheduled to meet on October 9 through 11, and so it's going to be a very quick turnaround to put that agenda and briefing book together, and so with the understanding that hopefully there isn't going to be a whole bunch of new stuff, and I'm going to just get some of the briefing materials that you guys have seen at this meeting, if appropriate, and then turn those around.

Some of the items for consideration for that meeting are a presentation on the economic performance of the snapper grouper commercial fishery, and you received this in June, and so that

is something that folks had expressed interest in having the AP also receive that presentation, and you received an update in June on the electronic reporting for the commercial sector, and you're going to receive another update at this meeting, and so that would be another thing that perhaps the Snapper Grouper AP would like to discuss at their meeting.

Of course, we have the amendments that we're currently developing, Regulatory Amendment 33, as modified, the one we just talked about, 34, and I'm not sure that you want the AP to weigh-in on Abbreviated Framework 3, but they can if you want them to. Other topics, we would be doing a very quick update on SEDAR and requesting participation for upcoming SEDARs, and that will take maybe ten minutes, a citizen science update, including a FISHstory and a Zooniverse demo, and the AP has not really had a whole lot of time to spend on that.

Depending on what gets discussed at this meeting regarding visioning, that would be another topic to cover with the AP, and another thing that you may want to consider is a presentation on the draft EIS to modify the boundary and update regulations in the Florida Keys National Marine Sanctuary. This is something that the council received a letter fairly recently to request to comments on the proposed changes, and so perhaps the Snapper Grouper AP could weigh-in on that.

We probably need to do a fishery performance report for scamp, because, as you know, that's a research track assessment, and there hasn't been an FPR put together for scamp, and then a MyFishCount presentation, and, as you all know, BeBe joined our staff earlier this year to spearhead the outreach efforts for that, and so the AP would receive an update on outreach and upcoming activities.

I also have some suggestions from the AP Chair that I wanted to bring to your attention, and he has suggested a report on the recent red snapper mini-seasons, observed landings, effort, and discards, using both NMFS and self-reported data for all sectors, and a report on how the Southeast Fisheries Science Center is collecting observed data from the commercial and recreational landings, who is collecting it, are there port samplers or observers that are doing this, how many port samplers are there, and where are they located, and so these are things that clearly fishermen are wondering about, and so that was brought to your attention.

Also, a report on how observed fishery-dependent data are used in stock assessments, how can they be tracked through the assessment, possibly a presentation on the most recent Southeast Reef Fish Survey, similar to what you receive every June, and, finally, and I believe this is the last one, a presentation on the amendment process, from scoping to submission for formal review and subsequent NMFS review process. There is a lot to choose from, and, like I said, the AP is scheduled to meet for two full days, and so we just need guidance on what you all want them to talk about.

MS. MCCAWLEY: I guess my question is, all of that stuff that you have presented, is it feasible for them to get through all of that?

MS. BROUWER: No.

MS. MCCAWLEY: Okay, and so we actually have to choose.

MS. BROUWER: Yes, and so, yes, please. There is no way we can get through all of this. I should say that I have reached out to the Center, and Christopher Liese, who presented to you in June, indicated that he would be available to present via webinar, and I reached out to the person who did the presentation on the commercial electronic reporting, and, again, I received positive feedback that that would not be a heavy lift to basically give the AP the update that he's going to give you later this week.

Those two items would be fairly easy, and we have not yet approached anybody on a presentation on the modifications to the sanctuary, but that is something that we've talked about internally, and we've tried to strategy which APs probably should weigh-in, and so we've been talking about it, and we wanted to make sure that you guys had a chance to consider that, and so all of these items are -- Visioning, of course, there's a question-mark there for a reason, and all the other things are doable, for sure. Then, as far as the AP Chair's suggestions, these would be requests to the Center or SERFS, and, of course, those haven't been moved forward, pending your discussions.

MS. MCCAWLEY: Let me talk a little bit about the sanctuary plans. I think that you would definitely have to reach out to them, and I could help you with that, but let me also say that this plan is massive, and, for them to present it to the public -- It took a full like eight hours to do that, and so I just don't know what they can show you that the AP can really dig into, and so let me talk a little bit more about this plan.

I know that the council is going to get an update on this at the December council meeting, and the sanctuary has their DEIS commenting period open now, and the commenting period runs through January 31, and so the councils, both the Gulf and South Atlantic Councils, will be involved, and FWC will be involved, and DEP will be involved, and there's a lot of different authorities and overlap there in the sanctuary. It's very confusing, but the way that the councils are involved is they can certainly comment to the sanctuary about their concerns or issues with what they are trying to do, which is basically changing up the zoning that they have, and they are increasing the size of the sanctuary, and they are changing up closed areas, and there is hundreds of things that they are doing in that plan.

The councils have the first right of refusal, basically, and so, if the council wanted to come in and say, hey, instead of the sanctuary implementing this regulation in federal waters, the council -- We are really excited about it, and the council would like to do a rule for it, because the sanctuary has the authority to do their rulemaking in federal waters.

There are some people from the Keys that are on the AP, and I am just not sure how to insert this. I would love the AP to comment, but I'm just not sure how to insert this into the process, and I don't know if maybe there is some type of a webinar conducted for multiple APs, because, technically, the Habitat AP would probably also have some comments, and the Law Enforcement AP might have some comments, and so maybe there's another way where the sanctuary could give a webinar that multiple APs could get involved in, but, once again, it's going to be probably an all-day webinar for them to go through all those different alternatives that are in that plan, and so I'm not sure how feasible it is for the AP to even cover that at the meeting. It's a very good thought to have the APs talk about it before the council sees the plan, but it's just a big lift. It would suck down, in my mind, a whole day.

MR. HELIES: I was at the Gulf Shrimp/Coral AP meeting yesterday, and Beth Dieveney gave a pared-down presentation of that, specific to pretty much the Pulley Ridge area, and so that might -- You might want to reach out to her and see if she can -- There was only like sixty slides, but she probably could pare it down, if that's something you guys are still interested in.

MS. MCCAWLEY: I know that they have been working specifically with the Gulf Council on the Pulley Ridge area and trying to coordinate those regs, and the amount of changes that are coming in the South Atlantic Council's jurisdiction are a lot more than that, and they haven't been focusing on like, hey, let's coordinate these five or six areas with the South Atlantic Council, like they have with the Gulf on Pulley Ridge specifically, but I could put you in contact with Beth Dieveney, and they might have a pared-down something, but it's still going to be lengthy.

MR. CONKLIN: I see visioning in here, and I wanted to talk about that and see -- I mean, we've been banging our heads on the wall with that for four years now, and I don't know if that's something that we think we can get anywhere with. I am assuming it's recreational only, the visioning?

MS. MCCAWLEY: No, and so this is actually one of our items, and so we have a couple more items after this, and this is not the final item on the Snapper Grouper Committee agenda, and so visioning and the fishery management plan objectives and guidance on the visioning is the next item on our agenda, and so we could come back to what we want the AP to do with this after we talk about it, but it's just we don't really have time to talk about it right this second. There is also a lionfish item that is left to be talked about, or a couple of lionfish items left to be talked about, and so we could maybe revisit this when we get to the end of the committee meeting tomorrow morning, and does that sound good?

MR. WAUGH: Jessica, just coming back a second to the Florida Keys plan, we have a plan in place to have a number of webinars with our APs, and so we're already in the process of setting that up and doing that between now and December, and we will reach out and make sure we get the Shrimp AP in that as well.

MS. MCCAWLEY: Okay. That sounds great. All right. Any more comments or questions? All right. We will recess for today, and we start at 8:00 a.m. in the morning.

(Whereupon, the meeting recessed on September 17, 2019.)

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September 18, 2019

WEDNESDAY MORNING SESSION

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The Snapper Grouper Committee of the South Atlantic Fishery Management Council reconvened at the Town & Country Inn, Charleston, South Carolina, on Wednesday, September 18, 2019, and was called to order by Vice Chairman Mel Bell.

MR. BELL: Good morning. I will call us into session here. Jessica will be along in a little bit, and so I'm just going to get us going. We're going to go into -- We are still in Snapper Grouper, and Myra is going to walk us through the visioning.

MS. BROUWER: Good morning, everybody. As Mel said, we have a couple more items left this morning on snapper grouper. One of them has to do with the visioning and the objectives of the Snapper Grouper FMP. Back in March, I believe it was, of this year, you had requested that the Snapper Grouper Advisory Panel revisit the FMP objectives and give you some more feedback. We started talking about this, obviously, because of the vision blueprint and kind of following up along with the evaluation plan that was adopted through that document in 2015, but also because there was a need to revisit the objectives of the FMP, partly to get ready for the allocation trigger policy that you guys took care of back in June, and so that's how this all started.

Attachment 8 has a little bit of background that I just gave and the list of the current objectives in the Snapper Grouper FMP, and so there are currently fifteen of them, and, while we were doing the visioning process, we took some time, if you recall, to go through these objectives and get input from the Snapper Grouper AP and from stakeholders, and that's what gave birth to the vision blueprint, and there is a lot of objectives under each of those four strategic goals in that document that were never adopted formally as part of the FMP, and so the vision blueprint was adopted, and we've been working on some of the activities that were outlined in the document, but the actual objectives that were produced for that were never formally brought into the FMP through an amendment, and so that's what we're here to discuss.

There is, in the back of this attachment, a very lengthy chronological description of how the objectives changed over time, and so, if you're interested in going through all of that, and I'm not going to spend the time to go through that, but we do have a document of how the various objectives changed and why since the inception of the FMP.

In addition, what's up on your screen now is the feedback that you received from the advisory panel back in 2013, which was part of the visioning process, and so the words that you see in this upper-case font is what the AP had to say about each of these objectives, and so, again, I'm not going to go through each of those, but they did give you some feedback then, and then, this March, this last March, I walked them through the objectives that are currently in the blueprint, and your direction had been let's go to the AP, and let's see what they have to say, and should we go ahead and adopt these objectives as the FMP objectives or not.

We presented this table that you see up on your screen, and so this is kind of the skeleton of the blueprint, and so you've got the four strategic goals, the various objectives under each of those. The ones that have a star by them are objectives that we've been actively working on, and so they are being addressed, and some of the other ones are the ones that ended up, if you recall, in the appendix to the blueprint, and those were more of the long-term objectives that you wanted to address eventually, but not in this four-year timeframe.

We went through all of this, and the advisory panel, again, gave us some feedback, and these three bullets here that you see are some of the comments that came out of that discussion, and so they were really in favor of the port meeting type of approach, and they felt that that was a very important part of the visioning project, and it was very effective at engaging stakeholders, and they recommended that the council consider holding more such meetings.

They stated that enforcement should figure more prominently in the management process and that the council should consider requesting that an enforcement representative attend advisory panel meetings. This was not directly related to the visioning process, but still relevant, and it came up during that discussion, and then they talked about port samplers helping to create and maintain communication and being a good asset that the council could potentially tap into for outreach. They approved the motion you see on your screen, which is to recommend that the council adopt the goals and objectives in the vision blueprint for the Snapper Grouper Fishery Management Plan.

That is the first part of what we need to do this morning, and the second part is to talk about the evaluation for the vision blueprint and how you all would like to proceed. That is coming up, and you can see on the screen the comprehensive review timeline. From January through June of 2020, we are supposed to develop the new blueprint for the next four years after that, 2021 through 2026, and evaluate what we've done so far. There is these two bullets there under tasks, and the tasks are to solicit public input on items in the existing blueprint, both the short-term and the long-term action items that were not considered in 2015, and solicit new ideas and use a similar port meeting approach to collect public input.

This is what has been approved in the current blueprint. Of course, you are not bound to it, and you can talk about how you would like to approach this, and so that's why we're here, and so, in terms of what we are looking for this morning from the committee, give us some guidance on whether you want to adopt the revised objectives formally under the Snapper Grouper FMP at this time. If we do that, we would have to do a plan amendment to adopt those objectives, or we could begin a new plan amendment to -- It looks like the two first bullets there are the same thing, and so we could do a plan amendment, or we could wait for the next one, and I think, yesterday, you talked about wreckfish potentially being an amendment that you wanted to address, or to start developing, and so that would be an avenue where the objectives could be adopted.

Provide some guidance on what information you are going to need and the timing to begin developing the 2021 to 2026 vision blueprint for the snapper grouper fishery, and so it's kind of a tall order, and I hope everybody is awake, and let's get to it.

MR. BELL: So step-one would be consider any revisions or anything based on anything the Snapper Grouper AP brought up, or -- That's new information, I guess, for us.

MS. BROUWER: Actually, all of these objectives have already been adopted, but not as part of the FMP, and so we're not here to revise any of them, but merely to just acknowledge the input that your advisors have given you over the years, really, and then decide what you would like to do with these objectives. If they are going to stay part of the blueprint separate from the FMP, and you want to continue to keep the fifteen objectives that are currently part of the FMP, we can do that, and so it's up to you guys to tell us what you want to do.

MR. BELL: Okay, and so maybe some thought, some discussion, and then maybe the costs and what it would take to actually incorporate these into an FMP. Any thoughts on that, kind of moving forward in that way?

MS. SMIT-BRUNELLO: Although they haven't been formally put into the FMP in an FMP amendment, you have actually been acting on these objectives. You've got some frameworks, 26

and 27, the commercial and recreational, I guess, visioning amendments that came out of the visioning process, and you have acted on them. I think -- Of course, it's up to you, but staff workload is fairly high, and I think one really good approach might be to just put them in the next FMP amendment moving through, which might be wreckfish, and it might be something else going on, or Shep has talked about potentially updating the framework for snapper grouper, to make it more like the other FMP frameworks that you've already got, Coastal Migratory Pelagics and that sort of thing, and so you could make it a framework amendment that staff could work on and then put the FMP objectives into there, and so I think you have got a variety of options for you to consider.

MR. BELL: I think it is good to point out that we have been acting on this, and we've collected an awful lot of information from folks, and the public was involved in a tremendous number of meetings and a lot of effort, and we're using it, and so it's now how do we take that and best move forward with it, and that was my concern too, was about load on staff and amendments that we're juggling now, and I had a flashback to Doug's little sign of no new amendments, and so find an appropriate instrument, in the form of another amendment, that works and attach it to that at some point, and what do you all think about that? Is everybody awake? Okay. I guess, seeing no other ideas related to that, we would just kind of put it off and attach it to a -- Not work on a separate amendment, and that seems to be the desire.

MS. BROUWER: Right.

MR. BELL: Do you feel that we can operate just in guidance to you all, or do we need a motion to that effect? Does everybody understand what we're doing? We're providing guidance to staff here to kind of move -- That's the direction we would like to move forward, the manner we would like to move forward in, rather than to start a separate amendment right now. So check that. If you will, the recommendation from the AP associated with this is to -- They recommended adopting them, and so with no changes or anything, I guess, and so we have got that, and so we've kind of got the AP's seal of approval on them.

MS. BROUWER: The next item then is to begin thinking about how you're going to approach the next iteration of the vision blueprint. Do we want to do that? This is where we really need to think about if we want to spend the time to develop a new set of actions, like we did for this last four years that the blueprint has been our guiding document for the management actions that you've been taking for snapper grouper, and so that's just something to consider.

I suppose that it would be something that you could discuss during Executive Finance, when you look at your list of priorities, but we do need to get some guidance as to whether you intend to proceed with a process that is as formal as the original process was, and people really do like the port meetings, but that doesn't mean that it's feasible to do, and I know that you're going to be talking about a similar approach for mackerel, under that committee, and so it's a lot to chew on, and I don't mean to put everybody on the spot first thing in the morning to make decisions like this, but it is something that we need to think about, and that's coming up, and so we would like to get some guidance on how you would like us to proceed there.

MR. BELL: Yes, and a number of you weren't onboard when we went through this process, but you may have been involved in the process, as someone from the outside, and so it was a lot of work, a lot of work, and expense associated with the meetings and all.

MR. BREWER: I think this kind of comes under the heading of seemed like a good idea at the time. When I came onboard, this was just getting started, and we were doing things where we were putting stickers up on a board and whatnot, and the idea was that we would try to figure out some way to manage deepwater grouper separately from shallow-water grouper, which seemed like maybe that will work, but, as the years have gone on, and this thing has -- It became more and more complicated, and we got into more and more discussions, and more and more issues came up, and, to me, it has now essentially fallen under its own weight.

I think it's time that we kind of bite the bullet and say -- I don't know whether we ought to completely kill it, but it needs to be scaled way, way, way back, and I'm just sorry that staff has had to dedicate so much time to this, and that's why I think they're so -- They're a little reticent to just say, okay, we tried it, and it really didn't work, and let's scrap it.

MR. BELL: I would say that it's not that it didn't work. It worked, in terms of allowing us to take a kind of a holistic look at the snapper grouper fishery and get input and get some things that we could work on. It's just that it did turn out to be a tremendous amount of effort, of staff time, of expense, and so I wouldn't say that it didn't work.

It just might have been a little more -- Like you said, it was a little more complicated, or a little bit more involved, than we perhaps thought kind of getting into it, and recall that we were sort of modeling this a little bit after something that the Mid-Atlantic had done, and they had done it kind of across-the-board for all of their managed species, I believe, their plans, but, for us, in our slightly more diverse complex world, we just took on snapper grouper, because that was sort of --

We spend a lot of time focused on that, but we have other fisheries, like the coastal migratory pelagics and dolphin wahoo and other things too, and so we only did a portion of the areas that we manage, but, even just the snapper grouper, and, again, we were dealing with a fishery that goes all the way from the Florida Keys to the North Carolina/Virginia line, and we found out that, boy, it's a rather diverse and complex world, and so I think we got something out of it that was useful, and we are acting on some of the information that we obtained from it, but, yes, it was an awful lot of work, and that would be my concern right now, just me personally. Kind of trying to take that on again in a similar fashion, we're already kind of maxed out. I mean, we'll talk about this in Executive Finance, obviously, but it's a lot of work.

MS. BROUWER: I guess what I'm hearing is you do want to adopt these objectives, because you just gave us guidance to do that, and one thing you could do is direct us to continue addressing the objectives that have not yet been addressed, because there are plenty of long-term items that it's going to take us a while to get to, and so we could proceed in that fashion and tweak the timeline a little bit more after you have had some time to think about it, and so that is definitely something we could do without engaging in the very stakeholder-driven approach, because we still do have objectives that need to be addressed.

MR. BELL: In a way, I guess we have plenty to do, plenty to act on, based on what we've already collected, and the Snapper Grouper AP has kind of said grace over those, and so we just maybe move forward with what we've got and not worry about going through another process of interacting and trying to extract more information. Does that make sense to you all? Does anybody

agree or disagree? Are you still not awake? Chester agrees. Okay. That sounds like enough guidance to staff, Myra, to kind of move along?

MS. BROUWER: For now.

MR. BELL: We will put the additional guidance up here for everybody to look at and make sure we're all onboard, and at least nod your head up and down or something. The guidance is, basically, we're going to direct staff that we're going to adopt these, and we're just going to continue to act on what we've got right now and not worry about -- At this point, not worry about going out and engaging in trying to get additional information, and so is everybody good with this? Is there any objection to moving forward in this way? I don't see any objection. Okay. So be it. The next item on the agenda will be Rick DeVictor discussing lionfish.

MR. DEVICTOR: Okay. Thank you. If you can bring up the PowerPoint presentation, and it's 9b, I believe it is. This is just to continue the conversations that we started having at the last council meeting concerning lionfish, and so I want to go through two different topics here, and one is I want to update you on an amended exempted fishing permit, and, secondly, you made a motion at the last council meeting for us to come back to you with an information paper.

Here is the presentation, and it's short. It's only a few slides. If you recall, back in June of 2018, we presented you with an EFP request from FWC, and they wanted to use spiny lobster traps to target lionfish and fish during the spiny lobster closure. If you recall, John Hunt was at that meeting to present that research. You made a motion to recommend that NMFS approve that EFP, and we gave it to them in November of 2018.

They came back to us this summer, and they wanted to amend their exempted fishing permit, and so we put it in the federal register, and we put out a Fishery Bulletin and presented it to the Gulf Council, because it was extending into the Gulf's jurisdiction, and we ultimately gave them that amended EFP, and so I just wanted to present this to you so you're aware that the EFP has changed and expanded.

The purpose is to test the effectiveness and performance and modified trap design for capturing lionfish, to find the best modification to maximize lionfish catch while minimizing bycatch of other species and impacts to habitat, and the design, to remind you, is to put a maximum of thirty-two traps in a trawl with two vertical lines and buoys on either end, and, of course, that's to avoid impacts to protected resources, and the traps will have various funnel and escape gap dimensions and locations, and so this hasn't changed between the original EFP and the new one that we gave them.

Here's the main point of my presentation, is to go over and show you how it has changed. Originally, the EFP was for them to do work just in the South Atlantic area, in Monroe County, and so it was Alligator Reef to Looe Key Reef, and they have expanded that, and so, now in the South Atlantic, they want to do all of Monroe County and then in the Gulf, and I will show you a map in a second of how they expanded into the Gulf.

The depth stays the same, 100 to 300 feet, is where they will be putting their traps, and that's about thirty to ninety meters, and so, just as they expanded the area, they also want to expand the maximum number of traps in the water, and so 100 traps was in the first EFP, and they bumped

that up to 300 traps maximum at any one time, and so that would be 200 in the South Atlantic and 100 in the Gulf. They also want to bump up the maximum trips from forty a year to 160 per year, and the soak time -- We increased it from twenty-one to twenty-eight days, and now they have told us they generally leave the traps in the water for about two weeks, but they wanted a greater buffer in place, in case something happens to the vessel or the weather and they can't get out there. Vessels, they increased that from two to eight.

The last two rows are the biggest changes that have occurred, where the original EFP required that they have a trap certificate endorsement stamp, and now that's not required, and FWC wanted to use their own traps, but the tradeoff there is, before, they were allowed to sell all their catch, and now they can only sell lionfish, and they can't sell their bycatch. They need to return the bycatch to the water.

That's a quick summary of the changes, and now I will show you where it expanded, and, like I said, we presented this to the Gulf Council, and so you can see where it is in the South Atlantic jurisdiction, and it's a pretty narrow band, thirty to ninety meters, and then it moves up into the Gulf area, and, on the next slide, you can see where, below D and C, they wanted to avoid shrimp trawl areas, shrimping effort, and so that's why they moved it up.

The final slide is just to go over the current conditions of the exempted fishing permit, and this hasn't changed, but I will just go over it to remind you that there is no traps in waters less than thirty meters deep, to avoid ESA-listed corals, and no traps around known HAPCs. Bycatch species must be returned to the water as soon as possible. The line between traps fished in a trawl should be limited to the minimum length necessary, again to avoid impacts to protected resources, and they want to avoid, of course, trap movement and ghost fishing, and so they are weighted down, and they have a degradable panel, of course. The line must have weights. Finally, they marked their buoys "LF", and so, if a trap does get lost, they know that that would be an experimental trap and not one with a certificate.

The bottom line is there are the changes, and we have given them that amended exempted fishing permit, and we're not looking at a recommendation at this time, but I just wanted to inform you that it has changed, and they have expanded their area. I will see if there is questions. If not, I will go into the information paper.

MR. BELL: Any questions about the EFP?

MR. BREWER: Rick, is there -- Maybe this would be a better question for Jessica or Erika, but any idea when the, quote, experiment is supposed to start?

MR. DEVICTOR: That experiment has been ongoing, and the EFP goes through December of 2021, but perhaps we'll get some results during the research, perhaps, that they can give us, but, again, it ends in 2021.

MR. BREWER: So they have already set some traps?

MR. DEVICTOR: Right.

MR. BREWER: Great.

MR. BELL: Any other questions for Rick about the EFP? Seeing none, we can move on to the paper. Thank you.

MR. DEVICTOR: Thank you. If you recall, in June, I presented two issues to you concerning the lionfish and the authorized gear table, and then also the fish trap definition, and then you made a motion for council staff to assist SERO with a white paper on lionfish in traps to bring back to you in September, and you also had guidance to work with state partners on this paper, and so that is what we worked on, and it's Attachment 9a. The council staff did help us out with this, and we did present it to state reps, and we have incorporated their comments in this.

Just a quick recap of what we presented to you in June, and I apologize if some of this is a repeat to what I said in June, but, as you can see in the second paragraph, federal regulations at 600.725, which is the general prohibitions, provide that fish, regardless of whether they are targeted, be may retained only if they are taken with a fishery with the authorized gear.

If you can bring this up, Myra, that's the authorized gear table, is what we call it, and it's separated out by councils, and, again, this gives clarification to law enforcement and to fishermen as to what gears you are allowed to use to harvest certain species, but it's important to note that whatever is in 622 supersedes what is in this table, and so, if there's a regulation that prohibits a gear in 622, it overrides what's in this table right here.

If you just scroll down, I will give you an example of the South Atlantic, and I think it's Number 3, and so we have snapper grouper species, spiny lobster, of course, FMP species, and then there is also non-FMP, and I think there's whelk, octopus, bait fisheries, and so a pretty exhaustive list. How this came about is there is sort of a catchall category called Commercial Fishery Non-FMP and Recreational Fishery Non-FMP, and so this would cover lionfish, also.

We do have trap, and so we are covered in the South Atlantic, and so someone could use a trap to harvest lionfish, but we noticed, in the Gulf section, that they do not have trap, and so we decided that we needed to move forward with rulemaking to add trap to the Gulf catchall commercial category, to make it legal for someone to retain lionfish in a spiny lobster trap. Then we were thinking, well, why don't we just add a lionfish line for the Gulf, and then we were thinking, well, why don't we do this for the South Atlantic also, and that's how it came about, where, in June, I presented this idea to you, and so that's the one issue.

The second one we also talked about was the definition of fish trap, and, of course, fish traps are prohibited in the South Atlantic, and that's in 622.9, but then we looked at the definitions and acronyms, which is 622.2, and this is on page 2 of the information paper, and I will just read part of it. In the South Atlantic EEZ, a trap and its components parts used for or capable of taking fish, and so basically a trap that takes fish, but then we have exceptions of a sea bass pot, a golden crab trap, or a crustacean trap, and so they are exceptions to the fish trap definition, the fish trap prohibition.

Then there is this one part that we noticed, under crustacean trap, in parentheses, is not more than 25 percent, by number, of fish, other than blue crab, stone crab, red crab, Jonah crab, and spiny lobster. When we were looking at this in the office, it looked like that you cannot retain over 25 percent, by number, of lionfish, and, again, that's something we brought to your attention.

Just to be clear, any changes to the fish trap definition would require an FMP amendment or some type of change that way. Again, just let me quickly go through the options, and so this is the information paper that we put together, beginning on the bottom of page 2, and this would -- Perhaps you could add gears to that catchall commercial and recreational categories. For example, if you wanted to clarify for the public that a bully net, for some reason, could take lionfish, you could add it to that. Just be aware that this covers a lot of different species, and so it wouldn't just be lionfish, and so that's downside to Option 1. You could have unintended consequences.

Option 2 is what we presented to you in June of why don't you just add a lionfish category, and, again, we presented this to the Gulf Council, and we are going to move forward with rulemaking to add rows for commercial and recreational for lionfish, to clarify that you could, and I just want to point out that, here, when we brought this to review, there were comments that came up, where there were concerns that this could lead to unintended consequences, and this is described in the paper, where perhaps the fishermen north of Florida could use a modified trap and legally target lionfish and there would be an unknown level of bycatch of snapper grouper.

For that reason, due to the concerns, we recommend that we hold off in the South Atlantic and not move forward with adding lionfish as a row and we do it in the Gulf and just put this on hold until we find out more, such as from the result of the EFP, and so that's 1 and 2. I understand that this is pretty convoluted and it goes round and round, and it took us a while in the office to figure all of this out, and it's not very straightforward, and I will admit that, and so that's 1 and 2, and that deals with the authorized gear table.

3, 4, and 5 deal with the definition of "fish trap", and, again, this is more of a long-term issue, where you need to amend the fish trap definition, and so 3 would simply add "and lionfish" to the of fish trap, and that would allow you, perhaps, to harvest over 25 percent, by number, of lionfish in a spiny lobster trap. State reps also said you can consider exclusion of other species, such as those targeted by the marine life aquarium fishery.

Number 4 would consider other ways to achieve the intent of the 25 percent criterion that would enable all lionfish bycatch by traps to be retained, and so just any other options, and we could brainstorm and come up with something. Number 5 was brought up by a commenter to create a special endorsement for lionfish, similar to what FWC does for the aquarium trade fishery, which allows fishermen to take aquarium trade finfish in lobster traps in state and federal waters.

Then we continued on with the information paper with just outlining the impacts, because that was your direction to us, to see if there is any unintended consequences of doing any of these actions, and, just as I mentioned before, there were concerns that were brought up with the first two options.

I think, ultimately, of course, we would want to be careful to ensure that exempting lionfish from the current trap definition would not substantially increase the number of traps deployed in the South Atlantic or increase the illegal use of traps, and so we would have to evaluate any changes to any fish trap definition carefully, to make sure we're not increasing bycatch or ensuring that we're avoiding impacts to protected resources and not impacting habitat, and that's what a plan amendment would do, if you ever went down that path.

I guess the bottom line to all of this is it's probably best if you just wait until the results of the research at FWC comes out and we get a better idea of what the bycatch is in wire traps, to better study it before moving forward with any sort of changes, but we just wanted to bring this out there, and lionfish is a problem that we've talked about before, a severe problem in this region, and we just want to kind of keep it in the back of our minds, sort of long-term what do we want to do, and so that includes my quick presentation of the information paper that you requested that we put together. Thank you.

MR. BREWER: Rick, fish traps are not looked upon with favor with many of my constituents, and, in fact, a lot of us fought for a long time to get them out of the water, but I also think that -- In fact, I know that the problem with lionfish is recognized and that there is just almost no other way to get them out, when you start talking in over a hundred foot of water.

You can't dive down and get them, and you're going to have to use something like a fish trap, and so I would be a lot more comfortable to let the FWC get a lot further along with their research before any changes are made, and probably that's what you were suggesting be done anyway, but then you could come out -- Once they've done their research and they find out what size mesh opening and what size bait and everything else like that that seems to be the most effective and the least destructive, from the standpoint of other species, that there be almost a specific regulation dealing with lionfish traps.

Once those can be defined as to what's going to be the most effective, and I think that would be a good road to go down, because, now, you have identified specifically what you're really aiming at, and I think everybody, commercial or recreational or whoever, recognizes that something has got to be done with those things, and so, if you had a separate, specific reg that deals just with lionfish traps, that might be a clean way to do that.

MS. MCCAWLEY: Another thing is FWC is working on some issues with black sea bass traps and stone crab traps and bycatch of black sea bass and grunts in those stone crab traps in federal waters in the Gulf, and so, in addition to that EFP, we're working on something else that kind of ties into this, and we have been working with NMFS staff, and they are aware that we're trying to deal with this issue, and so I think maybe getting further along in both the lionfish EFP and that issue will help figure out what we need to do here and if we need to change some wording on things.

MR. BELL: It's just unfortunate that what we're dealing with is we would like to eradicate, or at least decrease the abundance, of an invasive species, and we're not interested in a new managed fishery, but it just happens to be an invasive species that tastes good, to some people, but, for us, I know in particular, we see them very regularly into eighty feet, seventy feet, sometimes sixty feet, but it's mostly deeper water, and so, to Chester's point, he's absolutely right that, once you get beyond divable depths, where they are fairly easily speared, then you've got to have some other mechanism to capture them, and we have documented them off of South Carolina out to 400 feet of water, and so I don't think we will ever eradicate them, but if there's some way of perhaps minimizing their abundance, and that will require some kind of gear that allows you to work in deeper water.

MS. MCCAWLEY: So do you need anything from us today, Rick?

MR. DEVICTOR: No, we don't. This was just to present to you as information, and we'll just keep you updated, but just to remind you that we did have an exempted fishing permit off of North Carolina, which we renewed, and so we have results from that, and we did finish a programmatic environmental assessment in the region to see the impacts of adding more traps, through EFPs, and what impacts they have, and we looked at the type of bait and stuff, and so, again, we're thinking about this a lot in the region, and we'll keep you updated on anything new that comes about.

MS. MCCAWLEY: That sounds great. Any more discussion on this? All right. I believe we need to go back and talk about what the Snapper Grouper AP -- Their list of items, since we have more than what they can cover, if we wanted to add any more additional comments or suggestions for them, since there is too many items on that list. I will let Myra get that up.

MR. BREWER: Captain Ray is here, and I didn't know if you wanted him to perhaps have some input with regard to what they might be able to handle or how much to put on their plate. I am sorry. Never mind. I thought he was snapper grouper.

MS. MCCAWLEY: Jimmy Hull is the Chair, and his suggestions were in the back of the PowerPoint, and Myra had them in there, and so they're on the table for discussion, and so good point, and it's already on the table. All right, and so we talked yesterday about the sanctuary item, and so it seems like the sanctuary item can come off the list, because it sounded like what Gregg is suggesting is that that's already happening through another type of webinar.

Then the things -- For example, this fishery performance report for scamp, hasn't the AP been trying to do at least one fishery performance report at every meeting, and so this is the next one on the list, and so I feel like that should stay on there. I don't think that they need to give us any kind of guidance on visioning, and I feel like they've already talked about that. I think the SEDAR stuff needs to stay on there and the citizen science update sounds good.

MyFishCount, yes, and then these are the suggestions that came from Jimmy Hull, and so how feasible -- Were there two pages of suggestions from Jimmy? Okay, and so I guess I just -- I don't have any issue with them discussing these things, but I just don't know how feasible it is that the folks can get that stuff ready, since the AP meeting is maybe two weeks away, and is there any way that you could speak to that a little bit, whether or not people could come to give presentations or have this information ready by then?

MS. BROUWER: Right, and so the red snapper -- This first bullet here, I really don't think it's feasible, just because of the timeliness of the information. We just don't have the data, and I had spoken with Jimmy and explained this to him, but, certainly, maybe for the spring, once the data are available, that item can be addressed then.

In terms of what has been requested of the Science Center, that would probably have to be something that the AP, if they want to recommend it during the meeting, we could then send a letter to the Center requesting those presentations, perhaps, for the spring, and so that would take care of that top bullet as well. The presentation on Southeast Reef Fish Survey, Marcel is not here, but I imagine that he or one of his staff could easily deliver that via webinar, and they are local, and so we could request that, and then this last bullet is something that staff could take care of very easily, and so I think it's feasible.

Then the two top presentations here, as I said yesterday, I have tentatively reached out to the folks who would deliver those presentations, and they indicated that they could do it via webinar, and so I think we're in good shape, but I just wanted to make sure that everybody -- That there weren't any outstanding items that you still wanted the AP to address.

MS. MCCAWLEY: I am looking around the room. Any other things that you didn't see on this list that you wanted them to chat about? I am looking around. Do you feel good about this list? We pared down the list a little bit, just because some of these items we can't do.

All right, and so, based on our discussion up here, it sounds like that the sanctuary item does need to happen at this meeting, and so I think that the Habitat AP will see the sanctuary presentation first, and so then we'll get a better idea of the time that it would take to go through the abbreviated presentation and then leave some time for discussion, and so maybe you guys could give me the latitude to work with Myra on if we need to pare down this list some more before the AP meeting, because it does sound like the sanctuary stuff does need to be presented at this particular in-person meeting. Are folks okay with that? All right. Is there any other business to come before the Snapper Grouper Committee? Then we are adjourned.

(Whereupon, the meeting adjourned on September 18, 2019.)

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Certified By: _____ Date: _____

Transcribed By:
Amanda Thomas
October 16, 2019

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