

SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPER COMMITTEE

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

December 8-10, 2009

DRAFT MINUTES

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Additional Observers and Participants Attached

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The Snapper Grouper Committee of the South Atlantic Fishery Management Committee convened at the Sheraton Atlantic Beach Hotel, Atlantic Beach, North Carolina, Tuesday afternoon, December 8, 2009, and was called to order at 3:16 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: I will call the Snapper Grouper Committee to order. Everyone should have before you the agenda for this meeting. If you allow me some latitude with that agenda because of the SSC and timing and the need to receive the reports from them, it looks like at this point at least that we will not get into 17A and B until tomorrow to enable them to get through both of those documents and enable to provide their reports to us.

With your permission and approval, we will move down the agenda and move Agenda Item 5, a presentation of red snapper rebuilding projections from Erik Williams until tomorrow as well and move up the SEDAR Updates and terms of reference and consider Amendments 18 and 20 today for as far as we can get. Without objection, we will approve the agenda as modified. Ben.

MR. HARTIG: Mac, I think it can be accomplished under SEDAR Updates, so that is no problem. It is just that I have tilefish/snowy issue that I'd like to bring before the Snapper Grouper Committee since we don't have a SEDAR Steering Committee meeting at this juncture.

MR. CURRIN: Okay, Ben, you're welcome to bring that up under that discussion. *Everyone should have had an opportunity to look over both the written minutes and audio minutes from our last meeting. Any corrections or additions to those minutes? Seeing none and with no objection, those minutes will stand approved. Roy.

DR. CRABTREE: It's not on the minutes, Mac, and maybe I missed it, but are we going to talk some about the scheduling of the Red Snapper Update and the schedule on that?

MR. CURRIN: Well, we're going to talk about the scheduled updates for SEDAR, so at that time, just as Ben indicated, that would be an appropriate time, I think, Roy, to bring up any items regarding that issue. Our third agenda item is an Oculina Monitoring Report. Kim has provided that to everyone in your briefing book. Unless there are questions about the report that Kim provided – and I won't ask her to come up, but if there are questions; any questions for Kim? Thank you, Kim, for keeping us apprised on that. The status of the Red Snapper Interim Rule, Roy, are you going to give us a report on that?

DR. CRABTREE: Yes, it published on Friday and the fishery will be closed effective January 4th. The interim rule is in place for 180 days. That is 180 days from the date of publication and not from the effective date and then can be extended another 186 days. I would guess that we will likely want to talk about extending the rule at the March meeting, I suppose.

MR. CURRIN: Thank you, Roy. Any question for Roy on the interim rule? Everybody, I'm sure, is aware of that. All right, we will take on our SEDAR Updates and the terms of reference for the upcoming SEDARs. Dale.

MR. THEILING: Dale Theiling; I'm the coordinator for these upcoming SEDAR assessments, which will be updates for three stocks in the snapper grouper complex. They are black sea bass, snowy grouper and red snapper. Mr. Chairman, what I would like to do is present some information on the terms of reference which we would like to have approved by the council this week; and, secondly, the stock-specific schedules that are set up for these three; and, thirdly, appointments to the Assessment Panel which would be made by the council.

We have some information where the SSC has already looked over the terms of reference and recommended some participation by their members, so those things will be shown on the screen when you're ready. Let me point out that earlier today committee members were sent the terms of reference for all three stocks as they have been modified by the SSC, so please look at a recent e-mail from Mike Collins.

In addition to that, you will have in that e-mail the participation list for the Stock Assessment Panel as it has been modified also by the SSC. Also, earlier or at least in the briefing book you were sent the three schedules, so you should have available to you what you will see on the screen.

First of all, the terms of reference – and they are different for the three stocks – basically the terms of reference were prepared based on the assessment that were most recently done under SEDAR for these three stocks, and then in the case of black sea bass there has been a SEDAR update since the most recent benchmark assessment.

I will start with black sea bass. These have all been modified by the SSC on Sunday, two days ago at their meeting. You will notice the changes that the SSC has made are all shown in red. Mr. Chairman, rather than go through these since the committee has them before them, how would you like to proceed; just with the changes made by the SSC?

MR. CURRIN: Yes, I think that would be good, if you would just point out the recommended changes from the SSC, if that suits everybody. Okay.

MR. THEILING: This is black sea bass on the board, but the first change you see applies to snowy grouper as well. It was mentioned that there is some peculiar life history characteristics of these two species. They really should be considered in measuring and describing the uncertainty that these assessments bring to the estimates for stock parameters, so it was agreed that this would be added.

MR. CURRIN: Everybody able to see that and know what was changed?

MR. THEILING: And there was a good bit of discussion on what was a term of reference for all three of these stocks. It had to do with recommending – during that workshop to recommend what sampling intensity should be undertaken in order to reduce the uncertainty. That Term Number 8 was considered pretty onerous for a workshop that is going to cover three stocks in one week and probably something more appropriate for a data working and doing a benchmark rather than for an assessment update.

Item 8 was stricken, and that's the case for all three stocks, and it is replaced by that short-term expansion of newly numbered number eight, which is to consider and discuss how data and sampling issues contribute to assessment uncertainty. That covers it as far as changes by the SSC for the black sea bass terms of reference.

MR. CURRIN: All right, thank you. Questions for Dale on black sea bass? Why don't we go through these and approve them one at a time as he goes through them. Any questions on black sea bass terms of reference? George.

MR. GEIGER: Perhaps in the interest of time, Gregg, maybe you could say that they're acceptable to staff and they cover all the issues that you had identified.

MR. WAUGH: Yes, for each of these – and we will see when we get to red snapper, we had one concern about making sure that the discard mortality was looked at, but, yes, these changes, we discussed these with Dale and John, and they do cover what we need. The one point of concern – and Dale touched on it – there was some concern about the sampling because now with the update not addressing it, then the question is, well, who does address and make sure that we're getting adequate ongoing sampling in terms of a program to collect size and age data. It was felt that was too much for the update to do for three species, so we'll need to just pick that up and track that someplace else.

MR. GEIGER: Mr. Chairman, I move that we accept the terms of reference for black sea bass.

MR. CURRIN: Motion by George and second by David. Any further discussion? Any objection to that motion? I see none, that motion is approved. All right, Dale.

MR. THEILING: Moving on to the terms of reference for snowy grouper, again as modified by the SSC, you'll see the same change here, "determine and document in what way the peculiar life history of snowy grouper contributes to uncertainty in this assessment". Probably a typo correction in Item Number 7 is the inclusion of the term "FPR" to clarify what the 40 percent refers to.

DR. CRABTREE: Peculiar life history patterns; is that referring to the sex change or what exactly is that referring to?

MR. THEILING: The member didn't mention any specifics, but it was agreed by the group that – it was not specified what this peculiar characteristic was.

DR. CRABTREE: Well, I know sea bass and snowy both change sex. Almost all these groupers do, but I think we need to be a little more precise in the language. Otherwise, I'm afraid we're going to get – six months from now nobody will remember what exactly that meant, but I'm assuming that it's referred to the hermaphroditic –

MR. CURRIN: Maybe between now and the full council we can ask the SSC to clarify that or identify that member. I suspect that you're right, and the sex changes from the Gulf by both of

those species, but if we could be a little more specific then maybe someone else wouldn't raise that question again, what "peculiar" means. George.

MR. GEIGER: I move that we go ahead and accept the terms of reference for snowy grouper as modified by the SSC and also make note as a direction to staff to ascertain the exact meaning of the "peculiar life history patterns".

MR. CURRIN: I want to make sure, before I accept that motion, that Dale has outlined all the changes in the terms of reference for snowy grouper.

MR. THEILING: The only change is a modification – well, first of all, we have excluded that intensive sampling discussion, and again that has been done for all three stocks, which was Item 8. New Item 8 has been modified with the same terminology that was used and show in black sea bass, consider and discuss how data and sampling issues contribute to assessment uncertainty; so the same changes you saw for black sea bass. That concludes the changes for snowy.

MR. CURRIN: Okay, then, George, I'd be happy to accept your motion to approve the terms of reference for snowy grouper as modified by the SSC.

MR. GEIGER: So moved.

MR. CURRIN: Second by Mark. Discussion. Ben.

MR. HARTIG: I didn't know when to bring this up. The discussion that I want to have is to remove snowy grouper from the update and add golden tilefish instead, and I don't know if this is the appropriate time to have that discussion. It doesn't seem to me that any of the things you want to approve for snowy grouper will be different for tilefish. I can do it later.

MR. CURRIN: Ben, I don't know issues and problems and the like that sort of approach would cause. These things were put on track earlier.

MR. HARTIG: I can talk to that.

MR. CURRIN: And I'm sure you can. All right, everybody understand what Ben's issue is here? All right, do you want to further explain this or go and take questions?

MR. HARTIG: Well, like I say, I can do it later. I mean you can approve because it probably won't change anything in the snowy grouper. I can do it now or –

MR. CURRIN: Well, as best I understood it from you, your idea was to replace the snowy update with the golden tile update. George, did you have something?

MR. GEIGER: Before we go into that, without benefit of having the entire SEDAR schedule in front of us and being able to understand the implications of doing that one way or the other, I don't have any problems doing it, but I think we need to have John in here as the keeper of the

schedule to make sure that we know what we're talking about and we can look at the full SEDAR schedule. Are you just talking about flip-flopping snowy grouper and golden tile?

MR. HARTIG: Yes.

MR. GEIGER: When is golden tilefish scheduled?

MR. HARTIG: 2012.

MR. GEIGER: And when was snowy grouper done last?

MR. HARTIG: The same time golden tilefish was in 2004.

DR. CRABTREE: Well, the one thing that worries me about that, Ben, is snowy grouper is a rebuilding plan and was severely overfished. Golden is not in a rebuilding plan. It was underfishing was going on, but the stock wasn't overfished. I tend to give a higher priority to things in rebuilding plans. I think we need assessments on both of them, updates. That's something to bear in mind.

MR. CURRIN: Let me make a suggestion, Ben. I know I suggested that you bring it up when were talking about the terms of reference and the SEDAR Updates, but it might be more beneficial if we take this up under other business, but then Carmichael would be at the table and I think we can have a more beneficial discussion of that, if that suits you okay.

MR. HARTIG: That's fine. The snowy grouper is fine; we won't be able to fish for snowy grouper once we get done here; golden tilefish we will. It may be much more beneficial to have an update on a species you may actually be able to fish on in the near future other than snowy grouper.

MR. CURRIN: If that's okay with you, Ben, then we'll take that up and we'll discuss it under other business. We will have a better handle, I think, at that time on exactly what might go on with snowy grouper as well after our discussions with our other amendments. All right, we did approve that one on snowy grouper? Okay, Dale, are you ready to move on to the next one.

MR. THEILING: Red snapper; a significant discussion on the question of discard mortalities and a good bit of reference back to SEDAR 15, which was the most recent benchmark for red snapper. There was a paucity of explanation for how the discard percentages were determined, so we've clarified and expanded that term of reference. That's the first red bullet.

Then the last bullet has been added as a need, which in some way is related to this assessment update. I will let you read it, but it is to convene a workshop specific to those two first bullets being discards and the justification for determining those measures, as well as the recreational data that we used in SEDAR 15, primarily that from the two Fish and Wildlife Service and one National Marine Fisheries Service Surveys that predate MRFFFS.

MR. WAUGH: So, Dale, the intent would be that those webinars would be held prior to this assessment so that when this assessment update is done they would have the benefit of the results of those two webinars on these two points?

MR. THEILING: That's correct. Essentially it's forming a new workgroup for this particular assessment. We generally have workgroups for life history, commercial fisheries, recreational fisheries, indices of abundance, but this would be an added workgroup on the topic of the data employed in SEDAR 15 and how they should be used if differently in the update.

MR. HARTIG: One thing to consider whether the alternative value should be explored through sensitivity runs, if you just do the sensitivity runs and don't add it to the base model, you don't get a different result, so somehow the word "consider" there so we could – it's to consider, but I have been through this before. When we consider things it usually goes the other way, so I would be hopeful that if we have alternative values, that they can be plugged into the base model.

MR. THEILING: The word "consider" was put in intentionally in that this assessment workshop or this update would not make the runs. It would be, as is says, "consider whether alternative values should be explored through sensitivity runs", and essentially that becomes a recommendation to the next benchmark.

DR. CRABTREE: But I think what Ben is getting at, and I agree with him, is I want to see if we made the appropriate choices in the benchmark or based on what we know – and we've heard I can't tell you how much public comment particularly on the commercial release mortality estimate of 90 percent to give us, I think, a great reason to question whether that was the best choice. I would like to see that explored, and I think that they need to be open that we may change that in the base runs. In fact, I think that this update needs to be open to potentially changing a number of things from what was used as the base run in the benchmark.

MR. CURRIN: Well, it's a little bit different, and maybe I misinterpreted what Ben said, and I thought Ben said that he wanted some runs at those lower estimates that are available in the literature. As everybody knows, there is a range of estimates from various studies. To me what this says is those folks are going to spend some time looking at those and perhaps new studies that might have become available since SEDAR 15 and decide if there is a better value that could be justified scientifically. Is that correct, Dale and or Gregg?

MR. WAUGH: It is a little confusing, but to me the statements says "provide rationale for selection of alternative values" makes it clear to me, as long as the intent is the same as how I'm interpreting it, is that if they come up with a recommendation for a different value they have to provide the rationale for that.

I think what I'm hearing from the committee is we want to make clear that the intent of this is not just to do sensitivity runs but is to re-evaluate the discard mortality rates and either reaffirm those as being correct or come up with correct discard mortality rates.

DR. CRABTREE: Yes, that's fine; and just to back up a little bit to a more big picture issue here, I think there are a number of things in this assessment that are inherently uncertain and will be inherently uncertain when this assessment is updated. No one is going to be able walk in there and say, oh, now we know this is the release mortality rate. It is going to again be it's somewhere in this range. What I would like to see added into the terms of reference for this update is a much better representation of the overall uncertainty of the assessment.

Rather than being handed a base run that says these are the discard mortality rates, I would rather see this panel say, all right, the discard mortality rates are somewhere between here and here, we think, and so the assessment stock status is somewhere between here and here. I just think that we're not presenting the uncertainty in these assessments in a very transparent or really honest way.

I think that's, in part, what is getting us in so much trouble with the constituents because we're coming in saying, okay, here is the base run so this is the mortality rate, this is this number, this is this number, but we all know there is a lot of uncertainty about those. Now, we did a whole lot of sensitivity runs and they're out there, but that's not what we're basing management on. Everything that we're doing is based on that one base run.

I don't want to be given a base run necessarily. I'd rather be given a range; the status of the stock is somewhere between here and here, and the appropriate catch levels are somewhere between here and here. That frames the uncertainty of what we do know and what we don't know. I don't want scientists making judgment calls about things that they don't know. I don't really think it's their job to do that.

If the science tells it's this, that's fine, but if the science can only tell you it's somewhere between here and here, then that's the way it ought to be presented to us. Does that make sense? I think there needs to be a term of reference in here that somehow captures that, but I'd like to hear what other people think.

MR. CURRIN: Other comments or reaction to Roy's suggestion of adding a term of reference to reflect his concerns about providing a range of uncertainty around the parameters? Mark.

MR. ROBSON: Well, I agree wholeheartedly and I think we need to do that.

MR. WAUGH: Wouldn't that apply to the previous two terms of references that we just approved, also?

DR. CRABTREE: I would like to see that apply to all of these assessments. I'm not satisfied with how the uncertainty is being presented to us at this point, so, yes, I think this is something general that ought to apply to all of these.

MR. WAUGH: To me I think it would be helpful to have John Carmichael in here for this discussion. We're really getting into – in my mind this could be a gray area in terms of what can be done in an update versus a benchmark, and I just think it would be good to have this

discussion with John here. He is the head of the SEDAR Program and he can give you all the advice on what this means and how best to accommodate it.

MR. CURRIN: Then I would suggest that we hold off on approving this term of reference. There are some implications that if we go this route that we might want to add something else to the other two that we previously approved and revisit this under other business toward the end of our meeting when John can be available to discuss this with us. George.

MR. GEIGER: And I agree with everything that Gregg said, and I go beyond that and I see this as a topic of discussion for the SEDAR Steering Committee. I mean we're talking about what I think is a fundamental change here, and I think it has implications for the science center and it needs to be dealt in more than just talking to John Carmichael about this. I think it needs to be discussed in depth.

MR. CURRIN: Well, we begin to discuss it in depth at the end of our Snapper Grouper Committee, and at least Carmichael will be here to explain to us some of the implications that you've raised as well, George. Roy.

DR. CRABTREE: And that's fine, and I think how much change can you make in an update as opposed to a benchmark is kind of a gray area and there have been lots of discussions about it. I can tell you that in the Gulf Red Snapper Update Assessment, though, that was just completed, there was a new data stream and a whole new index that was brought into the assessment, which was a longline index that wasn't included in the benchmark but was added into the updated assessment.

There were changes in the weighting of the various indices that were made. There were changes to the natural mortality rate on age zero and age one red snapper made. There were a number of things. The problem is you do a benchmark or an update, but a lot of times you have new information that they didn't have at their last assessment, and you really have an obligation to make sure you take those into account.

So while the basic model is going to be the same, it doesn't mean that you're not going to select a different configuration that comes out as the base case in that case. In the case of the Gulf the choice of the base run that management was going to be recommending was not the continuity run, which would have been the same as it was done in the update. It was in fact changed from it. I agree that getting John in and talk about some of this stuff would be appropriate.

MR. CURRIN: Yes, I think it's very important. The SSC had some of this same discussion the first day that they met. Bonnie and I were sitting there listening to it. The SSC was raising the question about when does an update start infringing upon the boundaries or the edges of a full-blown benchmark. With some of the requests that were being made and that they were considering or that we were asking them to consider, they were hedging a little bit. I'm not sure whether we've been through the process of actually defining what an update is and how that is distinguished from a benchmark. I seem to remember that we had some of that discussion.

MR. GEIGER: I would like to hear Dr. Ponwith.

DR. PONWITH: This is an important issue and it's an issue we talked about in the SEDAR Steering Committee at least in the last couple of meetings. I think the traditional thought is that anytime you change the assessment model or anytime you introduce a brand new data stream into the assessment, it triggers a benchmark. There all kinds of other nuances, smaller changes. One of the things that I don't think we've had a long enough discussion on is the cumulative effect of our series of small changes in the assessment; when would might something like that trigger a benchmark assessment and the commensurate changes in the review expectations for that.

Certainly, we can address that again and put it on the SEDAR Steering Committee agenda again. I know one of the reasons that we're trying to be disciplined in how we define and hold ourselves to those definitions is basically requirements' creep. One of the things that we were worried about is that we would do an update and the terms of reference would grow and grow and grow, and the next thing you know the amount of work going into it is at the same level as a benchmark. Those are some of the discussions that we talked about at the last steering committee, and certainly it sounds like we need to readdress those again.

MR. CUPKA: Bonnie, I was going to ask you this. You mentioned that if you use a different model, that's a big change and that it would be considered a benchmark if you had a new data stream. What about adding a new index; would that constitute – that's a fairly major change; is it not?

DR. PONWITH: Adding a new index would be a fairly major change. The example that Dr. Crabtree talked about is actually not as black and white as it appears on first blush. In the original benchmark stock assessment that index was considered, was evaluated and it was deemed to be useful, but rejected for that particular assessment because the duration of the index was insufficient.

By the time we hit the update, there were enough years under the belt of that index, that they deemed that it met that expectation because it had been introduced at the earlier – evaluated and deemed to be a good index. That's why they were willing to include that. It's not exactly as black and white.

MR. GEIGER: Mr. Chairman, again, I reiterate I think this is a critical issue and it is one that needs to be addressed by the SEDAR Steering Committee and not by the Snapper Grouper Committee. This is far outside of our purview.

MR. CURRIN: Well, we will wait for a further discussion on this issue until John Carmichael is available. I think Rick or Gregg went over and spoke to him and he said, yes, he felt it was very important that he was here to participate in this discussion. All right, Dale, is that the last species to be included in the updates?

MR. THEILING: Yes, it is; it's the third for the terms of reference. The next thing to be considered is the schedules. There are three schedules even though there is only one workshop. The update workshop will cover all three, but prior to that will be a series of seminars which are

stock specific. They all appear very similar but they're named at the top. In this case it's black sea bass.

The thing they all have in common is the Update Workshop at the end of August in 2010. We plan for Beaufort. As I said, the series of webinars are for identifying and qualifying the data to be used in the update as well as to develop and present the assessment in stages as it is developed in a series of webinars. The outcome, of course, would be the formal review done by the SSC, and that would be in early 2011. The dates are not absolutely set yet for that SSC meeting but toward the end of January in 2011 is the intended schedule for all three of these stock updates.

The process is data identification and then assessment development and presentation and then a workshop where the assessment is presented and discussed and finalized and one follow-up webinar, which here we're just simply calling webinar for black sea bass to discuss any left-over matters from the workshop itself and to assure that the assessment report has been compiled and properly prepared for the review by the SSC. What you see here is black sea bass, and you have all three of these in your packet.

DR. CRABTREE: Where is it, Dale?

MR. CURRIN: It's Attachment 27, Roy, and the black sea bass is on :Page 3 and snowy grouper is Page 6, and then 10 for the red snapper. It's what Dale has projected up there.

MR. THEILING: I'm now showing snowy grouper. Okay, let's go to red snapper.

DR. CRABTREE: Well, I guess what I'd like to have some discussion on is the possibility, particularly with red snapper, of accelerating this and moving it up, because this would have us not seeing the results of the update until March of next year. I think given the magnitude of the decisions before us there is going to be a lot of interest in having those results sooner than that. My question would be what would it take to have this thing completed sooner?

MR. THEILING: John Carmichael and I have discussed that, and he understands the importance of red snapper. Let me add that there is a fourth update for the Atlantic and that's spiny lobster in conjunction with the Gulf of Mexico Council, so we're looking at four stocks. He has discussed the possibility of moving up one or more of those so that they would be completed for an earlier review by the SSC. When exactly that would be, I don't know, but it would be completed in 2010.

DR. CRABTREE: I guess what I would like to see is the assessment completed and reviewed and ready to present to the council at the December meeting. It sounds like to do any better than that is not going to happen, but I would like to see that be a goal that we try to meet.

MR. THEILING: Without giving you a final word, I would suggest that we bring that up when you have John in the room, but I believe that is doable based on what he had told me before, and I may be one or more stocks.

MR. CURRIN: Okay, that sounds like another item that we can discuss when John gets in here toward the end of our committee meeting. Dale, have you got anything else for us on the SEDAR updates and schedule.

MR. THEILING: I do; I have participation, but if we've completed the schedule – we've haven't completed it. I know it is left open for John. We'll move on to the participation. I've got a table that I'll show you first and Rick will talk to you about AP member possibilities. Let me tell you what you have before you here. I don't think you had this sent to you earlier.

This represents the entire assessment panel, all three stocks. It includes the information that the SSC has now provided, their four member participants. I'm here to ask you as the council to provide names for three members from the advisory panels for snapper grouper, and that's what Rick will talk to you about in just a minute.

I will point out that analytical team has already been identified by the Southeast Fisheries Center as shown here. Moving on the other appointments needed from the council would be two council members for the workshop for your approval today. In addition to that we've gotten a written request from Directed Sustainable Fisheries, Incorporated, that we include Dr. Frank Hester as an observer, and that would need to be approved by the council as well. Of course, the staff includes Rick DeVictor, the lead biologist for snapper grouper, and myself as coordinator. Rick has some AP potential members to discuss.

MR. CURRIN: All right, we need to approve the SSC participation that is outlined there. Gregg suggested that we also approve Dr. Hester as an observer before we move into approving AP membership on this as well. Just a comment from me or question I guess initially regarding Hester, my impression was that the meetings were open and could be attended and observed by anybody. Is this a specific invitation for him to participate as an official observer or just a courtesy to let him know that the process is going on? George.

MR. GEIGER: Within this process there are invitees, so we have people who are invited from the fishing community to participate and are paid for by the SEDAR Process. Anybody can attend, but their travel and their per diem are not paid for and their not compensated. People who are invited and appointed as official observers, they're compensated in terms of travel and per diem for their attendance.

MR. CURRIN: Okay, thank you. Discussion on the motion that's being written on the board now to approve the SSC participation – these were agreed to by our SSC – as well as Dr. Frank Hester as an official funded observer. Brian.

DR. CHEUVRONT: I'll go ahead and make that motion.

MR. CURRIN: Motion by Brian; second by Robert to appoint the following individuals to the Snapper Grouper SEDAR Updates from the SSC; Dr. Andrew Cooper, Dr. Marcel Reichert, Dr. John Boreman and Chip Collier; and also as an observer, Dr. Frank Hester. That is the motion.

DR. CRABTREE: Well, I guess I want to understand more the composition of this panel. What other scientists are going to actually be members of the assessment panel? Given all the controversy and always have, I would like some fresh faces involved in this. I don't want to see a panel that is just loaded up with our SSC members.

They're going to be the ones that are going to come in and review this. I would like to see some new people and some fresh faces come in. How many people are we going to – are going to add other scientists? I don't really understand what we're putting on here and who else we're going to put in. I'm not prepared to vote on this motion until I better understand that.

MR. CURRIN: Okay, there is also an analytic team of scientists from –

DR. CRABTREE: But they're not panel members, as I understand it. I want to know who is going to actually be on the assessment panel. As I see it, the only scientists on it will all be members of our SSC, and that I do not agree with.

MR. WAUGH: Well, I think we're getting into how the assessment updates are done, and, again, maybe we'd better wait to have John in here and maybe this is a discussion for the SEDAR Panel. As I understand it, that is the composition to do these SEDAR updates.

DR. CRABTREE: I'd like to talk to John about that.

MR. CURRIN: Okay. Well, I think the answer overall, Roy, is that this is the way the updates have always been done, and this is the average composition basically both from the science center and Fishery Service and members of our SSC rather than involvement of a large number of outside scientists which typically occurs during benchmarks. Charlie.

MR. PHILLIPS: I'm inclined to agree with Roy. We've got a lot of people screaming about what is coming out of there, and it might be to our benefit to have some different faces and one group look at another group instead of one group looking at what it just got through doing. I'm inclined to agree with Roy. I would think that the Snapper Grouper Committee would definitely be interested in giving some direction of what we'd like to see the SEDAR Steering Committee do.

MR. CURRIN: And I understand that and the Snapper Grouper Committee has the opportunity to do that, but this has come out of the SEDAR Steering Committee already, and the schedule has been set because of that procedure and it involves the snapper grouper species. We have been asked to approve the terms of reference and the participation, but I'm perfectly willing to wait and make sure until John gets in here and is able to do that, and we will continue this discussion. Robert.

MR. BOYLES: Mr. Chairman, just a question maybe for Dale. Dale, I was impressed with particularly the staff from Georgia and Florida who worked with the fishing communities this summer on otolith collections, and those guys like Luis Barbieri and Carolyn Belcher and others are not proposed to be on the assessment panel. Was that discussed? Is there any benefit to having folks from the southern part representing the SSC?

MR. THEILING: Well, Dr. Belcher, of course, is the Chair of the SSC so she made the request to the SSC members. Dr. Barbieri is the vice-chair and he was present when this was done as well. This is not to say that they won't be involved, but it was decided that they would not be on this panel.

MR. CURRIN: As best I remember, they asked for volunteers from folks and kind of co-opted the ones that didn't volunteer to make sure they had enough people to do it. Bonnie.

DR. PONWITH: Mr. Chairman, it is to that point. The main point on these updates is to make sure that you balance the need for having technically competent people on the update panel from the SSC so that they're familiar with how the update was done, balancing that with retaining some people who aren't involved in the update so that they can be the peer reviewer, because you don't want to be in a situation where any scientist is called to peer review their own work. That's the advantage of having some of your SSC members who are competent to peer review any given assessment sort of withheld from participating in the update.

DR. CHEUVRONT: One of the things that is we've got a motion on the table right now. Do we want to table that until we get John in here?

MR. CURRIN: Well, let's see what George has to say. I mean, we can approve these and then add people later, I presume, or we can table it. It doesn't matter to me.

MR. GEIGER: Bonnie is exactly right. The process was set up where we decided several years now that we were going to have one member of our SSC attend the stock assessment, update, benchmark, whatever it was going to be, so they had a thorough working knowledge of the assessment, walked it through the entire process, and were able to assist – the intent was for them to actually present that finalized stock assessment to the full SSC Panel.

That relieved the science center personnel who we need to do the work on doing these assessments from having to attend these meetings to update the SSC. That was the intent. So when we have three or four names here from the SSC, all four of those people aren't going to attend each one. One of those people from the SSC is going to attend each of the updates; not all four of them attending all four updates, three updates.

MR. CURRIN: I'm not sure that's the case with these because they're kind of jammed in together, but I'm not sure of the whole structure. Dale, you might be able to enlighten us there.

DR. CRABTREE: And that's not my understanding at all. The way I'm reading this, George, is that we're going to have an update panel and it's going to have four scientists on it, and all four of them come from our SSC, and then it's going to have some AP members on it. There are seven people on that.

Now, I don't know exactly what our SEDAR Guidelines say. I don't have them out in front of me. That's why I want to ask John. I don't want to vote on this motion because if we pass it, I don't know the what guidelines say and I'd like to know what it is, so I'm going to make a motion to table this until John comes in and we can get all the facts.

But, I'm reading this, George, that we're going to have four scientists on this assessment panel and all four of them come from our SSC. Now if that is in fact what our agreed-upon guidelines say, that's okay, but I want someone to show me and tell me that is in fact what has been agreed and we have to go that way. I just don't know right now.

MR. CURRIN: There is a motion by Roy to table the motion that's on the screen. Seconded by Charlie. Discussion on the motion to table? Is there objection to the motion to table? I see none so the prior motion has been tabled. Dale, you had a comment?

MR. THEILING: Only to say that my purpose is to fill the funded slots today. You certainly can name other participants, scientists or otherwise to take part. It may become a funding question, but I'm here to fill those that have been recognized to be funded positions.

DR. CHEUVRONT: I think maybe that what we need to do is – we've tabled the assessment panel and the observer, but we could still look at appointed observers, some from the council as well as whether there are other observers that may not be so controversial, if we have other names that people wanted to offer.

MR. CURRIN: I think the request that we had on the board a little while ago, the only observer that I noted – somebody correct me I'm wrong – was Dr. Frank Hester. Of course, we've got AP members that Rick is going to get into in a minute and we can approve those. Roy's issue I believe is primarily with the representation from the SSC or what procedures – I guess a dominant presence by our SSC as opposed to other scientists.

Since Hester is involved in that motion that has been tabled, I don't know how we can extract him in any way, but we can certainly go ahead with the approval of the AP members today. Dale, we promise you we'll have your approved list before we leave Atlantic Beach.

MR. THEILING: Do you want to go to the AP members? The positions for consideration now would be three funded AP members to be selected by the council.

MR. DeVICTOR: Okay, this is not in your briefing material. I contacted all AP members last week and asked them who was willing and able to participate in these SEDARs. You can see the list on the screen. I got a response from seven individuals and I'll walk you through those. There are funded positions for three currently.

We have had seven people respond that they were interested. I just quickly go through this: Zack Bowen from Georgia, he is a headboat operator; Tom Burgess, North Carolina, he is a commercial fisherman that fishes with black sea bass pots; Bobby Cardin out of Florida responded that he could participate; Greg DeBrango from Florida, he is a commercial fisherman; Kenny Fex from North Carolina, a commercial fisherman; Rob Harris from Florida, and he is a headboat operator; and Scott Osborne from Florida, who is a commercial fisherman.

I have a note next to Scott where when I sent out this request, I made sure to tell them that you have to have online access due to the webinars that are involved, and he said he might not. Now they could go to the Charleston office or to Beaufort in order to participate in the webinars.

MR. CURRIN: Yes, it's going to be hard for Scott to get to Charleston or Beaufort. I think he is in Key West or somewhere down that way; isn't he in the Keys. Rita.

MS. MERRITT: I would like to see black sea bass represented, so I would nominate Tom Burgess to be one of the AP members. Along that line, I'd like to see at least one Florida commercial person in there, and I don't have any preferences in that regard. If we do need another commercial hook-and-line fisherman, I would have no problem with Kenny Fex of North Carolina as well.

MR. GEIGER: Bobby Cardin is an active fisherman. Greg DeBrango would be an excellent choice as well, but Greg is not active commercially now. I think he is like semi-retired. Bobby Cardin would be I think an excellent choice. I would also speak highly of Kenny Fex. Kenny is a participant.

He spent his own money and time to attend SEDAR 19 in St. Petersburg. He is very intelligent. He adds to the presentations. Rick, you were there. I think he is also an excellent choice to be represented as an attendee for these updates. The problem is now we've got three commercial people and nobody from either the recreational or the for-hire sector. Bob, is there any possibility that we can expand the group of three to four?

MR. WAUGH: I was going to ask the same question. I don't know if Dale can answer it, but if we were doing one update we would, I presume, two AP members, one recreational and one commercial. I think we're going to be open to some criticism. I don't know the funding issue. I haven't discussed this with John, Dale or Bob, but that is going to create some issues for us if we have to choose for each species just one user group AP member.

MR. GEIGER: And we polled the recreational members of the AP and none of them wanted to do it other than the two for-hire people?

MR. DeVICTOR: Yes, that's right. I sent it out to all AP members.

MR. GEIGER: Well, it was just sent out when; they have had a chance to respond how long?

MR. DeVICTOR: I sent it out last Tuesday and I gave them notice until Friday.

MR. GEIGER: Bob, our issue is we have three excellent candidates for the commercial side of this and we don't have any for-hire or recreational people identified, and I was wondering if we could expand the group of three to a group of four.

MR. MAHOOD: Generally we've had two per assessment; one recreational or for-hire and one commercial, so I think in the funding we've proposed we have two from either the recreational community or the commercial community for each assessment. I don't know if Dale got different directions from John.

MR. THEILING: I was given a total of ten to include council members, AP as well as the SSC, non-federal.

MR. MAHOOD: And part of this is probably because of our unknown relative to budgets. Recently, as I said earlier, we were approved for carrying over some funding that had been for SEDAR last year, so we may be in a better position to fund two for each; two from the AP group or from the fishermen groups for each assessment. That's how we've done it in the past, anyway. John is maybe just being frugal with you; I'm not sure.

MR. HARRIS: Mr. Chairman, I'm going to recommend Zack Bowen. He is the vice-chair of our Snapper Grouper AP, and he has been a real strong participant the last couple of years. He will represent the recreational sector. The only thing he doesn't do, I don't believe, is snowy grouper fish, but certainly does black sea bass and red snapper.

MR. CURRIN: I have been tallying the ones as they've been mentioned by the committee members, and we've got four at this point. Robert.

MR. BOYLES: Mr. Chairman, I don't mean to sound flippant, but we did discuss budget yesterday. As important as this is, I feel confident that the staff can find the resources to get the people that we need for a good, viable and transparent stock assessment.

MR. MAHOOD: That was the other issue. Dale, I'm not sure how many of them are webinars, but they're just being named to participate. As a matter a fact, the reason that we're having the webinars is that everybody can participate. Now you have a panel that has more say in what happens, but all fishermen can sign on, as I recall, Bonnie, and participate in the webinar and have comment and this type of thing. The only limitation is as to who we're funding if they travel and who we're naming as official panel members.

MR. CURRIN: Yes, and that's kind of where we are now, but you're okay, Bob, do you think four is okay and doable within the budget with no trouble?

MR. MAHOOD: Yes, I certainly think so.

MR. CURRIN: All right, thank you, Bob. We've got four suggested names at present from our AP. I've heard Tom Burgess, Bobby Cardin, Kenny Fex and Zack Bowen. If everybody is okay with that group from our AP, I would entertain a motion to approve those four to participate.

MR. GEIGER: So moved.

MR. HARRIS: Second.

MR. CURRIN: Motion by George; second by Duane. Ben.

MR. HARTIG: We don't have anyone from the heart of the red snapper fishery.

MR. CURRIN: Say that again, Ben, I'm sorry.

MR. HARTIG: We don't have anyone from the heart of the red snapper fishery around Florida. We've got Zack from the recreational. He's close, but, my gosh, right there, that Jacksonville cape area where we had so much participation – Bobby is close, but I don't know how much red snapper fishing he does.

I certainly would like to see us add another person from that area somehow or some way. It doesn't even have to be from the AP. I mean, if we have an invited participant that has shown a significant interest through time in red snapper, I can think of a number of them right off hand. That's the only thing I have.

MR. GEIGER: My statement was going to be we've named these people as primaries; however, if additional names come forward because they had a rather short suspense to respond, is there any way that we can make changes?

MR. CURRIN: I don't know the answer to that. The other thing we talked about because of the past problems that we've had with participation is assigning some alternates that would agree to participate at the last minute if there were circumstances that prevented the appointed people from participating. Our list is fairly small.

MR. GEIGER: And to that point I guess, Ben, and to your point about not having anybody appointed from the heart, this is webinars for the most part and people can participate and get involved. At least we suspect that they're going to be able. At least that was the intent when this whole business was set up.

MR. CURRIN: I'm sure you'll do a good job of getting the word out down that way, and we'll probably have lots of participants from that section of Florida. Everybody okay with at least the four we've got here? I don't know how we get some alternatives with the numbers of people that we've had that have expressed a desire to participate. Charlie.

MR. PHILLIPS: Well, would you want to just make the rest of the list all alternates; and should anybody here not go, then you start down the rest of the other three I guess that's left?

MR. CURRIN: Yes, since we have a motion right here, that sounds like a good idea to me. Let's deal with this motion and then perhaps somebody will another motion to put the other three as alternates and maybe in some priority, if we could do that. Any further discussion on this motion to appoint the following AP members to the SEDAR Update: Tom Burgess, Kenny Fex, Zack Bowen and Bobby Cardin? Any objection to that motion? I see none; that motion is approved. Charlie.

MR. PHILLIPS: Okay, so you want a motion for alternates? Then I would make a motion that the rest of the list be listed as alternates, and I have no particular order.

MR. CURRIN: David, do you have a suggestion?

MR. CUPKA: Well, I was just going to say that you may not want to prioritize them because you may end up with the one recreational guy being the one not being able to be there and you

don't want to appoint a commercial guy who is next in line and have all commercial people. You probably need some flexibility there depending on which group that you need to pull from to maintain some balance.

MR. CURRIN: So a motion by Charlie, then, to appoint the remaining interested parties as alternates to the next SEDAR updates; seconded by Robert. I'll read their names in there. Those would include Greg DeBrango, Rob Harris, and Scott Osborne. Since time has been relatively short on this, I don't know whether we want to consider adding folks as they agree to participate, if there are any in future, to that alternative list to make that list a little longer. If everybody is okay with that, we can direction to staff to just add those interested parties to the list. There is nobody from South Carolina and we have no recreational folks. All right, discussion on the motion. Robert.

MR. BOYLES: Mac, are you suggesting that you want us to go back and find some folks from South Carolina recreational? We can certainly do that or attempt to.

MR. CURRIN: Well, they are obviously missing from here, Robert. We've got folks as recreational members on the AP; and as Rick said, they were contacted and asked if they wanted to participate. It has been a short timeframe. My only suggestion was that we perhaps allow AP members who may have been a little tardy in their response, if they respond and express interest, that we add those to the list of alternates. That would be my suggestion, but if you're not okay with that then we'll just go with the three that we've got. Robert.

MR. BOYLES: Mac, to make sure understand, I don't have the procedures in front of us, but the necessary condition is that they be an AP member?

MR. CURRIN: No, I stated that incorrectly.

MR. BOYLES: I could name a couple of folks that I've spoken with extensively with them and asked if they have got the time.

MR. HARRIS: Let's go back to that issue as to whether they're an AP member or not. The one thing about AP members is they've been through our vetting process; and I thought that if we were going to send these folks on travel that the council is paying for, they needed to go through that vetting process. I was under the impression they were to be AP members if they were going to be official participants in this process. Bob, help me out.

MR. MAHOOD: Monica could probably help you out better, but, yes, they have to be in our AP pool to participate in this or else you run into the FICA problems. We have named people to the AP pool that weren't necessarily on our specific APs. As long as they've been vetting through the AP process, then they're eligible.

MR. CURRIN: Rick informed me they can either be currently members of our AP or be in the SEDAR pool, and I don't know who that is or whether Robert knows anybody that has been or not. Charlie.

MR. PHILLIPS: Would it be possible to have somebody – say that Robert knows somebody that would be a good candidate that's not AP, have them as an invited participant; would that dog hunt?

MR. CURRIN: Anybody is invited; the public is invited to participate and sit on the webinars, and I think somebody indicated that they would be allowed to contribute at the appropriate time. That's another way to handle, I guess, Robert.

MR. BOYLES: I do have a couple of folks in mind and several who are in our AP pool from South Carolina who I think would be good contributors. I haven't talked with them. I would like a day or so I can see if I can get in touch with them and see if they would be interested if the committee would afford us that time.

MR. CURRIN: I think that's fine. Again, my suggestion was that we add anybody who is approved to the list and has expressed an interest in the future, if that's allowable, Monica, if we don't get into trouble. Everybody okay with that approach, then, as alternates? Any further discussion on that motion? Any objection to that motion? I see none so that motion is approved. All right, Dale, what else?

MR. THEILING: Could you appoint two council members?

MR. CURRIN: Since all of them are here, I think we're looking for volunteers. George wants to participate, Ben wants to participate. How many are you looking for; two you said, Dale.

MR. THEILING: Yes, sir.

MR. CURRIN: How do you want to handle it; we've got three that want to do it. I think it makes sense to have one recreational and one commercial. You're interested as well?

MR. ROBSON: No, a comment. I have been able to participate in the recent Black and Red Grouper Assessment, so I'm going to beg off on this one, but I would like to suggest that council any members that have not had an opportunity at this point, that we strongly encourage them to participate.

MR. CURRIN: Well, we've got two new council members and one that's on the downhill slide here, he informs me.

MR. HARTIG: Yes, but I've participated in three SEDARs. If there is a council member that wants to go beside me, I'd certainly entertain them if they've never been to one.

MR. CURRIN: Okay, if you're comfortable with Charlie; is everybody okay by consensus for George and Charlie to participate? I plan to participate in the webinars as well. Robert.

MR. BOYLES: I would suggest that according to the schedule we've got the data-scoping webinar during our March meeting and let's all participate.

MR. CURRIN: All right, do we need a motion or we're okay with that. The committee is okay with recommending to the council to appoint – if we have to vote at council to appoint George and Charlie as council participants? I see no objection to that, Dale. All right, anything else we can twist you around on?

MR. THEILING: No, sir, that covers it for me. John Carmichael is here now if you want to cover some of those questions.

MR. CURRIN: If John is here and available and you're ready to have that discussion –

MR. GEIGER: I would like to make sure Bonnie is here at the same time, Mr. Chairman.

MR. CURRIN: All right, let's take a ten-minute break and see if we can line everybody up and we will go ahead and knock that out.

MR. CURRIN: All right, John Carmichael is here; and as I'm sure he has been informed, there were a number of questions that were raised that required his input. If you'd like, I think we'll, if we can, deal with the request Roy made to accelerate conducting the Red Snapper Update. Dale indicated that John was aware of that and has given it some thought.

If we can kind of settle on that one first and then we'll move into the other two major issues with the suggested additions to the terms of reference and then the more philosophical discussion about updates and benchmarks and where we draw lines and how we do it. Then there is the issue of participation by the SSC that Roy wanted to discuss as well. The first one, John, was the request that was made to accelerate as much as possible the Red Snapper Update.

MR. CARMICHAEL: I was talking with Erik and Bonnie, Erik with the Beaufort Lab and on the analytical team that would have to do the bulk of this work or actually would have to be doing all of this in terms of running models, so the question is them being able to get this done, say, by mid to early October so the SSC can have a meeting in late October. Actually, we just talked about having a meeting mid-October, I think, so the question would be could we have it done in time for that SSC meeting; can we have the updates done? I'm not able to answer that question. I think that we might need to get some reply from Erik and Bonnie as to how the prognosis looks for them getting it done sooner.

MR. CURRIN: Bonnie, do you want to respond or ask Erik to come up and just give us some idea of the feasibility of that? You guys are well aware of the urgency associated with this and can understand the desire, but there is a practical aspect to the work that you guys have to do.

DR. WILLIAMS: Erik Williams, the National Marine Fisheries Service, Beaufort. My concern is there will be some issues if we're talking completion or a review by the SSC in mid-October because then we have to start backing off from the actual review date and figure out completion dates of documents and all of that.

That starts to encroach on the meat of the time of when we would actually be doing the bulk of the actual modeling work, if I'm thinking of the schedule correctly. We are looking pretty much

August was the primary month. Maybe July, August, September would be where the core of the work was going to be done, because we were looking at June as the deadline for getting the data. I just think that's backing it too far into that realm.

You might then end up having to back everything up, which then this whole schedule was sort of worked out so that we would have 2009 data, which is the other consideration. If we lose 2009 data, then that's whole 'nother issue because that's a very critical year I think for this update assessment. I think those are some of the issues.

DR. PONWITH: Those are all very good points and certainly worthy of consideration. Another question is if we're looking at October because that's the current schedule for the SSC meeting that precedes the council meeting in December; my question is, is there flexibility in when that SSC meeting could be held?

If we took the date of the December council meeting and back-calculated the number of days of sort of lead time and review time that the council would need for any of the other products that the SSC was going to generate in the traditionally October meeting, is there a way to move that meeting from October to November and still meet those minimal review requirements for having briefing book materials into them. That would be another way to try and alleviate some of that time crunch on the assessment.

MR. CARMICHAEL: We just talked with the SSC about meeting toward the middle to the second of half of October. I think of the schedule and the briefing books and things of that nature and how critical this would be, we'd probably want to have this review no later than, say, the second week of November.

We'd probably actually like to have it like the last week of October would be most preferable. If we could have the model done by the last week of October – if you could give the SSC members to week to look at it or two weeks to look at it, we're probably looking at somewhere between – if we do it the second week in November, right near the end October have it done – which is we're in a schedule kind of now, so I think if we could shave a month off of getting the work done and get it done a month sooner, then we would have the flexibility to have time to get everybody through their work and their reports done and all that business and to the council in time for the December meeting; if we could cut, say, four weeks off the current completion time.

DR. PONWITH: Yes, if we can push that SSC meeting to as late as possible and still give people adequate review time post-SSC review, I think the accelerated schedule is manageable.

MR. CARMICHAEL: Are we speaking on behalf of all three species in that case, then? Is it still the plan that we'll hold them together? I'm just thinking about the SSC in this case; asking them to meet Novemberish – in October or Novemberish, and they're meeting again the end of January is getting to be quite a bit there; so would we be doing all three?

DR. PONWITH: I think that we're at position right now to be able to make the commitment for red snapper, but we would have to really, really step back a little bit and look at all the moving parts to be able to make that same commitment for all of them. I know that is unfortunate

because it sort of strays from the new model of doing those updates in blocks, but I think that we need to kind of step back and consult a little bit more before I'd be able to make a definitive statement.

MR. CARMICHAEL: I think that's okay and we'll deal with that as we have to. I think there could be value to separating red snapper out given the interest that is going to be on this is probably much greater than what will be on the other two species.

MR. CURRIN: I don't know, with the black sea bass fishery closing in December, there is going to be some interest up our way with that one as well. They're all important. Roy, are you okay with what you've heard from the science center and from John on the –

DR. CRABTREE: Well, what I'm hearing is that we'll have at least red snapper done and reviewed prior to the December Council Meeting. I'm okay with that.

MR. CURRIN: Is everyone else okay; other comments from committee members? All right, do you want to move to your suggestions on the changes in the terms of reference, Roy?

DR. CRABTREE: I believe there were several things that are already listed in the terms of reference. Correct me if I'm wrong, but a relook at selectivities was in there?

MR. CARMICHAEL: Selectivity is in there; discard mortality is in there, and looking at the historical data, and what we talked about with the SSC was convening some topical workgroups to address the historical data and the discard mortality in advance of really the data becoming available and the modeling beginning.

Between now and June is having these workgroups meet over a series of webinars and deal with those issues and come up with the parameters that the modelers will then incorporate. They'll review what was done and they'll consider if some additional sensitivities should be put out there and bounds on those sensitivities for dealing with those issues.

DR. CRABTREE: The other thing I would like to have looked at is inconsistencies with the Gulf of Mexico assessment. For example, I know when the update was done there was some new information on natural mortality rates of young fish. I'm not aware of any comparable information in the South Atlantic. I think there are a number of things like that where different assumptions were made in the Gulf than in the South Atlantic.

There may be good reasons for that, but I would like to have the group take a look at that and explain to us so we have a rationale for those. Then the other thing I think that we need to have them revisit for us are the reference points and what are the appropriate reference points. We've had a lot of discussion about 30 percent SPR and 40 percent SPR. The Gulf is using Fmax. I think that's worth some rediscussion.

Then the last thing is I would like to see a better way of looking at how to present the uncertainties in the assessment. As an example, John, we were talking about the release

mortality rates. I doubt that we're going to get to a point where anybody can say definitively this is the release mortality rate. There is going to be uncertainty about these things.

Rather than having a single base run identified as that is what management is based on, I would rather see things presented more as, all right, we're uncertain about these things and so it's more of a range, and there are different ways to do this. I've had discussions with folks at the Center before about this, but I would like to explore some more and more transparent and more realistic ways to represent the overall uncertainties in the assessment.

MR. CARMICHAEL: I think that's doable. We have a workshop that's devoted to uncertainties and that's one of the primary things they're going to be talking about are the appropriate ways of presenting these uncertainties to the councils. I think we should be careful in what we expect of an update; that it doesn't cross into ground that the SSC is going to feel very uncomfortable in endorsing as an update as opposed to saying, you know, if you start changing so much in the model, then they're going to be concerned about being into the benchmark status. We need to be cognizant of that.

DR. CRABTREE: Well, I agree with you on that, but I don't think the things I'm listing off here and I don't looking at how to present the uncertainty gets into that sort of territory.

MR. CARMICHAEL: Definitely not the uncertainty, but if we get into dealing with reference points and perhaps changing a way natural mortality is handled, that could cross the line to some people's minds.

DR. CRABTREE: Well, perhaps so but I can tell you in the Gulf update last week there were changes made to the natural mortality rates of age zeroes and ones, but we will have to deal with that when we get there, I think. But those are the things that I had identified in terms of the terms of reference.

MR. PHILLIPS: I've forgotten who I was talking to a little while ago. The assessment and the new data streams that may go into it, we need to get everything in it that we can so we know better how to regulate or what to do. If there is a problem with it, can you run your assessment exactly like you've run it before; and then if you've a little bit too much extra data streams going in it, show us both ways, show one against the other? I'm just asking. I want to get everything that we can get. Now, we don't want to put you in a hole, but can you say this is the way it would be just putting the numbers in and this is the other?

MR. CARMICHAEL: It's too late, Charlie. We're already in a very deep hole.

MR. PHILLIPS: Okay, I'm asking.

MR. CARMICHAEL: No, absolutely the process in an update would be that you will do a very strict update that is similar in all instances to what was done before with just adding the additional new years of data, and that's the strictest definition of an update. You do sensitivities again as well, though,

We will be looking at additional sensitivities to try and understand how new information in the data that's coming in – and by new information I mean the new years within the data series that we have because entire new data series do trigger benchmark assessments, but that's not the situation we're in. We're in with new years of data in the same data series. We'll do sensitivities trying to understand what may lead to any changes that might be observed. They'll definitely be doing all of that type of work. Then these other issues to be explored, they'll be looking at as well.

MR. CURRIN: My concern I think I tried to express to the committee earlier, John, is that we don't have a definite line between an update and a benchmark; and as the requests come for adding things to updates – and you expressed the concern the SSC has as well – we're infringing upon that undefined boundary between an update and a benchmark.

That may not be a big concern, in addition to that, with those additional requests comes more work and more time commitment from the science center and the folks involved in that. This is a very important and very sensitive issue and assessment. I guess I'm okay with those requests in this particular instance, but at some point I think we need to maybe define that boundary a little more succinctly so that we don't have this discussion on other things that may be particularly of interest or sensitive to individuals.

MR. CARMICHAEL: To that, there are some strict boundaries within that gray area that separates a benchmark and an update; one being a new data series; another being a new modeling technique that people want to pursue. Those automatically trigger that you've got to do that through a benchmark, but we do allow some leeway and bringing in perhaps the results of new research; and that's perhaps where considering differences in natural mortality or something new has come out; that's where perhaps considering updates to discard mortality rates, changing some of those parameters within the approved model framework can be considered.

The process is set up is that it's the SSC who has to stand behind that and say, yes, it's appropriate science, and, yes, it's consistent as an update from what was done by an approved benchmark and peer reviewed. So the SSC is charged with – and we had this discussion at the SSC just two days ago, but they're charged with deciding where the line falls within that gray area, and it's up to them to give some feedback and then specifically in the process up to them to say when they think, you know, this really crosses into the benchmark realm and you should do that.

They may have some different opinions about what some of these things mean, and it may trigger some of what they end up ultimately recommending from it, but we can certainly put the work in there and request that it be done. I think the workload that we can underestimate and not acknowledge, the workload of this update is going to be big. You know, there are a lot of things to be addressed. It's going to attract a lot attention and it's to take a lot; and we're getting it done sooner and we have other things going on.

There is on the order of eight or nine assessments or more going on in SEDAR this year. There is a lot going on. I think as we look at other things that might come up that require the time of

our technical family, as it were, and we need to be cognizant about stretching these guys just to the point where they can't keep up.

MR. CURRIN: Yes, and there are implications for next year. This was kind of the year from hell for SEDAR. As we fill up this time slot and push things into the next, then that puts pressure on the future updates and benchmarks and all that as well. We're getting off to kind of a rough start to kind of synchronize everything, it seems like. Roy.

DR. CRABTREE: Well, we are, and I'm sorry if I'm pressing hard on this, and I know we're dumping a lot of work on Erik and putting a lot of pressure on Bonnie. I think we all have to thank about the magnitude of what we're looking at here. It's not like we're going to say, well, we'll do a new benchmark on red snapper in a few years.

The way things look we're not going to have another stock assessment of anything similar to what we've had in the past. If this closure reaches the size that based on what I'm hearing it may have to reach, we may not be update assessments on any of these stocks. We may entering a whole new world of how we have to approach the status of these stocks, but this may be our last chance to do an assessment of red snapper for quite some time.

Now, I'm hopeful that we're going to get funding and get a fishery-independent program put in place that is going to allow us to track this. I think that's essential and I don't see how we proceed without that, but that is not going to give what we need to redo another updated assessment. It's going to be a completely different way of looking at things.

I'm not sure that if we have a closed area that is 12,000 or 14,000 square miles or more – it's going to interfere with our ability to do updated assessments and stock assessments on almost everything. I understand the workload issues we have, but, folks, this is huge. I haven't faced anything like this in all the years I've been involved in fisheries' management.

This is a huge deal, and I think it's critical that we look at everything we can this time around and get this done as best we can. I'm sorry if that creates undo workload issues and problems on us, but there is a ton at stake here, and I think we've got once chance at it.

MR. CURRIN: Very well said and nobody is trying to undersell the importance of it. It's very important. All right, is everyone clear on what we're asking to be added to the terms of reference for red snapper? Now, where there are some universal sorts of terms of reference, you want it added to all of them, Roy?

DR. CRABTREE: Well, broadly my concern about – I'm good with what we discussed on the terms of reference now. Did you ask me about the reference points specifically?

MR. CURRIN: No, that wasn't what I was asking about there, but you can continue with that if you want to move that.

DR. CRABTREE: I've covered all that I had on the reference points.

MR. CURRIN: Okay, there is a motion on the board and I will read it into the record, but everybody take a chance to read it now. Gregg tried to track the discussion that we had on this, so everybody take a look at it and make sure you're comfortable with it, and I assume Dr. Crabtree will make that motion or somebody will.

DR. CRABTREE: Well, I'll move that and the understanding is that the selectivity release mortalities are already – so, so moved. I move that we approve the terms of reference for red snapper as modified by the SSC and add the following items; A, inconsistencies with the Gulf assessment; a, natural mortality; b, reference points; B, uncertainties presented as range and not a base run.

MR. CURRIN: We tabled a motion and I wanted to make sure this wasn't one of the ones that we tabled.

DR. CRABTREE: We tabled the personnel.

MR. CURRIN: That was the one regarding the personnel, okay. All right, the motion has been made by Dr. Crabtree; seconded by Duane. Discussion? Roy.

DR. CRABTREE: I would like to amend my motion. I didn't mean the reference issue specifically with regard to the Gulf assessment. I mean more as a general thing, so could we make reference points a large C? The reason is I'm concerned that we're just not consistent in our application of reference points from assessment to assessment. I hope that sometime we're going to have a broader look at these kinds of things. That is my intent right there on the board.

MR. CRABTREE: You can remove the 40 percent SPR; it was more generic. All right, I'll read it again. **This is the modified motion: approve the terms of reference for red snapper as modified by the SSC and add the following items; A, inconsistencies with the Gulf assessment; a, natural mortality and other inconsistencies; B, uncertainties presented as a range and not as a base run; C, reference points.**

MR. CURRIN: Okay, second by Duane. Any further discussion on this motion? Any objection to this motion? Seeing none, that motion is approved. Are you okay with the terms of reference for the other species? That was my question before we got into this as to whether there were generic changes for the other species that you wanted to make or suggest?

DR. CRABTREE: I would like to see a different way of capturing the uncertainty applied across the terms of reference for all of these species.

MR. CURRIN: So your suggestion would be, then, that B under this be included in the terms of reference for all the other species?

DR. CRABTREE: Yes; do I have to make a motion?

MR. CURRIN: Yes.

DR. CRABTREE: All right, I would move that for the black sea bass terms of reference and snowy grouper terms of reference, that the uncertainties be presented more as a range and not as just a base run.

MR. CURRIN: Motion by Roy and second by Duane. Discussion. Bonnie.

DR. PONWITH: One point is that we're hosting a Special Topic SEDAR dealing with uncertainty. Before we get too prescriptive on how we want to approach this, I would hope that we leave ourselves the flexibility to benefit from the results of that workshop.

MR. CURRIN: Yes, I think that motion is broad enough, Bonnie, and John mentioned that workshop coming up as well a little while ago.

DR. CRABTREE: Yes, and as the maker of the motion I want to be clear that I'm not trying to be prescriptive about how to do this. I'm looking to the scientists to figure out the best to do this, but I think we just need to find a better way of capturing the uncertainty and how it's presented.

MR. CURRIN: Other discussion on the motion? Any objection to the motion? I see none; that motion is approved. All right, I'm not sure that we still have approved the terms of reference for those other species. We did; I couldn't remember whether we had addressed all those or not. I know we started on it, Gregg.

MR. WAUGH: Right, we have.

MR. CURRIN: Okay. And I think the last issue that we wanted John in the room for, Roy, was the composition of the participants and the updates, and you had some concerns about I guess dominance by the SSC as scientists and wanted some discussion on participation by other scientists on this. Roy.

DR. CRABTREE: Well, I don't mean this to infer anything negative about the SSC. I just would like to see at least some fresh faces involved in looking at this, so it might seem reasonable to me to have two people from the SSC but then try to bring in a couple of well-known scientists from outside the region to participate in this. If other folks don't agree with me on this, I'll drop it, but if the council does I could offer up some names that we could check and see who is available.

MR. CARMICHAEL: I'll say that it's within the process it's desirable to bring in other people. We would like to have them and the analysts very much appreciate having the other ideas at the benchmarks or at the updates as well. I don't anyone would shy away from that. We do have the SSC people, but bear in mind we have three stocks that we're dealing with, so we'd really like to have sort of an SSC person who takes a little responsibility for each of those individual stocks so that they can help report back to the rest of the committee what all happened.

When you're dealing with three species, you're going to add more people, so I think having all four SSC people is a very good way to get started; and if we have some other scientists with strong credentials and abilities to help improve these things, especially with the number of issues

that are being raised for red snapper, I think that would be incredibly helpful. I think if we're going to talk about comparison with the Gulf, it's going to be paramount that we have someone who is very familiar with the discussions at the Gulf update and the parameters in the Gulf assessment and how they may differ from what is being used in the Atlantic or else it will be kind of hard to really address those issues.

Hopefully from the science center, maybe someone who has worked on that Gulf assessment and was involved in that update – you know, it wouldn't hurt to ask maybe somebody who has been on the Gulf SSC to help out. We have Luis there with some overlap, but there are others.

DR. CRABTREE: I can offer you up some names who were involved. The person I'd love to see on here on Clay Porch, but I understand he has a lot of ICCAT commitments and that may not be possible. Other folks who have been involved in Gulf assessments, Joe Powers was involved in the SSC review of the update.

Will Patterson I believe was on the Update Panel. Mike Sissenwine was involved in the prior benchmark Gulf assessment. I think Rick Methot would be a possibility and someone who has participated not in red snapper as far as I know but in others. Even if we could try to persuade Steve Morowski to participate, although I think he may be difficult to schedule, but all of these guys probably are. That's six folks right there that I can think of.

Now, I don't know how – we're not going to be able to figure out today unless, John, after we get done here make some quick phone calls and try to contact some people, but we don't really even know what the dates are yet, I don't think, but at least you might could check with some folks to see about their willingness to participate. Bonnie may have some other names, but there are a number of folks out there. I know there are a numbers of folks who have a history of participation in these assessments. I think Joe Powers has been involved in red snapper things for ages.

MR. CARMICHAEL: Perhaps you can give some allowance for the council chair and the committee chair to appoint someone of that stature or perhaps someone from that group if they're available now that we see the intent is clear and we know we'd like to get included in this group someone like that.

We can then try to catch up with them and see who is available and who might be able to do it and give the science center time to think about maybe who can do it. Maybe with a little more time we might think of some people that are even further away from the agency and even a little pressurized in that sense.

MR. CURRIN: Are you comfortable with that, Roy, allowing Duane and myself in consultation.

DR. CRABTREE: I certainly am. I would, though, like John – today is Tuesday and we're here until Friday, I believe. I do think it would be worthwhile trying to contact some of these folks over the next couple of days and see what our potential is; and then perhaps before the meeting is adjourned we could have a more fleshed-out list. If there are some other names that come to mind, I'd certainly be interested.

MR. CURRIN: Well, we've got a tabled motion where we addressed this earlier; so if we want to approve these people now with the caveat and the understanding that there will be an addition – two people; what do you see, Roy.

DR. CRABTREE: Well, I would like to see at least two more people so the question becomes do we need four SSC members if we're going to put two more on, and I don't know what the answer to that is, John.

MR. CARMICHAEL: I'd say because you have three stocks you need the four SSC members.

DR. CRABTREE: How many outside people would it be appropriate to bring in, three, four, you tell me.

MR. CARMICHAEL: Two, three, four; I mean –

DR. CRABTREE: That's not telling me, John.

MR. CARMICHAEL: Well, two.

MR. WAUGH: John, I may be the only one that doesn't have a clear idea, but who is the panel? Who is doing the assessment update?

MR. CARMICHAEL: The panel is the individuals that you appointed. It would be the SSC members; it would AP members that you appoint to be members of the panel; it's the analytical team that comes in who is assigned to this project through the science center. When we've done updates, we have the panel, and everybody that you appoint and everyone who gets – and through that appointment, getting travel orders through SEDAR or what have you.

They're members and considered people on the panel. I see you have Dr. Hester as an observer and so I'm questioning what of the intent of that is. Is he not intended to be appointed as a panel member?

MR. GEIGER: No, John, and that's interesting. I just noticed that he is under observers and appointed observers. I was under the impression that all the observers were appointed observers and were paid for by SEDAR. If that's not the case, how do we get members of outside organizations in as appointed observers? How did his name just show up under the observer?

MR. CARMICHAEL: There is only one instance within the SEDAR series of workshops and events that have what we call official observers that are appointed by the council, and that's the benchmark reviews. You have a fairly strict review panel because of the need for independence of that group of reviewers. You have a very strictly defined relatively small review panel.

Then you have others who are observers and that includes people such as the SSC members who are appointed. They are there to observe to process but they're not members of the panel. Then every other SEDAR event all those people you appoint are members of the panel, and they are expected to contribute and participate. It's only within the reviews that we have these so-called

appointed observers, and that's only since we have gone to this strictly independent peer review panel that are required to meet the review requirements.

MR. PHILLIPS: I just would like a little bit of clarification. If Dr. Hester comes as an observer, is he able to put input into the panel or does he just sit in the back and observe? I'm not sure how his name got up there, but my guess is they would like for him to be able to participate and make points and ask questions. I want to know what exactly he would be doing.

MR. CURRIN: Well, Hester's came in on the list that Dale brought into us. It was up there as an observer and it was in a different color, and I don't know what that means or what that connoted. I was unclear as to exactly what his role was other than just an invited observer or whether that's a participant. Everyone is allowed to participate; I don't know.

MR. CARMICHAEL: They're all open meetings and the majority of this work is going to be done through webinars. Anybody can log on and watch the webinars, but there is a group of people who are the panel. For practical purposes in this case, the panel and the people who are going to be able to talk freely amongst themselves and share all the things needs to be about 25 people to keep it from getting out of hand on a webinar.

Otherwise, we have to do some different things. It shouldn't be more than that many people, and they're going to be able to talk and holler at one time if they wanted they wanted, but others are going to be watching that stuff and they're not going to have the ability to talk. What we do on the webinars is they can type in messages and we'll send them in and we'll get their comments in, but they're largely just observers like a member of the public that's in the room and wants to speak to the panel and gets recognized by the chair of workshop during all of our regular workshops.

If this is identified specifically as an observer, then that would bring a different role. Normally observers don't partake in the reviews of the draft documents. They'll get the documents once they're all said and done and things of that nature. It's different than being a panelist.

MR. CURRIN: So what was the intent, then? The list came over from you guys, and so why was Hester there and what was your intent by including him?

MR. CARMICHAEL: I thought Hester was suggested as a participant, so there may have been confusion on there. I think what our expectation was that he comes in as – he is just sort of listed. I think observer was maybe not our best word to use there.

MR. CURRIN: Okay, so you intended as a participant?

MR. CARMICHAEL: We offered him for consideration as a participant. He approached us and requested to be considered as a participant.

MR. PHILLIPS: Okay, do you need a motion to move him from observer to participant so everybody is on the same page or can you just do that?

MR. CURRIN: Well, we need a motion first, before we do anything with this motion, to untable it. Roy.

DR. CRABTREE: This is something that is confusing. I had a request from a senator's office on the Gulf Red Snapper Update who was on the update panel. I think it took us a couple of hours to figure out who was actually on it. I had the report in my hands and you couldn't even tell in the report who was on it, so we need to be a lot more clear about that. Mac, I'm not very comfortable with how we're proceeding on this right now.

I would like to suggest that we hold off on this until we come back in full council because I would like to see who have we been able to contact and then a complete list of who do we think we have available instead of voting on a few people here, but then we don't know who we're going to have here. I would like to see who are the possibilities that we have and then make one decision about, all right, this is the whole panel or something like that.

MR. CURRIN: That makes perfect sense to me so we can just leave this motion tabled, I presume, until full council, and we may have some idea of people that have been contacted from the list that Roy suggested and perhaps others that will have suggested that they could participate or agreed to participate.

MR. BOYLES: Could I ask when we come back to this at full council; could we have a complete understanding of roles and responsibilities? I am way out in left field right now on where we are, so I'd like to have a better handle on roles and responsibilities, who is part of the discussion, who is an observer, who is leading the assessment and who we're inviting in. I just would like to have that, please.

MR. CURRIN: Yes, we can ask John to do that. It may seem clearer to me if we identified those people that are going to participate as panelists regardless of whether they're from the SSC or the analysts or whatever else. There may be a good reason for not doing, but we'll ask John to try to offer some clarification on that. Monica.

MS. SMIT-BRUNELLO: Just one last thing; in order to comply with FACA, we need to know if these people are already in the SEDAR Advisory Pool or if they're not; and if they're not, then the council should appoint them to the advisory pool. We can do that in full council as well.

MR. CURRIN: Okay, we'll make note of that and try to ascertain that before we vote on them at full council. Okay, Roy, anything else? That's all I had that I remembered anyway that you requested that John be present for. Anything else that you recall?

DR. CRABTREE: No, I'm done.

MR. CURRIN: All right, thank you, John, very much for providing us with some clarification on all of that. I want to go ahead and recess for today and we'll get back in here in the morning. We'll get back on our agenda and just take it in order as we can, so we'll look for Erik's presentation on the rebuilding projections the first thing in the morning and then move into 17A and get right back on our agenda.

The Snapper Grouper Committee of the South Atlantic Fishery Management Committee reconvened at the Sheraton Atlantic Beach Hotel, Atlantic Beach, North Carolina, Wednesday morning, December 9, 2009, and was called to order at 8:30 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: Good morning, everyone. We'll reconvene the Snapper Grouper Committee meeting and jump into our agenda where we left off yesterday. Dr. Erik Williams is here to provide us with an presentation on the rebuilding projections and other data analyses that were requested some time back. The report can be found in Attachment 9. I think Attachment 8 is just a letter that accompanied that. Erik, thank you for being here.

DR. WILLIAMS: Thank you, Mr. Chairman, and thank you, Council, for letting me come before you to present the red snapper projections that were most recently done. My name is Erik Williams. I'm from the National Marine Fishery Service at the Beaufort Laboratory. What I would like to present today are some red snapper projects that we most recently completed.

You've seen quite a few set of projections from me in the past, but this is the most recent. This was completed in November, and here are the scenarios that were conducted for this analysis. It basically was a set of various F levels projected out and using a very high recruitment in 2006, which is the 2005 year class, because in this model we estimate – what we're calling recruitment in this model is actually age one recruitment.

One of the other things that was asked for in this request from the regional office or the council was a table showing the F 30 and F 40 proxy values, so these are the equilibrium values that come out when you assume an F 30 percent proxy for Fmsy or an F 40 percent proxy for Fmsy. As you can see, of course, the F values are different; a higher F value for the F 30 percent proxy relative to the F 40 percent proxy.

As a result of the higher F, you also have a lower SSB/MSY compared to the F 40 proxy. Then you see some of the other results of these. Now, the thing to note here is these are just the equilibrium results; and so when you start talking about very high recruitment, which was the other part of this analysis, that has no effect, really, on the equilibrium calculations because it's year recruitment specific dependent.

It's more a function of the total stock-recruit function and not a single year recruitment. I thought I would run through some of these, showing tables and figures for each of these scenarios. We computed what the Frebuild would be with this very high recruitment. If you look at this table down around 2010, 2011 and 2012, that's where the new F in each of these scenarios kicks in in 2010.

What you'll note is the Frebuild in this case comes to 0.101. If you want to put that into relation to the F 40 percent proxy and F 30 percent proxy, that's 0.104 for the F 40 percent proxy and 0.148 for the F 30, and so Frebuild in this case is 0.101, so that would be just below the F 40 percent proxy. There are some assumptions that went into this. These are actually the exact same assumptions that went into all the previous projections that the council has seen coming out of our shop recently, so I won't go into much detail.

You should be familiar with most of these based on previous presentations and previous projection analyses, but I'd be glad to answer questions if there are any about that. For the sake of brevity, I'll just move on. Here is a graphical analysis of the Frebuild. You can see the amount of variability starts to increase rapidly with time, as is the case with most of these scenarios.

Here is the F 40 percent, so again here we see in 2010, you can see in that first column that in 2010 the F value is 0.104. That's slightly higher than the Frebuild value, and so you get slightly different results. I'll run through these. There is actually a nice summary table that Jack McGovern put together that is a really good summary of sort of all the projections up to this point, and I'll have that at the end.

I'm breezing through these a little bit, but I think that table will sort of clarify and put all these projections in perspective to each other. Then we did a 65 percent of F 40 percent and, of course, that's a much lower F so you get a much faster rebuilding time. Here you can see in that upper left figure that the spawning stock biomass crosses the threshold at a much quicker rate because you have a much lower F occurring.

Of course, the tradeoff is much lower landings over the whole time series. And 75 percent is a little higher so a little bit different. We get a little bit rebuilding time, a little higher landings; and 85 percent, a similar tradeoff. Here is this table. This is a really nice table that Jack put together. What it shows is the total removals that would be needed to end overfishing in 2010 for each of these projection scenarios.

The ones in white are the ones that we actually ran. The ones in yellow are actually interpolated, but I think this is a fine interpolation for this exercise just to get a general sense of where the percent reductions are going to fall relative to each of these assumptions about either the proxy or the recruitment in 2006.

So what you can see is if we look at the middle row, Alternative 4, for the base estimate you can see that under the F 40 proxy there is a 90 percent reduction needed. The effect of that very high recruitment, if you look over two columns from that, you can see that then that drops to an 87 percent reduction needed, so less reduction is needed when you do assume this higher recruitment value.

If this recruitment turns out to be a really big recruitment, it does have benefits, obviously, as is shown here. I did want to make sure that everyone was clear about the assumptions that go into these projections because there are some serious assumptions. Number one on the list is that these projections reflect the belief that the 2006 year class was strong.

However, for now the actual strength can only be guessed, and that's the scientific merit of these projections is a little questionable. Further, the projections use a spawner-recruit relationship in which we fix the steepness value in that spawner-recruit curve to 0.95. This is the value that was estimated in the assessment, but that value is the upper bound, so essentially the estimate went to the upper bound, which when that happens in a statistical model we typically question whether that's even a valid result or not.

As the SEDAR 15 Review Workshop stated and I'll quote this, "One of the principal difficulties with the statistical catch-at-age model estimate of stock-recruit parameters is that the steepness estimate appears unrealistically high. Such a value implies that the stock at its currently low abundance spawns nearly as many recruits as it would at high abundance."

That's a very important assumption to keep in mind. There are others as well that should be considered. The 2008 recreational landings were reported to be very high, which could have been due to this 2006 year class as explored in these projections, but the high landings could also be due at least in part to increased fishing effort, which is not accounted for here.

If effort actually increased along with the high landings, these projections could be considered overly optimistic in terms of spawning biomass, recruitment and landings. Another concern is the rebuilding timeframe was computed with high 2006 recruitment. If it were recomputed using the high recruitment of these current projections, the rebuilding timeframe may be shorter, which would lead to lower F estimates of Frebuild.

Nonetheless, long-term stock projections on which Frebuild depends are highly uncertain. I will readdress this point at the very end. Some other assumptions, which I won't go into each detail of these again for the sake of brevity, these are in the report. I just wanted to make that when you read this report you look at those assumptions as well and realize that there are a lot of assumptions going into this that should cause a little bit of concern.

The last one that I will touch on again is this topic – as the analysts we're kind of caught up in this. It's hard to understand where to come down on this, but at the review workshop the panel pretty much told us and I will read this quote: "The panel discussed the value of projections made beyond five to ten years. Clearly, the uncertainty increases rapidly with time as the currently measured stock is replaced by model values into the future.

"Realistically, the projections beyond the range of the predominant age groups in the stock are highly uncertain. In this assessment the best that can be concluded is that rebuilding times will be very long." Essentially what they were telling us is that we shouldn't really trust long-term projections. The assessment team concurs with that statement and would add that uncertainty is even greater now because of the increased duration between the terminal years of the assessment. With that, I will conclude and open the floor to any questions. Thank you.

MR. CURRIN: Thank you, Erik. Questions for Erik. Duane.

MR. HARRIS: Erik, I appreciate that. One of the questions that comes to mind has to do with strong recruitment years earlier than 2006. We know that there were some very strong year classes prior to that, '98, '99, and 2000. I mean if you assume those high recruitment years as well as 2006, what does that do, what does it mean?

DR. WILLIAMS: Well, those recruitments are actually already assumed to be in the pipeline, so to speak. In other words, when we're estimating these projection models, we're using an age structure that goes out to I believe 25 or 30 years. I don't recall the exact numbers. Those year

classes are already sort of in the population when we start the projections. If those occurred in recent enough time, they're accounted for in our projections.

What we do in these projections is basically we rely on past recruitment performance to project future recruitment performance. So if there was, say, one out of every ten years we had a really high recruitment, that will be reflected in our projections. Then when we project forward we should see one out of every ten years will actually have a high recruitment value. We do totally rely on past performance and use that to predict future performance as far as recruitment goes. I don't know if that answers your question.

MR. HARRIS: I don't either. What I'm not sure of is that if you've had, let's say, six of the last ten years you've had high recruitment. I don't if there has been very high recruitment, but it appears based on the catches if you've had high recruitment about six of the last ten years. What you're saying is that is all reflected in the modeling that has been done to date in the projections?

DR. WILLIAMS: Yes, essentially it has. I think what you might be getting at is that if there appears to be a recent trend in recruitment such, as you just stated, like if there has been a lot of high recruitment in recent years, we don't necessarily continue that high trend into the immediate year projections. We look at all projections in the whole time series as being equally or likely is occurring at any time. That's a basic assumption. If we had some strong modeling indications or strong environmental indications that suggested that we're into, say, a new regime of high recruitment, then we could fold that into a projection model, but we didn't with this one.

DR. CRABTREE: On the year class, Erik, I understand the concern that effort could have gone up the last couple of years, but what we saw was a huge jump in B-2s in 2007. We did not see anything close to as high a jump in landed fish in 2007, which indicates to me that was not effort. That was a big recruitment class that had not reached the minimum size limit.

If we had seen a big increase in overall effort, I would have expected to have seen a more proportional increase in the landed catch. Plus, everything that we've heard from the public indicates that there is a high year class out there. Now, I suspect the fishing is really good and there is some piling on. Maybe the Fs have gone up; I don't know.

You implied that was a significant decision to go with the high recruitment. It seems to me it is not a significant decision. We have an updated assessment scheduled for next year; so by the time these regulations are even implemented, we'll have a new assessment which will tell us what the magnitude of that recruitment class was, and we'll then make adjustments based on that. It's hard for me to see how that is a very significant decision. Do you disagree with that?

DR. WILLIAMS: I disagree a little bit. It's significant in the sense that, yes, we may have indications that it's above average, but above average is different from assuming it's the highest that we've ever seen in the past, which is what this very high recruitment scenario assumes, that it is equal to the highest value we have seen in the entire time series. Those two statements are a little different for me.

DR. CRABTREE: But we will have an updated assessment that will tell us, and we will then change all of this based on that updated assessment, and that will happen very quickly by the time these regulations are in place. So, again, from a practical standpoint it does not seem to me to be a significant decision because it will quickly be changed if we're wrong. Do you disagree?

DR. WILLIAMS: I don't disagree with that, and that's consistent with what I said at the last council meeting before everybody here is that the best way to estimate that recruitment is through a stock assessment. To do otherwise would be guesswork.

DR. CRABTREE: Okay, I just want to be clear that the choice of going with that high recruitment is not interjecting a huge amount of uncertainty into all this, and it isn't a risky decision because we are going to get an estimate of it, and we are going to change it likely in the first year of the rebuilding plan. So it is actually is decision, it appears me, that it has very little in terms of practical consequences. Would you agree?

DR. WILLIAMS: Well, if you apply that logic, then anything we do really isn't risky because of the update assessment coming right on its heels.

DR. CRABTREE: I think that would be carrying it a little too far, but I think in the case of this recruitment scenario it's a fair statement. The steepness issue, the high steepness is the steepness that was recommended to be used by the SSC; correct? I think that was done many meetings ago. I can't remember how long ago, but the SSC recommended that we use the high steepness and the 40 percent SPR; is that correct?

DR. WILLIAMS: You're testing my memory and –

DR. CRABTREE: We can find the motion if you'd like.

DR. WILLIAMS: Well, I know that they did suggest using the high steepness, but I think that was in the context for short-term projections. Now I don't know if we ever discussed using that in terms of determining a biomass benchmark, which is essentially what we're using this for, to determine Frebuild. I think we were clear that it shouldn't be used; that we couldn't really determine a biomass benchmark for this stock because of the --

DR. CRABTREE: Well, what steepness should we use for the long-term projection?

DR. WILLIAMS: That's a very good question and I can't answer that.

DR. CRABTREE: But it's a question that has to be answered and it has to be answered very quickly, and the answer that we've gotten so far – the only answer we've gotten is to use the high steepness. We're under some statutory requirements to get this done, and right now I think every projection we have is based on high steepness.

DR. WILLIAMS: Well, in that sense, yes, if you have nothing else to fill with, you can make that assumption, but then you have to realize that is a potentially optimistic assumption and then you should counter it with some other less optimistic assumptions; because, yes, if you have

nothing else to do, you can fill it in with a number to go through the whole process realizing that, okay, that number is potentially biased high and how does that affect everything and then how should I address other factors in the whole management process because of that potential high bias.

DR. CRABTREE: But it is conceivable that the steepness for red snapper is in fact quite high; you can't rule that out, can you?

DR. WILLIAMS: No, we cannot rule that out.

DR. CRABTREE: And if in fact the steepness is quite high, then the appropriate proxy for Fmsy would be a lower SPR. I believe the model, using the high steepness, estimates 28 percent SPR maximizes the yield. So didn't we in fact by going with 40 percent SPR as the reference point somewhat offset the risks? If you read the minutes from the SSC meeting, it appears that was precisely what the discussion was about, so didn't we in fact somewhat offset that in terms of the reference points?

DR. WILLIAMS: I wouldn't characterize that as an offset because what I would characterize that as is the F 40 percent was the scientifically determined best proxy for Fmsy, and that steepness was just filled in because we had no other value to put in.

DR. CRABTREE: Okay. Now, in the different scenarios that you've run there are some differences, I guess, in recovery rates and things, but I believe you said that the stock increases rapidly under any of the scenarios, so are the differences due to these scenarios where the trajectories start departing more in the latter part of it when it begins to plateau or are there marked differences in the early part of the recovery plan when recovery is still – you know, the biomass increase is quite steep?

DR. WILLIAMS: Yes, I think the way to think about this is the steepness affects the long-term projections. The high recruitment affects the short-term projections. You get the gains in the short term by assuming a high recruitment. You get the gains in the long term by assuming a high steepness.

DR. CRABTREE: Okay, so with different steepness assumptions, we probably wouldn't see a whole lot of difference in the initial years of the recovery plan?

DR. WILLIAMS: That is correct.

DR. CRABTREE: Now, if the stock recovers rapidly and we have significantly higher biomass out there, you would then have a lot more spread in your estimates of stock and recruitment, and I would suspect that our chances of estimating a stock-recruitment curve improve once we have observations at quite high stock levels; right?

DR. WILLIAMS: That is generally the trend, yes.

DR. CRABTREE: So in all likelihood the expectation is some years down the road, when we rerun this model, we would be able to actually estimate a different steepness probably from any of the ones that we've used at all, and so it seems to me this is somewhat of a self-correcting problem; isn't it?

DR. WILLIAMS: Yes, you are correct. Carl Walters has many times stated that – again, this is Carl Walters saying this and not me – he said many times one of the best things that can happen to fisheries is to have them drop down to really low levels and then rebuild because we get a lot of information on the stock response when that happens.

DR. CRABTREE: Well, maybe that will offer some comfort with the council members, but I doubt it. The point of this is that at least in the early years of this recovery plan the choice of steepness doesn't seem to be that much of a risky decision. We're likely to see a very similar response by the stock under any of these scenarios; is that correct, you're nodding your head?

DR. WILLIAMS: No, I think that is a correct statement.

DR. CRABTREE: Okay, I just wanted to be clear about that. Thank you.

MR. ROBSON: I was going to ask questions along a similar line but with not nearly as much insight as to the science behind the issue, the modeling. The recreational landings in 2008 – and I think you have already answered this from Roy's questioning – it is basically saying that it may be overly optimistic if in fact fishing effort had increased, but, of course, we have been hearing an awful lot of testimony that fishing effort would have been affected by the general economic situation that would have reduced fishing effort. I was going to ask if there had been any way of looking at measures of actual landings. Apparently that wasn't done and I presume it's because they just weren't available for that year; is that correct?

DR. WILLIAMS: Yes, we're just now getting a lot of that data. One thing I can say, actually we did see a drop in effort. When we look at the headboat data, we've seen a significant drop in trips in 2008, and we attribute that largely to the fuel prices in that year.

MR. ROBSON: So, what we were observing at least tended to support that effort may not have been increasing in response – that what we were seeing landings may have been due to primarily to the recruitment class?

DR. WILLIAMS: Again, until we get all the data that's hard to answer at this point, so that's kind of where I would stand until really do a thorough analysis of that. As I said, yes, we have an indication from the headboat that effort did potentially drop, but I don't know about the other data sources so I can't answer that question fully.

MR. PHILLIPS: You said something about this was the highest recruitment ever; can you tell me what timeframe "ever" is?

DR. WILLIAMS: That's a good question, Charlie. I believe our recruitment estimates, at least ones that we trust, go back to the eighties in the model. The highest recruitment in that time

series occurred in 1984, and so we have not seen a recruitment as high as we did in '84 since then. That '84 value is what we're assuming in this very high recruitment projection scenario.

MR. PHILLIPS: Well, to follow up, my point is we know the stocks have been depressed badly; and from what the fishermen are telling us they're seeing in the landings, I don't think it's unusual that our recruitment now is exceptionally high. I would expect it to be exceptionally high because of where we were and where we are now. I think what we're seeing is normal; that exceptionally high is normal and not just something – do you know what I'm saying?

DR. WILLIAMS: And that very well may be the case. I really think the update assessment will enlighten us all, hopefully, and sort of tell us a lot about more recent recruitment.

MR. HARRIS: Erik, given the response that red snapper appears to have shown to being at what we are characterizing as very low levels of abundance, given the response with these really strong year classes that seem to have occurred in six of the last ten years or so; are you familiar with any other species that has exhibited this similar trend? I am not, but I'm not as familiar as you are.

DR. WILLIAMS: Yes, that's a tough one. Red snapper, characterizing that fish and its life history is an odd one because it matures at age one and yet lives to be age 50. We don't have many fish in the fish world that exhibit that kind of life history. Sometimes I think of red snapper in terms of – my very first job with the agency was on the west coast working with rockfish.

What we see there is kind of similar in the sense that rockfish live to be 50 sometimes 80 years old, and their recruitment is one where they get these large year classes come maybe once every 20 years, and that is what the population relies on. That large recruitment event can occur at almost any stock size, so in that sense rockfish is similar. I would also note one of the classic examples up in the New England is haddock has experienced extreme fluctuations in recruitment at various stock sizes. There are examples out there where this occurs.

DR. CRABTREE: Well, wouldn't observing that extremely low stock sizes are capable of producing very, very high recruitment be consistent with a high steepness; isn't that what high steepness is really sort of about?

DR. WILLIAMS: Yes and no. The problem is more or less what we're doing with a simple Beverton-Holt Model and a high steepness is assuming on average it's going to be high at low stock sizes, but if the stock experiences the scenario I just described with rockfish where you have just this intermittent high year class coming in every so often, that's a very different recruitment dynamic structure and maybe we even need to step away from Beverton-Holt and steepness dynamics.

DR. CRABTREE: Well, perhaps so but you would agree that if a stock did have a high steepness, one of the things you would expect, then, was the stock could produce very high recruitments at very low stock sizes?

DR. WILLIAMS: That is correct, yes.

MR. CURRIN: Other questions for Erik? All right, thank you, Erik, very much. Carolyn, are you ready to give us the SSC Report? Everybody should have this. I think Mike e-mailed it out this morning or last night. It's the SSC Consensus Statements and Report, December 2009.

DR. BELCHER: Good morning, everybody. Thank you for having me here, I think. What is I'm going to do is I'm giving you an overarching consensus statement relative to 17A. I have about four pages, plus or minus, of specific points that get to our consensus statement. It's kind of a Catch-22 of either reading you the entire report or if you have specific questions I can easily direct ourselves back to the report and what it is.

I kind of figured that was a better approach rather than going item by item in this. With regard to Amendment 17A, our consensus statement was that none of the management options in Amendment 17A appeared to prevent overfishing and more restrictive measures to management will be needed to reduce the risk of overfishing.

The SSC expresses concern that the analyses and alternatives are based on assumptions that indicate possible outcomes that are too optimistic. The main issues highlighted include the application of the high steepness for the stock-recruit curve, the use of the very high recruitment for 2006 and the assumptions underlying the model effects of area closures. That's our overarching – and like I said, I would rather direct you back to me as far as questions specific to that. That's the overall consensus relative to 17A.

DR. CRABTREE: Okay, so the issue here is the risk of whether we will successfully end overfishing, which is a very short-term issue. Now what we just heard from Erik was that the steepness issue has relatively little impact in the short term, so it doesn't appear, based on what Erik said, that would have much impact on whether we end overfishing because that's a short-term issue. Do you disagree with that?

DR. BELCHER: No.

DR. CRABTREE: So that doesn't seem to be a concern with respect to ending overfishing. It would be a concern with respect to are we going to rebuilding on time, but that's not the issue that we're talking about right now.

DR. BELCHER: That wasn't the only portion of it, though. Again, that was one portion of it. There was a list that –

DR. CRABTREE: Well, I'm going to come to the other ones, but I'm going one at time, so it does not seem to me that the steepness is a particularly troublesome issue with respect to the short term.

DR. BELCHER: Based on the fact that we're going to revisit the assessment in less than two years, I understand where you're coming from with that comment. Had this been a standing assessment, it would have been a different issue.

DR. CRABTREE: Well, I would agree with you with respect to the high recruitment, which we're coming to next, but I don't know that the update is going to shed a whole lot of new light on the steepness. Based on what I've seen, the trajectories of stock growth and things are very similar initially under any of the steepness, so ending overfishing doesn't seem to be affected very much by the steepness assumption.

DR. BELCHER: I guess the main thing is revisiting it; the ability to revisit that assumption. If we go into an assessment, we have the ability to reassess that assumption. If we don't have that ability, then the steepness is a stance.

DR. CRABTREE: Okay, but just to be clear; are you agreeing with me or not? Is the steepness really much of a concern for the initial few years because what I've heard from Erik and what I've heard from everyone is at least in the short term the steepness concern was not much of a concern.

DR. BELCHER: And I can agree with that.

DR. CRABTREE: Okay, so in terms of our success of ending overfishing, in the short term the steepness is not really much of a concern. Now, the high recruitment, I understand the concern there, but the fact is we are going to do the new assessment. It is scheduled; it will occur next year; we will have those results; and that will answer this question.

It will be addressed so that does not seem to me to be very much of a real concern here either from pragmatic standards. You can make theoretical arguments, well, what if something happens and we don't get the assessment or something like that, but given we are going to get the assessment and we will make adjustments, that does not, from a practical standpoint, seem to be a real concern. Would you agree?

DR. BELCHER: I guess the problem I'm having with this is I understand the points that you're making, but germane to what we reviewed, we have the data that is at hand. We can say, well, we could put it off and, yes, knowing that we have something looming on the horizon, short-term wise these have small impacts. If we did not have the ability to redo the assessment or do anything other than an update, we're kind of constricted as to what those impacts are going to be.

DR. CRABTREE: I understand that, Carolyn, and I don't mean to put you on the spot, but the fact is we've got to make decisions about what we're going to do and we have to make them very quickly. We're going to be challenged, I suspect, and have to defend all this, so it's important that the record is very clear. W

hat I'm trying to show in the record here is that realistically we can and will do this stock assessment and it will address this issue; so from a practical standpoint if the council chooses to go forward with the use of the very high recruitments, that really is not a very risky assumption and it doesn't interject a great deal of uncertainty and risk into this because it will be corrected and changed very quickly.

DR. BELCHER: Well, the question I would pose back to you is what about the cumulative effect? In and of by itself that may true, but as we start – again, there was a laundry list of other issues. The cumulative impact -- that uncertainty, it may not be the direct cause that would sink the ship, but combined with other things it may very well be.

DR. CRABTREE: But I don't understand how this particular issue, which is the high recruitment, can be that because we will get an estimate of what the recruitment actually is next year and make adjustments based on that. I can understand there are cumulative impacts of the overall uncertainty. I can make arguments that there are decisions that have been made that people could argue have been overly conservative and some not conservative enough.

The uncertainty comes in all different directions. That's one of the reasons why yesterday I asked that we do a better job in encompassing and presenting the uncertainties of these assessments. What I'm trying to go through right now is there are three main issues here. It appears to me that the steepness is not really a concern with respect to ending overfishing.

It appears to me that the high recruitment is not really much of an issue given that we have a new assessment next year. So that leaves us with the assumptions underlying the model effects of area closures, which I will agree with you those are a concern and there is uncertainty about those assumptions.

What I'm trying to come to is really that's the issue that we have here are the unknown – mostly about how anglers are going to behave; are they going to shift effort; are they going to comply, those types of things. Is that a fair enough statement at least in the short term?

DR. BELCHER: I would agree that was a large portion of our discussion was relative to the area closures. But again a lot of the discussions that you're referring to as far as the assessment, what we were being told relative to red snapper was a little bit different in terms of time scale. So as you're asking us for 17A currently, all we can do is assess it based on the data that is in front of us.

DR. CRABTREE: I understand that, but then the council has to take your advice and put it in the context of the bigger picture, which is the decision that we have to make, the fact that we have scheduled an assessment, and we have to take the advice you give us and decide what to do with it in that broader context, and that's what we're trying to do here.

DR. BELCHER: And, again, with 17A, this is our last look at it, so any information that's coming later – I mean, again, I'm not saying that those things wouldn't change, but the concerns that we have based on what is currently in 17A and the data that is at hand, those were what we found were the problems.

MR. CURRIN: Other questions for Carolyn about the SSC report on 17A? I see none.

DR. BELCHER: With regard to 17B, again I'm going to handle this the exact same way. We have a very short, overarching consensus statement relative to 17B. For more specific detail, ask the questions and I will reference it back to our discussions. For 17B, in general the SSC

supports the biological analyses presented in Amendment 17B, but has a number of specie-specific comments and recommendations.

In addition, comments on the economic analyses have been offered, so we have a pretty thorough socio-economic discussion at the bottom of the report. The main thing that we discussed quite a bit – and, again, we can go species by species if you prefer. The ACL aggregate was one of the concerns that we had relative to black, gag and red grouper. Then the other one that we had was the alternatives relative to speckled hind and warsaw and the deep water specie closures. We saw the preferred but felt that a combination of two of the other alternatives may better suit that particular suite of species.

MR. CURRIN: Carolyn, just for me and maybe others as well – and I haven't had a chance to go through this – can you outline the problems with the aggregations, the way we so far are fancying about using the aggregates for black, red and gag?

DR. BELCHER: That's Item Number 1 on the list. Basically, specific concerns were raised about the aggregate ACL for gag, black grouper and red grouper. There is the chance that the number of either red grouper or black grouper caught under the combined ACL might exceed the individually derived catches predicted in Amendment 17 without triggering AMs under the aggregate limit. The SSC recommends that the council consider establishing individual ACLs by species in preference to the aggregate.

DR. CRABTREE: Well, I think everyone on the council is aware that is a risk when you set aggregate ACLs, but we don't really have ACL recommendations or ABCs for red grouper and black grouper specifically. We will have I guess early next year when the assessment is done, so it seems reasonable to proceed with what we have.

I think when we took action in Amendment 16 the feeling was we were being pretty conservative by including all of these other species in these seasonal closures and things. I'm not sure what you're suggesting now. Are you suggesting now that we redo all of this and then what do we do for ABCs for red grouper and black grouper in the interim between now and when we have the assessment results?

DR. BELCHER: We can probably – I say probably. We're working on what we do when we don't have a complete assessment in hand. When we're talking about ABCs that are upcoming, we have a lot of species we don't have ABCs for.

DR. CRABTREE: Okay, but I'm not talking about what is upcoming. I'm talking about what has to happen now? We're going to take final action at this meeting or at worse case at the next meeting. These have to be put in place now. We will get ABCs, I assume, for black and red grouper when we have the new assessments, and we will come in and make changes. We're setting up a framework to allow us to do that, but the issue is right now. I don't see that we have another reasonable alternative other than what we've proposed.

DR. BELCHER: I mean, again, it's just our recommendation and I understand that. Again, part of the problem is knowing time horizons for certain objects and non-horizons for others – again,

getting to red snapper, we weren't aware on push-ups and how that is working; so when we make those comments on the science that's there, that's what we're looking at in hand.

I think that's part of the problem is black and red grouper, we know the assessments have been done. It would have been nice that we would have had the assessment information in hand ahead of time. I think the general idea was just because of the ACL being an aggregate and the fact that we're trying to deal with species' issues with overfished/overfishing, we can't really say the aggregate ACL will end overfishing for any one of those three because we don't know what that off-balance impact is going to be.

DR. CRABTREE: Let me ask you this; my sense is that the SSC is going to want individual ACLs for every species we manage?

DR. BELCHER: My understanding is that was what we would have to do because we don't have a mechanism yet to work with specie grouping or indicator species.

DR. CRABTREE: Do you believe, though, from a practical standpoint that is going to be workable for us to try and manage probably over a hundred separate ACLs and accountability management measures?

DR. BELCHER: I'm hoping that it won't be case. I mean we've had this discussion relative to what is coming up with these snapper grouper species. There are 70-some species in that grouping; how many can we move to an ecosystem component group?

DR. CRABTREE: Well, I suspect very, very few.

DR. BELCHER: Well, I mean, that is the thing is we haven't had that discussion and haven't had the ability to make that call. We're hoping that list obviously wouldn't be as long.

DR. CRABTREE: But let's just assume that we're not going to be able to do that because I'm fairly familiar with the guidelines, and I don't think there are many species that will meet that. So that is going to still leave us, if you combine all of our FMPs – and, Rick and Gregg, correct me if I'm wrong, but there is going to be close to a hundred species with ACLs if we do every individual species? We've got 70-some-odd in snapper grouper – probably getting close to that?

MR. DeVICTOR: Probably close; there are 73 snapper grouper species and then you add on the dolphin and wahoo, the sargassum, all the rest, yes.

DR. CRABTREE: And so if we can't make any of these ecosystem species, do you think given – and you work for a state lab and are familiar with the resources we have. Do you think can the science side of house handle tracking a hundred different ACLs every year and then we're going to have AMs kicking in on all of those; does the SSC believe that's just a practical way to do things?

DR. BELCHER: I can't speak to what the SSC goes for practical –

DR. CRABTREE: That hasn't been discussed?

DR. BELCHER: No. I mean, these are the things that, again, the hope is that there are species that can be put in an ecosystem component. We still have species in front of us that we're not really sure how we're going to handle, like octocorals and sargassum. I mean those are all part of FMPs, too, and that's not a mechanism under which a lot of us have had experience with looking at stock assessments for that, but we're going to have to come with a means to help set levels for them.

I mean there are a lot of questions that we don't disagree that is a problem. That's unfortunately the hazard of the way the FMPs have been designed. I mean the Magnuson is the one that's basically forcing us to say you have to look at the overfishing for species or how can are you going to look at that?

We've not looked at – you know, we have discussed in the past the issues with species' groupings. We've discussed the issues in the past with indicator species. But it has all been short, it hasn't been in depth, so we don't really have the mechanisms nor the collective knowledge right now as to what we would even suggest. I mean we're frustrated with it as well.

MR. WAUGH: I think coming back to the specific concern, as I recall hearing it from the SSC was that if you establish the aggregate for gag, black and red, there was concern that you didn't have some trigger that would limit the harvest of black grouper and red grouper, and within that aggregate the landings of black grouper or red grouper could exceed what the SSC thought was a prudent level of harvest. Remember, they had given us preliminary ABCs and OFLs for those two species based on landings previously.

Those aren't included now, but I think their concern was within that aggregate you could have landings of those two species exceed what they felt were biologically sound levels of harvest; so just coming back to these two species and not the broader question that was being debated.

DR. BELCHER: And I would agree with that.

MR. CURRIN: If that's the case, then, Carolyn, how were those levels derived or is it just a feel or a sense that is likely to occur?

DR. BELCHER: I'm not sure I'm understanding what you're asking.

MR. CURRIN: Well, apparently from what Gregg said you guys were concerned that some level of harvest for either black or red grouper might be exceeded. How were those levels for black and red grouper derived by the SSC or is it just a sense or a feel that landings could go up or landings go down?

DR. BELCHER: That's just a feeling and the fact that you had three species in that catch. The proportion of catch, it's not controlled. You know, it's not like saying that you have 300,000 pounds and each of them is one-third of that catch. You know, as that fishery morphs you could end up with a predominant species that may exceed ideally what that particular species has for an

– like if we were to set an individual ABC, obviously there isn't one there for those species right now, but if there were an individual ABC with an aggregate, the chance of you pushing up against the level that – you know, with an aggregate it's not specifically broken out. That's the biggest problem. Because it is a group, you don't really know how that proportionality of the pounds would be put towards an ABC/ACL situation individually.

MR. CURRIN: Okay, I understand that, thank you. Brian.

DR. CHEUVRONT: Carolyn, from a management perspective – and I think this is part of what gets to some what Roy is asking about this grouping of these three species together. Right now we've got management measures in place that have these three species co-managed. From my understanding, it is the council's intention that when the stock assessment for red and black grouper is certified by the SSC, it's our intention that if it's necessary we will then manage these species under separate ACLs and AMs.

I guess what I need to know right now is, is there anything wrong with us managing it this way? We're talking two years or so before we're going to be able to separate these out. We've got management measures in place. We've got a closure that is going to occur January 1 through April 30th of next year. I guess what we're saying to the SSC is do you see a problem with us proceeding along these lines of this being our intention?

DR. BELCHER: And my take, again going back to the consensus statement, is we're not really finding problems with it. We're just telling you the concerns that we see. Now, that's true and we understand that it will be revisited because we have two stock assessments coming out for two of those species. The third one should have an assessment because we're dealing with black and red, which were recently done. Gag has been done. That information is there. It's just the timeliness in which we've been able to put numbers in. Our concern is just that we don't want to see it continue with an aggregate ACL. Again, it's just a recommendation that you consider it, but we didn't stymie the progress of 17B. We just provided some concern.

DR. CHEUVRONT: Okay, and I think we're on the same sheet of music, then, as far as that is concerned.

DR. BELCHER: Yes, it is not deal breaker. It's just expressing the concern with the ACL. Can we provide a better number relative to individuals; the answer is no because we don't even provide ABCs individually for those species.

DR. CHEUVRONT: But we will?

DR. BELCHER: Yes, and that's the point, the idea is that in the future that needs to be considered.

MR. CURRIN: Other questions for Carolyn on 17B? Charlie.

MR. PHILLIPS: I guess what you ideally would like to have is ABCs for each species and accountability from each species ideally, but to me you end up with so many open this, close

this, open this, overlap, it turns into such a rat's nest, and then it makes the uncertainty go up, and then you have to keep bringing back down the catch levels to offset the uncertainty and then you're just all over the board, which makes it really difficult for you to give us a number or even a range, which makes it difficult for us to figure out how to go. I'm just kind of making a general statement that I think we all know, but I just want it on the table. Somehow we've just got to try to put some common sense, even though I think it's outlawed sometimes, into these regulations.

DR. BELCHER: And we recognize the problem. I mean there is nothing worse than having a multispecies fishery like that because it's the whole ying and yang and the balance of it. What you do for the benefit of one is probably going to have a detriment to another. How we figure out that balance right now; I mean, again, there are issues of species groupings, there are issues of indicator species.

There have been a lot of publications that have been out relative to those two topics, but nobody is really clear what the best way is to proceed with that. Understanding that would help with a lot of the problems, but the proceeding forward from there takes a lot more discussion than just a three-day meeting for us. I mean, we could make a whole day workshop just on the utility of species' groupings alone. There have been a lot of papers that have come out relative to that.

MR. CURRIN: Other questions on black and red grouper? All right, go ahead.

DR. CHEUVRONT: I just want to make sure in looking at the recommendations on speckled hind and warsaw grouper; is the SSC endorsing the notion of a deep water closure and possibly even prohibiting some other closure less than 240 feet to protect speckled hind and warsaw grouper?

DR. BELCHER: I think the understanding from our group was – I'm trying to remember off the top of my head what exactly the preferred option – the SSC believes the current Preferred Option 4 is not the best option in this regard because it allows speckled hind and warsaw grouper to be captured and retained in waters shallower than 240 feet, so there is an exclusionary principle in the sense that we want to provide protection for those two species.

Obviously, with an ACL set to zero, you would assume prohibited catch. Because that one didn't specifically say that those two would be prohibited and then the deep water groupers would be managed under that, that was our concern was that there was the loophole for continued fishing on those two species.

DR. CHEUVRONT: So, then, the SSC's preferred would be to have the 240-foot closure and no possession of speckled hind and warsaw, period?

DR. BELCHER: We're not endorsing necessarily any of the alternatives, but what we were saying was that we felt that 4 was lacking the protection needed given that we had set ACLs of zero for those two species.

DR. CRABTREE: I think this is confusing to some extent. My read of Alternative 3, it needs to be reworded, but it establishes an ACL of zero for speckled hind and warsaw, and I think the intent of Alternative 3 is that speckled hind and warsaw is closed and retention is prohibited, period, at any depth.

Then these other species are all closed outside 240 or that is the intent of the preferred alternative. It is confusing the way it's written because it says ACLs equal to zero landed catch, but then it goes on to say "possession and retention is prohibited" and lists warsaw and speckled hind outside of 240 feet. That doesn't seem consistent with the ACL of zero, but I think the council's intent on all of these with the ACL of zero for warsaw and speckled hind was that those fisheries were closed regardless of the depth. I think that is confusion.

DR. BELCHER: Yes, but that was the intent of that; we weren't endorsing anything. We were just saying that one did not seem to cover the protection needed for those two species.

MR. PHILLIPS: I guess my question is how far away – what reduction in the fishing mortality, I guess, pound-wise or however would you put it, did you need to get to – I'm guessing there is still overfishing going on even with our zero landings. How much more do we need to lower the fishing mortality to get to where we need to get? Is it a little bit; is it a lot?

DR. BELCHER: That I can't really tell you. I can't say what that percentage drop is. Of course, Erik and John are in the back, but I can't tell you. When we were making those decisions for the zero levels it was based on absence of those particular species and a lot of discussion relative to what has been seen in fishery-independent surveys. Again, I can defer back to Erik and John if they help me with collective memory because that was back in June of 2008 that we first set those values to zero.

DR. CHEUVRONT: Carolyn, did the SSC address the issue of black sea bass north of Hatteras and the fact that it's managed by the Mid-Atlantic Council; however, it does occur at depths greater than 240 feet?

DR. BELCHER: That was not discussed by us.

DR. CHEUVRONT: Okay, because I was just wondering if there was any discussion about potential interactions with some of these species that are trying to be protected by this deep water closure.

DR. BELCHER: We did not specifically talk to that, no.

MR. CURRIN: Other questions on 17B? Kenny, you've got a comment; Kenny Fex from our Snapper Grouper AP, with respect to speckled hind and warsaw question that was asked, Kenny?

MR. FEX: No, it was for the combining of three species. I was at the SEDAR stock assessment for the red grouper. The red grouper is a South Florida species and a North Carolina species mainly. Black grouper is a South Florida species mainly. The gag is all the way up through the EEZ.

I think that would be the trigger mechanism that is suited for it, because, say, all of a sudden the red grouper stock in North Carolina went and all of a sudden we're catching a bunch. We would shut the EEZ down because our red grouper stock was overabundant. I would think that you might consider just using the gag, because the gag seems to be species overfished. That was my point.

DR. CRABTREE: Carolyn, I'm little confused. In the golden tile and snowy grouper sections, and for golden tile it says the SSC has noted that the existing assessment is old and inappropriate to rely on for derivation of ABC. Then for snowy grouper it says the committee notes that the assessment is somewhat dated and therefore some uncertainty exists. Do you see what I'm coming at?

DR. BELCHER: Um-hum.

DR. CRABTREE: Those two assessments were both done in the same SEDAR, so they're the same age. Why is golden tile too old to use but snowy grouper just has some uncertainty? I don't follow what the difference is.

DR. BELCHER: Yes, I that is language standing, but there was scientific expertise that had a little bit more experience within the group to talk about some of the issues, I think, with snowy. Actually, I'm confusing the species now; I take that back. I can't really say why the wording isn't –

DR. CRABTREE: All right, let me ask you this. In terms of your judgment, how out of date does an assessment have to be before it's no longer usable to determine ABCs; would you say?

DR. BELCHER: I couldn't speculate on that. I mean, a lot of it is it's outside of the process of SEDAR is probably more germane to that issue.

DR. CRABTREE: I'm trying to get at how did you decide that the golden tile assessment is too old to use; you must have had some discussion about how out of date does an assessment get before we can't use it anymore?

DR. BELCHER: Again, we didn't specifically talk at this meeting on that. That was decided back at our June meeting. Recall on this discussion – I would really tell you that my gut is telling me a lot of that decision is made on the fact of the SEDAR process as much as anything else, being outside of the SEDAR process.

DR. CRABTREE: What was outside; I'm sorry, I don't –

DR. BELCHER: As far as the golden tilefish assessment was one pre-SEDAR.

DR. CRABTREE: No.

DR. BELCHER: It wasn't ?

DR. CRABTREE: No, it was done in the same SEDAR workshop as the snowy grouper assessment at SEDAR 4.

DR. BELCHER: I'm sorry, that's my misunderstanding then. That's a question that I can't answer. I would have to put that back to the group. That was just the discussion that came out at June, and again it's a recall issue for me as to what was the driving force of what – we've never set an age to an assessment to say it's old, if that's more to the point of the question.

MR. CURRIN: Other questions for Carolyn? We kind of jumped around there, Carolyn, after black and red grouper, and I just want to make sure that you didn't have something else that you wanted to point out regarding the other –

DR. BELCHER: No, my point was relative what you all wanted to hear and if there were specific points or issues, that I could address them more specifically.

MS. MERRITT: Thank you, Caroline. I was quickly reading through your e-mail because I didn't have a chance to see this earlier. There was a section here regarding the economic comments, and, of course, you all don't have a lot of information is what your response has been here. As I recall, there was some conversation at one time where the SSC was considering having maybe a subcommittee of socio-economic scientists. I would like to hear some more about that and plans in that regard and where that impacts your final assessment.

DR. BELCHER: Generally a lot of the statements that are written relative to socio-economics, we have our socio-economic folks write it. Sherry Larkin, John Whitehead, and Scott Crosson are basically your three folks on the SSC that contribute to a lot of that discussion as it goes into the report.

We do have a socio-economic subcommittee that has been formed. Scott Crosson is the chair for that. I can't tell you anymore specifics. John might be able to help fill that in as far as – I know that they had put out a solicitation for folks, but I can't tell that I know how many people are on it or if they've met yet or anything. That I unfortunately don't know, but John said he can come up and speak to that.

MR. CARMICHAEL: The council has created a socio-economic subcommittee. I think June of 2009 is when people were appointed. I believe there are about five members on it. We an intention of them meeting and we had hoped to have them meet this fall, but so much of the other things that are going and so much of the staff focus being on dealing with this Amendment 17A and 17B, we simply haven't had the time or resources to get those guys together, but we much do want to get them together, and we have some topics that we'd like them to talk about. We just need an opportunity to make that happen.

MR. CURRIN: Any other questions for Carolyn on 17B? All right, anything that you want to tell us before you get away?

DR. BELCHER: Obviously, we have no comments on Snapper Grouper 18 or 20. I just wanted to let everyone know that we did schedule a webinar for January 7th for the group to get together

to discuss how we are handle data-poor species where basically we're dealing with landing stream data.

What we're planning to do is start out with that meeting. We have two papers right now slated for us to review and discuss the pros, cons and merits of each of the two methods. One is Restrepo et al which was in National Standard 1 back in 1998, which basically defaults to a 75 percent value of landings, a time series that we need to obviously look more into the time series length. The other one is a paper by Alex McCall that looks at depleted corrected.

Those are the two we're starting with; and as other folks are more aware of what is out there, then we'll review a few papers and a few methods. The idea is these webinars to get that portion of the ABC Control Rule filled as to what do we do when we don't have an assessment. This will help us get all those species that we need to get ABCs for in the not too distant future.

MR. CURRIN: Any other questions for Carolyn. Thank you very much and thanks to you and all the other members of the SSC for the time and effort that you put in at this meeting and all the other meetings as well. All right, do you want to move into 17A for a little while and then we'll take a break here in another 30 minutes or so. Rick is going to give us a review on the public input on 17A first.

MR. DeVICTOR: I'm going to give a summary of the Amendment 17A and 17B comments that we received at the recent public hearings. I have to acknowledge Kim's help on this, and I think she may come forward, too, to help answer questions. We both tackled this. I went through the written comments, mostly, and Kim went through the transcripts of the verbal comments we received.

As you know, there were seven public hearings held from November 2nd to November 16th. These covered Amendments 17A, 17B and 18. Four public hearings were held in Florida, one in Georgia, one in South Carolina, one in North Carolina and one in Virginia. Of course, we received both written comments – those are faxes, e-mails, letters – and verbal comments at the public hearings. You've received all of these in your briefing material.

Here is a table showing how many people signed in, and that's in the attendees' column, so 857 people signed in at the public hearings themselves. You can see the most attendance we had was at the North Florida public hearings, as you can imagine, because those were where the closures are centered off of. Then this characterizes how many verbal comments or how many people spoke at the public hearings.

You can see most of the comments were received on Amendment 17A, and most of the comments verbally were received at Cape Canaveral and Jacksonville. I will point that Key Largo had quite a bit of 17B comments. In fact, they had more 17B comments than 17A, and I will touch upon that.

That basically has to do with the deep closures proposed in 17B and how close to the shelf edge is to the coast. This is just a summary of how many people spoke and how many people

attended. The written comments; 400 written comments were received on 17A and 278 received on 17B. Here it is a bit tough to give you an absolute number on how many comments.

For example, we received a letter from NGOs that had around 3,000 signatures or around 4,000 signatures, and they had a statement next to that. In this 400 count that was considered one comment. And vice versa we had a letter received or several of them, and I want to consider them forms because they were changed a bit, but those were each counted as one in these.

Okay, here is what I'm going to go through in terms of categories of comments received. I'm going to run through a slide on each of these. They were comments received on 17A and supports, those in opposition, comments received on maximum sustainable yield, rebuilding plans, comments on the closures. I'll highlight what I'm calling the lottery alternative. This is a new alternative that was added by the council in September in Charleston.

I'll highlight what people said on accountability measures and exemptions that have to do with the councils looking at allowing black sea bass fishing, spearfishing, and golden tilefish fishing in these closed areas. I'll comment on circle hooks, what people said about that; monitoring, how the council proposes to monitor the recovery of the red snapper stock in the South Atlantic; and also finally highlight what alternatives people have brought up.

A lot of these alternatives that they brought up are not considered in detail in the document. They are in rejected alternatives' appendix, but I'll go through the laundry list of those. Again, going through each of these, there was support for taking action in Amendment 17A. Here are just a few highlights of what were in the letters of these comments.

One was actions are required to end the overfishing of the red snapper stock. The timeline to end the overfishing has passed, and they highlighted that there is long-term positive impacts of a rebuilt stock; after rebuilt there are positive impacts. So, again, this is just a quick summary of it. There were a lot more specific comments received on this issue.

Then moving on to those against it, this is really centered around two ideas; one, people that were against it brought up the flawed science, what they considered to be flawed science. And, secondly, which I'll go into the next slide, is they believe that the range of impacts are correctly captured in the amendment.

So, just running through these bullets, those that up the flawed science said there is no reliable data prior to 1980. They believe that the release mortality used in the assessment was too high. One comment said 10 percent should have been used for the recreational sector versus the 40 percent that was used. Comments centered around a need a wait until the red snapper assessment update is completed before taking action in the amendment; we need to do a benchmark assessment.

There were comments highlighting observations of fishermen are inconsistent with the assessment saying that red snapper are more abundant than they have seen in the last several years. Continuing on to the impacts; again, comments for those against it centered around there

were going to be huge impacts not only to the fishing industry but certainly to the secondary industries, marinas, bait shops and such.

They don't believe that, again, that the document captures of full range of economic and social impacts. They highlighted concern shifting into shallower waters. Those in North Carolina – when we went up to the public hearing in New Bern, North Carolina, they were concerned that people would shift up into their areas if they closures went into place and shift into the king mackerel fishing and yellowtail snapper fishing, et cetera.

Finally, they highlighted cumulative impacts of the 15As, the 16s, the 17Bs and such. There I summarized the support and the opposition. Moving on to the rest of the topics, there were a few letters on the maximum sustainable yield. There was support for Alternative 2. This is currently the council's preferred alternative. This is to use the recommendation that comes out of SEDAR and SSC, and right now that would be the use of the 40 percent proxy as this is based upon the recommendation of the scientists. Two comments highlighted that.

Moving on to the rebuilding schedule and strategy alternatives, you recall the current preferred alternative for the schedule is 35 years. There was support for Schedule Alternative 3, which is 25 years. As those comments centered around the projections show that you would actually rebuild in less than 35 years, why don't you just set the schedule for 25 years? There are two comments for that.

There was support for a schedule alternative that has a 50 percent chance of rebuilding to T_{min} and 95 percent chance of rebuilding to T_{max}. I believe the current alternative has an 84 percent chance of rebuilding to T_{max}. There was support for Strategy Alternative 5, which you recall the current preferred alternative is 75 percent of F_{msy}.

There were some comments that said you should use 65 percent, which is more conservative, but the same comment also said you could use the current preferred, which is 75, with the caveat that you strengthen your AM. There were two comments in support of using 65 percent of F_{msy}. Finally, on the rebuilding there was a comment to use the rebuilding start date of 2011. Currently we have a rebuilding start date of 2010 in the document. They said you won't get regulations in place by 2010 so use 2011.

That's a summary of the rebuilding schedule and strategy comments. Moving on the accountability measures, there are quite a few comments that the council should use ACTs for red snapper as AMs. There were comments that said use in-season AMs and post season; so if you go over your ACLs, to take that off the following year.

There were comments that said re-evaluate the system of ACLs and AMs if the catch exceeds the ACL more than once in a four-year period and highlighted that this is in the National Standard 1 Guidelines. Finally, there was an AM recommendation from the public to adopt a larger area if you find out that you have exceeded your AL. They believe that this would create an incentive to increase compliance. That's the MSY rebuilding schedule strategy and AMs.

Now moving on to the closure recommendations from the public and the comments, there was quite a bit of support for Action 1, which no action, so they said don't take action with the closures. There was support for Alternative 2, which if you recall this is the smallest closure that the council is looking at.

This is the one that is the four-block closure that goes from the 98 foot depth to 240 foot depth approximately. Interestingly, this came from three recreational fishermen in Georgia, one of whom is on the AP and probably will be significantly affected by this action, but he recommended the smallest closure if you're going to adopt any of them. He commented that this would protect the bigger, older fish and allow fishing inshore.

Then there were comments to use Alternative 6, to put that into place, and again that's the largest closure, the seven-block closure, and they said that would capture the scientific uncertainty and management uncertainty to put in this larger closure.

MS. IVERSON: If I could, I'm just going to interject some these hearing comments and maybe if it's okay with the committee to kind of interject some of the information that we also heard from the public hearings. On that smaller area closure, that extended not just from that individual of the Georgia closure, but we also heard that down in Florida as well, to allow that smaller closure would allow them to fish off those ledge areas off of Florida, so it supported what we initially heard in Georgia as far as that small area support.

MR. DeVICTOR: Okay, again, what I'm referring to as the lottery alternative, this was the new one that was added in September; not as many comments as I thought we would get on this alternative. The few alternatives that we did get said it is not enforceable and that VMS is too expensive. These people that this wouldn't be a viable alternative.

Moving on to exemptions – and, again, this has to do with spearfishing, black sea bass pot fishing and golden tilefish fishing in the area. There were comments basically across the board on the spearfishing. You received comments that said do not allow spearfishing due to the belief that people would go spearfishing more at a higher rate in those closed areas. One person said the only way to enforce it is to ban all fishing from occurring in that area.

But then again there were several letters in support of allowing spearfishing. I think that this was tied to the comments we received that were in a quota-unquote form where people sent it in. I think it was from recreational fishermen in Florida largely sent that in. They said they can identify the species and they don't have bycatch with their fishery.

Then there were some that said that they were not opposed to it, but you need a larger area to compensate for the decrease in compliance, and I believe that came from an NGO, and that was one comment. Again, you have do not allow; there are some in support and some not opposed. Then there was a final comment to allow black sea bass pot fishing in those closed areas as they have zero bycatch of red snapper.

Finally, circle hooks, I wanted to highlight the comments received on the circle hook action. There is support for Alternative 3, and Alternative 3 is to require the use of circle hooks

throughout the EEZ. There were actually quite a few people in support of the use of circle hooks from the public hearings. There was support for the use of non-offset circle hooks.

Then a comment came in for Alternative 2, and this requiring the use of circle hooks north of 28 degrees north latitude, as this would allow the yellowtail fishery to operate as they believe that was a sustainable fishery. Then people brought up the idea there are questionable benefits of requiring the use of circle hooks and you're putting in these large closed areas.

The monitoring program, as you know there is an action in there about how to monitor the recovery of red snapper. There was support for the use of headboats for fishery-dependent monitoring. Now, a laundry list of other alternatives that are not looked at in detail in the document, and I'll just quickly run through these.

People brought up you should look at slot limits, 16-to-24 inch slot limits; 16-inch size limits; the use of venting tools and dehookers; go to the recreational bag limit of one; go to a vessel limit of one. There were several comments coming in about you should put in smaller closures; ones that center on protecting the spawning areas of red snapper, known spawning areas.

One comment came in that you look at a permanent closure and then also have spawning areas that rotate throughout the year. Continuing on with other alternatives, one was to look at a hard TAC for each sector with no size limits and must land what is caught. Several comments came in about gear restrictions; eliminate electronic reels; and lighter tackle.

One comment suggested a stocking program for red snapper; limit the number of for-hire vessels; and then one comment came in that you should close the South Atlantic EEZ to all snapper grouper fishing as this would rebuild the stock quickly and quote-unquote share the pain throughout. That concludes my summary. I don't know if Kim has anything to add.

MR. HARRIS: Wasn't there a comment with respect to circle hooks in South Florida that recommended against those because yellowtail snapper are not caught using circle hooks? I think that was a comment that I remember from something.

MS. IVERSON: Yes, I agree and I think that was heard down at the Key Largo hearing. We've heard that in the past at some of our prior meetings and actually had a demonstration, I believe, from one of the fishermen that fishes down in the Keys fishing for yellowtail and mutton snapper and saying that they weren't able to use those circle hooks effectively in the commercial fishery. We did hear that earlier at the meeting and I believe a couple of oral comments were received along that line, and that's where that support for Alternative 3, I believe, a requirement of circle hooks north of Monroe County.

MR. CURRIN: Yes, the best I remember on that, Duane, it was primarily a concern by the commercial industry and it has more to do with – well, I guess a little bit to do with how they hook the fish, but more to do, as I understood it, with how they get them off the hooks quickly and into their coolers. Circle hooks wrap their little bar that they use to dehook the fish so they can't fish as quickly. The recreational folks I don't think have a hard time with it for yellowtails or anything else.

MR. PHILLIPS: Just a note, I think the commercial vermilion snapper are going to have the same problem that the yellowtail people are going to have with circle hooks. I tried to get some of my guys to try them, and I don't think it's going to work very well in the vermilion; so just as a note.

MR. CURRIN: And we can talk about that as we discuss this issue in the amendment. Any other questions or clarification for Rick or Kim on 17A? Have you got more on 17A?

MS. IVERSON: I would like to point that I went copiously through the comments, as I'm sure everyone sitting around this table have, and just to point out the number of fishermen that participated within the public hearing process, especially down in Florida, and the organized effort that we saw in Cape Canaveral and Jacksonville, I forwarded to council members the new releases and the press releases and the media coverage of those public hearings.

I don't attempt to try and summarize all of the comments that we heard verbally at those public hearings, but only to point out that as I went through, I have taken my notes and tried to summarize what Rick and I discussed. We had a limited amount of time to cover the amount of information that was covered here, and I'll be glad to summarize my notes and distribute those to the council members as well.

But, in talking informally with all the council members, I've received assurances from everyone that you guys have gone through all of the transcripts from the written comments – or the public hearings as well as most everyone was sitting at the table at one point or another, so I just wanted to point that out that we are not trying to give a complete, thorough overview of the comments that were received at the public hearings. I want to point that out especially to the people that took their time to come to those hearings that those transcripts have been read by everyone here.

MR. CURRIN: Yes, I think it's very clear everyone has had ample opportunity and perhaps multiple opportunities to view some of the comments that have been received. I got them personally I think that came from you guys as well. If I went through and cleared out duplicates on just this one issue in my hard drive, I think I would probably save half the disk space – so a lot of comments. Any other questions for Rick or Kim about the public comments on 17A. Rick said he would do 17B when we got to 17B, which will be later in the day, we hope. Well, let's take minutes.

MR. CURRIN: Okay, let's go ahead and reconvene, and I'll turn it over to Nick Farmer, who everyone remembers brought the model to us or spreadsheet that allowed us to get in and play with the various factors that affected the closures and other parameters. He has done some work since our last meeting on that and presented it to the SSC a couple of days ago. They had some questions about it, and I think Nick is going to reiterate the concerns that the SSC had about it and show us what he has accomplished or been able to do this since the last meeting.

DR. FARMER: Okay, the presentation that I'm about to give you, I'm going to gloss over some points because the majority of this you all saw during your September council meeting. I have added a few additional analyses, which I'll spend a bit of time discussing. Basically to refresh

your memory, the intention of this was originally to look at the impacts of previously implemented amendments on red snapper trips.

Then it moved from there into evaluating kind of the combined effects of the assumptions of previously implemented amendments' impacts, release mortality rates, bathymetric closure alternatives and a variety of other things such as compliance. I'm going to skip past a lot of this stuff because it's just rehashing things that I've already presented to you. Just as a refresher, one of the main points of sensitivity in this modeling analysis are the release mortality rates that are assumed.

Currently most of presentation centered around keeping the release mortality rates at the SEDAR 15 estimated rates of 40 percent for the recreational fisheries and 90 percent for the commercial fisheries. I can tell you right off the bat that the model is extremely sensitive for those release mortality rates, especially because the entire red snapper fishery in this model is closed, so at that point you're throwing back a lot of fish.

Obviously, the more of those that survive when you throw them back, the greater reductions you get are. Some factors that contribute to release mortality are fishing depth, surface interval and handling time, hook location, predation and water temperature. Barotrauma is a major source of release mortality and that is directly related to depth at capture.

Perhaps some reasonable or at least reasons why it might be worth investigating the sensitivity of the model to release mortality are that the spatial closures that would be implemented in 17A, if there are spatial closures associated with your final action, could potentially push the fisheries further inshore, which might in turn reduce barotrauma-related release mortality.

Also because the red snapper would no longer be a fish than an angler would keep, perhaps the handling time would be reduced, in which case that could also cut down on your release mortality. I did an analysis of the average depth of fishing coming from the commercial logbook, which is one of our fisheries' data sets that actually reports the depth that fish were caught, this depth field is not extremely reliable but does provide some insight as to kind of what the trend is in terms of where the fish are caught.

Prior to looking at any spatial closures, the average depth of fishing coming out of the logbook where trips landed red snapper was about 140 feet. The bathymetric closure alternatives currently in your document for Alternatives 3 and 4 only push the average depth of fishing plus or minus ten feet. I think it would be difficult to make a case that a change of average depth of plus or minus ten feet would result in a major change in the release mortality rate.

The reason for this small change is that a greater emphasis is given to deepwater landings occurring outside of the bathymetric closures both in the north and south and also in the east. Specifically within the cells that would be closed by Alternative 6, the average depth of fishing, if you don't assume any closures, is 133 feet. Here I'm restricting the analysis to just those seven cells.

Alternative 4A reduces this average depth of fishing in those areas to 85 feet. One of the things that I did investigate was some various bathymetric closure depth alternatives, so for the purposes of this presentation I'll be presenting what I call Alternative 4A, which would be a closure from 98 to 240 feet. That's what you currently have in the document.

I also investigated a bathymetric closure from 66 to 240 feet and from 66 to 300 feet. I'll be calling that 66 to 240-foot closure Alternative 4B and the 66 to 300-foot closure Alternative 4C. So, 4B, from 66 to 240 feet, reduces the average depth of fishing to 98 feet; and 4C, which is from 66 to 300 feet reduces the average depth of fishing within those six cells to 61 feet; the point being is that although the analyses suggests that the average depth of fishing across the fishery only changes by a very little bit, in localized areas you do get some rather pronounced changes in the average depth of fishing.

Just to refresh your memories in terms of where the baseline removals of red snapper are occurring, you can see that the majority of them are off of Northeast Florida and off Georgia there. What I've done in this graphic is I've ranked the areas in terms of their number of removals, so you can see kind of the top ten spots that are responsible for the majority of red snapper removals.

Then I investigated some bathymetric closures. Now, this graphic here might be difficult to see for those of you in the back of the room, but what is going on here is that in the dark blue is your Alternative 6 full closure. Then there are three different takes on a bathymetric closure inside there. The bright yellow line on the outside denotes the 66 to 300-foot generalized bathymetric contour. Then the kind of sage green colored area that is also overlapped by that stripy yellow area, that entire area is a generalized 66 to 240-foot bathymetric contour.

I guess a major take-home message from this is you do get some substantial savings in terms of area that could still be fished with those bathymetric closures, but if you choose a 66-foot closure you encompass a substantial portion of the inshore habitat; whereas the difference between a 66 to 240-foot closure versus a 66 to 300-foot closure is not nearly as pronounced.

The reason for that is that the bathymetric is much more abrupt on that eastern shelf edge due to the dynamics of the Gulf Stream and the Continental Shelf. Another thing to note from this is if you look at the bright turquoise points, kind of starting there at the Florida border and continuing south, those are spawning aggregation sites identified by Moe's 1963 survey of offshore fishing in the state of Florida.

You'll notice that whereas Alternative 4A, which is from 98 to 240 foot, does not encompass the majority of those, Alternatives 4B and 4C, which extend the inshore boundary to 66 feet, do encompass the majority of those spawning aggregations. Granted, those were identified in 1963 and be no longer be really all that valid, I'm sure public testimony might be able to enlighten us a little bit on that.

The bathymetric closures are challenging to analyze. I looked at a variety of data sources to try to figure out how to interpret the impacts of these on the red snapper stock. The reason that they're challenging is that we don't have a really useful fisheries-independent survey that

encompasses the entire region that would show you the geographic distribution of red snapper. In order to get at that, I looked at a variety of data sources.

The logbook data from 2005 through 2008 has a depth field. It also has an area field. The area field is somewhat reliable. The depth field is a little less reliable. These are self-reported. Another problem with the logbook data is that it may be a poor proxy for the recreational distribution of red snapper in a fishing effort because the commercial fishery probably operates in deeper water.

The headboat data has incomplete areas a lot of the time, and also there is no depth listed, and the sampling is mostly inshore and therefore it might not be representative of the commercial fishery. I also examined the MARMAP data, and it has very nice area-and-depth information. However, I was not able to find a sufficient number of samples both inside and outside the bathymetric contour in most areas to be able to make a statement as to the percent distribution of the red snapper stock.

For the most part, the MARMAP sampling with gears that catch red snapper was restricted to within the bathymetry, so it doesn't really tell you much about whether they occur outside the bathymetry. Then the Moe 1963 survey is restricted to Florida; and although it's an offshore survey, it doesn't really extend too far offshore so it doesn't give you much information as to the distribution of the red snapper stock beyond about 240 feet.

I chose to focus on the logbook. I actually did analyses on all of them; and if you look at the model in your briefing book, that actually contains information on all the various data sources and the analyses that I went into for all those, but the logbook was, in my mind, the best data source available for it; but certainly less than ideal.

In terms of evaluating the closure with the logbook, you can see from '05 to '08 there is an improving trend in terms of the reporting of depth, going from 25 percent of the records with red snapper landed having no depth available down to basically what rounds to zero percent in 2008, so an improving trend there.

One of the things that I did is I matched up – since it is a self-reported depth, I looked at, well, if they reported a red snapper landing in a certain area, does that depth that they listed actually correspond to a reasonable range of depths within that area. For the most part there seemed to be about a 5 percent error range there where people would report a depth of fishing for red snapper, that the depth really just didn't occur in the cell they reported that landing.

That is one of the risks with self-reported data, especially when a lot of time I think the data is being filled out upon their return from the trip rather than at the exact moment of capture. When computing the impacts of the closure, basically what I did for any of the alternatives that you currently have on the table, I used the percentage of the red snapper stock that occurred within the depth range versus the percentage of the red snapper stock that occurred outside of the depth range. I shouldn't say stock; I should say landings.

I looked at the percentage of the fish that occurred inside versus outside that depth range, and that was basically my proxy for if there are X removals in a cell and you implement this bathymetric closure, well, in that cell this bathymetric closure covers this percentage of the stock, so that percentage of the removals has been subtracted away and you get that reduction from that bathymetric closure. That would work in any grid cell that had red snapper landings reported both inside and outside the bathymetry.

There were some concerns about the methods I used to extrapolate the bathymetric closure into other areas where these were not available by the SSC, but at this point those are not currently alternatives that you have on the table, so I don't think it merits any discussion unless you're thinking of implementing some different alternatives; in which case we can revisit that issue.

Another issue that I wanted to show you in the sensitivity of the model is the issue of compliance. Even low levels of non-compliance can rapidly erode the fishery's benefits of spatial closures. There is very little published data actually exists to estimate rates of non-compliance. However, there have been some studies that have either anecdotally or formally reported high levels of intrusion in the closed areas.

Definitely during public testimony we've heard some statements to the effect that compliance may not be a hundred percent. I wanted to stress to you that less than 100 percent compliance will impact the projected reductions resulting from the spatial closures, and I will show you some examples of how that works within the modeling process.

With that said, what I'd like you to do is step through basically some of the alternatives in the amendment as modeled, using what I would consider and what the SSC would consider to be an extremely generous set of assumptions. It's not conservative. In the slides that I'm going to show you coming up, assuming 100 percent compliance, I'm assuming that the release mortalities are set at their SEDAR 15 levels, and I'm assuming that previously implemented amendments are going to eliminate directed and targeted trips.

This was presented to you in June, but what I mean by that is that a targeted trip is a trip where on the angler form after the fact they reported that they went out to fish for red snapper, so the assumption in this case would be that after 17A is implemented, they're no longer going to make that trip; that trip ceases to exist.

Then a directed trip would be a trip where they said that they were going to fish for something else; oftentimes aggregated into a larger category like groupers and snappers, but then you look at the actual trip record and the majority of the catch, based on some criterion which we outlined in a lot of our documents that we've prepared for you guys, the majority of the catch is red snapper and therefore the assumption is that trap will no longer happen.

The SSC's take on this has said this is a very unconservative assumption, and I would tend to agree with them. However, you might think of this assumption as a bit of a proxy for the elimination of trips due to people going out of business due to the severity of the regulations. That would be an alternative way of interpreting this.

It's not fundamentally explicitly designed to be that, but currently there is nothing in the model that models actual going out of business, cost impacts of the economics except for in the logbook portion of it. The commercial component of the model does take that into account, but this elimination of directed and targeted trips has only a function that impacts the model's assessment of the recreational and headboat fisheries.

In that case basically you have an option there for incorporating some sort of economic hardship into the modeling process. With that said, looking at Alternative 2, basically under that suite input assumptions, you would get a reduction of 53 percent. What I've done here in the table, at the top right is I've shown you what those reductions are for the various fisheries as well as for the aggregate there in the bottom, in the black, of 53 percent.

Then in the bottom table I show you the suite of, I guess, overfishing standards and whether you've met them under those alternatives, so for alternatives for MSY, alternatives for recruitment. In the next slide I think that what I've done is I've placed a box on what your current preferred alternative for that is.

You can see under Alternative 3, assuming that the stock is heterogeneously distributed based on the logbook data and assuming again the same suite of input parameters with no effort shifting and various other stuff that we'll talk about here in a minute, you get about a 79 percent reduction, and that does not achieve your preferred goal.

Alternative 4, to refresh your memories, would close Areas 2880, 2980, 3080, 3179, 3180, 3278 and 3279 to all snapper grouper fishing between a variety of depths. What I've done is I've evaluated the current Alternative 4, which is from 98 to 240 as well as 66 to 240 and 66 to 300. Under 4A, which is from 98 to 240, you get a 79 percent reduction based on that set of input parameters that I've related to you previously.

Under 4B you actually get an 87 percent reduction under that less conservative set of input parameters, and 4C gets you almost the same reduction. Like I said, the reason for that is the difference between 240 feet and 300 feet on the eastern shelf edge is minimal in terms of the actual space.

One thing I should stress to you here is for those Alternative 4 closures you can see I've got a table here that shows you the area that would be closed to fishing under each of those. So, from 98 to 240 feet, for those seven grid cells, that would close approximately 24,000 square kilometers. From 66 to 240 feet, it would have closed approximately 39,000 square kilometers; 66 to 300 feet closes about 41,000 square kilometers. Alternative 6 would close 67,000 square kilometers.

You can see on the right-most column there I've shown you the percent of the Alternative 6 closure encompassed by each of those bathymetric closures. For example, Alternative 4B would close 58 percent of the area that would be closed by Alternative 6.

MR. DeVICTOR: Nick, just looking at the slide – and maybe you can confirm this, but it looks like Alternative 3 gets you 79 percent reduction and so does Alternative 4; is that correct?

DR. FARMER: Yes, that appears to be the case. We would have to look at that. I'll be opening up the model in a minute so we can look into that a little bit more. Okay, moving on, Alternative 5, you've got four group of cells closed to all snapper grouper fishing. You get under that generous suite of input assumptions about an 86 percent reduction. Alternative 6 is the most restrictive alternative currently on the table.

Under that set of input assumptions of a hundred percent compliance, SEDAR 15 release mortalities, directed and targeted trips eliminated by previous amendments and no effort shifting and a variety of other assumptions that I'll get to in a minute, you would get a 90 percent reduction.

I looked at, just to summarize – and I'll show you this in the model in a bit more detail, but I looked at, well, what about a more conservative set of input assumptions such as no impacts of the previous amendments and an 85 percent compliance rate, and you can see the impacts that those have on the model are quite pronounced, so this could be thought of as kind of a proxy for a sensitivity run. Obviously, there is a lot more that can be done with that and the model provides you some flexibility in order to do that.

You see a range here from 90 percent, for example, for Alternative 6 under a generous suite of input assumptions ranging down to 70 percent under a more conservative suite of input assumptions. It should be noted, as it was noted in the SSC meeting, that this currently does not account for effort shifting.

In terms of effort shifting, which was the major issue raised by the SSC, I've done maybe some very rough preliminary looks at that over the past few days, and it does seem that, yes, the model is going to be sensitive to that. It seems intuitively obvious that if you're closing an area and a lot of the effort that occurred in that area moves to another area, well, that's going to reduce the reduction that you're going to get, so it's going to hamper the effectiveness of your management measure.

In terms of the way the effort shifting works, provided that your closure encompasses the core of the stock, you can envision the catch-per-unit effort in the cells that the effort is redistributed to in terms of the catch-per-unit effort for red snapper would be then lower, so the impact wouldn't be as pronounced as if that effort continued to carry on in the cells that are being closed.

I guess in that sense the way of thinking about it is that the impacts of poaching within the reserve, if the reserve indeed is encompassing the core of the red snapper stock, will be far more pronounced in terms of debilitating the impacts of the closure versus the movement of effort into areas that have a smaller, more patchy distribution of red snapper.

Under some preliminary analyses, I could ballpark it a little bit for you and say that for 10 percent of effort shift you might get anywhere between maybe a 2 to 8 percent additional cutoff from your reductions; so say you got a 90 percent reduction while you have 10 percent of the effort shifting into areas that still have a little bit of red snapper in them, then you're going to get maybe like an 80, 82 or 83 percent reduction.

That's all very rough, and basically what I'm doing is speculating based on some preliminary runs and the fact that it does make some intuitive sense that we're not encompassing the entire red snapper stock with these closures; and so if some effort does move, then that effort moving will cause some problems.

MR. CUPKA: Yes, and that's assuming that effort shift moves to another area that is about the same depth because, obviously, if it shifted inshore, your discard mortality rate should go down, so what you're really talking about is an effort shift going into another area that's the same depth that it's coming from; is that correct?

DR. FARMER: Well, like I said, the analyses I've done are incredibly preliminary and don't meet muster in terms of being reviewed, but they do provide a little bit of guidance. If you move it inshore – the reason I gave you that kind of bracketed range there from 2 to 8 percent, 2 to 10 percent, that would account for some of that change in release mortality. So, yes, I agree with you if the effort shifts inshore, there is the possibility that the release mortality rate could be reduced, in which case perhaps the impacts of the effort shifting would be less.

MR. CUPKA: Well, that's helpful because when you gave us those ballpark figures of 2 to 8 percent I was assuming that reduction was coming entirely from shifting away from the core areas to areas where the distribution was patchier or there were fewer red snappers. I didn't realize that it included also that some of that reduction would come from shifting to a shallow – change that discard mortality rate. What you're saying is that those ballpark figures you think really includes both; it's shift to an area where there are fewer red snapper, but it is also part of that may be shifting to an area where the discard mortality rate isn't as high. I know these are just ballpark figures.

DR. FARMER: I guess my comment there would be I'd be extremely hesitant to place much weight into that range at this point because, like I said, the sensitivity of the model around that hasn't been reviewed. The methods used to couch that are extremely rough. I mean we're talking not even back of the envelope.

In terms of putting a range on that, I would say that at this point your judgment is probably about as useful as the model for that. I can show you one of the things that you can do with the model as currently configured is you can toy with the compliance rate as a proxy for effort shifting. We can get into that and look at, well, what sort of compliance rate would you have to assume, and you can kind of think as rolling a little bit of non-compliance together with a little bit of effort shift and look at how sensitive is the model to that and what level of non-compliance/effort shifting would need to occur in order to push you below that 87 percent target for even your most conservative management measure. We can do that here in a minute.

DR. CRABTREE: Nick, what if people just switch fisheries? The vast majority of all this effort is offshore right now. Folks just say it's not worth going out there anymore and they switch to spotted seatrout and red drum, and the only thing they go offshore anymore is to troll for dolphin or king mackerel or something like that; is there any way that's captured? If that happens, it seems to me, you can get a much bigger reduction than what you anticipated. Am I missing something?

DR. FARMER: I think that's an excellent point. The issue with this and any other modeling process dealing with this sort of management measure is that the model hinges in many ways upon predicting angler behavior, which is an extremely challenging thing to do. I think in some cases predicting angler behavior is a bit simpler because the management measures are not so severe that they would be likely to induce a major behavioral change.

However, these management measures are extremely severe. The state of the economy is extremely conducive towards people just not being able to fish. One of the things the model really doesn't capture at this point, except in the impacts of previous amendments' section of it, is the going out of business factor. For effort shifting on one end you've got it going out of business or switching to another fishery on the other end, and intuitively I don't know if those balance out. That would require a major socio-economic investigation and there is no real way to predict it.

DR. CRABTREE: But if that happened and people just basically walked out of the fishery and fished for other things, then I guess the reductions expected would be about what are predicted originally with the model, because the effort would shift but it would shift into areas where there aren't any red snapper or it would shift to fishing techniques that don't catch red snapper. If people give up on it, then I guess the compliance issue kind of goes away, so that would put us back to what originally came out of the model, sort of; is that about correct?

DR. FARMER: I guess it would be difficult to answer whether that's correct or not. I would just say it's difficult to quantify that in any way and the council should definitely –

DR. CRABTREE: The bottom line is this just comes down to behavioral question about what people are going to do and we don't know what the answer is to that.

DR. FARMER: And the reason I designed this model to be interactive so you guys could toy with the input parameters is to show you how sensitive it is to your input assumptions. The basic point of that is that these numbers that I'm showing you, if something is 87 percent, that doesn't necessarily mean it is 87 percent. I mean there is a range of uncertainty around that that is quite substantial due to the sensitivity of the model to a variety of unknowns, which I've tried to stress to you in the presentation and also the model showcases for you. It could be more; it could be less.

MR. PHILLIPS: Okay, vermilion closed in September. My boats, they probably cut their trips in half. I don't see where you've got closures for vermilion or probably even grouper spawning closures, built in effort and interaction with Americans stopping or being drastically reduced and stuff; do you?

DR. FARMER: That is in the section where you check off the impacts of previous amendments in the model. If you believe that, for example, Amendment 16 has impacts on fisheries, then the model gives you the flexibility of saying, okay, it impacts recreational, it impacts headboats, it impacts recreational and headboats and commercial.

So by rolling that in, that does account for the trip eliminations to which you're referring to, so people just finding it's not economically profitable anymore to make a trip for that species during the time period where that species is closed, and so on that point if you check those boxes, those trips no longer occur; and that effort currently in the model is not redistributed into any other fishery, it just ceases to exist.

DR. CHEUVRONT: I wanted to address a couple of things that Roy just brought up about some of the behavioral stuff that happens. In North Carolina, when I was doing more the socio-economic work, I actually looked into behavioral shifts and fishing based on closures and things. One of the things that we were very concerned about in North Carolina is when we had the gill net ban in Florida.

The fear was that all gill netters were going to move up to North Carolina and start fishing in North Carolina. We found actually that really wasn't the case. We did find that about 20 gill netters actually completely shifted their operations to North Carolina and were landing in North Carolina. It was not as bad as we expected.

However, when we looked at the North Carolina fishermen and different actions when there were closures that were instituted, on average we had about 25 percent of the fishermen who participated in the fishery that was completely closed actually stopped fishing and about 50 percent of them shifted to other fisheries that they were able to participate, but some of them shifted to other fisheries. In one particular case I followed the fishermen over five years and tracked their individual behaviors and what they did.

Some of them tried to change their behavior, but either because of equipment or costs or whatever had to abandon that effort. We really up with, after five years, about 25 percent of the people who were in the fishery originally were trying to do something very similar to what they were doing before. Others completely shifted to something else, and about 25 percent just quit fishing altogether.

There is a little bit of information that is available on this. The problem is that each case is very unique and you cannot always predict what is going to happen. The stuff that I looked at, nothing was as draconian as what we're looking at here with red snapper. From my own experience, I couldn't do anything more than, is that we're probably going to see, in the long run, greater than that 25 percent at least of commercial fishermen leaving the fishery altogether. But I think what we'll do is we'll probably see a higher percentage of recreational fishermen shifting their behavior into other fisheries.

MR. CURRIN: Other questions for Nick? We can have all these discussion when we get into our amendment. I want to make sure that we give him time to finish his presentation.

DR. FARMER: In addition to the concern about effort shifting which was raised by the SSC, the model also does not redistribute the impacts of effort along the closure boundaries. So, for example, if you assume that effort is redistributed homogeneously across the open water, that will have a very different impact on the red snapper stock than if effort stacks up along the boundaries.

Now, ordinarily you see fishing along the lines in fisheries where a certain portion of the stock is closed and then they're still targeting that fish, but you've got to keep in mind that you're actually closing this area to all snapper grouper fishing, so there could be an advantage for anglers to get along the lines of that closed area, in which case they have a more severe impact on the stock of red snapper by virtue of fishing in an area that gets more dense, so that's something to keep in mind.

Also, the model doesn't consider movements across closure boundaries; so if you have a substantial portion of the red snapper stock moving back and forth across the closure boundaries and for some reason fishermen are encountering those in fishing activities for other species, that could also cause a problem in terms of reducing the reduction that you would see.

I also, in the model, assumed that there will be no discards due to gear exceptions in the closed areas; so if you do allow certain types of fishing activities to continue in those blocks, the assumption currently in the model is those fishing activities that you allow to continue will have no impact on red snapper.

Also, in the model I was forced to assume that the spatial distribution of fishing effort coming out of the private and charter sector was equivalent in terms of its distribution to the spatial fishing effort from the headboat fishery. This may or may not be a good assumption. I can tell you that the amount of work that went into distributing the fishing effort from the headboat fishery was extremely complicated, and there were many issues there, and so then you're compounding that error by then applying the MRFSS data and distributing that geographically with the headboat.

Keep in mind that the MRFSS is by far the largest component of the removals of red snapper in this, and it unfortunately is the least certain in terms of its geographic distribution. The last point doesn't pertain to the council's currently preferred alternatives, so I'll skip past that. With that, I want to acknowledge some SERO staff and some staff over at the Office of Science and Technology at headquarters and then also several members of the science center.

With that, I can open it for questions or else I can go ahead and go into the model, if you like, and we can just really quickly investigate some of the input parameters in there and the sensitivity of the model to those. I think you guys have all had a version of this model since September, so hopefully you're relatively familiar with it. The only additional features in the model at this point are the two new bathymetric closure alternatives. I will leave that at the council's discretion as to what you would prefer to do with the remaining time.

MR. CURRIN: Let's see if there are any questions at this point, and then we'll see what the committee's pleasure is regarding having Nick go through the model. Mark.

MR. ROBSON: I know this presentation was given to the SSC. I haven't had a chance to look to see if we've gotten any statements or points of view on this particular model. Did we ask for that from the SSC or are they going to provide us any judgment on it?

MR. CURRIN: I now they had a lot to say about it when Nick made the presentation. I haven't been able to go through their consensus statements to see where they pointedly addressed the model, but Nick has kind of outlined in his presentation I think some areas where they had some concern. Gregg.

MR. WAUGH: Nick has pointed out some of the SSC's concerns over the assumptions of a hundred percent compliance and no effort shifting. I think what would be very helpful for us to address the SSC comments is to get a feel from Nick's model. We don't know what compliance is. We know it's not a hundred percent. You can go back and look at the last compliance report we have with our minimum size limits and that gives you some numbers.

You can look at reports of violations of the Oculina closed area to give you some idea of incursions in closed areas. We're not going to be able to determine what the effort shift is, but his model with the compliance component allows us to evaluate how much that compliance would have to decrease from a hundred percent to where is that threshold to where our alternatives don't end overfishing.

I don't know what the number is. If it's 8 percent, if it's 10 percent, then you can make your informed judgment about what you think the combination of non-compliance and effort shift is. If the number is 10 percent and if you think it's less than 10 percent, then we can address the SSC's concerns about these assumptions. I think it's important to get from Nick's model where is that break point from compliance – as you lower compliance from a hundred percent, where is that threshold where our alternatives don't end overfishing.

MR. BOYLES: Nick, this is very helpful again. Can you characterize for me – we use the word “model”, but this really is a decision support tool. I'd like to know can you characterize the level of review that we've seen this to make double sure. This is going to be very, very central to our discussions later on today. What kind of either internal review or external review that we've gone to make sure that this is actually painting – outside all the assumptions this is actually painting the picture that we say it is. Can you characterize the internal review or the external review?

DR. FARMER: Well, I would say the point most germane or relevant to the council at this point on that is that the SSC has recommended that the model be reviewed to a greater extent. I mean, we've gone through some internal review within the regional office. We've had it looked at by the science center but certainly not a rigorous scientific review. Bonnie could address that perhaps more if we need some more detail on that. Certainly the model could merit from additional review, and there are many components currently not in the model that have been recommended by the SSC to be incorporated. So, yes, more review has been recommended.

DR. PONWITH: The Southeast Fisheries Science Center did assign someone to review the model. The terms of reference for that review, due to time constraints, were that we evaluated – we had a scientist walk through the algorithms that were in the spreadsheet to make sure that what we were expecting it to calculate was exactly calculated, basically walked through and hand-calculated some of the formula to make sure that they were providing the expected results.

That review came back favorably. There wasn't time to review and evaluate the assumptions, and no comment was made on the input data, which one of the original concerns was that the input data is all self-reported data. That's one of the things that we need to keep in the back of our minds. But the spreadsheet did generate results that the formulas were intended to generate.

MR. HARRIS: Nick, I appreciate all your efforts with respect to this. One thing is if you will put up that slide that shows the percentage reductions for the various alternatives, I have a question with respect to that. When you look, those are point estimates for a percentage reduction. What would you say are the uncertainties around those point estimates because I don't know whether we're – you know, if we're making a decision based on a point estimate, I want to know where the uncertainties are around that point. Can you tell me what that might be?

DR. FARMER: It would be difficult to quantify that. I guess the way that the model is currently configured allows you to see what the range of point estimates is under a range of input assumptions. In my interpretation a lot of these input parameters are relatively unknown. The council can come to a resolution as to what is the most appropriate input parameter for each of the various boxes on there and see what the point estimate is, but I would say that the range of uncertainty around each of those point estimates is relative substantial.

It would be hard for me to quantify that, but there are a lot of unknowns and there a lot of factors that aren't even incorporated in the model. Like I said, they could go either way. People going out of business could drive that reduction up. People switching to different fisheries could drive that reduction up; whereas effort shifting could drive the reduction down. You also have the issues with the release mortality. If the release mortality rate indeed does decrease due to decreased handling time or shallower depth of fishing, then your reduction will go up.

DR. PONWITH: That is a very good question and that's a question that we should all be asking when we put out a number. One way to look at this, though, in terms of how to approach that question quickly, considering how complex it would be to generate uncertainty bounds for each of those inputs into this, is that if you take a look at the less conservative column there and less conservative basically means there is zero effort shifting; that if the area is closed, people who would have fished inside don't fish.

If I'm understanding that correctly, that's what I would consider the absolute best case scenario, and that's a smart starting point. Rather than putting all the what ifs and muddying the question, you create what is the absolute ideal pie-in-the-sky scenario; and under that scenario we have the best case where you have 90 percent reduction.

Then you ask yourself realistically could you picture a minimum of 3 percent reduction in the actual effectiveness of those closures due to after-effort shifting. I think that is a pretty easy question to answer. That's one of the things that drives the effectiveness down. There may be things that drive the effectiveness up, and that might be if there is an effort shift and that effort shifts to shallower water, as you had raised. But that would be kind of a way of starting with this as your best-case scenario bookend to kind of do the mental math of what could put you closer to your objective versus what things are going to put you farther away.

MR. ROBSON: Well, our conversation is kind of moving on, but I want to go back to the SSC question I had earlier because after I asked that question I thought I heard that there was a very specific SSC comment about further review needed for this tool. I looked in the consensus statement and I don't see anything written about so, I don't think that we've had an opportunity to really hear exactly all of the things that may have come out of an SSC review of this model.

It gets to the point of what kind of internal or external review has taken place, and there has been some additional review, it sounds like. I just don't think we've got all the information yet about how much this has been looked at. Then a follow-up question to the conversation that just occurred, and I think I know the answer to this, but I understand that there is variability in how you're using your parameters or your model input from a more conservative to less conservative, and how can you measure – and it doesn't sound like you really can adequately measure the variability or the overlap or the lack of any kind of statistical difference between one decision-making criteria and another.

Is the same true for how the numbers come out for the various alternatives? In other words, can we say – you know, there are no statistical bounds, obviously, but can you give us some sense of the variability among the different alternatives. How much of a chance is there that there is really no difference in the reduction you're going to get of 74 percent estimate, say, from Model 5 versus Alternative 4A? In other words, how much variability is there in those outcomes? Does that make sense?

DR. FARMER: I think I see where you're going with that. I think the way that the model works is that the uncertainty between alternatives would work in synchrony; so if we were wrong on one thing, then that one thing would propagate itself as being wrong for each alternative. For example, it would be the same direction for all the alternatives in either direction. I hope that helps.

DR. CRABTREE: I think the best we can do on any of this is we're going to be able to try and say this alternative is going to get you somewhere between here and here reduction, and we really don't know. Maybe the less conservative is the most optimistic, but I don't know that assumes that we have the for-hire industry go out of business in the whole area that's closed and people just shift into inshore areas. It seems to me that's the best that we're going to do. So then the question becomes, okay, you think, well, all right, a few years from now we'll have to look back retrospectively and see, well, did we get it or did we not?

Well, this is partially based on reducing discards, and the data that we have on discards is so highly uncertain and the CVs are so big that I don't know that you'll be able to look back and say whether the discard numbers were within the target you wanted to get them or not because there is so much noise in it and there are so many problems with the reporting.

I guess then we can look back and say, well, what did effort do within those areas, and that's probably the best we can look at. Then the real key with looking back is to see, okay, how did the stock respond to this; and it seems to me with that it's going to be based on fishery-independent data and looking at some sort of increase in CVs.

This is kind of what I was asking Erik; it seems to me it's going to tough to look back and say what are the fishing mortality rates. I mean if we have a fishery that's closed and a big area closure and we put in place some sort of fishery-independent survey starting next year, so we don't really have a baseline, so we can look and see are the CPUEs going up, but it's not clear to me how we would estimate fishing mortality rates from that. I don't know if John would want to comment or Erik on it, but it seems like it's a tough problem.

MR. CURRIN: John came up to the table to help address Mark's question about the SSC's comments on Nick's model and there is some information in their consensus report, but John said he would be happy to answer that; and after that, John, maybe you can comment on Roy's question or comment.

MR. CARMICHAEL: The SSC did discuss it. In their discussions about additional review, really they were getting at the idea of the overall assumptions that are in the model. Their concern was that if the council were to select an alternative that gets exactly the percentage that is required, but that alternative and the effect of that alternative is based on assumptions that they consider highly likely to be violated, then there is a risk that you may not achieve the objectives that you set out to achieve.

That's the issue that they were getting across. What they asked for is that Nick explore and what Nick was able to do was to explore some other ranges of alternatives and different assumptions. A group of them got together and talked about things such as the effort shift and talked about compliance and gave Nick some good instructions, and he was able here at the meeting to incorporate some of that stuff.

I think they discussed the basic geography of the situation in the fisheries and where fishermen could shift and a lot of the things you all are talking about and came up with some things that had Nick looking at like a 10 percent effort shift in some cases as a way to try to present some uncertainty around that, which he was able to work into his model to some degree.

They also talked about the compliance, as the council has had, and suggested that. I think the council, if they chose, say, one of those options, then you could take some of the things that Nick has in his model or perhaps he could do that with some instruction from you and say, okay, if we pick this option, what happens if compliance is 90 percent, if it's 80 percent; what happens if effort shifts, and he may be able to give you some brackets around that. I think the problem now is there are so many dimensions that could be changed, until you settle on a few things that you'd like explored further, it's really kind of expedient as to what he would have to do.

The SSC did talk about it and Nick has tried to address quite a bit of their concerns. I've talked about it with them, and I think they feel that it's presenting a more realistic range of possibilities for you guys. The other thing regarding F rates, when you have a closure and you don't have fishing going on in that area, you won't have F rates, per se, but you will still have total mortality rates of which F is just one component.

The monitoring workshop that we had discussed coming up with a survey that would allow an estimation of mortality rates by collecting biological samplings and age structures as well; so just

getting age structures of a population over time, you can track its mortality so we would ideally have more than just CPUE.

DR. CRABTREE: So you would effectively just look at the age structure and derive – I'm sure it's a more sophisticated version but something like a cohort analysis.

MR. CARMICHAEL: Actually, you're removing fish and you're getting a sample of their age structure much as you do from the catches now, so you would have an estimate of the mortality. The difficulty, of course, is then translating that up into total abundance and that's where hopefully the CPUE, if that can be scaled in some way, may allow to them to get that as well, but we can certainly get the mortality and get reasonable estimates from just a sample of the age structures out there.

MR. CUPKA: Mr. Chairman, I wanted to ask Nick, if I could, there is a document that we were given. I think it's Appendix A that is called "Closed Areas Analyses". There are a number of scenarios attached to the different alternatives. Did you do that document or did someone else? Is that something staff did?

DR. FARMER: Yes, that would be the report that we prepared in June. I guess the one thing that has changed since that report was prepared is that we've found a way of analyzing the bathymetric closures, for what it's worth. The reductions projected by Alternatives 3 and 4 I believe in that report are the same for the recreational fisheries as those projected in Alternatives 5 and 6; whereas, now we've developed a way of kind of evaluating the distribution of the red snapper stock in a more interesting and scientifically way in my mind rather than assuming that a hundred percent of the stock occurs within that bathymetric range.

MR. CUPKA: Okay, the reason I was asking if you had prepared that is at least one of the scenarios, if not maybe two, make some assumptions in regard to discard mortality rates in which those numbers are lowered I think to like 65 percent commercial and maybe 30 percent recreational. What was the basis of those numbers? Were they just selected to see what the impact would be or to stay within a certain range of reduction? I was just curious how those numbers came about.

DR. FARMER: The rationale for the selection of those numbers was simply to illustrate the sensitivity of the model to those numbers. Because there is a potential that your release mortality rate is going to change following these regulations, we have no way of really quantifying how it's going to change. I've looked into it. I've tried to find ways to come to some sort of defensible argument for how it's going to change, but at this point I haven't found any way of really quantifying what that's going to drop to. I believe in the SSC's statement that we just flashing up there it said a realistic assumption might be 40 percent across all sectors, so that would be perhaps something to work with.

MR. CUPKA: You indicated the model, though, is very sensitive to that discard mortality rate, so unfortunately we don't know what the impact would be or we can't quantify some of these things, which is unfortunate, but at least it shows if we're moving in the right direction on some of these inputs.

DR. FARMER: And it should also be noted that the model is more sensitive to changes in the release mortality for the recreational sector because that comprises the bulk of the removals; whereas, the commercial release mortality is very high right now, 90 percent, but reductions in that don't get you nearly the same kind of proportional gain as a small reduction in the release mortality in the recreational sector; just to note that.

MR. CURRIN: Yes, and as you noted, David, one the scenarios that played with that kept the recreational mortality the same at 40 percent. It is sensitive, if you've played with that model yourself, to changing those discard values. Gregg has suggested and I think the SSC has suggested as well that just as a scenario perhaps or sensitivity run, depending on how far you want to go with that, to look at perhaps a 10 percent change in effort shift and then assume a 90 percent compliance as opposed to a hundred percent that is assumed by the model and no effort shifts that is assumed by the model currently.

I think Gregg suggested and Nick said he could by combining those two factors take a look at how that impacts the management measures that we've looked at. If it's the desire of the committee, we can plug those values in as a first cut to see how that impacts the management measures or anything else that you want to play with at this point while we have it.

MR. ROBSON: Could we go back to the slide that has the summary with the less conservative, more conservative and the different alternatives. In other words, did this subgroup recommend – it made these changes and determined that when more realistic assumptions like the 10 percent effort shift, the 90 percent compliance and the 40 percent release mortality for all sectors are used, nothing gets you there. None of that analysis is part of this table; right?

DR. FARMER: Correct, this slide was prepared before those recommendations came through. At this point I don't have a reviewed modeling approach towards dealing with effort shifts. I'm the only one who has actually even seen what has gone into looking at effort shift at this point, so I wouldn't be comfortable saying anything about that at this point.

But as I said to the SSC, one way of kind of trying to get at that in more ad hoc way is just toying with the compliance rate, because what you're basically doing is you're allowing some of the removals that are supposed to not be occurring to continue occurring, and that could be thought of as a proxy for fishing effort moving to places where there are still red snapper and there are still removals. Now, for example, I don't think it would be fair to say that 10 percent non-compliance would be the same as a 10 percent effort shift because the distribution of the red snapper stock, as long as the reserve is capturing the core of that, is going to be less in the areas that are still open.

So, for example, say a 10 percent effort shift might be more equivalent to half of that in terms of compliance or less or somewhere in that range. The reason I say that is because the CPUE for red snapper in the open areas will probably be less simply because of the core of the stock is encompassed, seemingly, by the alternatives currently on the table.

MR. CURRIN: Yes, in view of that and what Nick said, but that's kind of the approach you took in that less conservative – yes, the less conservative approach there by – or more conservative,

I'm sorry, by adjusting your compliance to 85 percent, so that essentially takes, let's assume a 10 percent compliance and knowing that 10 percent effort shift is not equal an additional 10 percent compliance, cut it in half or so, and we're somewhere in that ballpark, maybe.

DR. FARMER: Yes, that's a fair statement, and the only other factor that is changing in there is that I'm also assuming that previously implemented amendments have no impact on trips; so if you think of that as a proxy for people going out of business or just not going out to catch fish in a way that would impact red snapper anymore, then that is not accounted for anymore in the more conservative scenario. There might be a balancing act between the two. I really don't have the information to be able to make a cohesive statement.

MR. CURRIN: And I'm not sure anybody else does, either, but we're just going to get a best guess at how things happen or might happen. Charlie.

MR. PHILLIPS: When you're talked directed effort shift and I guess when you're talking either not going fishing – and you've got it in the model somehow, but I think it's going to be a lot higher than 10 percent. I think it's probably going to be in the neighborhood of 20 to 30 percent. I think it's going to be a lot higher. If we're going to bounce some numbers around, I'd like to see those.

DR. FARMER: As a point of clarification, when we're talking about effort shifting, we're talking about fishing effort that occurred in the closed areas that would then move to the open area. In terms of the going out of business part, there is nothing currently in the model to explicitly do that.

However, there is the factor of the directed and targeted trips from previous amendments, so, for example, trips for vermilion snapper or shallow water grouper or red snapper that happened in the past, if you check those boxes that means that those trips would now cease to occur and the removals associated with them would cease to occur, and so that gives you some additional gains, and that could be thought of as a proxy for people going out of business. Now whether it undershoots or overshoots the mark, I couldn't personally say.

MR. CURRIN: All right, what is your desire here; do you want to see some numbers plugged into the model here and play with that a little bit? I'm seeing a few heads nod to the affirmative.

DR. FARMER: Well, I guess just to start out, this would be closures associated with Alternative 6 right here, and currently I'm assuming that all previously implemented amendments as well as Amendment 17A eliminate trips for those targeted species and also directed trips for those species during the time periods of the closures; so for red snapper, year around; for vermilion and shallow water grouper, it's during the months of the closures. This currently is assuming a 40 percent recreational release mortality and 90 percent commercial release mortality and a 90 percent compliance rate.

I believe the SSC document said something about 40 percent for both fisheries. Currently with the 40/90 split you've got an 86 percent reduction. Now in mind this does not incorporate effort

shifting, and the SSC did recommend that a 10 percent effort shift might be more realistic. I've got no way of modeling that within this.

If you wanted to toy with a compliance rate as a proxy for that, I don't really have a realistic number to give you at this point in terms of having your reviewed modeling approach, but we can just explore the sensitivity of the model to that. So if you bump that down to 85 percent, then you get an 84 percent reduction.

If you change your release mortality in the commercial fishery to make it 40 percent so it's equivalent with the recreational I guess under the assumption that things are moving inshore and the handling time is reduced because they're just throwing them over the side at this point, they're not measuring them, at that point you get an 86 percent reduction.

That's assuming the impacts of those previously implemented amendments. If you remove that, so if you assume that basically nobody is going to go out of business or no trips are going cease to occur, then your reduction drops from that 86 percent down to 83 percent under that scenario. I would be more than happy to plug in whatever input parameters you'd like to see. I think that I've stressed enough times as to the sensitivity of the model to these assumptions and the realities of them.

MR. WAUGH: Could you go back to the first one because I think you said if you just bump compliance down to 10 percent you get an 86 percent reduction, I think it was, and what we need is an 87 percent reduction.

DR. FARMER: Yes, this would be basically what I presented in that slide as the less conservative scenario, so I keep the recreational release mortality at 40 percent, I keep the commercial at 90 percent, I assume that previously implemented amendments do impact trips. If you bump the compliance rate down to 85 percent, you've got an 84 percent reduction; if you change it to 90 percent, you're at a 86 percent reduction. Let's see what we need to get to 87 percent under that scenario – 92 percent.

MR. WAUGH: So, then, what that is telling us is you have 8 percent that can be either non-compliance or effort shifts under these model assumptions and your alternative will achieve your needed reduction; so if in your informed judgment you think the combination of effort shift and compliance is 8 percent or less, then this alternative will meet our requirement to end overfishing?

DR. CRABTREE: It still seems to me that rather than getting hung up on exactly the number of 86 percent, the better way to look at it is it's going to be somewhere between here and here depending on what you assume, and we don't know; so as long as we're somewhere in a range with some reasonable assumptions, it seems you could argue that we're there.

I wouldn't want to get in a situation where, well, it says 87 percent and we only need 88 percent, so we need to find one more percent somewhere. That seems to me to be parsing this way too fine. I don't see how you're going to get around the fact that it's going to get you somewhere in this range.

MR. GEIGER: My question is, Roy, you talked about being between two points and we're there. What is "we're there"? What is that definition?

DR. CRABTREE: Well, that depends on what you ultimately choose for the rebuilding strategy and the reference point, but at some point you're going to have to have a reduction of some amount. I think with the current preferreds it's 87 percent, so you're going to look in there and say, okay, this closed area, depending on how optimistic the assumptions you make about these things to get you somewhere between 80 and 90 percent, so you could argue, well, that gets you there, then.

It might not quite but if all these optimistic things are true, it might get you more than you need. Now I just don't know that you're going to be able to ever say this closed area will get you exactly this. I just think that's pushing way too far. Don't lose of the fact that the basic data that all of this analysis is based on – the biggest part of it is MRFSS B-2s, right. Well, that's extremely uncertain data, so this is a sophisticated analysis of not that good data. I just think the best you're going to be able to do here is make some judgment calls and say, okay, we think this area gets us in a reasonable vicinity that is close to what we need.

DR. FARMER: And just to follow on that point, I've got these conjoined tables here at the bottom of the model, which you all have a copy of, and basically it will show you under a variety of scenarios kind of what various rebuilding targets that reduction might achieve. Now, granted, there is a lot of variability around that, but that will just show you kind of the range.

MR. CURRIN: Other questions for Nick or other suggestions for how to modify the model, other runs, other values that you want to substitute that anybody on the committee would like to look at? All right, I'm seeing no hands go up. We'll thank him and appreciate you sharing your time with us this morning and expertise.

All right, we will move on to review the alternatives in Amendment 17A. We have some preferreds there. There are other actions for which we have no preferreds, so I'll turn it over to Rick and we will run through this document. It would help me best if we can do it by the PDF page numbers for everybody. I guess this is Attachment 11 with the second briefing book version.

MR. DeVICTOR: Yes, Mac, you're correct. There are actually three versions in your briefing book material. There is Attachment 10, Attachment 11 and Attachment 12. Attachment 12 was the one that went out to public hearings. Attachment 10 is the first briefing book version and then some changes were made between the first briefing book and the second briefing book, and those are highlighted in the document.

What you want to work from is Attachment 11; again, which is the second briefing book. So as I normally do, we'll go through each of the actions. Okay, you've seen the first action before, but we'll start with the status determination criteria, and this is basically maximum sustainable yield. It's PDF Page 171 in your document. No action is the MSY proxy equals the yield produced by Fmsy or F 30 percent SPR is used as the Fmsy proxy for the red snapper stock. Alternative 2,

which is your current preferred alternative, MSY proxy equals the yield produced by Fmsy or the Fmsy proxy.

There is note that MSY and Fmsy are defined by the most recent SEDAR and SSC. As you know, the recommendation from SEDAR and SSC is F 40 percent SPR as the proxy. So, again, this action put into place would put in the proxy that comes out of the most recent SEDAR and SSC recommendation.

MR. CURRIN: Okay, everybody comfortable? The preferred is already here. Mark.

MR. ROBSON: I know that we've already been over this ground, so I don't know that we can – in terms of if we actually were to consider looking again at the 30 percent, that would require a complete re-analysis of all the other actions in the amendment?

MR. DeVICTOR: We do have projections run at F 30 percent SPR so we should have what the ACL would be, but the thing that you should note is that this decision is carried on through the rest of the document, so this decision for F 40 percent is used for the rebuilding strategy. So if you were to change to F 30 on down the line, the document is currently not set up to incorporate that into the amendment.

MR. ROBSON: Again, I understand that we've discussed this before, and I didn't prevail on this before, but I did want to point out in looking at Nick's model, where he does look at an F 30 percent and a F 40 percent msy proxy, I believe, and it's just worth pointing out, I guess, that there is a difference in terms of the closed area because I think, unless I'm mistaken – and we can look at it again – there were at least a few – certainly with the less conservative approach you can get there with the smallest closed area at least in a couple of those instances.

So even though I recognize that there is not a lot of gain from going from 40 to 30 percent, it's going to make some difference in terms of the overall impact that we're having. I just want us to be aware of that. I was kind of interested. In the document it said that – you know, it pointed out that the use of the 40 percent SPR was new.

And even though this has been a strong SSC recommendation, the document does state its choice depends on how much risk the council is willing to take. I've heard discussions that we don't really have a choice; that if that was the SSC recommendation, that we have to really go along with that. I don't think that's the case, and I just want to go on the record as saying that I don't think that's the case. I think we do have a choice and I think the document says we have a choice depending on how much risk we wanted take. I just want to make sure that everybody on the council is aware of that.

MR. CURRIN: Yes, it is a change; and depending on how you look at it, Mark, and going back even in this document through the history of the management of the species, in '91, in '98, in the development of Amendment 4 and Amendment 11 there were recommendations from the PDTs. The plan development teams and the scientists that were looking at that recommended that the council use as a proxy 40 percent SPR.

In the past the council has chosen not to do that, and here we are today I guess discussing whether at this point in the future that should be done or not. Personally I'm very comfortable with using the recommendation from the SSC and would be very, very uncomfortable picking and choosing what advice from them – which I consider to be scientific advice – to use. That's just my personal opinion.

I will note for some of you, I guess, that were in the SSC discussion when this issue came up, a couple of our new SSC members were surprised, to say the least, that our council would consider selecting what they considered to be a scientifically determined benchmark or a parameter. One of them, in fact, I think raised the question, well, if they're going to select the MSY proxy, then are we going to let them select the natural mortality rate as well. Anyway, I know some of you were here and heard that and some were not.

DR. CRABTREE: Well, the only thing I wanted to interject into this is you really need to make sure if you're not comfortable with 40 percent; I don't want to get to March or June and then the council votes to change that reference point and the document is not structured in a way to allow that. We need to pretty well settle in on where we're going to go on this at this meeting.

If you think you're very divided on this and it could change, then we need to talk about how to structure the document in a way that isn't going to create a big delay for us if we get to that. I also think, back to Mark's question, Mark, if you want to see how much difference does it make in the closed area, that probably Nick could address that in some fashion by looking at here is what you need to get to 40 and here is how much less it would take in some way so you could see that more directly.

MS. PONWITH: Just to reiterate, the SSC has made a recommendations to the council on what proxy they believe is the best representation of the stock as they understand it, and that's the SPR 40. I'm a little uncomfortable with the notion of selecting that proxy based on how big of a closed area is associated with it, because that seems like a backwards approach to viewing that.

In fact, it's almost the reason why you want to put the scientific decision in the hands of the scientists and hear out the rationale for that decision rather than looking at what the management measures look like relative to that reference point.

DR. CRABTREE: Well, I understand Bonnie's concern, and I agree with her that shouldn't be what is driving your decision, but the law requires us to analyze the economic impacts and the implications of the decisions that are made. When you choose these reference points, I think you have an obligation to analyze what the impacts are, including what the economic impacts are, so it seems to me that it's unavoidable that you know when you make this decision what it means in terms of how it's going to affect things.

MR. PHILLIPS: Maybe I've missed it somewhere, but I still haven't heard the rationale on why the Gulf is 27 or something and we're looking at 40 and how certain the SSC is 40 is better than 30. I'd be inclined to – and I don't know if it's doable, but I'd like to know where both of these paths go if it's doable. I still haven't heard all the rationale why our fishery and our numbers are so much different than the Gulf. I'd like to at least know where we would go if we had that.

MR. CURRIN: Well, keep in mind yesterday and I guess this morning that we've asked in the next update for the panel to look at some of those values and to reconsider those reference points.

MR. HARTIG: Pretty much the same question Charlie had, but more of a question to Roy, and you just had an update in the red snapper assessment that you're no longer overfished or overfishing; is that correct?

DR. CRABTREE: In the Gulf of Mexico update it projected that Gulf wide the overfishing ended in 2009 based on the expected landings for 2009.

MR. HARTIG: And how many years has red snapper been undergoing management in the Gulf as far as rebuilding schedules?

DR. CRABTREE: Well, off the top of my head I'm going to guess on the order of 20 years.

MR. HARTIG: About 20 years and that's with a significant amount of bycatch in shrimp trawls?

DR. CRABTREE: Yes.

MR. HARTIG: Which we don't have here?

DR. CRABTREE: As far as we know we don't have an issue with that in the South Atlantic.

MR. HARTIG: **Well, I'll put it on the table, I'm going to make a motion for 30 percent, and then we'll see where we are and we'll see how strong the council wants to go ahead with the 40; just reaffirm your position either way.**

MR. CURRIN: And that's fine, Ben; I was going to suggest that we consider whether that's what we wanted to do at this point because the implications are large. As Roy pointed out, we need to either reaffirm that's where the majority of the committee and the council are; or if not, then we're going to have to ask the staff to go back and re-analyze all of these alternatives again using 30 percent SPR. Motion by Ben; second by Mark. Now, is this motion change the preferred to 30 percent or to analyze a suite of alternatives based on 30 percent?

MR. HARTIG: The motion was to change our preferred to 30 percent, which would probably do the latter, also.

MR. SWATZEL: Ben did exactly what I was getting ready to do, so I'm fine.

MR. ROBSON: Well, I wanted to comment on what Bonnie had indicated, and I wanted to clarify that I wasn't talking about changing our MSY proxy based on getting what size area we want, but I was pointing out that our decision about an MSY goal or an MSY target based on this proxy has an effect on the management actions that we would be able to take and still achieve the rebuilding. That's what I want to make sure that we've really thought carefully about.

Again, going back to the document, it says – and I wrote it down and I’m pretty sure verbatim, but it says, “The use of the F 40 percent is new. Its choice depends on how much risk the council is willing to take.” I guess what I would like is for the staff to clarify what they mean by that in terms of what risk are we talking about. Are we talking about – by going to 30 percent, my understanding – and it’s very limited, I will grant, but my understanding is the risk is how close we will come to achieving the rebuilding that’s needed for this fishery. Now, ultimately it does affect what your final yield might be as it’s rebuilt, but you would still tailor your management actions to end overfishing no matter what. I just want to sure I understand what the meaning of that statement in the document was.

DR. CRABTREE: Well, I think in terms of the risks it comes down to what happens if you’re wrong; and so if you choose 30 percent and you find out – you know, as we talked with Erik earlier this morning, likely at some point down the road we’ll be able to have a better estimate of what the stock-recruit relationship looks like and come up with an estimate of MSY

So, the risk is that you find out down the road that it really is something closer to 40 percent. Well, if that happens and you haven’t reduced enough, then you’re going to have cut, and it’s going to be a fairly deep cut at that point, and you’re going to be doing it in the face of a very large red snapper population, and that’s going to be very difficult to explain to the public.

So, there is that risk. The other risk is if you go with 40 percent now and you find out down the road that the steepness really is very high, and so the appropriate proxy really is something closer to 30 percent, well, then you have potentially put a higher regulatory burden on folks than you otherwise might have. On the other hand, you’re probably further along towards recovery than you thought you would be, and you might be able to increase the catch levels at that point.

So that’s the way I think of as the risk. I think this issue with the Gulf of Mexico is the one that’s coming out; and if you want to ask the Center to comment on the differences between the two assessments, I think that’s something you ought to do because I think that’s part of what is troubling everyone about this is why is one proxy used – essentially in the Gulf it’s a per recruit situation where they use Fmax, which is the fishing mortality rate that maximizes the yield. That was selected as the proxy in the Gulf and a different proxy of 40 percent SPR has been suggested over here, and the question becomes, well, why those differences? I think that’s a legitimate question to ask.

MR. CURRIN: Bonnie, did you have something to this point?

DR. PONWITH: Yes, I did, thank you. The SSC’s consensus report has a pretty succinct and clear statement in it, and it says that the alternative to choose an Fmsy proxy is inappropriate and inconsistent with the SEDAR Panel and SSC’s conclusion. The proxy for Fmsy is F 40 percent.

MR. WAUGH: We had this same discussion when we were preparing Amendment 16, and the administrative record we built for 16 laid out the rationale for changing from the council specifying MSY to laying out a procedure where that value would come from the latest SEDAR and peer review process. That’s our action in 16.

If we're now changing it, we're going to have to build the rationale for why we're departing from that already approved process. Also, if you look for guidance as to how we go about this and the issue of risk, the final rule for National Standard Guideline, which is what we use in trying to put these documents together and inform you all, Comment Number 42 raised concerns about the guidelines regarding the SSC, its relation to the council, provision of scientific advice such as ABCs; and talking about whether the managers follow the advice of their scientific advisors in all cases when setting catch limits, other commenters opposed that provision, but the NMFS I think is pretty clear on how we deal with this issue of risk.

Their response, and I will read, is that NMFS believes that determining the level scientific uncertainty is not a matter of policy and is a technical matter best defined by stock assessment scientists as reviewed by peer review processes and SSCs. Determining the acceptable level of risk of overfishing that result from scientific uncertainty is the policy issue.

They go on to explain that more, so I think that addresses the question raised by Mark and addresses the concern here. There are two levels of risk. The level of scientific uncertainty around your estimate of Fmsy based on the NMFS guidance here is a scientific determination. Then how the council sets their management to deal with probabilities or risk of overfishing based on that is a policy decision.

MR. CURRIN: Thank you, Gregg, and certainly from Bonnie's comments and what I heard in the SSC, that is their feeling as well. Duane.

MR. HARRIS: I'm not really in favor of the motion as it's presently proposed. I would like to, however, see this document reflect an evaluation of the F 30 percent simply because we are, as Mark said, charged with evaluating the social and economic impacts of the actions that we take with respect to red snapper.

I think F 30 percent might help us in that regard further evaluate those economic and social impacts. I think it makes the document stronger when we're sued to have evaluated both of those. I'm not in favor of changing our preferred at this point in time, but I am in favor of doing a thorough evaluation of the F 30 percent.

I'm also troubled, and I've said this in the past, by the fact that the Gulf Council, with their SSC, have selected another F proxy for MSY for red snapper in the Gulf. I still don't understand the difference between red snapper in the Gulf and red snapper in the South Atlantic and the rationale for having different proxies for Fmsy. Thank you.

DR. CHEUVRONT: Duane touched on a lot of the points that I wanted to make. I feel very uncomfortable with this motion as it stands now. I don't think we can make our preferred at this point. We don't have any analysis to back it up to make it our preferred. I agree with Duane that we need to go ahead and consider doing that analysis to make stronger, but if we're going to do that we need to run it by the SSC as well and get their comments on it, I believe.

All this is going to do is just delay it, and I'm not in favor of that either, but if there is enough movement on the council to say, yes, we really need to look at F 30 percent SPR, then I'll go

along with that, but I am not at all comfortable making it our preferred at this point. If this motion, as it stands, comes to a vote, I'll vote no.

MR. CURRIN: If this motion passes, we'll get some comments from the SSC, I can guarantee you that. As to the 40 percent, I think the SSC is pretty clear in their position on what proxy should be used. That's my perspective. George.

MR. GEIGER: Mr. Chairman, if you want long enough, generally all things are said, and in this case it has already occurred. I agree with Brian; I'm extremely uncomfortable with this motion. We've gone through this discussion a couple of times before, and I think the thing that settled it the last time was discussion of the risk associated if we are wrong; assuming the 30 percent is the proxy, and the pain that would be caused having to go back in and put further restrictions in place if in fact we are wrong.

It's far easier to lessen that burden than it is to increase it again. I just have a very difficult time going against the recommendation of our SSC, knowing the potential risk involved with going to 30 percent and the discussions that we've had on this in the past, and I will vote against this motion.

DR. CRABTREE: Yes, a couple of things; one, Gregg's comments about Amendment 16, keep in mind we are not voting on MSY. In Amendment 16 we had actual estimates of MSY, I believe, based on things. If we had an actual estimate of MSY, we wouldn't be having this discussion. We're having this discussion because we are talking about proxies.

I don't think the comment that Gregg referred to is the best one is necessarily directly applicable here. This is what the guidelines say in this situation, "When data are insufficient to estimate reference points directly", which is the situation we're in, "councils should develop reasonable proxies to the extent possible. In cases where scientific data are severely limited, effort should also be directed to identifying and gathering the needed data. SSCs should advise their councils regarding the best scientific information available for fishery management decisions."

I think if you read that it's clear that the council puts these proxies in place. Secondly, I would like to ask Bonnie to comment on the issue with the Gulf and explain to us why 26 percent or Fmax is the appropriate proxy in the Gulf but can't be – and I think in the South Atlantic the estimate of Fmax is a 28 percent SPR proxy, is very close to that; why is that not a reasonable proxy? I can understand there are arguments for different things, but I would like to hear Bonnie comment on why that disparity is there because I think that's really what is troubling everyone.

DR. PONWITH: Well, in defense of myself, this is a long discussion that was held in at least two different SSC meetings, so there is a fairly elaborate record of this discussion among our stock assessment scientists on this issue. It's the same species but the fishery is prosecuted completely differently. The other issue is in terms of looking at the Gulf Fishery, I think it is best to actually go back to the record within the SSC where this was discussed at length rather than trying to give you a sound byte as to why ultimately those are different.

DR. CRABTREE: And I've read the SSC minutes and read the reports, but the problem, Bonnie, is you can say the selectivities are different, the fisheries are different, but the fact is the assessments estimate virtually the same quantify for F_{max} , so it's really not about that, it doesn't seem to me. It's simply a choice about which proxy wants to be used.

It's difficult for me to see how choosing proxies doesn't involve an element of the risks associated with choosing different proxies. Once that discussion of risk comes in, then I think it becomes not entirely a science call. There is certainly an element of science and a good deal of science involved with this, but ultimately you have to take into account what are the risks associated with the different proxies, and I think at that point there is a component of management involved in it. That's the dilemma we're in.

MR. ROBSON: I would like to ask – and I don't want to put Bonnie on the spot, but she mentioned the fisheries are prosecuted differently. I was hoping to hear a little bit more detail about how those differences are factored into the differences in the estimation of your SPR values. I want to go back to earlier comments, and I really appreciated Roy's explanation of risk.

It reminded me of the discussions that we've had at the earlier meetings, and I certainly recognize that. I guess my question is with the stock assessment update that we would be having in two years or one year, assuming we continue with the preferred alternative – and I'm presuming based on your comments that if the assessment does determine that we're ahead of the game or that F 30 percent is more appropriated, does that mean, then, that the council has the option to make changes in its management actions to reflect that?

DR. CRABTREE: Well, I think you always have options to make changes in your management measures if you have a sound rationale for doing so and a record to support it. Now, Erik would be a better one to ask than me, but whether there is any reasonable expectation that this update would be able to provide a better estimate of the stock-recruitment relationship and so give us more guidance on what F_{msy} actually is, I would guess that we're not likely to see much difference in that. Erik would be able to respond to that better than me.

DR. WILLIAMS: Yes, it's hard to predict what the odds are, but there is a chance that we actually might get an MSY estimate out of the update so we would get that measure directly and we could get away from proxies altogether, but I don't know what the odds of that occurring are.

MR. CURRIN: Can you elaborate a little bit on how adding a couple of years of data may enable us to get a biomass estimate?

DR. WILLIAMS: I think it's more than just a couple of years, for starters. I mean, it's a few years and we're adding recruitments at very low stock size, which that is critical information is that recruitment behavior at low stock size helps us to determine that stock-recruit relationship. That's kind of where I'm coming from.

MR. CURRIN: All right, thank you, that makes more sense to me now. Mark, a followup on that.

DR. ROBSON: Well, I seconded the motion and I brought up the issue, but I am concerned that we not do something that would dramatically affect how we're able to get this amendment completed and meet our requirements to do that. I do like the idea of having an analysis and seeing what that does in terms of the management alternatives that we have.

I'm given a little bit more comfort by the notion that we're going to have an assessment update; and if we can calculate an actual MSY value, that would certainly help. I just felt that I needed to bring this issue up because I still – and I think I heard again from Roy's comments or what he was reading from, we need to have a clearer understanding of what the role of the SSC is in providing this kind of a value as sort of a rebuilding goal and what our charge is as a council to ultimately make that decision.

MR. GEIGER: Again, it makes me a little bit nervous based on the conversations here that there is almost like an aura or a prospect that the results of the stock assessment are going to magically get us out of any box that we're in. I am wont to ever presuppose what you're going to get as a result of a stock assessment. I mean there is no way to presuppose that.

Again, in all this discussion none of us have spoken – and I meant to when I was speaking before – about the burden that we do have to end overfishing, and we do have that as a legal requirement. I would emphasize, and it has been explained me, that we have ten national standards, certainly, but National Standard 1 trumps all of the other national standards.

We have to understand the effects of any regulation we have, know what the effects are going to be, but when it comes right down to it, the responsibility that we have is to manage and conserve these stocks under National Standard 1. Again, it's easier to back off than it is to go back and have to implement more regulations if in fact that comes about as a result of reducing our preferred alternative from 40 to 30 percent.

MR. CURRIN: Duane, the last word and then we're going to vote on this motion.

MR. HARRIS: I have a question and then I might offer a substitute motion. The question is of staff what is it going to take between now and our March meeting to analyze the F 30 percent to the extent that the F 40 percent is analyzed in the document presently? If we can do that, I think it's in our best interest to make the document more complete to do it, but I don't know what is involved.

MR. DeVICTOR: Yes, F 30 percent, the no action alternative, is analyzed to some degree, of course, looking at the biological and social effects of Alternative 1 and 2 here, but as I said it's not carried on through the document. I think we'll have a better idea when we get to the rebuilding strategies how you could form this document to add a set of alternatives that would run the rebuilding strategies using F 30 percent.

Currently all the strategies are run at F 40 percent with very high recruitment. We could add another set of alternatives looking F 30 percent and then you can decide the recruitment. Then, of course, the team would have to look at those alternatives. I think it can be done by adding a set of alternatives. Like I said, I think we have those projections at F 30 percent. As Gregg

mentioned, this plays into the timeline of filing the DEIS I think, which we're going to talk about more in a second, but it could delay when we file the DEIS if we add new alternatives here and the team has to analyze those alternatives.

MR. HARRIS: Well, what does mean by delaying the filing of the DEIS? I mean how much might it delay that and would it prevent us from making a decision at our March meeting I guess is the main question? It's a question for the National Marine Fisheries Service; what is the answer there, Roy or Monica or Jack?

DR. CRABTREE: Well, I think folks have anticipated if this comes up. I talked to Rick about this weeks ago, and so people are working on trying to develop some of this, but it's a more complicated question. Given the SSC comments, are we going to add another alternative in here that is a larger closed area? I would say we would be very fortunate under any circumstance if we're prepared to take final action at the March meeting.

A lot is going to have to happen, and I don't know if Jack has a timeline of when the DEIS would actually have to file and what would have to happen to make the March meeting, but Jack could sit down and we can e-mail back to the office and have staff figure out exactly when do things have to happen in order to take final action at the March meeting if you want to take final action after the DEIS comment period had ended and all.

Now, we have taken action on things before in the middle of the DEIS comment period, and that has happened. It's not the best way to go and it's not desirable, but it has been done before. We can try to time all that out if you'd like and report back to you.

MR. HARRIS: Mac, to that point, I would like to know what the likelihood is of us being able to file the DEIS and having the comment period end before our March meeting. If it's not possible, then we either make the decision that we take final action at March in the middle of the DEIS comment period or we delay action until June. I mean those are our choices, I guess.

DR. CRABTREE: Well, we will get back. Jack can e-mail Kate and ask her to give us that timing. I think the reality is it's going to be very difficult to take final action at the March meeting under any circumstances unless you're willing to take final action without the benefit of all the comments from the DEIS. But we will that exactly timed out as quickly as we can and let you know.

MR. HARRIS: Okay, Mr. Chairman, given those comments, I would offer a substitute motion and that is that we not change our preferred alternative at this point to F 30 percent but we do the analysis that Rick suggested they could do and have that analysis available for the council to evaluate along with the F 40 percent proxy for Fmsy at our March meeting. That's my substitute motion.

MR. HARTIG: I'll second that since you wouldn't let me withdraw the other one.

MR. HARRIS: I would have been happy to, but I think this gets us where we want to go.

MR. CURRIN: We've got a motion and a second and we'll get it read at some point. We want to make sure it's correct and both the maker and the seconder are comfortable with it and everyone else around the table understands it before they vote on it. Okay, the maker and seconder, are you comfortable with the motion as it's presented? Duane, why don't you read that motion into the record and then we'll open it up to discussion before we break for lunch.

MR. HARRIS: My substitute motion is to not change the preferred alternative at this time from F 40 to F 30 percent but add an analysis based on an MSY proxy of F 30 percent that will be completed and available for review at our March 2010 meeting.

MR. CURRIN: Okay, discussion on the substitute motion. Spud.

MR. WOODWARD: More of a question; will this include a more fleshed-out explanation of the situation between the Gulf and the South Atlantic which has been batted around the table? Is that sort of embedded in this in any way or does that need to be treated in a completely different situation?

MR. CURRIN: I don't envision there being any substantial discussion of the difference between the South Atlantic and the Gulf with this. I think you're aware from yesterday that during this update, that the panel that is going to do that update have some discussion of that and some justification for that.

MR. WAUGH: Just a clarification on timing; does this mean you want this completed and in your first briefing book or the second briefing book or e-mailed at the council meeting, because that will help us set a deadline?

MR. HARRIS: Well, I can tell you personally I would rather have everything in the first briefing book, preferred to the second briefing book, preferred to at the council meeting. That's my preference, but I'm not sure it's possible. I think we just have to rely on you and the team to determine whether it's possible to do or not. I'd prefer it in the first briefing book.

MR. CURRIN: I think your sentiments probably mirror the rest of the folks sitting around the table. Any further discussion of this motion? Any objection to motion? I see none, so now the substitute motion becomes the main motion, and we need to vote on the main motion. Is there any objection to that motion? I see none so that motion is approved.

Okay, it's a little after 12:00 and we need to go ahead and take a break for lunch. Gregg, did you or Rick have anything for us to ponder over lunch regarding this change of direction here or workload addition? Well, let's be back here at 1:30, then, ready to go. We'll recess until then.

The Snapper Grouper Committee of the South Atlantic Fishery Management Committee reconvened at the Sheraton Atlantic Beach Hotel, Atlantic Beach, North Carolina, Wednesday afternoon, December 9, 2009, and was called to order at 1:30 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: Let's reconvene the Snapper Grouper Committee meeting. Before we get back into 17A, I just want to welcome Red Munden from the Mid-Atlantic Council who has joined us. I failed earlier today to welcome Spud Woodward from Georgia who has taken over for Susan Shipmen not only at the council but in the state of Georgia as well.

During lunch I think Jack or the Regional Office has gathered some information about possible timelines for 17A. That was the question, so, Jack, if you want to brief everybody on what you guys found out.

DR. McGOVERN: In order to have the period over for the DEIS by the March meeting for the council to approve 17A, the DEIS would have to file around January 15th. Then the 45-day comment period would end March 2nd. What we need to do for 17A in order to accommodate the new projections and things like that with the 30 percent SPR, we need to request projections from the science center, and that analysis would have to be done, the social, economic and biological analysis, so it will be tough to do all that by January 15th and then have the comment period end by the March meeting. One other option is do everything and then have the council look at the new analysis in March and then submit DEIS right after the March meeting and proceed from there.

MR. CURRIN: Okay, thank you very much for looking into that. Questions or comments on the timeline as it has been explained to us by Jack? Roy.

DR. CRABTREE: Well, of course, this all depends on what you guys decide and where we are at the end of this week, but the best scenario would be that we publish the DEIS sometime between now and the March meeting so that we put ourselves in position to get all this wound up in June. What I hope we'll be able to do is go back and work as hard and as quickly as we can to get the DEIS finished and get it published, but obviously that depends on what happens this week, but I think that's what we need to do.

MR. CURRIN: Yes, and that sounds like a good goal to me. I mean if we can get it published before the meeting, that's great; and we'll have our meeting during the comment period if that's at all possible. All right, let's get back to 17A. Before we leave the MSY discussion and proxy, I want to make sure there are no other comments.

We did pass that motion that is going to result in some further analysis of some more alternatives based on a 30 percent proxy. Any other comments or questions about the first action? Rick, have you got anything else; everything good there? All right, I see no desire to comment from any of the committee members, so we'll move on.

MR. DeVICTOR: This is where we normally would have the optimum yield action, but direction from the council at the last meeting was to move that into the rebuilding strategy action, so we'll deal with that in a second. The next action is on PDF Page 178 in the document, and this has to do with the rebuilding schedule.

There are four alternatives in the document. Alternative 1 is no action; do not specify a rebuilding schedule. Alternative 2 is to have the rebuilding schedule equal to T_{min}, and that's

15 years, and that's a start date of 2010 would be Year One. Alternative 3 is to have a rebuilding schedule of 25 years with the rebuilding time period ending 2034.

Then, finally, the council's preferred alternative, which is to use T_{max} as a rebuilding timeframe, so that's ten years plus one generation time of 20 years. The council has been on record stating that they recognize the extraordinary circumstances and the severity of the actions in the amendment and to help mitigate some of the past actions in 13C and such, and also future actions in 17B. That's the range of alternatives in the document.

MR. CURRIN: Thank you, and everybody understands that's the maximum rebuilding timeframe that we could select and that's our preferred. Any comments? I see none.

MR. DeVICTOR: Okay, the next action is the rebuilding strategy. The optimum yield and the accountability measures are actually all bundled into one action, and this is on PDF Page 183. Okay, there is actually a lot to this action, which is actually doing three things. The first part of it is the rebuilding strategy, and this is based on the projections. If you recall, that is using F 40 percent proxy with very high recruitment.

Then you can see what the ACL values would be for each of these alternatives. Alternative 2 is define the rebuilding strategy equal to F_{msy} . Then you have various levels. Alternative 3 is to set it 85 percent of F 40 percent. Alternative 4 is your current preferred alternative, and that's 75 percent of F_{msy} , and so that's an ACL of 79,000 pounds whole weight.

Alternative 5 is more conservative, and that's to set it at 65 percent of F 40 percent. Alternative 6 is to set it at a level that rebuilds exactly in 35 years, so what that comes out to be is 97 percent of F 40 percent, and that would rebuild in 35 years. Then there is Alternative 7 and that's to set an ACL of zero. I believe you've talked about that in the past of setting it at zero.

Those are the actual strategies, and there is a table in the document, Table 4-3, where you can actually see the percent reduction required to end overfishing if you vary the F 40 versus the F 30 proxy and also by changing the levels of recruitment. The current preferred, if you match that up, it would be Alternative 4 and very high recruitment is an 87 percent reduction in removals required to end overfishing. That is one component to it.

Then there is also an accountability measure component to this action, and you may want to talk some about this as you have in the past, but I'll just go through these. There is actually a set of four actions in each of these. The first part of it would be to track the CPUE of red snapper via a fishery-independent monitoring program and to track changes in biomass; track the biomass and CPUE through the research set-aside. That would involve data collection by headboat and charterboat operators.

The third part of this is the council would evaluate the size of the area closures when the discards are estimated to exceed the ACL, and the CPUE would be evaluated every three years and adjustments would be made by the framework action being developed in 17B. The IPT had a question about ACL equals zero, and that's a current separate alternative.

I think the thought behind the team there is should it go under an AM. That's pretty much all I have to say about the rebuilding strategies; just a clarification for the team if we do add a rebuilding strategy for F 30 percent, as I mentioned before, I guess that would be a new set of alternatives, and do you want that under the very high recruitment.

MR. GEIGER: Rick, I apologize, but help me understand. Recognizing that we have a stock assessment coming up in a year; and this is a strategy that is supposedly going to take us long term and we may have the option of adjusting whatever it is we do after that stock assessment and based on the relatively short period of time between now and the stock assessment; is there any way that you can help me understand why we couldn't have a more or a less conservative rebuilding strategy or which one would be the least conservative of the group?

Could we have a discussion that. You know, there is an option here because of the short period of time between now and the stock assessment and the long-term nature of the strategy, we may be able to gain some wiggle room in terms of rebuilding or getting to an ending overfishing point by reducing the amount of the reduction that we need. Is that clear?

MR. DeVICTOR: In terms of the question as to which is the least conservative, that is Alternative 2 where you set the fishing mortality at Fmsy, so that gives you an ACL of 105,000 pounds whole weight. Then in turn if you go to that Table 4-3, you can see how that affects the percent reduction required to end overfishing, which in turn could affect the size of the closure.

MR. CURRIN: And then there is another one, Alternative 6, which sets it at 75 percent of Fmsy which sets it right at the point where it rebuilds in 35 years. They're both close, I think. Roy.

DR. CRABTREE: Well, I was going to recommend that we consider moving Alternative 2 to the considered but rejected because I don't believe Alternative 2 has even a 50 percent probability of recovery in time; does it – 44 percent, so I don't think that meets our legal requirement. I just don't see Alternative 2 as a reasonable alternative.

MR. CURRIN: Is that a motion?

DR. CRABTREE: Yes, so I would move that Alternative 2 be moved to considered but rejected.

MR. CURRIN: Motion by Roy; second by George. Discussion on that motion? It makes perfect sense to me if it's not going to meet the mandate and there is no reason to have it there. Any objection to that motion? I see none; the motion is approved. Further discussion on the point that George brought up; what is the committee's desire? Currently I think Alternative 4 is our preferred. Charlie.

MR. PHILLIPS: Okay, so that's going to leave us with Alternative 6 to, as George said, give us the most wiggle room now?

MR. CURRIN: Yes, that's the least conservative of the alternatives that are currently in the document at this point, followed closely by Alternative 6 – you said 5 – I'm sorry, he said six, okay. Further discussion; any comment? What is the committee's desire? Duane.

MR. HARRIS: I just have a question for Rick. Rick, if we were to select Alternative 6, the ACL for 2010 would be 101,000 pounds. Is that at the very high recruitment?

MR. DeVICTOR: Yes, all of these alternatives were run at the very high recruitment level.

MR. HARRIS: Okay, what is it in terms of total pounds that we would need to have a closure of the red snapper fishery sufficient to end overfishing without a bottom fishing closure; how many pounds do we need? I don't know that you can get that, and that's probably not the best to ask the question, but it is a question that's been on my mind.

MR. GEIGER: Well, I believe we've been told in the past that we can't get there with just a red snapper closure; that it is the discard mortality that is the problem that's leading us down this path. That's why we had to go beyond just the interim rule in the red snapper closure because we can't end overfishing by just closing red snapper.

MR. HARRIS: And to that point, if fishing for red snapper is closed but bottom fishing is allowed, you're going to have X amount of discard mortality, and the question is how much discard mortality can you have and just close red snapper as opposed to closing the bottoms to bottom fishing?

MR. CURRIN: I think we have that information and I'd don't recall – do you know what it is, Brian?

DR. CHEUVRONT: Yes, that was Alternative 2, I believe, and that was at 53 percent. Yes, there it is, 53 percent reduction, so you're never going to get – when you show the graph of that, I think the graphs show you never get to where you want to go in the projected foreseeable future; right?

MR. HARRIS: I guess I'm asking it to be more simplified than that, and maybe that's the simplest answer, but I'm just looking for total pounds.

MR. CURRIN: I don't have that off the top of my head. Roy.

DR. CRABTREE: Well, I don't either, but everything I've seen that is if you just close red snapper, overfishing continues. Now, you're going to see improvements in the status of the stock because you're overfishing by a lot less than you were. Now whether over time you would ever phase out the overfishing or not, I don't know. I don't think we've looked at that because we're not allowed to do that anymore.

MR. HARRIS: I was simply asking that question in terms of the alternatives that we might choose and can we choose any alternatives that are even responsible that would give us enough

pounds in discard mortality to where we would end overfishing. I don't think that's the case, but I've got to put that on the record and ask that question.

MR. CURRIN: I think the answer is no. I can't tell you what the poundage is, but I think the answer is a pretty definitive no. Well, let me rephrase that, then, in my opinion it's a definitive no. Rita.

MS. MERRITT: I think I'm reading it as 105,000 whole weight under Alternative 2? Is that a different one?

MR. CURRIN: Yes, that's a different Alternative 2. Duane.

MR. HARRIS: Mr. Chairman, we don't need to go down this road any further. I was just seeing if there was anything that would help me understand this better. I'm happy with the preferred alternative at 75 percent Fmsy right now.

MR. CURRIN: Well, that's the question that we have now for the committee is whether there is any interest in changing that alternative with the understanding that we're getting new projections and further analysis for the F 30 percent SPR proxy for MSY. Charlie.

MR. PHILLIPS: Well, if we're going to set a – I guess this is for our rebuilding schedule. If we've got – and we know we're going to change it if we can set the rebuilding schedule so it's stretched out and it's 100,000 pounds instead of 79,000 pounds, I think the point is to find some wiggle room until we really know where we're at. I guess that's the question.

MR. CURRIN: You're talking about the rebuilding strategy now and not schedule. The schedule is set as high as we can set it.

MR. PHILLIPS: Yes, exactly.

DR. CHEUVRONT: So, Charlie, are you suggesting, then, that perhaps we switch our preferred alternative here to Alternative 6?

MR. PHILLIPS: I'm thinking it might be reasonable in the scheme of things. I'm thinking it may be reasonable and I'm not sure I want to quite leave it this instance, but, yes, I'd like to know if the council thinks that is reasonable or not.

MR. CURRIN: Well, in my opinion, in light of the fact that we're asking for new projections and we're going to have whole 'nother proxy that is going to be analyzed that's going to change things conceivably for our consideration at the next meeting, I don't know what sort of value there is in changing this and then having to look at whole 'nother set of alternatives in the future. I don't know; I may be wrong on that. Any other thoughts? So at this point everybody is okay with where we are for the rebuilding strategies? Roy.

DR. CRABTREE: Let me just make a comment. Our preferred alternative is Alternative 4, which requires an 87 percent reduction, but what is actually required to end overfishing is not 87

percent. It would be 83 percent based on my read of this. What it takes to get you to Fmsy or Frebuild is 83 percent, and so don't feel like you have to exactly worry about 87 percent. Your legal requirement for what you have to do immediately is end overfishing, and that's a different fishing level than your strategy chosen here. Your strategy gets you to where you need to be, what, Rick, ten years ahead of time according to the projections; is that correct?

MR. DeVICTOR: Right.

DR. CRABTREE: So it's a pretty conservative strategy; so when you go in and start looking to management measures, you shouldn't feel like you're locked in that it's got to be 87 percent. Your legal mandate of ending overfishing immediately isn't that. It's the limit which would be the Fmsy of Frebuild. Do you follow what I'm saying?

So you have a few percent wiggling in there; and if it works out that you've overestimated or been a little optimistic on something you don't quite get as much as you need, you're still going to recover well in advance and you should still be okay. Plus, you'll have many times along the way to correct things, but the legal requirement of ending overfishing immediately is a different F than the F strategy of 75 percent of Fmsy. I want everybody to be clear about that because it's an important distinction in terms of what you are required to do.

MR. PHILLIPS: Okay, I'm trying to follow this. Since we've added to look at the 30 percent, is that going to put a different set of alternatives in here when we look at this again at the next briefing book? Our substitute motion where we're going to do the F at 30 percent, is that going to change these alternatives, too, at the next briefing book?

MR. CURRIN: It won't change these. It will add some different ones, which will be different and perhaps require less onerous management measures, if I had to guess just based on the impact. There are in this table. Mark.

MR. ROBSON: I think Table 4-3 has got both the F 30 percent and the F 40 percent; so in the case of what Roy was just saying, if you're using the Frebuild as your ultimate goal, we've got to do an 83 percent reduction to end overfishing. At F 30 percent it's a 79 percent reduction, unless I read that wrong.

DR. CHEUVRONT: So it's looking like, then, from what Roy is just telling us, that even at F 40 percent SPR as our proxy, Alternative 6 for Frebuild at 83 percent is projected to end overfishing; is that correct?

DR. CRABTREE: Yes, what I'm reading on the table is that Frebuild would be the overfishing definition; and under F 40 percent you would need an 83 percent reduction to get to that under the very high. If it was F 30 percent it would be a 79 percent reduction under the very high scenario.

DR. CHEUVRONT: And Alternative 2, which I guess we've just put into the considered but rejected appendix; correct?

DR. CRABTREE: Yes, we did.

DR. CHEUVRONT: Okay, so we don't even want to consider that one because that gets us –

DR. CRABTREE: Well, we've got court decisions that have established that you have to have minimally a 50 percent probability of rebuilding, and Alternative 2 I think only had a 40-something percent probability so that wouldn't work. The maximum F that will get you a 50 percent probability in the time allowed is the Frebuild, and so that would be the limit on what the fishing mortality can be.

MR. ROBSON: And, again, I welcome any help to educate me, but in looking at the different tables, it looked like, unless I misunderstood it, there is also given to us probabilities of rebuilding, and it gives you a percentage probability of achieving your rebuilding. In looking at the different – you know, from Frebuild to 65 or 75 percent – and this is all at the F 40 percent SPR – depending on which we choose you can get there a lot quicker in terms of what year you achieve the rebuilding, but they all had a range from 50 percent to 57 percent probabilities of getting there. They all look similar in terms of the probability of achieving the rebuilding we want unless I misunderstood the table.

DR. CRABTREE: I'm not sure; Rick, is there a table that gives the probability of rebuilding other than the long tables that have all the yields? I know each of the alternatives tell you what the probability is, but I don't know if there is a table.

MR. DeVICTOR: No, it's in the wording of the alternatives and in the table starting at 4-4. You can see where you would be not overfished at what year, but the percentages are just in the wording of the alternatives.

DR. CRABTREE: For example, Mark, your preferred alternative now has an 84 percent chance of rebuilding by the end of the rebuilding period. If you were to choose Alternative 3, that has a 70 percent chance of rebuilding by 2044. The Frebuild alternative by definition has a 50 percent probability of rebuilding.

The thing I would point out is if you stay with the strategy you have, because it's going to rebuild ten years early, that means that you have some margin of error; and if things don't go quite like you've planned, well, you still ought to make it in time. Legally, as long as you can make the case, well, we have very good reason to believe that we have ended the overfishing, I think you've got some wiggle there in terms of the rest because you're choosing a strategy that should get you there early.

MR. ROBSON: Yes, and I understand now what I did, and that's correct because in looking at the probabilities of rebuilding I was actually looking at, for each of those, what year you actually end it, so they're all in the fifties, but in the case of the F 75 percent you're getting to rebuilding at 2032, which is, again, well ahead of the final rebuild.

DR. CRABTREE: Yes, and so if, for example, compliance isn't quite as good as you expected, you may not rebuild until a couple of years later, but that's okay, you're still within your

allowable timeframe; or if effort shifts a little more than you thought, well, you've got some buffer in here.

MR. GEIGER: And in addition to that, Roy, is it wrong to think about the update and the potential for changes resulting from the update as well, possibly?

DR. CRABTREE: I don't know that that changes your strategy you're going to choose. I mean if the update comes out showing things are a little better than we thought, then you would be able to back off the management measures, but I don't know if you'd want to change your rebuilding strategy.

Now, if the update comes out considerably different than we thought, then, yes, you might want to revisit all of these things. I'm anticipating that the update is going to come out a little bit one way or the other, but not a major change in things, but who knows? It's hard to foresee what might happen in the update until we see what it shows us.

MR. CURRIN: Yes, remember vermilion snapper and everyone's fingers were crossed on that age-based assessment, and it came out a little rosier but not as rosy as everybody had anticipated.

DR. CRABTREE: And that wasn't an update either; that was an entirely new benchmark.

MR. CURRIN: That's right.

MR. BOYLES: Mr. Chairman, for purposes of moving us along, I would make the motion that we change our preferred alternative to Alternative 6.

MR. CURRIN: Motion by Robert to change our preferred from Alternative 4 to Alternative 6, which is Frebuild. Seconded by Mark. Discussion. Roy.

DR. CRABTREE: Well, could I ask just for the record; could we hear the rationale so that staff has something to put in. I know Monica was away from her seat, but I'm sure she would have asked for some rationale for why you would make this change.

MR. WAUGH: If I could state some of the rationale that I heard during the discussion was that it would still rebuild within the time period. It does end overfishing in Year One and meets the legal mandate to end overfishing. I think those were the main items that I heard.

MR. ROBSON: And also to do what we need to do, we're going to end overfishing, but it minimizes the amount of reduction that you have to get to that would end overfishing and still achieve your rebuilding schedule. To the extent that can provide some level of mitigation for all the impacts that we're having, I think it's worth looking at that as the preferred alternative for our strategy.

DR. CRABTREE: So a lot of this is that you're taking into account the impact on fishing communities and the people affected by this, and that's your rationale for taking a longer timeframe, and then this rebuilding strategy is consistent with that longer timeframe. The only

comment I would offer to you, though, is for this to work, then you're going to have to stay pretty close to this because there is not a lot of wiggle on it.

MR. BOYLES: And, Roy, I remember a discussion during September when we talked about – I think the record will show that we had a fairly extensive discussion about taking the maximum amount of time that was allowable under the law in light of the social and economic impacts that these measures were going to have. I thought we had established that in the record in September, so that's my rationale for offering it here.

MR. CURRIN: As long as everybody understands the point Roy just made that we aren't providing ourselves any wiggle room here. Duane.

MR. HARRIS: I want to make sure I'm reading Table 4-8 correctly. It's on Page 192 of the PDF. That's the table, I believe, that refers to Alternative 6; am I correct? I want to make sure I'm reading it right.

MR. DeVICTOR: Yes.

MR. HARRIS: And when we go down to 2032, it says the stock has rebuilt to SSB MSY; so by 2032 we are rebuilt to that stock size of 8,268 metric tons; is that correct?

MR. DeVICTOR: Yes, that's my read, in 2032 is when –

MR. HARRIS: Okay, and is there anything I'm missing here? It's rebuilt to SSB MSY in 3032. That's not the maximum time – Page 192 on the PDF; it's Table 4-8. It's under a fishing mortality rate of rebuild equals 97 percent Fmsy at F 40 percent.

DR. CRABTREE: I think folks need to check that because Frebuild should rebuild at the end of the rebuilding period, which is 2044, I think. We need to check on that because it doesn't seem right to me, Duane.

MR. HARRIS: Well, that's why I asked that question because it almost looks like we are still rebuilding. If this table is correct, we're rebuilding faster than the longest term that we can take to rebuild.

DR. CRABTREE: And I think it's not right. If you read the description under the alternative itself, it says that under this strategy the fishery would have a 50 percent chance of rebuilding to Bmsy by 2044, so those don't agree, and Frebuild would be defined by the highest F that gets you there at the end of the rebuilding period, which is 2044. I think the text is right, but I suspect that just the wrong table has probably been put in place, but we'll figure that out.

MR. CURRIN: Yes, Rick said they would check into that and make sure that is correct or correct it if necessary.

MR. WAUGH: The point of needing to keep a close eye on it, we will be having the stock assessment update and so that will give us a chance to look at this again in fairly short order. We will be keeping a close eye on how the stock performs.

MR. CURRIN: Any further discussion on this motion? Is there objection to the motion? I see none; that motion is approved. We need to deal with that issue of the suggestion by the IPT on ACL of zero, and I think there may be a couple more in here as well that you guys have suggested.

MR. DeVICTOR: Jack, maybe you can help me out with the ACL equals zero; why that was added. I know it came from a team conference call, but why that was added underneath the accountability measures.

DR. McGOVERN: Yes, Alternative 7 has the ACL equal to zero based on landed catch, and there was some suggestion of rather than having it as Alternative 7; have it as a subalternative for the other ones. It's just kind of moving things around a little bit.

MR. CURRIN: Everybody okay with doing that? It's just taking a separate alternative and incorporating it as a subalternative under the others. Brian.

DR. CHEUVRONT: Is it a subalternative or is it really like an accountability measure that if something happens and you go over, then you can set the ACL to zero. I was kind of confused about that when it came around the first time.

MR. DeVICTOR: Yes, I think there are some members of the team that were thinking that the ACL of zero could be some type of accountability measure. I don't necessarily agree with that. I think it's better as a separate alternative. If you put it underneath the AMs, you're essentially setting an ACL, say, of 79,000 pounds; and then in the same alternative you're setting an ACL to zero, and I don't think that would work.

DR. CHEUVRONT: Yes, I think that is always an option available to the council later on if rebuilding doesn't go according to plan, and in an absolute worse case scenario we can come back to it and look at it and change an ACL or something as result of an assessment or something.

DR. CRABTREE: It seems to me the way it needs to be structured – for example, with our new preferred, it has a statement that the total removals for 2010 to be 101,000 pounds. The subalternative would be the ACL – the total landed catch would be zero. The other way I could think how to structure it would just be to have a separate alternative that said ACL is equal to landed catch or ACL is equal to discards and just make a decision about what you're going to do. It doesn't make sense the way it's added in under the AMs. It would be up in the body of the alternative, I think.

MR. DeVICTOR: Yes, I think we could remove it from the AMs as per the IPT's recommendation.

MR. CURRIN: Does that make sense? Brian.

DR. CHEUVRONT: And actually even having it as a separate alternative, which is the way I would prefer that it be set up, for that even to be able to work, we're going to have something in there to do some kind of data collection once the ACL would be set to zero, so it would be absolutely imperative that we get this independent fisheries data collection program going and perhaps even having some of the dependent stuff that we've done.

Unless those are in place, I can't see how such an alternative would be viable, and so in my mind and thinking about it and wondering since we don't even know whether those are going to happen; is that something that's really worth considering and spending staff time working on considering that in this amendment.

MR. CURRIN: Other comments? All right, what else have we got? Roy.

DR. CRABTREE: So we have restructured it, but are we in a position to make a decision about do we want an ACL that's landed catch – I mean zero and an ACL that's total removals. We talked about this some at the last meeting, but if I could just take a second and kind of go through that. When we were putting together the ACL Guidelines, we were aware that in some fisheries – and this is true in the southeast – management has generally been based on landings with the discard mortalities taken into account in the process of setting what the landings' level would be.

That's because we had fisheries that have much better landings' data than we had discard data. In addition, we've got fisheries where landings are delivered in different timelines than the discard data is. That's particularly true in the commercial fishery where we get the landings through dealer reports and thus very timely, but in order to get the discard estimates you're got to go the logbooks, and you don't get those until probably halfway through the next year, so there is a big discrepancy in the commercial fisheries about when we get discard estimates and when we get landings.

In the guidelines there was included a provision for setting ABC that allowed it to be expressed in terms of landed catch provided that the appropriate estimates of mortality were considered. You can find this in the guidelines, and I'm quoting now. It says, "ABC should be expressed in terms of catch, but may be expressed in terms of landings as long as estimates of bycatch and other fishing mortality not accounted for in the landings are incorporated into the determination of ABC."

So it follows logically that since the ACL is based on the ABC, that if you're allowed to use an ABC in terms of landed catch provided that you take into account the discards, then it logically follows that the ACL could be set based for the landed catch provided you have taken into account the discards in the formulation of that.

I think that we've heard from our SSC and I believe the science center's position is, then, that setting an ACL and AMs that are based on just discards has a lot of problems and may change the way the discards are reported to us. In addition to that, particularly in the recreational fisheries, you're going to have a great deal sampling error involved in the discard reporting.

You could very easily have discards double or triple your ACL in a given year just because of the number of folks they happen to interview or sample, because you're going to have CVs in all likelihood that are well over 50 percent on some of these. That's sort of the concerns and the things you need to think about when you make a decision on how to proceed on this.

MR. CURRIN: Further discussion? What is your pleasure? Duane said he wasn't sure he understood exactly what you said or the implications.

DR. CRABTREE: If you set an ACL that is discards only, just discards, you're setting a situation where if you exceed it you're going to have to have some accountability measure that is triggered. The estimates of discards in the recreational fishery are going to have very high coefficients of variation, and it's quite likely that you will go over your ACL by a very large amount just because of the random variation and sampling error that takes place.

That is one concern. The other concern is these discard estimates are self-reported. The commercial discard estimates come from the logbooks. The recreational ones come from dockside interviews with people. If they understand that we're going to increase the size of the closed area, for example, if they exceed the ACL, there is a very strong incentive for people to stop reporting discards.

We don't want that to happen because that means our data collection programs are then going to be worse than they were, so that's kind of the situation. The guidelines allow that the ABCs can be specified in terms of landed catch only as long as they take into account the discards, and so I believe it's okay to specify the ACL in terms of landed catch as long as the discards are taken into account.

Clearly, if you look through this amendment, the whole closed area management measures are based on dealing with discards, and a large part of this document is based on dealing with discards, so I don't think anyone can look at what we're doing and not say we are taking into account the discards. That's what is making this such a difficult problem for us, but there are a lot of negative consequences to having an ACL that is based on discards.

MR. HARRIS: So if the landed catch is zero because the red snapper fishery closed, then I'm not sure – I understood what you said up to that point, but from that point on I'm not sure what we need to do to account for that.

DR. CRABTREE: So the question is, is the ACL landed catch or is it total removals. If the ACL is landed catch, then it is zero. If it's total removals, then it is going to be the values that are in the text up here. For example, in your new preferred the ACL for 2010 would be 101,000 pounds, and that means if you go over that, if the discards exceed that, there is going to be some accountability measure that is triggered.

If the ACL is zero and we go over that, then that means that we either have an enforcement problem or we don't have compatible regulations with the states, which we can't control, anyway, and so it wouldn't trigger an automatic accountability mechanism.

MR. HARRIS: Okay, now I understand but I don't understand what to do about it now. What you're asking us to do is set an ACL that is discards –

DR. CRABTREE: You have to decide do you want to set an ACL that is landed catch only and therefore equal to zero –

MR. HARRIS: No.

DR. CRABTREE: -- or do you want to set an ACL that is total removals, which means just discards?

MR. HARRIS: I think we want to set it at total removals; don't we?

DR. CRABTREE: Okay, but if you do that, then these things I just mentioned are going to happen. One, you have a powerful incentive for people to stop reporting; and, two, I can't almost assure you that you will go over it by a very large margin on a regular basis because the MRFSS estimates are going to bounce about, and so you're going to be sitting here with, I guess, depending on how you set up these AMs, but potentially having to increase the size of the closed area because the MRFSS estimates bounced up one year. You need to think about that. The other alternative is to set the ACL at zero and then base your accountability in terms of monitoring recovery on a fishery-independent monitoring program.

MR. CURRIN: And that's Alternative 7, basically, which is in the document now, I believe.

DR. CRABTREE: Well, I think we're going to restructure it so it would be a subalternative under each one of these. My advice to you and I believe the Center's advice to you and I believe your SSC's advice to you has been not to set an ACL that is discards, but rather to set the ACL at zero and find a better way to track the stock status and improvement.

MR. CURRIN: All right, who is going to get us out of this box? George.

MR. GEIGER: Well, I'm not going to get you out of the box, but is that Monica's advice to us, also? We went through the litany of advisees, but we've left off legal.

MS. SMIT-BRUNELLO: Well, I can't tell you what to do, but I agree with Dr. Crabtree that the ACL Rule, the National Standard 1 Rule allows you to set it for landed catch; you can set your ACL at landed catch.

MR. BOYLES: Mr. Chairman, at great risk of getting us further in the box, I think what we're talking about is striking Alternative 7 and restructuring with the rebuilding strategy for ACL at zero for landed catch only as subalternatives up into the previous 5 and 6 alternatives. Is that what we're talking about?

MR. DeVICTOR: Yes. If you're looking at Alternative 6, as an example we would have Subalternative 6A, which would be to set ACL equals 101,000 pounds total removals; and then Subalternative 6B, which is to set it at ACL equals zero landed catch only.

MR. BOYLES: Do you need a motion to that effect, to restructure?

MR. CURRIN: I think that was a suggestion from the IPT; and as long as everybody is okay with restructuring the document like that, at this point I think that's okay.

MR. DeVICTOR: And I don't think it affects the size of the closure, but it will affect the AMs that are required.

MR. BOYLES: Do we need to make a motion to move Alternative 7, then, to the considered but rejected appendix?

MR. CURRIN: That would probably work.

MR. BOYLES: I make that motion, then, Mr. Chairman.

MR. CURRIN: Robert's motion is to move Alternative 7 to the considered but rejected appendix; second by Brian. Discussion.

DR. CRABTREE: And I'm fine with that, but we're moving the essence of that into each of the alternatives?

MR. CURRIN: That's correct; that's the understanding.

DR. CRABTREE: It makes sense to me.

MR. CURRIN: Any further discussion on that motion? Any objection to that motion? I see none; that motion is approved. All right, did we handle all the AMs?

DR. CRABTREE: Well, you've got one in here that says track biomass and CPUE through the research set-asides that would involve data collections by headboat and charterboat operators. I'm not sure; is that an action that is described later in the document, Rick?

MR. DeVICTOR: Yes, that's a separate action.

DR. CRABTREE: So we need to decide what we're going to do with that one and come back to this, I guess.

MR. CURRIN: Well, I think what we do with the RSAs will decide whether these are still viable portions of this. I'm okay to operate that way; and if we make a decision that the research set-aside approach is not going to work, then that in my mind would serve as sufficient direction to staff to remove that alternative. Is everybody okay with that; or, if we need to, for the record, come back and revisit, we can. You okay with that, Roy?

DR. CRABTREE: I think so, so we're going to decide about that later in the document and then back up somehow.

MR. CURRIN: All right, what else, Rick, here?

MR. DeVICTOR: I have nothing else; we can move on to closure alternatives. Okay, this is PDF Page 207, management measures. You have seen these before, but I will go through them. Alternative 2 is to prohibit all commercial and recreational harvest, possession and retention of red snapper throughout the EEZ.

Alternative 3 – and you can see the map of Alternative 3 on the following page, but Alternative 3 would essentially use the four-block closure but between a depth of 98 feet to the 240-foot depth. We may want to put in the wording of the alternative instead of closed between a depth of 98 foot; to put something to the effect that it approximates the depth contour.

I'll point out for all of these closure alternatives, Appendix T has the coordinates for those. If you wanted to look at those, I can bring those up, also. Alternative 3 is shown on the screen here. Alternative 4 is the seven-block closure going from 98-foot depth to 240-foot depth approximately. Alternative 5 is the four-block closure; that's four commercial logbook grids. Each of those logbook grids are about 60 nautical miles by 60 nautical miles. And, finally, the largest closure, which is Alternative 6, a seven-block closure.

DR. CRABTREE: Rick, can we modify the wording on each alternative so it tells you in the alternative right up front how much reduction it gets you; and can you point me where we need to look exactly to see what reduction each alternative gets?

MR. DeVICTOR: It's in the text of the biological effects, but I think the best place would be show one of Nick Farmer's PowerPoint slides. I think he has summary tables that shows all the percent reductions in one slide.

DR. CRABTREE: Okay, we need to pull that somewhere in the document.

DR. McGOVERN: Yes, it's in Table 4-20 and 4-21, and those are two tables from Nick's paper. He said in his presentation that he's made some adjustments, and he has this information updated in his presentation, so probably using those tables from his presentation in the document would be better.

MR. DeVICTOR: I have on the screen here the percent reductions, looking, of course, at the most conservative assumptions and then to the least conservative assumptions, if you want to take a look at those.

DR. CRABTREE: Yes, and I think that would be good to move into the document to kind of establish the range of reduction we think is reasonable for each of the alternatives.

MR. HARRIS: I think we need to understand that 4A up here is 4 in the document, but 4B is not in the document at this point in time. I guess one decision would be whether we want to put 4B into the document, right?

MR. DeVICTOR: And here I have on the screen what 4B is. It's a seven-block closure but going from the 66-foot depth to about the 240-foot depth, so it brings that inshore. This is Alternative 4B that Nick came up with.

MR. CURRIN: Is Nick sitting in here? Okay, at some point when it's appropriate I had a question. We had a question this morning – and I don't know whether you've had a chance to look at it or not – about the percent reductions.

MR. HARRIS: Mr. Chairman, with respect to adding 4B into the document that does move the depth closure into 66 feet; and given the discard mortality that we have been looking at and the information I've read on discard mortality, I don't see the necessity of moving it into a shallower depth range. At 98 feet you're not going to have even 40 percent discard mortality, I don't believe, in the recreational fishery right now. I think his projections were based on an average depth of 144 feet or something like that, so I don't see any reason, in my opinion, to add 4B to our list of alternatives.

MR. CURRIN: Other comments on Duane's suggestion? Roy.

DR. CRABTREE: Well, if this table is how we're going to go and maybe you want to make modifications to the assumptions by the table, but without 4B, then really you only have Alternative 5 and 6 that gets you to the 83 percent that you're talking about getting to. So 4B would give you at least one more option that actually seems to get you there unless you want to revisit the assumptions behind this and rework on that. It does make some sense to me at least to have one more alternative that seems to get you where you need to be.

MR. PHILLIPS: Are these percentages based on trying to get to the 79,000 pound fishing mortality versus what became, I guess, the new preferred of, whatever it was, 100,000? Is that going to change those percentages?

MR. CURRIN: I don't think it changes the percentages, Charlie. Gregg.

MR. WAUGH: What changing to 101,000 does is change your required percent reduction from 87 percent before to now you need an 83 percent reduction, so then you can look at this table and see which of those alternatives include that 83 percent.

MR. PHILLIPS: And to that point, as Nick said, there are a lot of assumptions in these tables and even the less conservative, I think the ranges may even be wider than what they show with all the variables in the assumptions.

MR. CURRIN: Well, the one thing I think I understood – someone correct me if I'm wrong – I think the assumptions on the discard mortalities were maintained in the operations of this model at 40 and at 90 for the commercial industry. Now, he played with those a little bit for our benefit today to modify some things, but in the basic model they were maintained at 40 and 90 percent. Duane made the point earlier, and I don't disagree at all, I think with moving the boundary inshore some – I'm not suggesting that we do it to 66, but even at 98 I think those discard mortalities are probably overestimated. I don't know what the values would be. There have

been some studies from those depth ranges that indicate that in certain fisheries at least the mortalities are greatly reduced certainly from 90 and reduced from 40 is my understanding.

MR. CUPKA: That's part of the problem with this whole thing. I mean we've looked at some other scenarios, too, where you could achieve the percent reduction you need. If you go back and look at these assumptions that are in there, one of the big ones is the discard mortality rate. Part of the problem is that we just don't know what that effort shift is going to be, but that could have quite a bit of impact on the discard mortality rate, which in turn could impact which alternatives you could use to reach the required reduction.

It's hard to say what the impact is going to be because we don't know what that effort – to me it boils down to we don't know what that effort shift is, because that's going to have implications for discard mortality rates and whatnot, and that has a lot of implications on what alternatives will get you to that percent reduction you need.

MR. CURRIN: Yes, I think when we think about this – and it's very complicated, David, you're right because we've got areas on both ends with these closures we're considering that will remain open to bottom fishing, and so the stated discard mortalities are going to apply in those areas; but in the areas that are closed, we're pushing the whole fishery inshore somewhere, and then that's where the discard mortalities, in my mind at least, should be greatly reduced. I don't know how to interpret all that. Mark.

MR. ROBSON: Well, in addition to that, not knowing how that's going to affect discard mortality, there is still a lot of uncertainty into the actual value that has been settled on both recreationally and commercially. I noted that one of the things that the SSC subgroup had said was to maybe look at sort of an average discard mortality of 40 percent as a way of looking at the variability in using this decision-making tool or decision tool.

I was at the SEDAR meeting for red and black grouper. This is obviously a different species, but there was quite a bit of discussion about how you arrive at these discard mortality rates. There is some sense that the recreational rate could even be higher than what people were assuming based on delayed mortality.

On the other hand, there was a lot of compelling comments made that the commercial discard rate seems very high at 90 percent, unreasonably high. There is so much uncertainty built into this, and I'm almost at the point – as valuable a tool as this is and as much work as has gone into it, depending on how conservative or less conservative you go – and I think you could keep going in either way in terms of your assumptions, and the range for any one of those alternatives becomes so wide that I'm not sure how useful it is in helping us to make a decision about this closed area.

We know intuitively that we've got discard mortalities and they have to be reduced. Obviously, if you keep people from fishing at some level, and that's what we're talking about, you're going to have some effect, but to actually put a number on that or a percent reduction on that that gets us to meeting some legally required reduction to end overfishing, I don't think this is a reliable enough tool to even use.

MR. PHILLIPS: And that's my point; I don't think that we need to put that in the table. I think it leads people to think that it's more accurate than it may be or it may not be. It's a good tool to look at, but I'm not comfortable living by those.

MR. GEIGER: Mark, I hear what you're saying I appreciate the fact that there is not a lot of confidence in some of the parameters that were used in determining the reductions. One thing is clear and that is the results of the SSC's review of the alternatives. They were of the opinion that based on the very liberal nature of some of those parameters, that they did not have a lot of confidence in the face of them that they would in fact end overfishing.

I believe these alternatives that we've identified I think are very conservative and the document, as we move forward, is very conservative, and I have a lot more confidence that in fact some of the alternatives that we have identified will in fact meet the reduction requirements that have been the identified need to met to end overfishing.

When you do that and you look at the liberal nature of the parameters that were used to come to that position, I think that we can make a selection. And, again, we can adjust. You can always adjust downward if in fact when we get the results of the stock assessment it shows the stock to be in better condition or allows us to make adjustments after the fact.

But the fact remains that we have to achieve a reduction of 83 percent now, and we have identified alternatives that allow us to achieve that 83 percent reduction within a range, which may or may not turn out to be accurate, but there is a range. And if you look at the midpoint, we can make that selection, and the requirement is for us to end overfishing.

MR. CUPKA: Mr. Chairman, there is another aspect to the discard mortality. If you've looked over the information on it, it seems to indicate that the two major factors impacting discard mortality are, number one, barotrauma, which if any of this effort shifts inshore should reduce some of that, but the second thing I think is injuries from hooking.

We have been talking about perhaps requiring the use of circle hooks. We heard a lot of comments during the public hearing process about the use of circle hooks. Again, unfortunately, we can't quantify what benefit that we would get from the use of circle hooks, but we know it's probably at least going in the right direction even if we can't quantify it. It seems that's another aspect of this whole discard mortality that could be taken into consideration, depending on what we decide relative to the use of circle hooks.

MR. CURRIN: Yes, David, it was a good point. We do have an action in here considering requiring the use of circle hooks. You're exactly right in looking at some of the literature. There is a fairly significant portion of the mortality that is due to hook injury, and circle hooks minimize that to some degree as least indicated by some studies. Roy.

DR. CRABTREE: Yes, and along those lines the other action we had in 16 were the venting tools, and I believe we asked the SSC to review that Wilde Paper that led to us not going forward with the venting tool requirement. Have they ever looked at that and given us any feedback on it?

MR. CURRIN: I don't know the answer to that. John, do you –

MR. CARMICHAEL: I can't recall.

MR. CURRIN: Okay, John's response was he couldn't recall.

DR. CRABTREE: Can we find out; because depending on their view of that, that may be something we would want to resurrect as well, but I don't know.

MR. CURRIN: Yes, I don't know, I think that issue is a very important one, Roy, and there are other studies that indicate that venting may not be the panacea that a lot of people think that it is.

MR. FEX: I have been fighting this bycatch mortality of 90 percent at the SEDAR stock assessment. Karen Burns did her dissertation on bycatch mortality. She has got a PhD in it. She made a point on record that red snapper are not prone to barotrauma. You guys can check it out. It is in her dissertation.

She said the interaction time on gear makes an effect on the survival rate and deck time affects their survival rates. If we're not allowed to keep these fish, we ain't going to keep them on the deck. The interaction time is based on the Gulf of Mexico's bycatch mortality, totally different. With them three aspects, I think our bycatch mortality is a lot less than 90 percent.

MR. CURRIN: Thank you, and those papers were reviewed by the SSC and the staff in putting this together. All right, what is your pleasure here? We've got to end overfishing. It's going to require a closed area. We've got time. We don't have to pick a preferred now, but we've got to make sure that we've got a range of alternatives in here that will do that. Mark.

MR. ROBSON: Didn't the SSC consensus state that none of our current four closed areas will end overfishing? Did they make the statement that succinctly?

MR. GEIGER: I don't have it in front of me, but I think they believe that they would not end overfishing based on the liberal parameters that were selected.

DR. CRABTREE: I have a question for John or Carolyn. Carolyn, when they said none of the alternatives were sufficient; did they mean sufficient to get to an 86 percent reduction, which was what our preferred alternative was, or did they sufficient relative to Frebuild, which would be an overfishing definition, which was less; what were they judging it against? Carolyn, do you know?

DR. BELCHER: It was against the 86 percent.

DR. CRABTREE: For what that's worth, the goalpost is now 83 rather than 86.

MR. GEIGER: Which is what I said earlier; we have an 83 percent goalpost and we had identified a number of alternatives within the range that would achieve that 83 percent reduction. Again, we can talk and dance all around the release mortality rates, but that was a

recommendation in the stock assessment, and it was brought forward and there is no real scientific information to change that. I understand the concerns and the differences, but that is a grounded scientific recommendation. We do have alternatives that will achieve that 83 percent reduction and will achieve ending overfishing, which is our bottom-line requirement.

MR. PHILLIPS: But none of these alternatives consider a circle hook addition, possible, or the fishing mortality changing with the information that we've been hearing. I think we've got more range than just the one, two, three or whatever.

MR. GEIGER: To that point, Charlie, I guess one of the other issues on the other side of that is the fact that these numbers all take into account a hundred percent compliance, which if you make that adjustment it offsets other adjustments. Who knows what the compliance is going to be? Who knows what the actual release mortality is, but we do have a scientific estimate on release mortality that's in the stock assessment.

To just arbitrarily change that and say we're going to pick a number without any scientific basis to me is troublesome. I'm willing to go with a hundred percent enforcement recognizing that would offset potential changes on the other side.

MR. PHILLIPS: I know it's all trades; you know, you give a little here, you're going to lose some over there. I just think our fishing mortality is going to be a huge card in this, and there is just a lot of uncertainty, and we're going to change it again. I think we need to close as little of bottom as possible and even look at Alternative 2 as a possibility until we get this new assessment next year. I think two is a viable option of just closing it and basically keeping the interim rule in place until we get a new stock assessment.

MR. CURRIN: I think we've already settled that one, Charlie, that it's not going to end overfishing. Roy, you've got something to that point?

DR. CRABTREE: Yes, I just wanted to point out that the more conservative end up there does not assume a hundred percent compliance. It assumes 85 percent compliance. If you look at Alternative 5 or 6, you're somewhere in the midpoint of the range up there, so I would say that you're not assuming a hundred percent compliance there. You're assuming something between 85 and a hundred, but that column says more conservative assumes only 85 percent compliance.

MR. HARTIG: Just a clarification; when we're talking about these percentages of, say, bycatch or release mortality versus compliance; are these percentages one-to-one changes that will equate to the same percentage reduction?

MR. CURRIN: If you plug them into Nick's model, Ben, yes, they spit out a definitive change, but the model is not set up to accept everything. It's set up to accept compliance; it's set up to accept input from release mortality, discard mortality. It doesn't handle the effort shift. We had that conversation earlier today, and we can make some assumptions and suggest – we can make some assumptions about what effort shift is and try to translate it into a compliance factor and then plug that in and get an output.

MR. HARTIG: So, the release mortality in percentages isn't any more important than the compliance percentage?

MR. CURRIN: I don't know whether that's the case or not. The model can tell you that. Nick may know or Roy may know off the top of his head. I doubt there is a one-to-one relationship between them.

DR. FARMER: Well, I guess just off the cuff, it's definitely not one to one. Depending on how you adjust the release mortality rate, how low you go with it, that could have a much larger impact on your reductions than the compliance rate. You know, a 10 percent drop in the compliance rate is not the same as dropping the release mortality 10 percent. It's completely different.

MR. HARRIS: You know, we talked about this earlier and I asked Nick the question as to how much uncertainty is there in this model and in these numbers, and then we keep going back and pointing to these individual numbers as where we need to be, and I'm not comfortable with that right now. I want to end overfishing of red snapper; don't get me wrong.

I think everybody sitting around the table wants to end overfishing, but I'm not willing to put any greater impact on the fishing public than we have to to end overfishing. That's where I'm uncomfortable is when we start using point estimates when we all know that there is a great amount of uncertainty around those point estimates.

MR. CURRIN: Well, I guess to that point, Duane, if we dare and try to put some bounds and estimate the uncertainty around these values, then that gives you some range around those. I don't know how we get there exactly, but that's the only way I know to handle it.

MR. HARRIS: And I'd feel much better about that.

MR. CURRIN: It's like dealing off of a mean and the confidence intervals around it. Robert.

MR. BOYLES: Mr. Chairman, I was prepared to offer a motion on a preferred alternative, if you would like one. Mr. Chairman, I make a recommendation that the committee recommend to council to select Alternative 5 as the preferred alternative.

MR. CURRIN: Motion by Robert to select Alternative 5 as the preferred.

MR. CUPKA: Second.

MR. CURRIN: Second by David. Discussion. Roy.

DR. CRABTREE: Based on the table we were just looking at, it appears to me that 83 percent falls within the range, and so it seems to me that we ought to be able to make an argument that would work.

MR. BOYLES: I make this in recognition that this is an area that none of us want to be. In looking at it, I was talking to Charlie earlier about enforcement. We have had extensive discussion today about compliance. I think area-wise it is not the absolute smallest closure area on the books. I think Alternative 4 is actually slightly larger in terms of square miles. However, it does follow the one degree grid squares, which I think would aid in enforcement and understandability. It does fall within the range and gets us to that 83 percent goalpost, so that's the reason I make the motion for the recommendation.

LT. GRIS: Mr. Chair, I appreciate the opportunity to address the committee. For the record I'm Lt. Charlie Gris. I'm the commanding officer of the Southeast Region Fisheries Training Center in Charleston, South Carolina. As we move forward here talking about geographic closures, I just want to bring, for the record, a couple of points for reality's sake into the discussion. Shore-based response assets are limited by range and by crew endurance and fuel, et cetera.

The areas that are bracketing this suggested closure, the Coast Guard has only got so many resources that can patrol that. There are approximately seven 87-foot patrol boats that can cover the area and seven coastal stations. Now, if we assume that the maximum straight-line distance – say a coastal station's response asset can go is 50 miles – some of these alternatives have some areas that have basically no possible Coast Guard presence in them.

The seven patrol boats that we have are going to be competing with some other mission areas in the South Atlantic. I think everybody knows what the Coast Guard's competing interests are, but I just want everybody to go in with eyes wide open, so to speak, that if your compliance rate has a direct enforcement correlation that drives it, you might not have full-time coverage basically in any of these areas. I'm happy to answer any questions about that that might come up.

MR. CURRIN: Thank you, Charlie, for pointing that out. I think everybody is cognizant of that and would like to see it differently, but we certainly understand the reality of it, but I appreciate you bringing it up.

MR. HARRIS: Mr. Chairman, I have a question with respect to Alternative 5. I'm looking at the area just south of Savannah down to the lower end of Ossabaw Sound. It's not on your chart, but we know that's what it is. I can't tell how close to shore that closure comes. Can anybody tell me? I'm on the Alternative 5 closure chart; just south of Savannah where it comes in very close to shore.

MR. CURRIN: Yes, it appears to be close, three to five, somewhere in there.

DR. CRABTREE: I believe that comes – where the swiggle is, I think that comes into the state water/EEZ line.

MR. HARRIS: Well, I can't support this closure with that because there are no red snapper in that close to shore, anyway, in that area. I can't support the motion as it stands now with this chart as it's currently configured.

MR. ROBSON: I also can't support this motion, particularly given the level of uncertainty we're working with. Again, I understand we've got to figure out a way to end overfishing and deal with these discards, but I just feel with the level of uncertainty and given how close this is going to come to the state/federal boundary lines, I can't even begin to think about the impact that would have in state waters. I just can't support this particular alternative as a preferred alternative based on the level of uncertainty that we've been discussing with these closed areas.

MR. PHILLIPS: I agree with Duane; this doesn't work. I just put it simple.

MS. MERRITT: Well, I think when we have regulations that are either unenforceable or hard to enforce, it's directly related to the compliance issue, and that just makes it that much more difficult to deal with. I would not choose that as the preferred.

MR. GEIGER: Well, to the compliance issue, whether people comply or not, your suspicions that people are not going to comply with a smaller area, then the only way you can make up for the non-compliance is make the area larger to accommodate those who non-comply. I don't like that alternative just on the face of it.

MR. CURRIN: In view of the fact that we've got some expressed opposition to this motion, I'm going to ask for people to raise your hands. All in favor of this motion raise your hand, please, that's six in favor; opposed, 7. That motion fails. All right, how are going to move ahead here?

MR. BOYLES: Mr. Chairman, I'd like to make a motion, in light of this, that the committee recommend to council that we select Alternative 4 as our preferred alternative.

MR. CURRIN: All right, motion by Robert to recommend that council select Alternative 4 as our preferred.

MR. GEIGER: Second.

MR. CURRIN: Second by George. Roy.

DR. CRABTREE: Is there a way to see the table that shows the reductions again?

MR. CURRIN: And this was 4A on that table; remember 4B is not currently in our document.

DR. CRABTREE: If this is what you set as your preferred, then we're going to need to talk about rationale and why you think it's sufficient. Just based on what on what is up there right now, it appears to fall somewhat short, but perhaps you can come up with some other things that maybe make up for that.

MR. GEIGER: Yes, as the seconder I had four in my mind as being the 76 to 87 percent, 4B. It has to be either 4A or 4B, Robert, or else we have to determine what Alternative 4 is back – well, Alternative 4 here, under total removals on Table 4-20, says we achieve an 84 percent reduction.

DR. CRABTREE: What is the page number, George?

MR. GEIGER: 231, unless I'm reading it incorrectly.

DR. FARMER: To that point, I raised this concern with the SSC yesterday that in those documents the reductions listed for Alternatives 3 and 4 are based on the June report, which has since been updated by the model in September and again in December but I guess did not make its way into the tables there.

We have since figured out a way to interpret the bathymetric closure looking at the distribution of the red snapper stock. In June we had not found any way to do that, and so the interpretations in June was that for the purposes of the recreational fishery, which does not list depth in their catch records, we just assumed, for lack of a better assumption, that the entire red snapper stock was contained within 98 to 240 feet, which examination of the logbook data suggests is not actually true.

Therefore, we've looked at a heterogeneous distribution of the stock with the core of the stock still within 98 to 240, but you still have removals outside of that, and so I would suggest that rather than referring to those tables in the document, which are outdated at this point, I would refer to the actual model, which was intended to replace those tables.

DR. CRABTREE: Which is what is in this slide?

DR. FARMER: Yes.

MR. CURRIN: Thank you, Nick, that's a helpful clarification. Robert.

MR. BOYLES: Mr. Chairman, in light of that – and I appreciate, Nick, that clarification – I would like to withdraw the motion.

MR. CURRIN: The motioner would like to withdraw the motion; is that okay with the seconder, George? Now, the discussions we have had or some have posed to extend the uncertainty around these point estimates like that. I don't know how we get there exactly if that's the way the committee wants to go, but we're going to have to make some assumptions validated or supported by a discussion on the record to establish some uncertainty around these estimates if that's the way you want to vary them. Charlie.

MR. PHILLIPS: I'm just going to make a point. I talked to a couple of my captains yesterday. One of them was working 220 to 239 feet for his whole trip. He was interacting with red snapper. There are, I'm going to say, significant amounts of red snapper. If you end up closing that deepwater complex, you are going to get a lot of savings. It's just something to keep in mind. I'm just letting you know off Georgia there are snapper, vermilion, pinkies, gag grouper, all past 240.

MR. CURRIN: Yes, I think that's evident in the model run that Nick did as well when he extended it out to 300 feet. Roy.

DR. CRABTREE: I'm looking at what Nick is telling me; and if you took Alternative 4 and you assumed 40 percent release mortality in all sectors, which, Nick, the SSC did discuss that? All right, if you did assume that the trips eliminated by the previous amendments and Amendment 17A takes place, and if you assume a 94 percent compliance rate, it would get you an 83 percent reduction. That does not include effort shifting.

MR. CURRIN: You've got something to that point, George. Point of order?

MR. GEIGER: Yes, if we count around the table, we've got 13 votes including you, Mr. Chairman – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13.

MR. CUPKA: And he didn't vote so how did we get 7 to 6?

MR. GEIGER: You're shaking your head yes?

MR. WAUGH: No, I'm saying we counted 13 votes.

MR. GEIGER: We did?

MR. WAUGH: Yes, and Mac did not vote. Yes, the Mid-Atlantic Council has two seats on snapper grouper, so Red voted and that's why we had 13 counted. If Mac had voted, that would have been 14 eligible votes.

MR. GEIGER: He voted twice?

MR. WAUGH: No, once.

MR. GEIGER: I apologize for counting with my left brain.

MR. CURRIN: That's okay; thank you for keeping an eye on things like that.

MR. HARRIS: Mr. Chairman, I think the last motion was withdrawn. I would make a motion that we not, at this time, establish a preferred alternative. The reason for that is I want to see some uncertainties around these numbers. If we're off just by a couple or three percentage points, that can make a huge difference in a closure area that we would select to go forward at this time. I can't do that until I see some confidence limits around these numbers.

MR. CURRIN: Well, I'll make two points and then we can discuss that point as well. Okay, motion by Duane that we not select a preferred. I'm not sure that from a point of order that we need to reaffirm where we are right now.

DR. CRABTREE: Point of order; I don't believe you need a motion not to select a preferred. We need a motion to select a preferred so I believe that should be ruled out of order.

MR. HARRIS: I was trying to move us on.

DR. CRABTREE: Well, I think you should rule that out of order, Mr. Chairman.

MR. CURRIN: Okay, that's good advice. I don't think need it, so, yes, we'll rule that one of order. To the point you made, though, Duane, if we don't leave this meeting with a preferred selected here, we're going to put the staff behind an eight ball on a timeline that has already been extended.

Keep in mind that even if we select a preferred here, we can move forward and we can change that preferred in the light of a new analysis is going to come in. I would recommend that the committee do the best they can to arrive at a preferred alternative on this management measure. As far as the uncertainties – and we'll probably get some more comments on that, too – I don't know what the likelihood is that we would be able to receive any bounds of uncertainty around these estimates between now and the next meeting or now and 2020. I don't know; that's just my opinion. Brian.

DR. CHEUVRONT: Running the risk of beating a horse that's practically dead for right now, we've gotten some information or had some discussion since we had the previous motion that we had to accept Alternative 5 as our preferred, and that was when people were thinking that perhaps they could go with Alternative 4 as the bathymetric alternative that would close a slightly smaller area, but it would leave more bottom open closer to shore.

We've now realized that Alternative 4, unless we do some real gyrations to that alternative, we wouldn't even have a chance of meeting the ending overfishing even within the range of numbers. I would like to go ahead and make the motion that we select 5 as our preferred management alternative.

MR. CURRIN: Motion by Brian; second by David that Alternative 5 be our preferred, and I'm sure there will be some discussion. Roy.

DR. CRABTREE: Just a point of order; we've already had a motion to make –

MR. CURRIN: That's true.

DR. CRABTREE: -- to Alternative 5 and it failed.

DR. CHEUVRONT: But my point was that we have had discussion since then that part of the rationale that went behind why people didn't –

DR. CRABTREE: But it's a point of order that you would have to have a motion to reconsider by someone who was on the prevailing side and vote on the motion to reconsider.

DR. CHEUVRONT: Okay.

MR. CUPKA: Yes, Roy is right and I was on the prevailing side, so I will make the motion to reconsider.

MR. CURRIN: Motion by David Cupka to reconsider; second by Brian. Discussion. Mark.

MR. ROBSON: Well, I would still speak against the motion for 5 for the same reasons I spoke to it before.

MR. CURRIN: Other discussion? Brian, you made some comments about the consideration of Alternative 4 and some gyrations that were derived to make that meet the goals. There were some changes, but I don't know I'd go to the point of saying gyrations. In fact, one of those that Roy brought up with assuming the 40 release mortality for both sectors was a point I believe that the SSC deemed reasonable – someone correct me if I'm wrong – or at least they didn't jump up and down and say that's unclear.

As we all are aware, the model that Nick has provided to us assumes a hundred percent compliance, and the figure that Roy tossed out that resulted in an 83 percent reduction did come off of that some, 6 percent. I don't know whether that is accurate or not, but it's certainly more conservative than the assumption made by the model. Duane.

MR. HARRIS: Again, I'm going to speak against the motion. I'm going to add a couple of comments with respect to the reason I'm speaking against it. It's going to close all of the artificial reefs that Georgia has built off the coast of Savannah. It doesn't close any area off of South Carolina. And not that I want to hurt my friends from South Carolina, but there are a lot of red snapper caught in that area; and if we're trying to reduce discard mortality on red snapper, just closing the area off of Georgia and Florida doesn't do everything that if we're closing an area that we ought do. Again, I'll speak against the motion.

DR. CRABTREE: Would you be willing to support Alternative 4B that goes out to 66 feet and extends a little further north?

MR. HARRIS: No, because you're still closing almost all the artificial reefs off the coast of Georgia when you do that. Most of the artificial reefs are in waters deeper than 66 feet.

MR. PHILLIPS: And I can't tell how deep that box is off of Jacksonville, but that's leaving prime area open for interaction with red snapper, much more so than what you're closing off of Savannah, which is our artificial reefs, a little bit of black sea bass bottom, and things like that. If I had to go with a closed area, three work for me, and I think it's getting close enough. There are all kinds of reasons not to go here.

MR. MUNDEN: I have a question for Duane. Were these artificial reefs constructed with state money or federal money or a combination?

MR. HARRIS: A combination as well as fishing club money, all those things.

MR. HARTIG: I would just like to remind everybody that the SSC did vote to have a release mortality workshop and to investigate the time series data before the update. Whatever preferred we choose, there will be other values. They may not be better. I can't tell you that for sure, but

we will have alternative values that we could change based on – we could change a preferred alternative later based on whatever comes out of that and the update.

MR. CURRIN: Okay, further discussion on this motion. Have we voted on the motion to reconsider? No, we haven't voted on that yet, have we? All right, I'll call the question. Is there opposition to the motion and if there is raise your hand, the motion to reconsider; all in favor raise your hand. Okay, the motion to consider passes seven to six.

The motion is already on the table and just comes back to the table, and that's the motion to make Alternative 5 our preferred. Is there further discussion on that motion? All those in favor please raise your hand; all opposed. That motion is approved. I counted seven to six in favor; is that correct. Okay, Alternative 5 is currently our preferred alternative for management measures considering closures. Let's take a 15-minute break.

MR. CURRIN: Everybody ready to go? All right, I'll turn it back over to you and you can ease us through.

MR. DeVICTOR: Okay, we're still on the closure action. It's PDF Page 213. Here is where we deal with the idea of what fishing would be allowed in there, if at all. You do not have a preferred alternative at this time, but there is Alternative 7 that would allow harvest of black sea bass pots, those with endorsements.

Alternative 8 is essentially allowing longlining for golden tilefish in the closure area past 50 fathoms, so again that has to do with allowing golden tilefish fishing. Alternative deals with allowing spearfishing to occur in the area. Then there is Alternative 10, which I can go through in detail if you would like, but this has to do with the lottery alternative.

I can just point you to a table, it's Table 4-10, and this has to do with the 79,000 pounds that was the 75 percent, your past preferred alternative, so these numbers would change according to your new preferred alternative, which is the 101,000. Essentially this shows you the different number of permits that would be allowed under the lottery alternative; what the catch per vessel would be per year under the lottery program. If you want me to go in detail on how that was figured out, I could go through that.

MR. CURRIN: All right, discussion on these actions that would permit sea bass pots and golden tile longlines in any closed area, and then there is a lottery system that we asked the staff to develop and analyze. The results of that or approximations of that are in Table 4-10, if that's reasonable. Besides the permits, is there gear like VMS requirements for the commercial industry in any of those as well, Rick, or not?

MR. DeVICTOR: The requirements for tracking and accountability are shown under Table 4-11.

MR. CURRIN: That's further down; I just want to make sure before we start going down that road that everybody understands the accountability measures become fairly onerous for what appear to me to be a relatively few fish outlined in Table 4-10. Duane.

MR.HARRIS: Mr. Chairman, do we need preferreds; like for Alternative 7 and Alternative 9, does it make any sense to say that they are a preferred alternative. I mean, there are in there, but does it make any sense to do that?

MR. DeVICTOR: If you feel that black sea bass should be allowed in there, then you would need to make Preferred Alternative 7; but if you feel that none of these should be allowed in the area, then you do not select preferred alternative.

MR. HARRIS: Mr. Chairman, I would move that Alternative 7 and Alternative 9 be listed as preferred alternatives.

MR. CURRIN: Motion that Alternatives 7 and 9 be preferred alternatives; second by Brian. Discussion. Duane.

MR. HARRIS: The rationale behind that is we're trying to protect red snapper in this amendment. Black sea bass pots rarely, if ever, catch red snapper. Spear fishermen can target other species when they're diving, and so I see no reason to prohibit those gear types in this amendment.

MR. CURRIN: Any other comments? Any other discussion on this motion? Is there any objection to this motion? The motion is approved with one objection. Roy.

DR. CRABTREE: I would like to have some discussion about Alternative 8 because it's my understanding that there are relatively few red snapper outside of 50 fathoms. I believe the document essentially supports that. Table 4-23, if you look at that, it looks like red snapper was caught in 0.35 percent of the trips and made up 0.01 percent of the catch on longline trips. Of course, they're already outside 50 fathoms.

MR. CURRIN: PDF Page 237 is that Table 4-23, Roy; isn't that what you said? Charlie.

MR. PHILLIPS: Yes, there would be gray tile that would be something they want to try to go target. I'm not sure if pinkies are going to be out past 300 feet or not. Vermilion, I doubt it; red snapper, I doubt it. Of course, you couldn't catch them so you're not going to interact with them, anyway. The only thing I really can think of would be maybe some amberjack out there and maybe some pinkies, but, yes, the odds of interacting with any Americans would be slim and none.

MR. CURRIN: What is the committee's pleasure here? Gregg.

MR. WAUGH: Just to clarify, right now longline vessels can only have deepwater species. That's all they can possess, so the way it's currently worded would liberalize that so that longline vessels could possess more than just deepwater species. In addition, in 17B you're going to be considering prohibiting possession of deepwater species deeper than 240 feet in order to address speckled hind and warsaw, so this wording or this action will impact 17B.

DR. CRABTREE: Well, then, it might make some sense for us to work through Amendment 17B and make our decisions there and then come back to this after we know what we've decided in 17B, and I would be okay with doing that.

MR. CURRIN: Okay, that makes sense to me as well. Ben.

MR. HARTIG: Gregg answered most of my questions, but does this only apply to longlines? I mean what about bandit gear in that area?

MR. DeVICTOR: Yes, this just applies for longlines as it's currently right now.

MR. HARTIG: So as unstated, bandit gear would be allowed in the tilefish areas?

MR. CURRIN: As stated, it would not be.

MR. HARTIG: So you would have to add bandit gear to this in order to have them to be allowed to catch golden tilefish according to this statement; is that correct?

MR. WAUGH: Yes; and if you remember when we started down this road with 17B, we were talking about creating an allowable area for golden tile fishing. I think 17B is the better place to address this issue; or as Roy suggested, deal with 17B and then come back and look at it.

MR. CURRIN: Keep in mind, Ben, this is within the closed areas; so outside the closed areas, bandit gear would be allowed. I think that is a good suggestion; let's look at 17B and then come back to this. All right, Rick.

MR. DeVICTOR: Okay, moving on, next we have Alternative 11 in this action, and this has to do with transit; 11A would allow transit with snapper grouper species if gear is properly stowed. Stowed is defined as is transit in the regulations, and it's provided for you underneath this alternative. Alternative 11B, continuing down further – this is on Page 220 PDF – 11B takes away the "if stowed" portion of that alternative, so it would allow transit with snapper grouper species on board; and 11C allows transit with wreckfish

So considering deepwater closures in 17B, if that is put forward, staff and the team were thinking what harvest is going to be out there for the snapper grouper species, and we were thinking wreckfish would be one, so that allow transit with wreckfish on board. There are three transit alternatives and we're looking for a preferred.

MR. CURRIN: I guess there could be two preferreds here as well. Yes, C only addresses wreckfish and the ones above it give the options to allow transit or not allow transit with snapper grouper with gear stowed or not stowed. Roy.

DR. CRABTREE: Yes, I guess I would have a question for Charlie or Ben. I can understand wreckfish needing to transit because they may be fishing offshore of these areas. Is there anyone else that would be snapper grouper fishing outside of these areas?

MR. HARTIG: Golden tilefish.

MR. PHILLIPS: Are you talking longlining or bandit gear that could be outside of the 240 or whatever the block may happen to be?

DR. CRABTREE: Well, I'm looking at this preferred alternative block we've chosen, and it seems to me it's pretty deep outside of it. Now, I could see someone in Georgia fishing north of it and wants to go home, and it might be convenient for him to cut through it, but he could run in and come home in state waters, it seems to me, but would anybody be outside of that because it seems like it's going to be awfully deep outside of that, except for wreckfish, maybe.

MR. PHILLIPS: Well, I don't know how – I don't know the depth contour on the outside of the box; so without knowing that, it would be kind of hard to guess. But, yes, definitely if they try to go to South Carolina and they've got to go all the way within the sea buoys and stuff or within five or six miles of shore, it's going to be pretty – they need to be able to transit if they're going to go to South Carolina and go to work.

MR. HARTIG: Well, don't we have a definition of transit for our MPAs and is that incorporated in this?

MR. CURRIN: I think it's there on Page 220, Ben, at the bottom of PDF 200. All right, what is your pleasure here? Gregg is over there trying to pull some depths off of one of the charts. It would seem reasonable that we would want to allow possession of wreckfish at Fishery Neck or north of there, but it may occur south as well. I don't know whether those blocks would interfere with the wreckfish fishermen. And depending on whether there is golden tile fishing occurring outside of the closed area, we may need to provide for that as well or not. Charlie.

MR. PHILLIPS: There looks to be some bottom that's fishable outside of that from what I can tell. It doesn't matter where you're crossing it from offshore, you're crossing it from the north, you're crossing it, you're going to use the same rules.

MR. CURRIN: So what is your pleasure on this, then? Brian.

DR. CHEUVRONT: Charlie, would they have a problem if we went with Alternative A? If they're coming home, they can stow their gear and then they can transit through it just fine with whatever they've got on board.

MR. PHILLIPS: Yes, whatever they do to stow the gear to go through an MPA, taking their hooks off and putting them in the hold or something, it shouldn't be a problem, I wouldn't think.

MR. BOYLES: Mr. Chairman, I would recommend that the committee recommend to the council to make Subalternative 11A the preferred.

MR. CURRIN: Okay, is there a second? Second by Brian. Discussion on the motion by Robert? Subalternative 11A reads a prohibition on possession. It does not allow a person aboard that is in transit with snapper grouper species on board and with prohibited fishing gear

appropriately stowed. Discussion. Any objection to that motion? I see none; that motion is approved as our preferred. What about wreckfish?

DR. CRABTREE: That would be covered in 11A.

MR. CURRIN: Okay, thank you. Rita.

MS. MERRITT: Except the stowage requirements may need to be spelled out as they are above in the – I don't remember what page it was, but the wreckfish stowage is a little bit different, I think, just as it is for black sea bass pots. It is something to do with having the ganglions removed. You can't stow longline gear – not longline gear; I can't remember the terminology, but some of the gear, it's a little different. Do you know what page it is, Rick? There is a page that is specific to stowage.

MR. DeVICTOR: Yes, Page 220.

MS. MERRITT: Is it 220?

MR. CURRIN: It's under the transit definition.

MS. MERRITT: Oh, it's already in the transit. All right, well, it's fine with me as long as we're covering it. Thank you.

MR. CURRIN: Okay, anything else here? All right, Rick, let's move on.

MR. DeVICTOR: Okay, the next action has to do with circle hooks, and that's PDF Page 266. You have three alternatives, and there is currently not a preferred alternative for circle hooks. Alternative 2 would require circle hooks when fishing for snapper grouper species with hook-and-line gear within the area north of 28 degrees. I think we need some clarification there.

My impression from September was when you were talking within the closed area, that meant – it says within the area north of 28 degrees. I think you need to clarify what area you're referring to. I think it was, at the time, dealing with the lottery alternative and that closure, but I think you need to clarify that for us. Then Alternative 3 is require to use the circle hooks when fishing snapper grouper species throughout the EEZ.

MR. BOYLES: Mr. Chairman, I seem to recall with respect to Alternative 3 we have been down this road and heard a lot of comments from South Florida particularly, so I don't know that we need to go down that road necessarily. We've certainly heard a lot in the public hearings and in the communications that we've received as individuals. I might suggest Alternative 2 be changed to read "require the use of circle hooks when fishing for snapper grouper species with hook-and-line gear within the EEZ north of 28 degrees".

MR. CURRIN: Okay, no desire to require non-off set hooks?

MR. BOYLES: Non-offset, yes, sir, needs to be in there; non-offset circle hooks.

MR. CURRIN: Okay, so the motion is, then, essentially a modification of Alternative 2, which would read “require the use of non-offset circle hooks when fishing for snapper grouper species with hook-and-line gear within the EEZ in the area north of 28 degrees”; is that correct or somewhere thereabouts? Second by Mark. Robert, is that motion okay as up on the screen there?

MR. BOYLES: Yes.

MR. CURRIN: Further discussion? Ben.

MR. HARTIG: Not just to hear myself talk, but Jack and I have done a lot of work and so has Duane on the circle hook and the release mortality issue. There are numbers that you can actually use for circle hooks versus J-hooks for mortality reduction. In the Burns’ 2004 studies, 31 point something percent was caused by J-hook mortality. We’ll work farther along towards getting those numbers in there and getting some kind of resolution to the discard mortality, and it will go into the workshop.

MR. CURRIN: Thank you, Ben. Any further discussion? Charlie.

MR. PHILLIPS: Yes, it looks like you may requiring circle hooks up in North Carolina where you’re not catching any snapper, and you may be requiring them where they’re absolutely not needed. I would be a little bit concerned. I would like to hear from fishermen from North Carolina.

MR. CURRIN: Yes, I suspect we’ll hear from them on this as well, but there are red snapper up there. They’re just not in the numbers that occur down off of Georgia and Florida. There are some in South Carolina as well, so there are going to be some interactions. As Ben pointed out from at least one recent study, those circle hooks will help to some degree. Brian.

DR. CHEUVRONT: Yes, and further discussion that, in North Carolina the red snapper, the few that we do have, that occur are generally south of Cape Hatteras; so after we talk to fishermen and things, we may want to put the northern limit of that at Cape Hatteras. While they’re not in huge abundance in North Carolina, we get our half percent of the total landings whatever of red snapper, so they do occur there. There are fishermen out there who like the idea of circle hooks, so everybody is not going to be against this idea.

MR. CURRIN: Yes, at the New Bern hearing, in fact, we’ve heard in the past from fishermen about their inability to catch triggerfish because their mouths are so small on circle hooks. One of the fishermen who were there and was a commercial and charterboat fisherman said if anybody can’t catch one, tell them to come up and see him because he can catch them all day long on small circle hooks. Otha.

MR. EASLEY: As this is worded “require the use of circle hooks”, that means in order for enforcement to prove a violation, we have to show that the fishermen were actually fishing with hooks other than circle hooks. Now, if they’re transiting or they’re coming into the dock or whatever and they have a boatful of – we can’t find a single circle hook on the whole vessel, I

can't say that I can prove the use or non-use of circle hooks. I mean, it's implied, but the way it's written I would have probably a difficult time on the second end of enforcement, and that's the prosecution.

DR. CHEUVRONT: So, what you're saying is that – I mean, we play this game sometimes with state rules where we prohibit the non-use of a circle hook or prohibit possession – I don't know, but we have to work out a way that the non-use of non-offset circle hooks, that somehow get that point across; is that the point you were trying to make?

MR. EASLEY: Something along those lines, following your thought, cannot possess hooks other than circle hooks, per se, but putting possession in there is what I'll need to make a case.

MR. CURRIN: I think we're going to have to do something better than that because a lot of these trips with people offshore trolling for king mackerel with live bait and may stop and drop to the bottom or trolling offshore and they're going to have some J-hooks on board. I don't know; there may be some way to get around it. No doubt this is not the first time this has come up. Roy.

DR. CRABTREE: When you think about it, what we really can require is they have circle hooks on board the vessel, and these guys can check them at the docks; and if they've got snapper grouper on board, they better be able to show them their circle hooks. But the reality is when they're out there fishing, it's going to be very hard to judge what they're using.

I think we can require that you use circle hooks to fish for snapper grouper, but we can also require that if you possess snapper grouper on board the vessel, you have to have circle hooks on board as well. I'm not sure how to get around it any better. I mean, we're not going to prohibit people from using J-hooks because they may use those to fish for other species and loads of people are going to use mixed trips fishing for different things. The enforcement of this is largely going to be at the dock. An officer can check them and if the guy has got snapper grouper, he can say, "Show me your circle hooks."

MR. EASLEY: That will work for me.

MR. CURRIN: All right, is there someone who would like to amend this motion in some way?

MR. BOYLES: Mr. Chairman, I'll try since I was the maker of the motion. Let's try if snapper grouper species are on board – "it is unlawful to possess snapper grouper species without non-offset circle hooks also on board". Roy has got another detail, too.

DR. CRABTREE: Now, in the Gulf where we did require this, we required this with the use of natural baits. We did not require circle hooks on lures and artificial. Do you want to do that here?

MR. CURRIN: Yes, that makes a lot of sense, but that even complicates it a little more. I guess the Gulf has got some verbiage that reflects that in some way and can we just direct the staff to include that verbiage?

DR. CRABTREE: I think if you indicate your intent that this applies to natural baits, we can dig out the Gulf regulatory language and work on that.

MR. CURRIN: Rick, are you okay with that and, Robert, I assume you're okay. We'll let Gregg it on the board and then you can read it and make sure it reflects your intent.

MR. WOODWARD: I would caution us to do that because these new impregnated synthetic baits which duplicate natural baits are pretty effective; and if you start fishing with those on circle hooks, which you can do – you know, if your goal is to make sure that every snapper you encounter with a circle hook, you need to be careful about restricting yourselves to just natural baits.

MR. PHILLIPS: I know the intent; I know where we'd like to go. I don't think we can write anything that's enforceable. Having somebody keep circle hooks on the boat proves very, very little. They keep a box of circle hooks in a box. If you don't have the fishermen buying into it and voluntary compliance, I think we're making a – it's almost like we're making a rule to make ourselves feel good.

We're going to have to get fishermen to want to comply. I don't think they'll ever be able to make a case unless somebody is just really, really careless. It's not that I think it's a bad thing to do, but I think we're just trying to ask for something that absolutely cannot be done and cover all the bases.

DR. CRABTREE: Well, we did this in the Gulf in 2006, I think, and we have had very few complaints about it. I think most of the guys fishing for reef fish in the Gulf are using circle hooks now, because I think they work well and they have largely bought into it. Now how much mortality reduction that we got, that's debatable.

A lot of them were using circle hooks before we required them, anyway. It is an enforcement problem, and we had this same discussion in the Gulf, but we felt like most people are going to obey the rules. If we can get at least a good-sized fraction of the public to switch over and try circle hooks; and they've got them on board the boat, sooner or later they're probably going to try them and maybe over time we can get some buy-in. But it's clearly not something we're going to be able to strictly enforce. You know, this country required people to wear seatbelts, what, 25 or 30 years ago, and that was a difficult thing to enforce, but I think nowadays most everybody wears their seatbelt.

MR. CURRIN: Yes, I'm comfortable with the requirement if it only serves to educate people and it encourages people who currently aren't using them to use them now and start to think about it, even. Roy.

DR. CRABTREE: And yet another detail; in the Gulf we required non-stainless steel circle hooks with the notion that if a fish breaks off, the hook would rust out. My preference and the way I would like to see this go is that we have the identical regulatory language in the Gulf for the South Atlantic, but would you like to require non-stainless steel circle hooks as well?

MR. BOYLES: That sounds like a great idea.

MR. CURRIN: It's okay with Robert and okay with the seconder. Have we finally gotten this motion to the point where we're ready to vote on it? Any further discussion on the motion? **The motion is to require the use of non-offset, non-stainless steel circle hooks when fishing for snapper grouper species with hook-and-line gear within the EEZ north of 28 degrees as our preferred alternative.**

It is unlawful to possess snapper grouper species without also possessing non-offset, non-stainless steel circle hooks. This is intended to apply to the use of natural baits only. The understanding, I think, is to make sure we capture the synonymous verbiage from the Gulf and we'll rely on staff to check all that for us. Everybody okay with that? Any objection to that motion? I see none; that motion is approved.

MR. DeVICTOR: And just clarification for staff; that will be Alternative 2 as the preferred; and for Alternative 3, which is the non-preferred, to require it throughout the EEZ, we'll make that in line with this alternative to non-stainless steel and non-offset.

MR. CURRIN: Yes, that makes sense.

MR. DeVICTOR: Okay, this is the final action in Amendment 17A. This is on PDF Page 273. This has to do with the monitoring program and monitoring the rebuilding of red snapper. Alternative 2; establish fishery-independent monitoring program to track progress of red snapper rebuilding. Sampling would include deploying mesh Chevron traps, cameras, and hook and line at randomly selected stations.

This note is from the IPT and it's a holdover from the last meeting. You already discussed that you would like this as an alternative. Then Alternative 3; again, we talked a bit about this. It would establish a rebuilding research fishery involving for-hire vessels, and this would include charterboat and headboats. The trip limits and number of traps per month would depend upon the number of selected vessels available and objectives of the research fishery. You can see that there is a blank table there right now. We're looking for some feedback from the Science Center possibly to fill some of these in.

MR. CURRIN: Discussion on this alternative. If you remember, I think it was suggested that we ask the Science Center to do some analysis on incorporating the use of headboats and charterboats to collect the samples that we knew were going to be necessary to monitor this fishery if there were closures in place. There was some analysis done that, as best I can recall – somebody correct me if I'm wrong, but it would require essentially no less than a 30 percent reduction in effort by the headboat and charterboat fleet in order to continue the validity of the headboat survey, which was one of the concerns and some of the rationale for trying to do this.

To continue the headboat survey, the usefulness of the headboat survey would require much more effort on the part of the headboats and charterboats than we could allow. It would have to be distributed within the closed area as well as the open areas, so I don't know how feasible that is at this point unless there is other rationale for trying to do that. George.

MR. GEIGER: In reading the qualified applicants to those that have the five bullet points there, but one of the things that bothers me about this is there is no indication – it says that they have to be eligible to take an observer, but there is no indication that an observer will be assigned or what happens to the catch in terms of scientific data gathered for each trip. It somewhat open ended in that they're allowing people to fish, but there is no definitive process as to what happens to the data that's collected or if there is any data collected.

MR. WAUGH: There was a workshop held, and I think John Carmichael can give us just a brief report on what the outcome was of the fishery-independent monitoring workshop that was held trying to design a monitoring program that would apply to red snapper and other snapper grouper species.

MR. CARMICHAEL: Yes, there was a workshop held – I'm sure most of the council members are aware it was going on – at the Southeast Center Laboratory here in Beaufort. It was discussing the monitoring programs for snapper grouper species with a lot of attention on dealing with red snapper and the potentials for continuing data collection under some of the options that you guys are considering, such as large-scale area closures.

We had a very good group of people involved from the scientists to the fishermen. We had people who are very familiar with a lot of the monitoring approaches used by the Center, down in the Gulf of Mexico in experience in monitoring red snapper there, as well as great representation from the MARMAP Program, which has probably the largest body of expertise for actually sampling within the South Atlantic habitats.

What has come out of that is a general plan that was agreed to by the group that would consist of a very intensive sampling program, independent sampling program conducted on survey-style vessels. It will use a combination of gears in the beginning to try and get a handle on just what types of gears collect which species within this area, and oriented largely around a video camera approach, which has proven to be very successful down in the Gulf.

One of the benefits there is you don't have deal with the species selectivity to the gears and things of that nature. MARMAP has been doing some of that to understand how their gears work. There has been a lot of development on these techniques and for calculating CPUE using these methods down in the Gulf of Mexico and other areas.

It builds on kind of the visual survey approaches. The general plan would be to put cameras down at sites around the area and then follow the cameras up with different types of capture gear, such as pots or longline gears or something to then get in the fish for biological sampling, for measuring lengths, for collecting age structures, doing life history structure, things of that nature. The idea of the group being that at first you're going to have to deploy a number of different gears to try and get an idea on what type of species each gear is going to be best at capturing, because they want to be able to get samples of all the species that the cameras can see, if at all possible.

Also consideration was given to both the depth concerns, fishing within the shelf, fishing off the shelf, and geographic concerns because we know the distribution of habitat and the makeup of

species in those habitats vary geographically. We're looking at sampling over a good part of the year because we know that there is seasonality, which about the only time it wouldn't receive a lot of sampling is likely to be in the wintertime due to weather and things of that nature.

There were a number of workgroups that were convened during this devoted to different areas such as the life history. There was a life history group talking about the species themselves; groups talking about specifics related to gears; groups working on the statistical design. All of those groups are doing individual reports, and their reports were asked by the organizing committee to have into us – I guess this Friday was the initial deadline.

Most of them have come in and things are coming together in pretty fashion and on schedule. Then we'll be getting together and trying to finalize the whole report out of this in the next couple of weeks. The expectation is that obviously this is going to take resources, substantial levels of resources to pull off, to get that kind of sampling going on out in this region, but it is critical to understand what is going on in these fisheries.

The expectation is then through the Science Center requests are going to have to be made for the funding to support this program and looking at opportunities for a lot of cooperation amongst the states and for pieces of this that could be handled through things like cooperative research programs, especially when it gets into understanding different gears and how different gears perform and some of the evaluations of approaches and understanding what fishing areas should be sampled. There are a lot of opportunities for using the fishermen to do a lot of this work at least initially to try and get the program off the ground. That is where we stand on that. If there area any specific questions, I'll be glad to take them.

DR. CHEUVRONT: I just want to make one point of clarification so everybody understands. I was there at most of the workshop, and this was just about the independent component of it. There was no discussion obviously of the dependent component of using the for-hire sector, so it wasn't like the workshop dismissed the use of a dependent data collection, but it just focused on the independent side. I think there is value in both of those data collection programs.

MR. CURRIN: And, Brian, you have said the answer to my question for John, which was what the response from the states as far as the cooperation to help pull this off? Was it positive?

MR. CARMICHAEL: It was certainly positive on the part of the representatives who were there, which we're primarily talking biologists and such who were involved in this.

MR. CURRIN: Well, the issue of monitoring red snapper, but not only red snapper but other species, especially with the consideration of closed areas, is huge and a very critical part of this amendment in my estimation. We have a couple of decisions here. We've got an alternative to establish this fishery-independent program. There is also an approach for a research set-aside program as well and using the research vessels. What is your pleasure here? Robert.

MR. BOYLES: We were well represented by our staff at the workshop, and by all accounts it was a very, very good discussion. The question I've got in terms of the monitoring, I understand the price tag for this monitoring program is quite ambitious. The question I've got for us to think

about is we put this in as a monitoring program, but we've still got to find the resources, and I want to think this was an eight, nine or ten million dollar program. We don't have that kind of money lying around in South Carolina at least. I guess my question is does that have any bearing on whether or not we include this in the amendment?

MR. CURRIN: Well, I don't have ten to twenty million. I doubt that the Fisheries Service can shake that loose. I don't know; I can't speak for you, but this is to me a critical aspect. We've got to be able to monitor the recovery of these stocks if we're going to shut these areas down, as we're talking about doing. Brian.

DR. CHEUVRONT: And related to that, one of the things that workshop participants were going to do was each component of it, they were going to try to price out and then rank order them according to the things that they thought were most important. It wasn't going to be this is \$10 million plus or nothing.

It was going to be these are the most important components; this is what we estimate they're going to cost; and this is what we think is the order in which they ought to be funded. There was a realization that, yes, this is expensive, but it needs to be done and here are our priorities and what we think they're going to cost.

MR. BOYLES: Along those lines, just so the committee knows, we continue to place a very high priority on the MARMAP Program. When the state goes to our congressional delegation; to let them know the programs in which we have strong interest, we communicate that with our delegation, and they are certainly well aware of our strong interest in MARMAP. Please don't view my comments as lack of support. The question I've got is, is this kind of like what Charlie was referring to with circle hooks; is this something that we just want to feel good about ourselves or there are some real resources that is in the road that we think are achievable?

MR. CURRIN: Well, I certainly view it more than a feel-good measure. George.

MR. GEIGER: Getting back to the discussion on the alternative and the fact that there is nothing in there concerning the collection; John, under an ideal circumstance – I understand what you're saying in terms of collecting independent data – for this what type of data would we be looking for collecting off of the headboat data, otoliths?

MR. CARMICHAEL: Are you referring to like Alternative 3?

MR. GEIGER: Yes.

MR. CARMICHAEL: Well, yes, it's very possible that you could bring in otoliths, you get fish for lengths, you might get an idea of really what is being encountered; so in the case of red snapper in places where the snapper grouper fishery is occurring, but red snapper aren't being harvested, then you could collect age structures, have them bring the fish in for sampling as way of maintaining some information coming in on red snapper. Fishery dependent and fishery independent can both proceed in these alternatives to deal with both sides of that.

MR. GEIGER: And to that point, it's a select number of trips that we're talking about making here; couldn't the states collect that data for us much as they've done in the summer session where we just collected an additional thousand or so otoliths? I know I'm signing the states up to do this, but it's in the best interest of the states to participate and help collect this data. I'm just trying to flesh it up because there is nothing in here that says what we're going to gather from allowing these headboats to fish or how we're going to gather any data.

MR. CARMICHAEL: I expect the states could and would participate in this to a large extent, to the extent that they can. I mean their people were very helpful over the last year in maintaining that, but understanding that you might be looking at some states and some other areas getting involved in this because that might be where red snapper are being encountered in the future.

MR. HARTIG: Well, frankly, I consider this much more important than a feel-good exercise. I wouldn't vote for anything to go forward without having a research plan developed and ready to go. That's just the way I feel about it and that is what I'm going to stick to. If we don't have a research plan, I can't vote for anything to go forward with red snapper.

MR. PHILLIPS: I'm just kind of brainstorming a little bit, but I can see from commercial boats, if they had an exempted permit and taking an observer, fishing where they would normally fish, the red snapper go to otoliths and everything else, the commercial guys wouldn't have to be paid because they would get to keep the vermilion that they're not going to catch anymore and the gags and whatever else is open. I could see commercial guys signing up that would qualify to take an observer, and so you could get some research with them doing the same thing that they always used to do. I'm just throwing this out as option that is probably affordable.

MR. WAUGH: It seems to me we either put in a very general worded alternative like Alternative 2 and request the Center to establish a monitoring program and leave it at that; or as Ben is suggesting that he needs a lot more detail, then request the Center to provide us a sampling plan for our March meeting.

We've already held one workshop, and we're not going to sit around this table and design the program here today. If you start getting into allowing some mortality, then we're going to have to go back to our ACL and figure out how we adjust that and make sure we don't allow too much mortality so that we need to relook at our closure alternative. It seems to me either we go forward with a very general wording in this amendment requesting the Center establish a monitoring program; or if you have to have that before you approve it to go to the Secretary, ask them to put that together for our March meeting.

DR. CRABTREE: I think that's very good advice; I agree with Gregg on that one.

MR. BOYLES: Mr. Chairman, George just made reference to it, and I can't let it pass, and please don't misunderstand these comments. I certainly don't want to speak for Brian or Mark or Spud, but the ability of the state to collect this kind of information has been seriously eroded. To the degree to which we participate, it's been through the good graces of the Science Center and using federal funds for this, for what we believe is certainly a federal fishery. Our budget

has been cut and will continue to be cut, and I'm sure Spud and Mark and Brian can comment on theirs as well – so just for the committee to be sure that you can't blood from a stone these days.

MR. CURRIN: Yes, I think there are levels of participation, Robert, that various states could bite off and chew on perhaps. You know, being available when a boat came in to collect some bones or whatever is one level and sending a boat out there to collect those same fish and bones is another. What is your pleasure here?

Gregg has suggested that if we wanted to go with the fishery-independent monitoring system as a way to monitor this fishery, that we ask the Science Center, in conjunction with using the results of the workshops that are ongoing or soon to be completed, to come back with a plan at our next meeting.

MR. HARTIG: So moved.

MR. CURRIN: Motion by Ben to ask the Science Center to come back at our March meeting with a fishery-independent monitoring plan for monitoring red snapper stocks. Don't let me put words in your mouth, Ben.

MR. HARTIG: Thank you very much.

MR. CURRIN: And make sure that's adequate and everybody is okay with it. Duane.

MR. HARRIS: When I was in Washington, Dr. Murkowski was testifying right before I did, and there apparently is some new money that is coming to the science centers for monitoring, and he did make the statement that a good chunk of that money would come to the southeast because we had been neglected in this arena for so many years. Hopefully, that will come to pass.

MR. CURRIN: Ben, are you okay with that motion? Robert will second that motion. Any further discussion of that motion? Any objection to that motion? I see none and that motion is approved. Any desire to select that as a preferred by the committee? Charlie.

MR. PHILLIPS: If it's an option that's selected as the preferred, I would say, yes, because we've got to have more than just red snapper. Because we're fixing to shut down a whole bunch of fisheries in this box, we need some people out there to keep track of what is going on or John is going to have some serious problems with other species that he's dealing with. I'm like Ben; if we can't make this happen, we're –

MR. CURRIN: We've got a motion by Charlie to select this as our preferred.

MR. PHILLIPS: Yes, I make the motion.

MR. CURRIN: Motion by Charlie; seconded by Robert. Yes, more than John is going to be in trouble, Charlie, if we don't get some ability to monitor these stocks. We'll all be in trouble, yes. Further discussion on this? Roy.

DR. CRABTREE: Do we have the SC Monitoring Plan yet?

MR. CURRIN: No, we don't have that plan yet.

DR. CRABTREE: Well, shouldn't we have before we make it our preferred plan?

MR. CURRIN: That may be a good idea. I think it's the concept that I was looking at, that this would be an approach that we would –

DR. CRABTREE: Well, I think you could make Alternative 2 your preferred, which is to establish a fishery-independent monitoring program.

MR. CURRIN: I mean, literally that motion was just a request to the Science Center, the previous motion, so I guess, Charlie, for reconsideration make Alternative 2 our preferred alternative, which is a broad alternative to establish a fishery-independent monitoring program that we hope will be fleshed out by the Science Center at our next meeting. Is that okay with you; okay with you, Robert, as the seconder?

All right, the motion is to establish a fishery-independent monitoring program to track the progress of red snapper. Sampling would include the forming of various gears, cameras, hook and line at randomly selected stations. The motion is make that our preferred alternative at this point. Any further discussion? Any objection to that motion? I see none; that motion is approved. Thank you, Roy, for making that very salient point.

MR. DeVICTOR: And this brings up the question of Alternative 3, establish a red snapper research fishery. Is it your intent to leave it in the amendment? This also came up when we were talking accountability measures where we were going to revisit Accountability Measure 2, which is to track the biomass and CPUE through the research set-aside that would involve data collection by headboat and charterboat operators.

MR. CURRIN: I'm kind of torn about this. I think at this point it might be a good idea to leave it in until we can satisfy ourselves that an acceptable fishery-independent monitoring system can be established. I don't know; that's an initial reaction. Are there other thoughts on that? Everybody okay, then, with leaving this alternative in for the current – Jack.

DR. McGOVERN: I was just wondering if you wanted if you wanted to call it a research set-aside. Here it's not called a research set-aside, but earlier in that accountability measure it is. I think not calling it a research set-aside is kind of where we want to go because that's what they do in New England. It has definite attributes associated with it.

MR. CURRIN: Yes, that's a good point. I think under the AMs it's referred to as a research set-aside program, but it's not really referred as that here, I don't believe. That does have quite different implications. Charlie.

MR. PHILLIPS: Okay, if you're going to call it a research set-aside, which basically you're going to try to get some fish – and I was just reading a letter from Steve Amick on MARMAP's

methods, pluses and minuses – I wouldn't want it to be limited to just for-hire. I'd like for the commercial boats to also have a shot to get in there because they fish different areas and different ways. If you're going a research set-aside, I think you'd be a lot better off to be able to use some commercial boats and use that research set-aside partially for them and partially for-hire and cover a lot more area.

MR. WAUGH: Again, we've asked the Center to provide us a plan for the fishery-independent monitoring program. They would be running this, so perhaps we should ask them to provide us what they think they need in terms of fishery-dependent monitoring program and provide that to us in March, also.

DR. CHEUVRONT: Gregg, I think that's a great idea because even before Charlie was here on the council I had brought up in our initial discussions about this whether we needed to even consider using commercial fishermen to help collect some of these data. **Gregg, I think your idea is a great one; so based on that, I would like to go ahead and make a motion that we ask the Southeast Fishery Science Center to recommend a dependent monitoring program for red snapper.**

MR. CURRIN: Okay, a motion by Brian; second by Charlie. I think it's understood that might include for-hire headboats as well as commercial entities to participate in that, whatever is the most efficient and best way to go about it. Discussion on the motion? Bonnie.

DR. PONWITH: Just a point of clarification. At the council's request, the Southeast Fisheries Science Center did put together an analysis of what it would take to monitor the progress toward rebuilding using exclusively a fishery-dependent program. The bottom line from that analysis was that a fishery dependent, by itself, monitoring program would not be successful because the takes would be high enough that it would actually jeopardize your ability to meet your rebuilding.

I just wanted to clarify on this one in my mind the thing that would give us the best flexibility is to explore what type of fishery-independent sampling program we would have to have to be able to adequately monitor that progress and give us the latitude to augment those data with fishery-dependent information that we would obtain either through cooperative research with the fishing industry, whether it be recreational or commercial, as opposed to this – I just want to make sure that this isn't intended to be a stand-alone program.

MR. CURRIN: No, I don't think that's the intent, Bonnie. There is probably some value in having at least this concept in the amendment in case there is some need or ability to utilize the industry commercial, headboat and charterboats to provide some additional samples as needed, from my perspective, anyway.

DR. PONWITH: So if the intent of that is to give us the maximum flexibility to use a blend, then this is good, and that's instructive as we go forward to meet the request.

MR. CURRIN: Yes, I think Brian was nodding his head as well.

DR. CHEUVRONT: Yes, in making the motion, Bonnie, that was my full intention. Basically what I'd like personally is to hear what you guys think is the best to go about this. I just didn't want to leave out the dependent component from consideration, thinking all we wanted was strictly an independent component.

MR. CURRIN: Okay, further discussion on this motion? Everybody is clear on it? The motion is to request the Southeast Fisheries Center to provide a fishery-dependent monitoring plan for red snapper at our March 2010 meeting. Any objection to that motion? I see none; that motion is approved. All right, Rick, is that it for 17A?

MR. DeVICTOR: I think so.

MR. GEIGER: Mr. Chairman, before we move away from 17A, earlier in the discussion today, and I certainly don't want to go back and revisit the 30 and 40 percent SPR, but there was a question asked concerning the explanation between the differences between Gulf and South Atlantic red snapper. The response pointed to the SSC minutes concerning the differences.

Could we have as a task to get the staff to research that portion of the SSC minutes to identify where they discussed the differences between South Atlantic and Gulf red snapper and provide that to us either in the meeting this week or possibly by e-mail as soon as possible after it is found?

MR. CARMICHAEL: We did provide the report from the SSC discussing that. Are you interested in more to see actually what each individual said?

MR. GEIGER: Yes, specific excerpts, John.

MR. CARMICHAEL: I'll see if we can pull that out of the minutes for that meeting. We'll check on that. We should be able to.

MR. CURRIN: Anything else on 17A? Gregg.

MR. WAUGH: In addition, John sent around this paper that's projected up there; the comments on SPR-based benchmark for red snapper stocks in the southeastern U.S. That was sent around this afternoon, so you have that done by Rick Methot, Paul Rago and Jerry Scott. You have that and it talks about the 30 percent and 40 percent as well.

MR. CURRIN: Anything else on 17A? All right, let's move into 17B, and Rick is going to start with a review of the public comments. Let's take a five-minute break.

MR. CURRIN: All right, let's get everybody to the table and we'll reconvene and move on to Amendment 17B. Rick and Kim are going to go through the comments that we received, both written and spoken. I would note that if we get much beyond that, there was a second briefing book version for 17B, which is Attachment 28.

MR. DeVICTOR: As I did and Kim did with 17A, we'll go through the 17B comments. I'll just note on my previous presentation I mentioned four public hearings in Florida. I was corrected and there were actually three public hearings in Florida. Going through the 17B comments, here is the category of comments of those who spoke in support and against the deepwater closure that's being considered in the amendment. I'll also talk about the comment we received on the golden tilefish allocation alternatives in the document.

There are comments on this idea of an aggregate ACL for gag, black and red grouper. Finally, there were comments received on snowy grouper and tilefish ACLs and AMs. In terms of the deepwater closure, there was support for Alternative 4, and this is the current preferred alternative, to prohibit deepwater species beyond the depth of 240 feet.

However, the comment was made to implement an AM to increase that size of the closure, if required. Also, there is support for Alternative 5, and this was to move the closure to the 300-foot depth. This was an idea brought forward by the Snapper Grouper Advisory Panel. A comment was made that this would allow fishing in those fish ledges in the 250-foot and 300-foot depth.

In opposition to the closure, the comments were made that there was no basis for change of speckled hind and warsaw grouper fisheries. They highlighted to wait until the updated assessment is done. We heard quite a bit of comments, as I brought up in my last presentation, from the Key Largo public hearings, and again they highlighted this idea where South Florida is different than the rest of the EEZ where it's a 20-minute ride to the 240-foot depth.

They said the council should consider Alternative 1 and not to put in a closure. Opposition to the closure highlighted the cumulative economic impacts, especially with this upcoming January through April shallow water grouper closure. Again, these comments came from the Florida Keys. Finally, we heard quite a bit of comment again from the Florida Keys where they go close to shore – well, closer than up here, obviously – and they'll go out for barrel fish and blackbelly rosefish.

They highlighted that they would still continue to go fishing out there and they would be forced to throw back deepwater species. There was only one comment that I saw in terms of the golden tilefish allocation action, and this was support for 50/50; so 50 percent commercial and 50 percent recreational.

MS. IVERSON: I would just like to point a couple of other notes that I had from when we were down in Key Largo. To kind of reiterate, Rick had said that there was support for moving that deepwater closure from 250 out to 300, and we heard that again reiterated in Key Largo from some of the other fishermen.

They said that there was a big difference in that area from 250 out to 300 feet as far as what they could fish for and their fishing capabilities. They had requested if that closure was implemented, that that would be a consideration. We heard it from than just the AP members; we also heard it in the testimony out at the public hearings. Also, they were really concerned down in the Keys about shifts in effort from the deepwater species to yellowtail and cobia. They were concerned if

the council was considering that shift in effort as far as the deepwater species right off of their coast.

MR. DeVICTOR: Finally, there were comments on the aggregate ACL alternative for gag, black and red grouper. The comment said don't lump these species together and wait until the assessment update is completed. Actually, that's a benchmark assessment for red and black grouper, so they said wait until that is done for red and black and wait until you get the results so then you could set separate MSYs and ACLs and such.

The snowy grouper and golden tilefish ACL and AMs, there were comments that said to put in a recreational ACT because the ACL for golden tilefish will be less than 2,000 fish. Right now I think the preferred alternative is for approximately 1,500 golden tilefish. The recommendation here was to use an ACT. Also, they recommended a commercial AM; so if you exceeded your commercial ACL, they recommend for snowy grouper and golden tilefish to have a provision in there where you could take it off the following year. I don't know if you have anything more, Kim.

MS. IVERSON: Again, I just would reiterate it's nearly impossible to completely summarize all the comments that were heard during the public hearing process. We received quite a lot of comments with a high participation. I would point out again that you have all had the transcripts before you, and those transcripts are also available on line, on the website, and so if other people are interested in reading those transcripts from those public hearings, by all means they're posted as part of the briefing book materials.

MR. CURRIN: Thank you, Rick and Kim. Any questions for Rick or Kim about the 17B comments? Ben.

MR. HARTIG: It's more to all the comments. I would just like to know the number of comments I've read.

MR. CURRIN: You're going to have to keep count of those. If you've read them all, they can probably tell you. Rick flashed those numbers up this morning when we were going through 17A, and there were a lot of them. Any other questions for Rick or Kim? All right, we've got 20 or 30 minutes or so, and we can, I think, move into 17B.

MR. HARRIS: Are we using the first briefing book?

MR. CURRIN: No, we will use the second one, Duane, and that is Attachment 28.

MR. DeVICTOR: Okay, this is on PDF Page 171. Again, we have Attachment 28. This has to do with speckled hind and warsaw grouper. Alternative 2 would establish an ACL equal to zero for speckled hind and warsaw grouper, and this would prohibit all commercial and recreational harvest of speckled hind and warsaw grouper.

Alternative 3 would be an ACL equal to zero for speckled hind and warsaw grouper, but this would prohibit all the deepwater species, and you can see those listed after Alternative 3.

Alternative 4 is the current preferred alternative. This is to establish an ACL equal to zero. Again, we'll have to put a note in there to establish an ACL equal zero for speckled hind and warsaw grouper landed catch only. Again, this idea of 240 foot and deeper, you prohibit all deepwater species. Then Alternative 5 is the 300-foot closure.

I believe we talked about before where we may have to modify these alternatives to specify a total prohibition of speckled hind and warsaw grouper; because as the preferred alternative is now, it would allow speckled hind and warsaw grouper to be harvested inside of a 240-foot depth, according to the vessel limit.

MR. CURRIN: Yes, and that's an issue brought up the SSC as well, and I think our intent was to prohibit harvest of that, if that requires a motion to add that into the alternative. Roy.

DR. CRABTREE: Well, it seems implicit to me and establish the ACL of zero, but I think all of these alternatives, because they set the ACL at zero, the intent was clearly that speckled hind and warsaw grouper are closed everywhere. If we need a motion to clarify that, I'd be happy to make it, but it seems to me that is our intent.

MR. CURRIN: Okay, let's get a motion.

DR. CRABTREE: All right, I move that we clarify that Alternatives 2, 3, 4, and 5 it was the council's intent that speckled hind and warsaw grouper would be closed throughout the EEZ.

MR. CURRIN: Motion by Roy; second by George. Discussion on the motion? Is everybody comfortable with that; that's certainly the way I understood it. If anybody was not under that impression, then speak up now or vote against the motion. Any objection to that motion? I see none so that motion is approved. Is everybody still comfortable with Alternative 4? Gregg.

MR. WAUGH: Just one question of clarification; that would allow you to go out and fish for vermilion snapper in deeper water. It would allow you to go out and target other species deeper than 240, and you would encounter speckled hind and warsaw and have to discard them. We just wanted to clarify whether that was your intent or not.

MR. PHLLIPS: And we know the speckled hind and warsaw are out there, but we also know that there is an awful lot of speckled hind and warsaw in that big box we just voted on. I'm not sure if the tradeoff of finishing off what little bit of vermilion bottom may be out there and finishing off that fishery is going to be worth what you may save in some discard mortality in speckled hind and warsaw grouper. I want you to consider the trade.

DR. CRABTREE: Well, I think I agree with Charlie; we have taken some really significant steps now, and I think it's going to reduce the mortality rate on these fish considerably. I think at this point I don't really want to go further. I'd like to see what comes out of this, and then we could revisit this. We've talked about trying to have some sort of assessment of speckled hind

and warsaw, but is there anything actually on the schedule now? John, is there anything on the schedule for speckled hind and warsaw in SEDAR right now for some sort of assessment?

MR. CURRIN: Rick said 2011, Roy. It's a benchmark.

DR. CRABTREE: All right, and then I think we could revisit this at that point and see if we need to do anymore.

MR. CURRIN: All right, Gregg brought up the point that we aren't prohibit fishing out beyond that area and there could be – if people are out there targeting something else, and I'm not sure what that would be other than blueline tiles, but they might encounter some of these species out there. Everybody is okay?

MR. DeVICTOR: Okay, the next action has to do with golden tilefish allocations, and this is PDF Page 205. There are a range of alternatives here, and there is a preferred alternative. Alternative 2 would use the allocation of 96 percent commercial and 4 percent recreational. You can see what the commercial allocation would be and the recreational allocation would be. That's based upon landings between '06 and '08.

Alternative 3 is the council's current preferred alternative, and this is based upon 50 percent of the average long catch range from '86 to '08 plus 50 percent of the average of the recent catch trend, which is '06 to '08. This comes up with a percentage of 97 percent commercial and 3 percent recreational. Of course, you can see what the commercial allocation or ACL would be and what the recreational ACL would be. Alternative 4 is a 50/50 split. So, again, if you recall, we currently do not have golden tilefish recreational ACLs, so the first step in determining that number of fish is specifying the allocation between the sectors.

MR. CURRIN: Is everybody okay with the preferred that we have here, Alternative 3, which is based on the formula of the Boyles' Law or rule. Everybody is okay? Ben.

MR. HARTIG: Are these based on ABCs generated by the SSC?

MR. DeVICTOR: Yes, we do have ABCs, and we're going to get to that in the next action. The next action is golden tilefish ACLs and AMs. This is dealing with how you split that up.

MR. PHILLIPS: I'm a little concerned after 200-plus e-mails on my Blackberry, form letters. We've got an allocation formula that has been there, and that allocation of a 50/50 split is nowhere close to it. I think it's totally contrary to where the council has been and where they have been going. I would be inclined to move that to the considered but rejected appendix.

MR. CURRIN: Is that a motion?

MR. PHILLIPS: That would be a motion.

MR. CURRIN: Motion by Charlie to move Alternative 4, which is the 50/50 commercial/recreational allocation for golden tile, to the considered but rejected appendix. Second by Duane. Discussion. Roy.

DR. CRABTREE: Well, bear in mind I think this document is basically finished and we're taking final action, so I think it actually creates more work to take it out and put it in the considered and rejected than it would just to leave it where it is. I think we're probably stronger to just leave it where it is, so I don't think there is any gained by that, Charlie. My expectation is you're going to vote this up at this meeting, and then whether it's there or is water under bridge at that point. I'm going to not support the motion. I'd prefer to leave it where it is and leave it alone.

MR. CURRIN: Any other comments? Any desire to withdraw your motion based on Roy's comments? I'm not trying to influence you now; I'm just giving you an opportunity.

MR. PHILLIPS: I understand where Roy is coming from. As I say, it's just not doable. I don't see it being doable and I just as soon the quicker we get it off the table, the better, and then we can consider what we really need to consider, which is a lot more very important stuff..

MR. CURRIN: Well, again, if we approve this document this week, it's going to the Secretary and our preferreds will then become the actions identified within this amendment.

MR. PHILLIPS: Okay, I'll move to remove it then.

MR. HARRIS: That's okay with me.

MR. CURRIN: **The motion has been withdrawn.** It's okay with the seconder. Is everybody okay where we are on this allocation action? Okay, Rick.

MR. DeVICTOR: Okay, the next action deals with specifying a golden tilefish ACL and accountability measure. In response to Ben's question, the current recommendations from the SSC on golden tilefish, they gave us an OFL of the yield at MFMT, but they have not provided an ABC for golden tilefish.

This is in Amendment 17A that describes not, but at their June 2009 meeting the SSC did not provide an ABC for golden tilefish because of the age of the assessment and the lack of current estimates of abundance. We do not have an ABC on golden tilefish. The commercial quota that was set in 13C for golden tilefish was based on ending overfishing of golden tilefish.

That was set at the Fmsy level, so what the council is looking at doing in Amendment 17B is putting that down to the Foy, and that is the action right here, which is Alternative 2, the preferred alternative, to establish the commercial ACL quota at the Foy, which is 75 percent of the Fmsy. You can see what the value would be.

MR. CURRIN: And that's on Page 210, if you haven't found it already, and the table is on the following page.

MR. DeVICTOR: And so this Alternative 2 would specify a recreational ACL in numbers of fish based upon the previous allocation decision made in Section 4.2.1 and the yield at Foy. There is a table that will show what that equates to be. If you scroll on down, you can see what the various allocation alternatives and what the numbers would come out to be.

Your current preferred alternative is – these numbers are actually off and we didn't have time to change it, but if you look on the screen this column right here, this row should be deleted and Alternative 3 should be Alternative 2; Alternative 4 should be 3; Alternative 5 is 4. I just want to make sure that's clear to everyone.

MR. WAUGH: Which row is right?

MR. DeVICTOR: Right here, I have it highlighted. It's the row that currently says Alternative 4, and so what the recreational ACL would be would be 1,578 fish, and I have it highlighted on the screen. Right, so that's the recreational ACL in numbers of fish. Then there is an accountability measure; and if the ACL is exceeded, the RA shall publish a notice to reduce the length of the following year by the amount required to ensure landings do not exceed the sector ACL for the following year.

Again, this is the idea of using a three-year running average to smooth out those peaks and valleys. There was a question from the team that the council may want to consider adding a correction AM to the commercial AMs; whereas, if you go over it you take it off the following year, and that comment was brought forward by the public. That's your preferred alternative.

There are several more alternatives in the document. Alternative 3 would establish a single ACL, which would single in terms of the commercial and recreational, using the total of the commercial ACL. So what this alternative would do would essentially track both landings and shut down when the single ACL is met.

Alternative 4 would establish a recreational AM that implement a one golden tilefish per vessel. Currently it's at one per day. Finally, Alternative 5 would establish an ACL of commercial and recreational based upon the yield at Foy. For the case of Alternative 5, the recreational catch would not factor into your ACL; just the commercial sector. You have a preferred alternative to see if there is any desire by the committee to change that preferred alternative.

DR. CRABTREE: Just an editorial comment; on our preferred alternative it says, "The Regional Administrator shall publish a notice to reduce the length of the following fishing year by the amount necessary to ensure landings do not exceed the sector ACL for the following fishing season." The regulation writers have advised me they think we should say "fishing season" instead of "fishing year".

MR. CURRIN: Anything else? There have been some suggestions for an accountability measure to include a payback. I guess we're going to get to the accountability measures here in a minute. They're in that preferred alternative.

MR. DeVICTOR: The current commercial accountability measure that is currently on the books, again, is to project when the commercial ACL would be met and then to close down the fishery, so the IPT is recommending that the council consider adding one that if you go over the commercial quota, that you pay back the following year.

MR. CURRIN: We did get some public comment on that as well, but I don't think it was extensive. Gregg.

MR. WAUGH: This is going to come up a little bit in Amendment 18, but we've got an action in there that would require a hundred percent electronic dealer reporting; and with our ability to monitor the commercial sector once we get to that hundred percent electronic dealer reporting, there shouldn't be any overages on the commercial side.

MR. CURRIN: Everybody comfortable with where we are, then? I'm seeing heads nod to the affirmative. Charlie.

MR. PHILLIPS: I'm thinking about effort shift and even the 3 or 4 percent from the recreational side, if they're not able to catch red snapper and a few of them decide to go work on that 1,500 fish or something; are they going to have the same accountability measures? How are you going to deal with that?

MR. CURRIN: Well, as it's outlined, Charlie, for 2010, I guess, the first year, we're going to use those landings when they're available; and if they're over, it's going to be adjusted for the following year. After that it's going to use two years' data, the average, and compare that to the ACL by the third year. And onward we're going to use the three-year running average to try to smooth out some of those huge swings in variation that we know occur in the MRFSS estimate, especially for rare species like snowy and golden tile. Monica.

MS. SMIT-BRUNELLO: Just to be clear, I didn't see a motion, so I assume that the overage correction, that text highlighted in blue, did not get added to the preferred?

MR. CURRIN: Without a motion, it would not be added, yes.

MR. PHILLIPS: I'll make the motion that we add it to Alternative 2.

MR. GEIGER: Second.

MR. CURRIN: Motion by Charlie and second by George to add the overage correction. Monica.

MS. SMIT-BRUNELLO: I wasn't suggesting you add it. I just wanted to know if it had been just so the record is clear.

MR. CURRIN: Yes, thank you, and I think everybody is aware that currently most of the quota-managed species that we have now, the science center or the regional office projects when the quotas will be met and shut them down, and so far they've done a pretty good job of maintaining

those. There aren't too many overages; and if there have been any, Roy, you correct me, they're very minor.

DR. CRABTREE: We usually come within around 10 percent one way or another.

MR. CURRIN: So it's up to you guys as to whether you want to take that approach.

MR. PHILLIPS: I could withdraw the motion, but if they're close enough, rather than having to just pass –

MR. GEIGER: There is a motion and a second.

MR. PHILLIPS: Whatever George wants to do.

MR. CURRIN: So, Charlie, you want to withdraw it; you okay, George, with that? You want to maintain it? I don't know how we do that, Joe. What if we don't get another mover; it dies. Is there any strong feeling that we need to enact this by anyone other than George? I don't see it, so can we withdraw it by consensus with one objection.

MR. GEIGER: Ten percent is 10 percent. If you add up a bunch of 10 percents, it turns into real fish.

MR. CURRIN: Well, if they're all on the same side, you're right, but they're not. Sometimes they're under and sometimes they're over.

DR. CRABTREE: We are setting this at the OY level, so you're not setting the ACL at the overfishing level; so if you go over – and we're setting it 25 percent below; so if you bounce around a little bit, you still should be below the overfishing level. If we were setting this at the overfishing level, I might agree with you. And if the stock was overfished, I would advise you that you need a payback, but since the stock is not overfished, we're setting the ACL below the limit, and I think it's up to you as to whether you want to do it or not.

MR. GEIGER: You've convinced me in the spirit of cooperation.

MR. DeVICTOR: This is probably a good stopping point dealing with the last deepwater species, and this is snowy grouper. There is a recreational ACL, as you know, of 523 fish and the commercial ACL is set at the Foy. Snowy grouper is under a rebuilding plan. Alternative 2 would establish a recreational daily bag limit of one snowy grouper per boat.

Currently it's per person right now; and, again, that's to keep us to the 523 fish recreational ACL along with the deepwater closure that we looked at previously. The AMs for the recreational sector would be the same as with golden tilefish with the RA shall publish a notice to reduce the length of the following fishing – and we'll put "season" here – by the amount required to ensure landings do not exceed the sector ACL for the following fishing season.

Again, the idea here is to use the running average of three years. The same question came up by the IPT that I present to you here to consider a payback as in the commercial AM. That's your preferred alternative. Alternative 3 would establish a single ACL based on the current TAC. The AM for both sectors would be closure when the ACL is projected to be met. Finally, Alternative 4 is to establish a recreational AM that implement a one snowy grouper per boat when the ACL – which is the commercial quota is projected to be met.

MR. CURRIN: All right, we've got Alternative 2 as the preferred and we've got the suggestion from the IPT that we might want to consider an overage correction that we just got for golden tile, but this is for snowies, of course, and they are undergoing rebuilding. I don't whether this is different enough for you. As a historical fact, for the last couple of years at least I think the commercial catch has been substantially below the quota, so at least to date there doesn't seem to be any big urgency to rein non-existent overages.

MR. PHILLIPS: I guess we've got an update coming next year, so we get to kind of look at the update and maybe adjust some things accordingly then, hopefully?

MR. CURRIN: Yes. Is everybody okay with where we are on snowy grouper? All right, I'll take that as a yes. All right, let's go ahead and recess for the day.

The Snapper Grouper Committee of the South Atlantic Fishery Management Committee reconvened at the Sheraton Atlantic Beach Hotel, Atlantic Beach, North Carolina, Thursday morning, December 10, 2009, and was called to order at 10:07 o'clock a.m. by Chairman Mac Currin.

MR. CURRIN: We will reconvene the Snapper Grouper Committee. Before we get back into Amendment 17B – we've got a couple of actions left – Roy has been so anxious over the last two days to roll out the catch shares guidelines. I think they were officially issued today, so I recognize you to do that.

DR. CRABTREE: I'll just take a second, but thank you, Mac. We've talked about a couple of meetings ago I think that NOAA had established a Catch Shares Task Force that had been tasked with putting together a policy to provide some guidance on catch shares. George was a member of this task force. The policy is being released today.

This is not a mandate or anything. There are no targets set for we want more catch shares and all that, but it does encourage councils to evaluate and look at catch share programs. It is a national policy, but the emphasis on it is on local design and local implementation through the council. I think NOAA recognizes that all of our fisheries are different, and there are a lot of regional differences, and that's why we have regional fishery management councils.

There are a number of recommendations in the policies about things that councils ought to look at and ought to consider and they should be looked at, but again they are recommendations. The policy is going to be open for comments until April 10th. I believe our next meeting is in March, so you will have an opportunity for everyone on the council to look at it, and then we do have another council meeting so that you could go over comments that you'd like to submit.

You can find the policy by going to the Fishery Service webpage www.nmfs.noaa.gov catch share comments. I'll make sure that staff has that. I'd be happy to answer any questions that you might have or I don't know if George wants to make any comments on it, but we look forward to hearing – I think we'll get a lot of comments from the public, and we certainly look forward to getting comments from all of the regional fishery management councils. I'd be happy to try and answer any questions if anyone has any.

MR. CURRIN: Thank you, Roy, and, George, have you got anything that you want to add?

MR. GEIGER: Just briefly I'd reiterate the fact that it was a very inclusive process. Everyone got an opportunity to express their opinions, concerns and ideas, which were openly accepted and discussed; and for the most part, as much as I could read, have been incorporated in the final policy. Not having the benefit of notes and everybody's comments, but I know it expanded significantly from what I thought was going to be a very short document to one of 23 or 26 pages, so it's very good.

MR. CURRIN: Thank you. Any questions for Roy or George on the Catch Shares Program? I think Kim sent everyone an e-mail this morning noting the release, and I believe the links are there; are they not, Kim, for the catch shares? I know there were some links, but I don't know if it's the same one Roy gave everybody.

Okay, Rick, when you're ready, we'll jump back into 17B. I think we've got a couple of actions left there and then a couple of things to clean up in 17A before we move into Amendments 18 and 20. I think we will start on Page 238 of the PDF file, and that's Attachment 28.

MR. DeVICTOR: Yes, Mac, there are two more actions in Amendment 17B. This action on Page 238 deals with black grouper, black sea bass, gag, red grouper and vermilion snapper. The no action alternative, there is a Table 4-18 that shows the current commercial ACLs and recreational ACLs in place for these species.

As you can see by that table, we do not have ACLs for black grouper or red grouper. This action is also going to put into place AMs. I'll highlight first the preferred alternative, Alternative 2B, and what this does is it retains the current commercial for gag and retains the current recreational ACLs for gag, also.

In addition, it establishes the aggregate gag, black grouper, and red grouper, so you have a commercial ACL that is an aggregate of those three species and a recreational ACL. Now, you can see in the alternative, it says "prohibit the commercial possession of shallow water groupers when either the gag or the gag, black grouper and red grouper ACL is met." That's the commercial side.

You have two separate ACLs and whichever one is met first, you close the shallow water grouper fishery. I'll talk about the recreational ACL portion of that in a second. Just a note, the proposed rule was sent around this morning or last night, so some of the more specific details of this are in that rule, and we'll have to go through that after this.

Looking at the recreational ACL – and I want to jump to Alternative 5B right now, because there were some questions on what happens when the aggregate recreational ACL is met; does that also close the fishery? What 5B, the preferred alternative, says, “If a specie is overfished and the sector recreational ACL is projected to be made, prohibit the harvest and retention of specie or species group”; so as it is in the current rule and our read of it is that red and black grouper and gag would have to be overfished to close down that aggregate ACL. Currently gag is not overfished and red grouper and black grouper are unknown.

MR. HARRIS: You entered another word in there. You said “sector recreational ACL”, and I don’t see it in my – was that a mistake or is that intentional?

MR. DeVICTOR: That was intentional. I just wanted to clarify that we’re talking recreational ACL at this moment. If you go up to Alternative 5 –

MR. HARRIS: Yes, I see it.

MR. DeVICTOR: Okay, so, yes, this right here we’re just dealing with AMs, not recreational.

MR. GEIGER: Going up to Alternative 2B, editorially could we say when either the gag or the aggregate gag, black grouper and red grouper ACL is met; just for clarification?

MR. DeVICTOR: Yes, I’ve got it.

DR. CRABTREE: Because we’ve got a multispecies group here we’re managing, if one species is overfished and the other two aren’t, then you’re going to treat it as if the group is overfished and you would close the fishery down?

MR. DeVICTOR: That’s my read of it.

DR. CRABTREE: All right, it gets a little complicated, but at what point is the decision made that the stock is overfished? For example, if we’re in a fishing year and we get to the end of the year, it’s the recreational fishery so we’re going to get the landings’ data, headboats, it would probably be April of the next year before we have that.

There could be an assessment underway at that point and that assessment could show that a stock we thought was overfished is now not overfished. Is it based on the status of the stock at the end of the year in which the ACL is in place or if the status of stock changes after that fishing year? For example, red grouper right now is overfishing but unknown overfished.

I’m not sure, but at least I think the workshop looks like it’s going to come out overfished, but that won’t be reviewed until after the year is over, so would we treat as if it was overfished during this year? I don’t know what the answers to those are, but I could see some confusion coming up from that.

MR. CURRIN: Yes, that’s a good question, Roy, and we need to decide that. Gregg.

MR. WAUGH: One way of looking at this is whatever we put in 17B for these three species will be temporary; because once we get the red grouper and black grouper SEDAR assessments next year, then we'll deal with that in our Comprehensive ACL Amendment, and I would see no reason we wouldn't split those out so that there would be separate ABCs and ACLs for them. It does raise the issue of what you would do during 2010 if indeed we get a letter saying one of those species is overfished.

DR. CRABTREE: Yes, it may well be temporary, but I think we need to be clear in our language nonetheless; so you could say that whatever the status of the stock is as of the end of the fishing year, that's the basis that's used to determine what happens with the ACL after that. If you leave it open-ended, well, then, you could be sitting around trying to wait until the stock assessment is done so you know what you've done. Do you know what I mean?

MR. CURRIN: Yes, I think it needs to be clarified, but there is another option. You could say that it's the status at the beginning of the fishing year as well, so there are two different ways to approach it. What is the committee's desire on that? It seems that we do need to clarify that – the status as determined at the end of fishing year or the status is determined at the beginning of the fishing year.

MR. HARRIS: Well, let me ask a question, if I can, Mac. So what we're saying is either choice we make, we could have a new update, we could be acting on it as a stock that's overfished, but then we could learn during the middle of the fishing year that it's not overfished, so we would be acting to close down a fishery when the ACL was met after we've learned that a stock is not overfished? There seems to be something wrong with that to me.

I don't know how to get around it, but it just doesn't seem right once you've learned that the stock is no longer overfished. Well, but you've established the ACL, so the ACL is established no matter what; so once you reach that ACL, the fishery would be closed for anything that has a quota irrespective of whether it's overfished or not; right?

DR. CRABTREE: Well, no, my read on it is if the stock is overfished and we believe we've reached the ACL, then we would close the fishery. If the stock is not overfished or if its status is unknown, we would not close the fishery, but what we would do is then the next year we would deduct the overage. I guess the issue would be that we would make the decision to close the fishery during the year based on whatever the official status of the stock is in the report to congress at that time.

The trouble is we could have had an assessment done, but it could be in some phase of review when we hit that point, and we haven't changed the status report to congress yet, and so there could be some gray in there about is it or is it not overfished? Normally the status of stocks' report is the official word on that, but there are lags.

And when that gets changed and all, just understand that we could get in a situation where we could get in a situation where we close the fishery down because the ACL has been caught, and then in a matter of month we find out here is the review workshop and it's not overfished. I guess then the council could come in and take some sort of – maybe you could take an

emergency action on that or do something, but as you know that takes a lot of time, and in all likelihood it would be difficult to undo something like that.

MR. HARRIS: Is there a way to give the RA authority to do it by framework?

DR. CRABTREE: I don't think so. Here is the thing with these automatic kinds of measures. They've got to be very prescriptive so that I have little or no discretion. If I have a lot of discretion, well, now I've got a problem because I'm going to have to do a NEPA analysis, and I may have to evaluate alternatives and things, and that defeats the whole purpose of this. It's really got to be if this happens the RA does this.

I just want to make it clear that I don't get caught in some gray area about what is the status of the stock. If the regulations are very clear about how you determine that, then I think we're solid; and if we're challenged on it, I think we're solid. But if the regulations are value about what is the source to make that determination, then you open yourself up to be challenged and who knows what someone would determine.

MR. CURRIN: I guess it concerns me a little bit to make that determination at the end of the fishing year, because it's kind of like the game is over and then after that's over we're going to tell you what the rules were and it changes the score. There may be good reason to do that, Roy, but at least at first blush it seems to me that the status of the stock at the beginning of the fishing year is what we should use to govern the catches. I don't know, but I may be wrong.

DR. CRABTREE: Well, I guess I would rather have it based upon the way the stock is classified in the status of the stocks' report. The trouble with the beginning of the fishing year is we could very well on January 1 have a stock listed as overfished, but we could find out three months later we've got the SEDARs finished and the stock is not overfished, and then two months later the status of the stocks is changed, and then three months later I close the fishery because it was overfished on January 1. I don't want to do that.

Now, the status of the stocks' report is updated quarterly; so if we did get a new assessment it would be reflected in the report on a quarterly basis, so we could still get caught in a period where we have a new assessment but the status of the stocks' report hasn't changed yet, I guess, but because it's quarterly the odds of that happening are a lot less. I think trying to use the first of the year just doesn't work. I don't have a better answer than to say the status of the stock is based on the most recent quarterly update of the status of the stocks' report.

MR. PHILLIPS: It's a little hard to follow, but wouldn't it just be cleaner not to use overfished and overfishing and use your ACLs. When you get a new assessment, you're going to change ACLs, anyway, I presume. If you've got an overage, just take it off the next year and just kind of keep it clean and simple.

DR. CRABTREE: Well, here is the problem with that. We're going to have some ACLs that are very low in the recreational fishery. It's quite possible they'll go over it in Wave 1. If we don't do anything by the end of the year, they could be so far over that when you deduct it off next year they won't be able to fish at all. I don't like the idea of knowing they've already hit it three

months into the year or six months into the year and just by and let them dig themselves even more in a hole because I think that's going to create a lot of problems for us.

MR. CURRIN: What is the committee's pleasure on this? It seems that we do need to clarify it. Roy has made a suggestion; is everybody okay with that, to use the status of the stock?

DR. CRABTREE: So Rick will clarify in the document that status is based on the most recent quarterly update of the status of the stocks' report.

MR. DeVICTOR: Yes, we will.

DR. CRABTREE: And this isn't our preferred, but, Rick, in 5A it says regardless of stock status do not implement in-season AMs. Could we be more clear that means do not implement an in-season closure? I think that's what we mean there.

MR. CURRIN: All right, with that clarification, 5B is our preferred alternative here and 4. Roy.

DR. CRABTREE: One other question; so, when we close the recreational fishery down, that will mean the recreational bag limit goes to zero. Is it your intent that would also apply to federally permitted for-hire vessels even when fishing in state waters? That's what we've been doing in most of our recent things. For example, the red snapper interim rule closure that's in place now applies to federal waters, but it also applies to federally permitted vessels regardless of where they're fishing. Is that our intent?

MR. CURRIN: Well, certainly, the way we've acted in the past, and I would presume that's the intent of the committee and the council.

DR. CRABTREE: And then I would ask that the document reflect that and be clear about that.

MR. CURRIN: I don't want to speak for everybody; so if there is opposition to that, raise the issue. All right, I'm seeing no one squirming. Now keep in mind the advice from the SSC was, of course, that they would prefer to see the ACL set separately for red and black and gag grouper, and I don't see any way to do that other than guess at it or wait for the assessments that have done and report on that. That could be handled in the future when in my view it could be more appropriately done.

MR. DeVICTOR: Another question I had pertained to Alternative 4, and I kind of skipped over that because I wanted to get back to it. This has to do with using the three-year running average. I think we need to clarify in the document – as you recall 5B establishes two types of AMs. One is in season and one is post season when you take off going over. Does rolling average apply to both of those AMs or does it just apply to the second one in terms of the overage part of that?

MR. CURRIN: Currently with the system of tracking recreational landings that we have, I don't see any other way to establish the AMs other than the rolling averages. I'm having a difficult time getting to in-season quota management through the use of the MRFSS data. Roy.

DR. CRABTREE: Yes, I think it would apply to both of them. If I could, Mac, here is the question, but for the in-season tracking, it's not clear to me how you do that with a rolling average. I mean, you're going to know, okay, here are the landings through Wave 2, that's how many fish they've got.

I guess you could say, okay, average those with the landings through Wave 2 the previous year; and then once you have three years, you could average through Wave 2 for the three years; is that what we mean? We could do it that way; do you see a problem with that? We need to be clear about it so when it happens I'll know what to do.

MR. CURRIN: I'd feel a little funny approaching it on a wave-by-wave basis because of effort changes within waves. I don't know; the yearly estimates seem to be –

DR. CRABTREE: Well, I just went through this in the Gulf of Mexico. We closed down the Gulf of Mexico greater amberjack, and we've been sued and it was quite controversial. In that case, when we finally got the Wave 4 numbers they had already caught the quota. Of course, it was October by then and Wave 4 ended at the end of August, so we closed the fishery down in October, and that was just based on that year.

Now, you are going to be doing things – Mac, if you have an in-season, it is going to be based on the waves you have, but I guess you could average those waves with the waves from the previous year, as I said. You wouldn't be able to do it with the headboat data because we won't have the headboat data for that year because there are time lags. We don't get the headboat data until after the end of the year, and I don't know if that's something the Center can deliver more timely or not. We would have to talk to them about that.

The questions you need to address are, one, am I going to use the rolling average for the in-season adjustments, and I can't think of a reason why we couldn't do that. We'll have to make some assumption about what we think the headboat landings are likely to be. Then the other question is do we project when we think they're going to catch it and close it based on the projection; or, do we wait until we have the wave data that shows they're actually caught it?

If you wait until you know they've actually caught it, you will be 2-1/2 months after the fact, and it's almost a sure thing you're going to have a significant overage to take it off. On the other hand, if I close it based on a projection, I'm going to be projecting 2-1/2 or three months into the future, potentially, and saying we think you'll catch by then.

In the case of the red snapper fishery in the Gulf of Mexico, we project when the quota will be caught before the fishery even opens because the fishery is not even open for two waves. It's only open for – well, I guess it's open for a wave and five days last year. Those are the things you need to think about and make decisions on today because we need to know exactly what you intend.

MR. GEIGER: In those fisheries where you've made those projections, Roy, how close have you come to being accurate in the final analysis with your projections?

DR. CRABTREE: In the case of red snapper in the Gulf of Mexico, which I believe is the only one, we have had significant overruns and we have underestimated how many fish will be caught. That is due to a couple of things. One, it has been in part because at least in a couple of the years the states didn't close. They stayed open and so fishing continued. Even now Texas is open year around, and they don't close. That was one problem we've had.

Then the other problem is in red snapper we're in a rebuilding plan, and the average fish size has gone up and I think the catch rates have gone up, and we haven't adequately, I guess, deducted days from them based on that. We've had quota runs – on a 2.45 million pound quota, we've had quota overruns of a million and a half pounds each year.

Now, there is no payback provision on that fishery, so they run over and then the next year we try to readjust the season again to keep them from running over again, but we've had that problem. Now, if you're not in a rebuilding plan, I think it would be easier to project things if they were more stable, but when you've got a stock that's growing rapidly, it's a trick to do it. I would say we haven't very close, George.

MR. GEIGER: So even if you were to project, it seems like the future portends that there will be an overage, but the overage will be much less than if you allow the fishing to continue openly during that period that you would not have not projected for and then work on final numbers; correct?

DR. CRABTREE: I think that's probably true, yes, because like with greater amberjack, with the quota caught at the end of August and we didn't close it down until the middle of October, it's a sure bet that they're going to have a pretty good overrun. There is a payback in the Gulf of Mexico for greater amberjack so it will have to be deducted off the next year, and they're probably looking at a very short season for greater amberjack next year. Unfortunately, with the timing of delivery of MRFSS data, it is not well suited to this, and there are just a host of difficulties with trying to do this.

MR. CURRIN: Well, the timing is a problem and the variation in our annual catch is a problem as well, the variability around it. Roy, what do you use for data to project future landings; do you use the catch from a previous year or two, the average catch from a previous year or two or three waves to project the catches into the future?

DR. CRABTREE: If there was a strong, consistent seasonal pattern in the fishery, I would think we would use the previous waves to look at it. If there wasn't a strong seasonal pattern, I think we might use the catch rates from the most recent waves. This is something that we don't have a lot of experience doing, and we're still trying to figure out what are the best ways to do this.

We probably have less seasonal patterns in the Gulf than we do in the South Atlantic where, for example, off of North Carolina or South Carolina at least the fisheries are very seasonal, and some things may only really be caught in the summer months and not so much in the others. It would seem to me you'd have to factor that in. We've usually been able to find pretty good correlations with the catches through, say, three waves and the final catch at the end of the year, so we use those kinds of things.

MR. CURRIN: Everybody comfortable with that approach?

DR. CRABTREE: Well, spell out to me what exactly we've decided, then, because it's not entirely clear to me.

MR. DeVICTOR: So, the three-year running average will be applied to both AMs that are specified in Alternative 5B?

DR. CRABTREE: Okay, so when we're looking at the in-season we're going to look at the running average from the previous years' waves? All right, then the next question is are we going to close when we project it is caught or do we wait until it is caught?

MR. CURRIN: We have not had any comment on that. George.

MR. GEIGER: Well, I guess it's you're damned if you do and damned if you don't. I think the projected closures are the way to go at least to limit the losses in future years. If you just leave it open and people fish – I mean, there is no telling what the end result could be. It could have devastating consequences on the amount of time available to fish the next year. At least with projections you limit those losses and the potential closures associated with them. I would speak to the projections.

MR. CURRIN: Other thoughts? Everyone in agreement; do you want to use the projections?

DR. CHEUVRONT: And I think as some of these stocks are rebuilding, the harvest is still going to be constrained and so we're going to see these quotas being caught sooner and sooner, and we could end up in a scenario where we would end up – if we don't do it the way that George is describing, we could end up with payback for several years where there is no fishery in some of these.

As painful as that would be to close the fishery early based on projections, it would be less painful than having the fishery be closed for several years, which is a scenario I could see us heading towards, and that would even be worse when the fishermen are seeing that the stock is increasing because the abundance of the fish is yet; yet they can't go after them.

DR. CRABTREE: To that point, well, I tend to agree that projecting is the better approach, but bear in mind the payback is for the following year only. Even if a fishery goes three times over their ACL, then they're going to be closed the next year, but then they start afresh the following year.

Now, what I'm going to do is come to you as the council and say, hey, look, they went so far over they can't even pay it back; and if you just reopen them again the next year, they're probably going to go way over again and we're going to end up with a bouncing every other year fishery, and I'm going to come in and advise you that you ought to take a framework action and put some more restrictive measures in place to deal with it.

But the AM is pretty clear that it says the following year, so it's not a payback. It's not like a house mortgage, you're not going to get 30 years to pay it. You pay what you can back the next year and then you start over.

MR. HARTIG: Just a basic comment and a question, really; when is MRIP coming online and when it comes online will we know that it's better than the current system we have?

MR. CURRIN: Bonnie can probably speak to that or George.

DR. PONWITH: MRIP officially exists right now. The official transition, the break from the MRFSS process to MRIP, happened I think a year ago. MRIP is not a light switch where we've automatically shifted from one model of how we do things to suddenly doing a completely different thing. If you'll remember, the NRC Report was quite extensive and had a high number of recommendations in it.

What we've done is gone through those recommendations and ranked them in terms of their potential impact on the precision of the recreational landing statistics and how executable they are in a short turnaround time, set priorities and are working through those recommendations piece by piece. All of that is to say that it's more of an evolution than a light switch. The process of making those changes is going on right now and will be going on for a long time as we make our way through those recommendations.

MR. CURRIN: Anything else, George, on that?

MR. GEIGER: I agree with Bonnie a hundred percent. The other thing is that even when MRIP has solved all the issues that were identified, there has to be a joint running of both programs to prove and test prove the new MRIP Program and see it's within reason and it is in fact performing its job. It like you said, it's not a light switch where we're just going to immediately go to MRIP because you don't know in fact if there are problems and the problems have to be debugged. MRFSS and MRFSS data will be around for some time.

MR. CURRIN: Yes, and I think beyond that, Ben, some period of overlap is going to be used to tune the former data to make it contiguous and useful with the new format as well, I believe.

DR. CRABTREE: But, Bonnie, at the Q&A I believe you said last night that the current plan still is a two-month wave delivery; am I remembering right?

DR. PONWITH: That is correct. The timeliness of the estimates is driven largely by the fact that the effort is done in two-month waves, so those estimates right now continue to be done on two-month waves. To back down from a two-month wave to a one-month wave would require a minimum of somewhere between a doubling to a quadrupling of the sample size to produce those estimates at the same level of precision, and that would be the only thing that would prevent them from stepping up the shortening of the recall period.

DR. CRABTREE: I don't want to get too far. Bonnie, so the problem is to shorten the delivery, the standard errors go up and so you have to increase – now, assuming we switch to the license-

based sampling frame that dramatically increases the efficiency of the survey; would that transition allow for a more timely delivery without having the PSEs go up? I'm sure they've talked about that, but I don't know.

DR. PONWITH: I'm going to have to check on that one. I do know that the registration as the sampling frame dramatically improves the efficiency of the effort portion of the process. Whether that influences their precision in going from a two-month wave to a one-month wave, let me check on that and get an answer back.

MR. CURRIN: Yes, and Dick Brame is here and I know he has been involved in the development of that, but I want to end this conversation about MRIP right now because we need to get back on 17B so we can move on to our other amendment. Roy, I've got one more question regarding the projections and how you're going to do that.

You indicated you'd use the past waves from the previous years to estimate that. When you do this or when you plan to do this, would you either take into consideration or how will you take into consideration widely varying PSEs for rarely occurring stocks? Is there any consideration or concession for those? That concerns me to a large degree in trying to project catches from widely varying data.

DR. CRABTREE: Well, it concerns me, too, and there are different ways you could come at that. You could say if the PSEs are really wide you ought to be more conservative to avoid going over. I'm not sure how we'll handle that. I can tell you what I intend to do is I'll have my folks get with Bonnie's folks and figure out what they think the best way to do the projection is; and exactly what that will turn out to be, I don't know.

Probably it will change over time as we look at the mistakes we may have made. You could do it in a way where you take the PSE and you say, okay, if it's the high end, this would be the closure date; at the low end, this would be the closure date, so the quota is likely to be caught somewhere in this timeframe.

They could give me something like that, and just off the top of my head I'm probably going to choose dead smack in the middle of it and close it down. You could make an argument that if you want to be very sure that they don't go over, you would close at the early end of it. I would appreciate any guidance you can give me on that sort of thing.

MR. CURRIN: Okay, that's one issue, and the other issue I guess is how many years. One way you can tend to smooth that out is perhaps go back rather three years, go back four or five years to develop that projection. I don't know whether that causes more problems than not.

DR. CRABTREE: Well, I think the way this is written with the rolling average, I would use the years that we were rolling in and project based on that most likely to try and be consistent with what the council intended. The trouble with going very far back particularly with overfished stocks is the catch rates likely are going to change dramatically if your rebuilding plans work, and so you really – for example, with red snapper in the Gulf of Mexico we make those projections based on the previous year; because if you were to go back earlier you'd be way off.

MR. CURRIN: Right, you'd get different picture. Monica.

MS. SMIT-BRUNELLO: That kind of gets to one question I had at least with the preferred on Alternative 4. It's the last sentence. It's for 2012 and beyond use three-year running average, and is the committee's intent that's the most recent three-year running average?

MR. CURRIN: Yes, with the terminal year being that year, 2012.

MS. SMIT-BRUNELLO: You just may want to add in "most recent" in the alternative.

MR. CURRIN: Okay. All right, everybody okay on these alternatives, this action? We'll move on, Rick.

MR. DeVICTOR: Okay, the last action is on Page 259 PDF, and we've talked about this before, but this is to modify the current TAC framework to specify ACLs, ACTs and AMs. We have the current framework procedure under the no action as listed there. Then Alternative 2 is to update the framework procedure for the specifying of TAC to incorporate ACLs, ACTs and AMs. There was discussion the last time; I think the committee wanted to see a red-line strikeout version so they could see what had changed.

What we did instead, since there were a lot of strikeouts involved in that, we put a table there, Table 4-25, where you can see the changes that would be made if this is put into place, between what is in place and what would be changed. The details are listed under proposed language for updated framework procedure, which we've been over in the past, but I could review it if you wanted me to.

MR. CURRIN: Questions about the framework changes? Everybody is comfortable that we're covering and implementing or establishing all the frameworks that we need to? George.

MR. GEIGER: Do we have in here the ability to establish AMs for the commercial sector in the future under framework? Currently they're not AMs as they're managed under the quota system. In the event that perhaps develops to be a problem in the future and we have overages; is the ability to establish an AM under framework?

MR. DeVICTOR: If you go down to 8D, on PDF Page 264, and it actually lists what can be changed under framework; bag limits, size limits, vessel trip limits, closed seasons area, et cetera. Then 8C does specify AMs could be changed through framework.

DR. CRABTREE: I think one thing we need to add to this are changes to the fishing year. I recall the reason Amendment 13C became a plan amendment rather than a regulatory amendment was because Dr. Daniel wanted to change the fishing year on black sea bass, I believe it was, and that wasn't included in our framework. I guess under Number 8D, Rick, would be the place to add that one in.

Then I question a little bit about using a framework to change the time period specified for rebuilding an overfished stock. It seems to me the timeline for a rebuilding plan is pretty central

to something in the FMP. It's not in the regulations or the codified text. I'm not that is appropriate for something that we really need to be in the framework. It seems to me if you're going to change the timeline for rebuilding you're basically amending your whole rebuilding plan. I'm not sure that ought not be a plan amendment unless someone else has strong feelings about it.

MR. CURRIN: Just off the top of my head, Roy, I can vision a scenario where a SEDAR may give you – because of a new data stream or something it may give you a really different picture. I don't know; you're probably going to have to do it through a regulatory amendment in that case because of other things.

DR. CRABTREE: Well, I can envision that happening, too. I'm just not sure in that case you don't need to go back and fundamentally revise your rebuilding plan at that point.

MR. CURRIN: And you're probably right.

DR. CRABTREE: And then I've got some other comments I can go through.

MR. CURRIN: Okay, well, Brian has got a comment to that point.

DR. CHEUVRONT: Just a point of clarification; is this a holdover from the older framework language? This isn't new language, right, Section E?

MR. DeVICTOR: We adopted this from the Gulf of Mexico; what they currently put in for their framework. I don't know if it was in the original framework.

DR. CHEUVRONT: I guess I'm just trying to see is this language that's a holdover from before the revised Magnuson Act went into place?

DR. CRABTREE: I don't know if Monica could check on that.

MS. SMIT-BRUNELLO: I will check on that.

DR. CRABTREE: If it's already in the framework, then I'm not saying that we need to change it; we just leave it.

DR. CHEUVRONT: Okay, that's fine, thanks.

MS. SMIT-BRUNELLO: I was going to make the point, too, that remember just because it's listed in the framework doesn't mean that you have to do a framework. There have been times in the past where something was listed in the framework, but because of a number of reasons the council chose to rather do a plan amendment than a regulatory amendment.

DR. CRABTREE: And it appears, looking at the regulations, it does include target dates for rebuilding overfished species, so apparently it is in there so –

MR. CURRIN: That's correct.

DR. CRABTREE: -- I'm okay with leaving it.

MR. CURRIN: Okay, what else, Roy?

DR. CRABTREE: The language under Number 9, where it says, "Regional Administrator is authorized to conduct the following activities; close the fishery when the ACL is hit" and those types of things. It's unclear to me why that needs to be in the framework exactly. It seems like that would be in the fishery management plan where the AMs were established, so I'm not sure why it would need to be in the framework unless Monica or Ron sees some reason or do you guys –

MS. SMIT-BRUNELLO: Which one?

DR. CRABTREE: This part; it's talking about what happens when we hit a commercial quota. That may be language that's already in the regulation.

MS. SMIT-BRUNELLO: I believe that's a holdover from the –

DR. CRABTREE: And we're just adding in the ACL or ACT?

MS. SMIT-BRUNELLO: I believe that's already in there. I'll double-check it, but I think that's just what has been in the framework in the past and currently is in there now. I'll double-check.

MR. CURRIN: Well, I'm of the opinion that it's better to have something in there that you may not use or may not use frequently rather than need it at some point in the future and it's not in there. That's what did us on changing the fishing year and, of course, we're adding that in. I don't know how frequently this might need to be used, but it's not but a few sentences in the regulation. I don't know; maybe that's poor rationale, Roy.

DR. CRABTREE: And then my last one, I promise, is the – and this is new language. It's stuff on ecosystem species and doing that for framework or moving one species from one species group from one complex to another. It sure seems to me like those are things that ought to be done through a plan amendment and through a – I mean, that's fundamental to your whole fishery management plan, I would think, and I don't think should be included here because I don't think it should be in a framework action. I would recommend removing D and E.

MR. CURRIN: Other thoughts? And, again, I think, Roy, just because it's in the framework it doesn't mean we have to use framework to do it. Roy's suggestion is to remove 9D and E. Those were recommended by the IPT. Everybody okay with that? Brian.

DR. CHEUVRONT: When you say "okay with that"; do you mean remove D and E?

MR. CURRIN: Okay with removing them, yes. That's was Roy's suggestion.

DR. CHEUVRONT: I'm more persuaded by I think your argument, Mac, that having them in there doesn't mean that we have to do it. I could potentially see perhaps on D that we could have a species that is absolutely so minor and we have good enough evidence to move it to an ecosystem component species' status; that to have to go all the way through a plan amendment to do that seems like a whole lot of work for very little return on that or waiting until there is a new amendment coming along to do it.

I'm thinking in terms of puddingwife and spadefish and things that we don't really ever talk about much here at the council yet they're on our list of species; and at some point if we can move them to ecosystem component species – I'm not suggesting those species particularly. I'm just saying something along those lines. I don't know; do we really have to wait for a plan amendment to do that?

MR. CURRIN: Well, we always seem to have one rolling down the hill sometime, so it could be attached. Duane.

MR. HARRIS: All of these ecosystem component species are going to be selected based – well, I assume they're going to be selected based on the pounds landed; and as areas are closed to fishing, the poundage landed may come back down to where they qualify as ecosystem component species. I don't think that's our intent. I do agree with you if we can or cannot do it by framework; just because it's in there, we don't have to do it and we can make a case for not doing it because of that, then I think we're okay, but I defer to the folks that have to write the regulations on that.

MR. CUPKA: I had a question for either Rick or Gregg, but Item E here, is that intended to deal with a situation where there is a taxonomic change?

MR. DeVICTOR: It doesn't specify what type of scientific information, but that certainly could be one. The idea here, yes, is to move species from species groups; for example, if you wanted to add one to the shallow water group based upon new information, but it doesn't specify exactly what scientific information would spur this.

MR. CURRIN: Other comments? What's your pleasure? We've had a suggestion to remove 9D and E and some desire to keep it there just in case. Brian.

DR. CHEUVRONT: I guess I'm kind of in favor of let's just leave them in. It doesn't mean we have to do it, so let's leave them in.

MR. CURRIN: Roy, is this something that you feel strongly we need to remove?

DR. CRABTREE: Well, it just seems to me when you're defining what species are in your management unit and that kind of thing, that is central to the FMP and it ought to be in the – someone ought to be able to go to look at the plan or the plan amendments and find that, and they ought not have to go dig through a bunch of framework actions in order to figure out something like that.

I don't know that it's a big deal, but it just doesn't seem like something that ought to change in a framework. It seems to me framework ought to be adjustments to the regulations; you know, to change the quota, change the bag limit, change this, but it seems like fundamental pieces of the fishery management plan ought to be changed through plan amendments so that it's actually in the plan. I think of a framework as amending the regulations. It's not as amending the FMP. I think they ought to come out, but it's up to you guys.

MR. CURRIN: I can't remember the last framework action we've with snapper grouper since I've been on the council, anyway. Everything takes on a level of importance or becomes so large that – you know, we don't have many things that can consider doing by framework nor the time to add something else to it. I don't know, maybe in the future – I guess under some instance if the regulations change regarding defining ecosystem species or allowing groupings, that it might be an easy fix, but I don't know. What is your pleasure; how about the rest of the committee?

MR. PHILLIPS: I'm going to agree with Roy; let's move it. I think kind of what I'm hearing is he is wanted clearer boundaries on what is framework and what is not. I think this is kind of moving the boundary a little bit. Even whether we move it or not, he is wanting a little clearer boundary, so I think we should take it out.

MR. CURRIN: Well, we don't need a motion; just a consensus of the committee. Brian, I've heard your thoughts and I kind of follow along your lines, but it's not a real big deal to me. Everybody okay with removing those two, D and E? Anybody besides Brian and I have any minor heartburn with that?

MR. GEIGER: I apologize for digressing, but there is something sticking in my mind that Roy talked about when we were talking about monitoring the recreational catch and projecting when it would be met. He talked about in recovering fisheries that are under a rebuilding plan, as the size of the fish gets larger there was a problem associated in the Gulf with increasing size annually.

I think they know how much the average size fish is growing per year; and possibly you take that into account, but you mentioned that created a problem in your management in that it was a possible contributor to the overage. In the recreational fishery why couldn't you manage it by fish instead of pounds and convert the pounds to fish? I mean, MRFSS actually samples in regard to fish and creates the estimate in terms of poundage. Why couldn't they just give us the estimate in terms of fish sampled?

DR. CRABTREE: Well, you could do it and recall in this very amendment for snowy grouper we are setting the ACLs in numbers of fish, and I think for golden tile we're setting them in numbers of fish.

MR. GEIGER: But I mean for consistency move into every fishery managing the recreational fishery by fish instead of pounds.

DR. CRABTREE: Well, they could, but I wouldn't want to make that change at this point in the amendment because that I think would mean we aren't going to take final action this week. The

thing is, is MRFSS gives us numbers and then we use some sampling to convert the numbers into weight. The assessment gives us weights and then we have to take the weights and convert those back into numbers.

It's easier to track numbers, but typically the assessments are done in pounds. I think you could make that transition, but I'd want to probably talk to Erik and everybody about how we would generate the ACLs for all these species for the recreational sector in terms of numbers of fish and what the implications of that might be.

MR. GEIGER: Would you be willing to take that as a tasking from this council meeting and possibly give us a report back on findings at the March council meeting?

DR. CRABTREE: Yes, where is Dr. McGovern? Jack, let's talk to the Center folks. If you can talk to Erik and folks about what that might entail, we could look at that.

MR. CURRIN: So I'm getting a sense we are asking to remove 9D and E, and everybody is more or less okay with that. Roy.

DR. CRABTREE: Yes, just one more item, and I'm looking, Rick, at Table 2-7, proposed framework modifications and under the column "items removed from current framework". It says the use of the term "total allowable catch". Right now the regulations list TAC. Total allowable catch is things we can change.

Are we sure we want to take that out because I could see a scenario where you have a recreational ACL and a commercial ACL, and then you have the total allowable catch and you divvy it up like that. I'm just not sure we really want to take that word out. If we're really certain we're never going to use that again, that would be okay, but we have gotten a history of using that. If we leave it in there and then move away from it, it doesn't hurt anything, but if we take it out it's not there anymore.

MR. CURRIN: Does that make sense to everybody else? I tend to agree with Roy.

DR. CRABTREE: Leave it in.

MR. CURRIN: Maybe at some point in the future it will go away, but for the near term it's still a familiar term and it may find some usefulness. Monica.

MS. SMIT-BRUNELLO: In the framework in paragraph three, I have a suggestion. Toward the latter part of that paragraph it talks about the SSC will set ABC at or below the OFL, and then in the next sentence that the ABC is set – the Act is clear that the council sets this and the SSC recommends. I would just recommend changing the word "set" to "recommend setting the ABC at or below". It's sort of minor but it's just for clarification.

MR. DeVICTOR: Monica, if we added "will set ABC recommendations"; do you think –

MS. SMIT-BRUNELLO: That's great; thanks.

MR. CURRIN: All right, anybody got anything else on these framework actions; changes to framework? All right, that's it for 17B, and we are slated to approve this for secretarial review. Roy.

DR. CRABTREE: Yes, one more clarification; in snowy grouper our preferred sets a one snowy grouper per vessel bag limit. How does that factor into the existing three grouper aggregate bag limit? There are two ways we could this. We could say the one snowy per vessel is just not part of the aggregate anymore; or, you could say it is part of the aggregate, so if there is one guy on boat, he can only have one snowy and then he could have two other.

If there are three guys on the boat, they can have one snowy and then they can have – two other guys can have three, but one of the guys has to count the snowy against his aggregate and so he only gets two. So if there are three guys on the boat, they get a total of nine grouper, one of which can be a snowy. That's not clear in here so what is your pleasure on that one?

MR. CURRIN: It's a very good point. What is everybody's thoughts on that. You know when I think about it, I think of it as being outside the other bag limits, but I can go either way, whatever the committee thinks. Brian.

DR. CHEUVRONT: I think probably the easiest thing for fishermen to understand and all would be just to put it outside the three-grouper bag limit. I'm sorry, I thought probably the easiest thing for people to understand would be take that out of the aggregate bag limit and just make it a one snowy per vessel, a separate rule.

DR. CRABTREE: Well, I guess the way I view it is our intent was nobody can have more than three grouper, and the fact that snowy is in worse trouble and requires more management doesn't change the fact to me that we think three is an adequate number of number. I guess my preference would be to specify that the snowy is included in the aggregate bag limit, so somebody has to include in his bag limit.

MR. PHILLIPS: I think those guys can understand that. They can understand one fish per boat. I don't think that's too confusing for somebody who is smart enough to run offshore and catch one.

MR. CURRIN: All right, what is your pleasure; everybody okay with including it as part of the aggregate bag limit of three; more or less okay? It's an important point and does need to be clarified. All right, do we need a motion on that or are we okay with the direction to staff to clarify that, and is staff clear on what the intent is? Would you rather have a motion? All right, I'll entertain a motion as clear direction to staff. George.

MR. GEIGER: Let me try it. I move that the one snowy grouper boat limit be included as part of the aggregate grouper bag limit. I think that satisfies it. If there is one person on board, it's part of his bag limit; whoever catches it, it's part of theirs.

MR. CURRIN: All right, motion by George; second by David. Roy.

DR. CRABTREE: I think the clean way to interpret this is whoever caught it, it's part of his aggregate bag limit. Of course, we won't really have any way of determining that other than they tell who caught it, but I think that's the clean way to read it.

MR. GEIGER: Do we need to specify that; do you think?

MR. CURRIN: I don't think so in the motion. I think as long as the staff is clear and our rule writers are in the room, so that can be handled as well by them. That's where the rubber will meet the road. Discussion on the motion? Charlies.

MR. PHILLIPS: Red asked me that this applies also to headboats, I presume?

MR. CURRIN: Yes, currently it will apply to anyone operating under a recreational bag limit, which would include headboats. Any further discussion? Any objection to the motion? I see none; that motion is approved. All right, anything else on 17B? Monica.

MS. SMIT-BRUNELLO: There have a number of changes, and I have some other changes that are really editorial in nature that I'd like to give staff. If you decide that it's the committee's pleasure to take final action and suggest that council take final action, I would suggest you also give the staff editorial license to address these changes.

MR. CURRIN: Yes, I'm perfectly okay with that and I guess the rest of the committee is as well if you want a motion to that effect or if we need a motion to that effect to allow the staff and the team editorial license for minor changes, and I presume that any changes will be deemed by our council chair. Everybody okay with that? Do you need a motion, Gregg or Rick?

MR. WAUGH: Well, we need a motion sending it to the Secretary, and then we'll just show with that the intent is to give staff editorial license.

MR. CUPKA: Mr. Chairman, I would make a motion that we approve sending Snapper Amendment 17B to the Secretary of Commerce for formal review and implementation; with the intent to give staff editorial license to address needed changes.

MR. CURRIN: Motion by David Cupka and seconded by George Geiger. Further discussion on the motion? Any objection to that motion? I see two. The motion is approved with two objections. All right, thank you very much, and, Rick and Gregg, thank you; a lot of time and effort into this. Rita.

MS. MERRITT: As you know, I did vote against sending this on to the Secretary. With this, I think that everyone here in the council has expressed throughout all of the discussions and decision-making that has had to occur, the angst that we've all felt in dealing with this during these tough economic times and further exacerbating people's problems with the current state of the economy with these regulations.

Saying that, of course, we have to deal with our mandates by Magnuson, and this complies with that. Of course, the council has that obligation. Not all of us totally agree or disagree with all of

the decisions that have been made but they are driven somewhat – many of them are driven by Magnuson. **With all of that in mind, I would like offer for consideration to the council a motion to send a letter to the Secretary along with this approved amendment, which indicates our having met the obligations of Magnuson, but to reiterate our concerns with some of the mandates that we are required to follow.**

As part of that letter, I would like to encourage the Secretary of Commerce, with his powers, to seek relief from congress in this regard and to allow more flexibility due to these economic impacts. While I don't have the eloquent words, but I think that if we reflect back on both Chairman Daniel's – this is not part of the motion, but I just would like if we would reflect back on Chairman Daniel's comments to congress, the congressional hearings regarding the reauthorization of Magnuson, and with our most recent comments by Chairman Duane Harris, that this would I think, again, give some impetus to getting the support at the top of this process to our congressmen. Thank you.

MR. CURRIN: I know it's a long and convoluted motion, but I think it captures a lot of the essence of what you would like done, Rita. Is there a second to the motion? Seconded by Ben. Discussion on this? I think what you're asking the council to do is write a letter that incorporates a lot material from a number of different sources. Personally I would certainly want to see the completed letter and have the ability to comment on every aspect of it before I could buy into that. Roy.

DR. CRABTREE: Well, how will we do that because you're going to vote to submit I assume this afternoon or tomorrow, and I doubt that staff is going to have a letter written that quickly. The motion is to send it along with Amendment 17B, so it's not clear to me when – I guess unless it's e-mailed out to council members or something like that how that's going to work.

MR. CURRIN: Yes, in order for them travel together it's going to be very difficult, I think, unless there is – you know, there is some time before the amendment is going to be complete and ready to send. The staff has got some editorial things to do, and I don't know what the timing on that is. Rick or Gregg, when would you project that the amendment would be ready to mail to the Secretary?

MR. WAUGH: Definitely before the March council meeting, which is the first week in March, so we would endeavor to get this out as soon as possible, but realistically it would probably be some time in February to make sure that we have all the editorial items addressed and rule completed and the whole package ready.

MR. GEIGER: That was going to be my question as to exactly how this whole process would go and how timely it would be, but I don't speak in favor of the motion. There are some who – and I'm one of them – don't believe that the mandates of Magnuson are all bad. I think Magnuson was reauthorized for a reason, and it was reauthorized the way it was for a reason, and I support it. I don't support any letter accompanying 17B. I mean, we've have had our opportunities to make changes within 17B to accommodate all the national standards, and I think that's where those concerns should be expressed in the items that we have addressed in 17B.

MS. MERRITT: To George's point, I don't disagree – I don't agree that it's all bad. I was around the original Magnuson, too, just like one of our speakers last night mentioned when it was done with the initial intent of getting rid of some of the foreign pressure and defamation of fishing grounds of the United States. The recent reauthorization does have some aspects of it which are often referred to as unintentional consequences.

I think in these dire times that there probably should have been some flexibility in there where congress will allow for that. But going back to why I put my hand up in the first place, we're talking about when can we do this and how can we do it? We may want to very simply attach a copy of Chairman Harris' comments as a reminder to the Secretary of Commerce of what we have said before and the fact that this council would like to reiterate our support of what Chairman Harris' comment were and to keep that in mind perhaps when he is dealing with these congressmen and Magnuson-Stevens Reauthorized Act.

MR. CURRIN: That's a different approach than the motion that I see up there, which is a little more in depth and a little more nebulous, to be honest with you, Rita. You know there are aspects of that that I personally could just say, yes, I think that's good idea, but there are others that I would have to very carefully look at the wording before I would say yes. If this is going to be done outside of a council meeting, then it's going to require how do we handle the approval of that outside of the council meeting? That's another concern that I have. Roy.

DR. CRABTREE: I don't think, Rita, that whether the letter is sent along with Amendment 17B or sent separate from 17B really changes things. The letter is going to be separated, once we get it, from 17B, anyway, and then the letter is going to be sent up to headquarters. All of this is going to come to me, I guess. Unless you're sending the letter to – because you send the amendment to me.

Now if you send this letter to the Secretary, you can do that. I'm sure Bob has his address somewhere. But if you're going to put it in the same package with Amendment 17B, then it's going to come to me, and then I'm going to forward the letter up to Washington and they'll have it, so it's going to get separated.

I would suggest to you that if you want to do this, that you ask staff to draft a letter and then the letter come back to you at the March meeting when everybody has a chance to read it. Then if you want to do it, then you could send the letter off to the Secretary of Commerce. I don't know if that works for you or not.

MR. MERRITT: And to that, Roy, my biggest concern is that he would just rubberstamp it without considering the concerns regarding Magnuson. Granted, I understand that he also obligated to follow Magnuson, but if we sent the letter with it or prior to his receiving it, it might be helpful in his deliberation.

DR. CRABTREE: Well, if you send this letter regardless of with 17B or separate you will get a response back; that I can promise you. What it will say I don't know, but you will get a written response back that will address your concerns in some fashion.

MR. CURRIN: Yes, the timing becomes a problem on this. Let's go ahead and deal with the motion that we have unless there is something that somebody feels absolutely has to be said. All in favor of the motion raise your hand, opposed to the motion. The motion fails and let the record show that there was one abstention. Rita, I don't think the issue needs to be dead. I think Roy's advice if you want to work with the staff to generate a letter that the rest of the council has an opportunity to look at, then I'm sure something probably could be worked out. Mark.

MR. ROBSON: Well, I would want to make a motion that we work on some kind of a letter that we could potentially bring back to the council to review to send and maybe have that at the March meeting, and that that letter would be based primarily on the comments that the chairman gave to the congressional committee.

MR. CURRIN: Motion by Mark to direct staff to draft a letter to the Secretary of Commerce for review at the March 2010 meeting based primarily on the comments that Chairman Harris made to the congressional committee. Is there a second to that motion? Second by Spud. Roy.

DR. CRABTREE: I think Duane's comments are a good starting point, but I would think in this letter – and back to Rita – I think then you could tie this back to we have approved Amendment 17B which establishes most of our ACLs and we're working on red snapper. Then I would express our concerns about the data delivery systems that we have and how that may affect our ability to successfully implement these ACLs and accountability mechanisms and stress our needs here in the southeast. I think that makes a lot of sense.

MR. CURRIN: I think that's a good suggestion and certainly the economic impacts that are being caused by these actions as well and reiterate the direness of them, if "direness" is the word.

MR. BOYLES: Mr. Chairman, just to be brief, just for the record I voted against this. My reasoning for that was I don't know that attaching this 17B is the appropriate avenue. I would like to have an opportunity for us to have a good discussion about some of the concerns that we have, which is why I voted against the motion. I would certainly support the motion that is on the floor now.

MR. GEIGER: I certainly agree with Dr. Crabtree's recommendation. My only hesitancy comes now with adding economic impacts. We don't know what those economic impacts are. We've heard a lot of speculation and we've heard a lot of doom and gloom, but we don't know. I think it affects the quality of the letter when we can't specifically address what those economic impacts are.

MR. CURRIN: That was just a suggestion for consideration. Roy.

DR. CRABTREE: I think maybe if the letter, George, focused on if we don't have the proper data delivery systems to properly implement this, then there will be economic costs to that. I would tie that into it. For example, our ability to adequately track recreational ACLs and if we're not able to do this properly, that's going to have economic impacts.

If we can't adequately monitor the recovery of red snapper, we may have the fishery closed longer than it needs to be. I would come at it and tie the need for more information and that the fact that we have – you know, we've got an SSC that is reducing our catch levels because of the uncertainty.

We need better data collection systems to reduce the uncertainty because it's costing our fishermen recreational fishing opportunities and commercial landings, and this is a burden on the southeast that needs to be addressed. While there is a cost to improving these data delivery systems, we believe that is more than offset by the benefits of these higher yields that we would get. That's how I would come at this.

MR. CURRIN: Yes, and we're kind of arguing and talking about a letter that we haven't even see yet and the content that may or may not be in there and how it's written and all that, and I think that should be done after we see a draft and can deal with that. Let's go ahead and vote on this motion, if we can, so we can get back to finishing 17B. We've still got rules to do for those proposed rules as well.

Is there opposition to the motion to ask staff to draft a letter based on Chairman Harris' comments, primarily? I see no opposition and that motion is approved. Okay, thank you. And now, Rick, we've got proposed rules that have been drafted that must go along parallel with this amendment.

MR. DeVICTOR: The draft proposed rule was e-mailed from Mike, I believe, last night, and I'm not sure if you want to go through that. I've provided some comments to NMFS and Rod Dalton this morning, minor comments. I believe Monica may have some comments.

MS. SMIT-BRUNELLO: At this point I think it just might be a good idea for it to come back to full council, because I think there were some edits to it, and there will have to be some edits to it in response to the changes that the committee made today. I'm not sure how we want to go about that, Rick.

MR. CURRIN: Yes, I'm okay with addressing this. If we need to approve these by the committee, I certainly haven't had time to look at those in any detail. Is that okay if we handle those and approve those at full council during the committee report? Rick, is that okay with you?

MR. DeVICTOR: I think so.

MR. CURRIN: And we certainly don't expect the changes that we made today to be incorporated in those. I think we can certainly give the staff and rule writers license to incorporate those changes. Monica.

MS. SMIT-BRUNELLO: And then I would assume that you would also want the council to delegate authority to the council chairman, if changes need to be made those proposed regulations, that he could then deem those – if the council chooses to deem them this afternoon, then he could deem any changes and that would substitute, also, for the council's authority.

MR. CURRIN: Yes, and we can do that at that point if we need to. I thought he had that constant authority as chairman of the council to be our deemer. Do we have to do that everytime?

MS. SMIT-BRUNELLO: It's probably a good idea on each amendment's record to have that clearly in the record and specified.

MR. CURRIN: All right, and we will do that at full council as well during the Snapper Grouper Committee Report. All right, anything else on 17B, Rick?

MR. DeVICTOR: That's it.

MR. CURRIN: All right, thanks very much. We've got about 30 minutes before noon, at least, so we can get into Amendment 18. We will begin with our consideration of Amendment 18 to the Snapper Grouper FMP. Kate is going to first start out, as we did with the other amendments, reviewing the public comments from the public hearings on 18.

Then we will go through the document and look at the alternatives and see how the committee feels at this point. I will suggest to you that where this committee feels comfortable as we go through 18 in selecting preferreds, if we feel like there is adequate information and analysis to do that, that always helps the staff with making progress on these amendments. Kate.

MS. QUIGLEY: What I've got here is a summarization of Amendment 18 comments from public hearings, e-mail and mail. There were about 240 comments received. Thirteen of those were through the public hearing and 225 written. Of those 225, there were 216 that were a petition- type letter.

Now, the actual letter was very similar so all 216 said pretty much the same thing, but they gave a different introduction; so the letter comments on Amendment 18, almost every single letter, though, has some sort of introduction commenting on 17A, so we went through those to see what we could glean from the introductory paragraphs.

With regards to Action 1, the northern expansion, two people commented in favor of Alternative 2 and/or 3, including the Virginia Marine Resources Commission in favor of Alternative 2, so that was the alternative that will expand it out through the Mid-Atlantic jurisdiction. Then there were 224 against this action; 216 were the petition letter. The remainder commented that they didn't feel that they were in favor of the management the South Atlantic Council was doing right now, and they didn't want to see that type of management expanded to other areas.

With regards to Action 2 in Amendment 18, golden tile catch shares and endorsements, four comments, including three fishermen, were in favor of catch shares and/or endorsements. One was in favor of limiting access to those with substantial catch history. They wanted to separate the hook-and-line and longline quota, so that each of those sectors would have their own quota; eliminate longline; and they wanted more accountability.

Two comments spoke in favor of the golden tilefish LAP Workgroup recommendations. One comment was in favor of catch shares specifically. One commenter suggested letting stakeholders decide through a majority vote what they wanted, either a catch share or endorsement or nothing after the new golden tilefish SEDAR is completed.

Then there were 220 comments against the action. They wanted a different golden tilefish allocation between recreational and commercial; 216 of those 220 comments were from the petition letter. One person thought it was unfair to other snapper grouper permit owners, and that is why they wanted a different golden tilefish allocation.

MR. HARTIG: Are you finished with golden tilefish?

MS. QUIGLEY: Yes.

MR. HARTIG: I'll just make a quick comment that I asked the fishermen why didn't you guys make more comments? They said, "Well, we had a workgroup; we made our comments there; and that that's where we thought our comments were made," so they didn't comment further in this amendment. We can go back to those workgroup recommendations, also. Thank you.

MS. QUIGLEY: I heard the same thing told to me from golden tilefish fishermen that showed up at the public hearings that they didn't make public comment because they felt it had been recorded already.

Action 3, black sea bass management modifications, two commenters were in favor of per vessel trap reductions in general. One suggested an industry-funded buyout whereby something like one hundred dollars would be charged per permit holder and that NMFS could then buy out a couple of permits each year.

Two commenters spoke against per vessel trap reductions and that alternatives don't accomplish the intended goal, which was to decrease effort. They thought that more vessels could then come into the fishery and, yes, their traps would be limited, but the overall number of traps in the fishery would not be limited and the number of people participating in the fishery would not be limited; and that these trap reductions, what they do is they lead to longer hours on the water and away from home for those people that lose tags from what they currently fish.

They suggested removing tags that belong to latent users and cap tags at that level. One commenter supported Alternative 4, which was 25 traps, and Alternative 7, which was one of the bycatch alternatives, and suggested using sinking rope instead of floating rope. One commenter supported Alternative 3, which is 50 traps, and Alternative 8.

With regard to bycatch reduction alternatives, two stated that they can't bring all of their traps in because of their boat size or lack of storage on land. Three stated that bycatch is not a problem; and then if the council thinks it is, it should be dealt with by requiring different biodegradable material on the door. It was stated again and again that the current material that is used, there were two different options and that usually biodegrades within two weeks.

One commenter was in favor of trip limits. One commenter supported catch shares for black sea bass. One suggested letting stakeholders decide through a majority vote after a new SEDAR was done for black sea bass, and 218 commenters wanted all pots eliminated; 216 of those by the petition letter.

With regards to Action 4 and 5, regionalization of commercial snowy grouper and recreational vermilion, 224 were in favor of this; 216 by petition letter. One suggested waiting for the new SEDAR for snowy before making a decision. One was against the action in general and one against gag regionalization due to lack of data.

Action 6, later golden tilefish fishing year start, four were in favor of this change. Most of those who spoke were from South Carolina or were supporting those commercial fishermen in South Carolina or the Florida hook-and-line fishermen who typically participate in September/October. One was in favor of the status quo; and 216 are against the current golden tilefish allocation. Those were all by petition so they didn't comment on the golden tilefish fishing year start, but instead they commented that they didn't like the current allocation between recreational and commercial.

With regards to Action 7 through 9, which is the data reporting actions; in general when people commented on this, they just commented on all three together. They weren't specific so I grouped these together. 218 were in favor of voluntary logbooks; 216 of those by petition. One person gave very specific detail and ideas on how to do this, and that was Scott Baker of North Carolina Sea Grant.

He had done some research on how this has been done in other areas and had some advice that went on for at least a couple of pages, so that might be something useful for the council to look at and for staff to look at. He had a lot of really good information in there. Two commenters were in favor of more data reporting in general.

One commenter stated electronic video monitoring is not discussed as an alternative in the document and that it should be. One commenter suggested the creation of a data collection subcommittee and outlined possible roles and tasks. Those last two comments also came from Scott Baker, and he gave explicit detail on how that could be done and how it has been in other councils. That completes the overview of the comments. Are there any questions?

MR. CURRIN: Questions or comments for Kate on the public hearing comments on Amendment 18? Ben.

MR. HARTIG: Just to thank her for a good job in doing it the way she did and the numbers and everything. I would have liked to have seen it in the other like that also, but realizing the voluminous aspect of the number of comments received that it couldn't be done that way.

MR. CURRIN: I guess my reaction is other than the petitions that we received on all three amendments, and I think they all came in together and just kind of outlined the various amendments with their comments, I was kind of surprised at the few number other than those that we got particularly on Amendment 18.

Maybe that's not surprising in light of the other actions in 17A and 17B, particularly 17A, which were much more of a hot button issue at this point. Any other questions or comments for Kate? Before we get into the meat of this document, do you want to go ahead and take an hour for lunch right now and then come at ten 'til one to begin. Okay, let's do that and we'll dive into Amendment 18.

The Snapper Grouper Committee of the South Atlantic Fishery Management Committee reconvened at the Sheraton Atlantic Beach Hotel, Atlantic Beach, North Carolina, Thursday afternoon, December 10, 2009, and was called to order at 12:55 o'clock p.m. by Chairman Mac Currin.

MR. CURRIN: All right, we'll reconvene the Snapper Grouper Committee, and again we're in Attachment 29. That's the second briefing book version of Amendment 18, and we're going to go through those actions and see what kind of discussion and suggestions – and again keep in mind that where the committee feels comfortable, if we can select preferreds and feel like we've got the appropriate analysis, that would assist the staff in moving this document along. Kate.

MS. QUIGLEY: I'll go through the actions and alternatives. I'm looking at PDF Page 38 in Attached 29 in the Snapper Grouper Folder. The first action is extend the Snapper Grouper FMU northward. We have three alternatives; Alternative 2 being to extend it through the Mid-Atlantic Council jurisdiction; and Alternative 3, through the Mid-Atlantic and New England Council jurisdiction.

There is some detail in there; more than we've had previously. One thing that we've discussed among staff is it would be helpful if we had in here something about who would issue permits – if Alternative 2 or Alternative 3 were chosen, who would issue permits to these fishermen that would now be under the jurisdiction of the South Atlantic Council.

For example, if the South Atlantic issued new permits to them, would the two-for-one rule apply or would they just be required to purchase a South Atlantic permit or would perhaps the Mid-Atlantic and New England Councils – would their regional offices issue some sort of new permit? If we had some detail in there about that, then that would help staff to analyze who is going to be impacted most.

MR. CURRIN: Thoughts on the question Kate just raised? Duane.

MR. HARRIS: I would prefer to the extent that we can do this legally, to allow the Mid-Atlantic or the New England Council to issue permits in those areas. I hate to get into issuing permits for fishermen in other areas even though there is probably some crossover with respect to the fishing communities. I don't know whether we can do that legally or not. I guess that is a Monica question.

MS. SMIT-BRUNELLO: I don't know that there is a legal reason you can't do it. I'll think more about it, but I'm thinking that they could if you wanted them to issue those. I guess that would come out of the northeast office for the National Marine Fisheries Service, so we would

have to work that out with them. Then maybe you would want to ask the Mid-Atlantic how they would like to handle it as well.

MR. CURRIN: And Red is here and he may speak to that right now.

MR. MUNDEN: The comment I wanted to offer is that I don't recall this being discussed at the Mid-Atlantic Council level. The Mid-Atlantic Council is aware of the fact that snapper grouper permits are required to participate in the fishery. As Monica has pointed out, the Northeast Regional issues the permits. They have a lot of experience issuing permits because we have permits for all of our fisheries. I think it would be an appropriate role for the northeast.

MR. CURRIN: And that would be my preference as well since we're basically going to hand them a portion of the ACL for those species, and I would just as soon leave it up to them to issue the permits and manage that allocation as they see fit. David.

MR. CUPKA: Mr. Chairman, what about the other issue that was brought up, though, the two-for-one requirement; would that be a problem?

MR. CURRIN: I'm sorry, David, ask that again.

MR. CUPKA: The two-for-one requirement, since it is a new permit would that be a problem? Could somebody go up there and pay for it and get a permit somehow?

MR. CURRIN: Well, I don't think they've got a two-for-one permit requirement in the Mid-Atlantic or in New England; do they, Red, or maybe I'm wrong on that?

MR. MUNDEN: I know definitely that the Mid-Atlantic fisheries do not have a two-for-one requirement. I have discussed that with Chairman Robins, and he said, "Well, if the fishermen want to participate in the fishery, they will have to pay the price". I assume that the Mid-Atlantic or even New England fishermen would have to obtain two permits in order to get one. It seems like that's the only fair way to address that requirement that you have in the South Atlantic.

MR. CURRIN: I don't know; that's a different way than I would envision. I would just envision the fishermen interested in participating in that fishery and in that region to request and pay for a Mid-Atlantic and/or northeast permit, which allowed them to fish in that area of jurisdiction. Yes, I could also envision if we required a two-for-one permit for those fishermen to buy – there aren't many available, and there would be a lot of folks that may not be able to obtain a South Atlantic permit. It raises the issue of why someone fishing in the Mid-Atlantic needs a South Atlantic permit when they've got their own separate ACL for a species managed by this council.

MR. WAUGH: It might be helpful just to back up a second of why are we extending this management unit north. It's because we've told we have to count any of the species in the snapper grouper that are caught there towards our ACLs. We need to count them towards our ACLs. Then what you've decided at least thus far is what you want to do is allocate a certain portion of the ACL to the Mid-Atlantic and/or New England and then let them manage it.

It seems like we're starting to get into now designing management for them. What we talked about before was just giving them a number and then leaving it up to them to decide how they manage it. This would apply to other things like our deepwater prohibition for speckled hind and warsaw. I don't believe your intent is for that to run up through the Mid-Atlantic. They would have to decide how they're going to – whatever allocation of speckled hind and warsaw, even if it's zero that they get, our intent is to allow them to figure out how to deal with that.

MR. CURRIN: That's my understanding as well, Gregg. David.

MR. CUPKA: And I don't have a problem with what Gregg suggested, but I think clearly that permit needs to be issued just for their area of jurisdiction so that there is no misunderstanding. That was my concern.

MR. CURRIN: Yes, exactly, it does not allow them to fish in the South Atlantic. Monica.

MS. SMIT-BRUNELLO: Gregg, maybe I misunderstood, but my recollection is that the council was advised that they had to do ACLs for the species in their FMP and that FMP then contains a geographic management area. You would do it, for example, for snowy grouper. You don't need to necessarily go north because you need to do an ACL for snowy grouper. You would do the ACL for the snowy grouper within the council's authority, which is that dividing line that doesn't go north into Virginia.

MR. WAUGH: But my recollection is we were advised that those fish that are landed in Virginia northward, we would have to count them towards our annual catch limit. That's how we got into extending the management unit.

MS. SMIT-BRUNELLO: I will have to think about that. I thought that you got into this discussion because you found out that there were folks in Virginia who were landing snowy grouper, and the council never thought that snowy grouper went up necessarily into that area, and that's where the exploration of extending the management unit started.

MR. WAUGH: And that's correct. Certainly, snowy was the one that we started to see some catches, so it begs the question then has the stock of snowy grouper moved northwards, and this will be something that will be addressed the next time that each of these species are looked at. They always look at what is the appropriate stock definition, so that was one issue. But then the second was that we set for snowy, particularly on the recreational side, a low ACL, and that entire ACL could be landed in Virginia, and we would have to count those fish towards our ACL.

MS. SMIT-BRUNELLO: Well, we have some time so let's explore this a little bit further, because I'm thinking that you would only count the fish that were landed within the South Atlantic's area because that's the area of your fishery management plan. That's your area of authority, so we'll look into it further.

MR. CURRIN: That would be wonderful because that way we could drop this action. It has been somewhat contentious, and we were only doing it because we thought we had to account

for the mortality that was occurring there even though it was outside of our jurisdiction, because the Mid-Atlantic did not have a plan for those species.

MS. SMIT-BRUNELLO: So I'll explore it further and get back to you.

MR. CURRIN: At least we've answered the permit question; that if this moves on we would expect the Mid-Atlantic to issue permits. Red.

MR. MUNDEN: To address Dave Cupka's statement about limiting the people who have the Mid-Atlantic, we'll call it, permit to areas north of the current North Carolina/Virginia border, that would not be different than what we currently have with monkfish. We have some monkfish fishermen who have a permit which allows them to fish only in a specified geographic area. If we went that route, it could be patterned after what we have in place for monkfish.

MR. CURRIN: Okay, thank you, Red. All right, Kate.

MS. QUIGLEY: That's the only question that I had about this action and that's the outstanding detail that we need, so we could move on to the second action if people are ready. Okay, we're looking at PDF Page 41, Section 2.1.2 – Action 2, limit participation in the golden tilefish fishery. We have a number of different alternatives; Alternative 2 being implement a catch share type program, a LAP Program, and we have no detail right now on what that would look like. In order for staff to analyze this alternative we need some detail on that.

With regards to the endorsement, I have numbers that are not in here at this time, but I have numbers on how many people each of these endorsement eligibility requirements would imply – how many endorsements would be handed out as a result of these eligibility requirements. I can go over that if people would like, but the number one thing is we need some detail on the LAP Program.

MR. CURRIN: Comments. My only observation, I guess, is that there are a very large number of alternatives and subalternatives in this action. I guess they came from suggestions from the golden tile workgroup primarily, and they would like to see all of these in there. Again, keep in mind if anybody is prepared and feels comfortable, any way we can select preferreds among these will help Kate and the team out. Kate.

MS. QUIGLEY: If you recall with regards to the endorsement alternative, staff was asked to come back with additional eligibility requirements, so some of these were put together by the Golden Tilefish LAP Exploratory Workgroup and some were added in to provide more of a range of alternatives. Not all of these have been endorsed by the LAP Workgroup. It's basically the top three under each of the hook and line and longline, so just some clarification there. The Golden Tilefish LAP Workgroup also came up with details on a LAP Program that are not in here at this time.

MR. CURRIN: Comments on this series of alternatives? It certainly would seem to be plenty.

MR. HARRIS: Mr. Chairman, I certainly could not pick a preferred at this time. I don't know enough about it, and maybe that's my fault for not having read all the literature and the recommendations from the workgroup, but if I were pushed it would probably be 3A on the hook and line with a thousand pound whole weight and the best three of five years. I just don't feel confident in my knowledge to do that at this time.

MR. CURRIN: Any other comments from the committee? Kate.

MS. QUIGLEY: Just to let people know, I have got a slide up on the screen that shows under Subalternative 3A 21 out of 103 people with any landings from 2001 through 2005 would receive endorsements under that alternative. That's a little bit higher than Subalternative 3B, which is 26, and a little bit – sorry, a little bit lower than 3B and a little bit higher than Subalternative 3C. Then we've got 3D, which is 15 out of 145, so the landings' years change so you get the total number of people that have fished more than – have fished one pound or more; so it went up to 145 and you get 15. Subalternative 3E is eight people.

MR. CURRIN: And if you can, Kate, just to refresh my memory; what was the preferred alternative from the LAP Workgroup?

MS. QUIGLEY: I need to look back, but maybe Ben can recall. I think it was the thousand pounds. I think 3A was the preferred.

MR. HARTIG: I can't recall, Mr. Chairman.

MS. QUIGLEY: I can find out and put it into the document.

MR. CURRIN: Yes, that may be helpful. At some point it will us with the guidance along with the other comments from the public. Charlie.

MR. PHILLIPS: I haven't followed up on this quite as much as I probably should, but I'm just looking at the years from '01 to '05. I think however they pick it, I think I like that a lot better than trying to go all the way back to 1999 and getting history from people that may very well be out of the fishery.

MR. CURRIN: Other comments? All right, Kate, we haven't given you anything, but what do you need?

MS. QUIGLEY: We do have something to do with regards to the endorsements. We can go in and we can put what the workgroup wanted. We have some number on how many people would be included. That's about all we can do. With regards to the LAP stuff, we can't do really anything until we have details. One thing we could do is use the workgroup details; so if you wanted us to use the workgroup's details that they came up with as one alternative, then that's possible to do.

MR. CURRIN: I'm seeing heads nod and that would be good. Yes, having the document such as the table you just flashed up with the proportion of the fishermen that would be included with those various alternatives would be very instructive, I think.

MS. QUIGLEY: Okay, moving on to the next action, looking at Page 44, Action 3, modifications to management of the black sea bass pot fishery; the same alternatives before. However, staff did modify some of the wording on Page 2-7, Alternatives 5 and 6. I just want to okay this by the committee.

Alternative 5 reads, "Require that each black sea bass pot in the water or at sea on a vessel in the South Atlantic EEZ have an attached valid identification tag issued by NMFS. Limit the black sea bass pot tags to 100 per vessel in Year 1; 15 in Year 2; and 25 in Year 3. Require the new identification tags be issued each fishing year." What we did is after the words "Year 3," before it said "and onwards until modified". We took that out just to make it clear because the councils at any time, of course, can change the number of traps, so we took out that language. We want to make sure that's not a problem. We did the same in Alternative 6 after the words "Year 2".

MR. CURRIN: Everybody okay with that? Rita.

MS. MERRITT: Kate, in the scoping document there was also a sentence that said in Alternative 5 that it would replace the tag from the previous year versus just requiring new tags each year. What was the reasoning for changing that wording?

MS. QUIGLEY: If that was in the scoping document, then I believe between when it was scoped and the public hearing document –

MS. MERRITT: I'm sorry; I meant public hearing document.

MS. QUIGLEY: I'm not sure; I'll have to look back. It should have been the same wording.

MS. MERRITT: That would potentially change the number, and I saw that the public hearing document, the wording in that one is more in favor of maintaining or grandfathering the number, so that there wouldn't be an increase. I would think that wording should remain. I'm not necessarily in favor of the alternative, but I think that wording would be more to the intent.

MS. QUIGLEY: I think I know what happened. In Alternative 6, you're referring to the last sentence which was the same as in Alternative 5 but no longer exists. Part of a sentence in Alternative 5 is missing. I'll go ahead and replace that. I think that was unintentional.

MR. CURRIN: All right, we've got a laundry list of alternatives here dealing with pot numbers. One of the things that came up during the public hearings; Andy High I think a comment that he made and something that he pointed out that made a lot of sense to me is that one of the overall goals of this action in particular in this amendment is to limit participation in the sea bass fishery. The alternatives that we have in here currently don't really do that. It has been suggested that we do have a control date. Brian, you've got something to add or to say?

DR. CHEUVRONT: Yes, exactly, Mac; I think we're on the same sheet of music there. I think what we need to do is to put in some alternatives that do look at the control date. Where I'm still a little confused about this was at our meeting in December of last year we considered a black sea bass pot control date.

However, there was some discussion and subsequent to our meeting in December I went back and looked through the main management actions for the snapper grouper amendments that had occurred over the years, and several years before that there had been a black sea bass control date. Part of the reason why I went back and looked at it is because there was some discussion that somebody – I think it was probably Susan Shipman said that she thought that we had already done this before.

In fact, I think we had, but it hadn't been done specifically for the black sea bass pot fishery. I think what we need to do is clarify which control date could actually be applied here and consider what our different options might be. I think an analysis of this would be to look at how much would participation be constrained by using different control dates, if we want to go that far, but I think that's definitely something that we need to consider in Amendment 18 is invoking a control date.

MR. CURRIN: And I presume by invoking a control date you mean limiting participation to those individuals who were licensed or permitted to fish in the fishery up until that date.

DR. CHEUVRONT: And I mean the black sea bass pot fishery.

MR. CURRIN: Monica, I guess a question for you; someone else mentioned the fact that there were two control dates here and expressed an opinion that the council had latitude to select or use either one of those control dates, even though one was put in place after the other. Is that in fact the case?

MS. SMIT-BRUNELLO: Well, I think necessarily you will be looking at historical participation and all participation in this, so you may choose to use one of those dates. You may choose not to use any of those dates. I think you can't change fact. There is a more recent control date than an older one, and so that's the one that I – I guess what the council will do is just look at all the participation.

The Magnuson Act requires you to look at present participation, historical participation and all that. I think I've talked before about what we consider stale control dates, and that's probably why you issued a newer control date. That puts the public on notice that something could happen after that date; but as I mentioned before, you could disregard that date entirely and go with something else. I think we'll just factor that in and you'll look at all the participation.

MR. CURRIN: Okay, thank you. From my perspective I think it would be maybe instructive to look at some analysis from using both of those earlier control dates as well as the current participation to see if there has been a gradual increase in the fishery and how much it has jumped since the last control date to the present, if it has, and it might useful to consider those

kind of three options along the lines of thinking about restriction of participation in that black sea bass pot fishery.

DR. CHEUVRONT: Would it be helpful if we had a motion to that effect?

MR. CURRIN: It would be necessary.

DR. CHEUVRONT: Okay, I would like to make a motion that we add an alternative to the modifications to management of the black sea bass pot fishery that includes invoking the 2008 and the 2005 control dates to limit participation in the black sea bass pot fishery.

MR. CURRIN: Brian, is just telling me it was '08 and the '97, I think, 1997 or was there another one in '05 that I'm not aware of or he is not aware of?

MR. WAUGH: I think there was one in '05 which would include black sea bass.

DR. CHEUVRONT: If it's okay, since I'm still in the process of making my motion, let's go ahead and include 2008, 2005 and 1997 just for completeness.

MR. CURRIN: Is this regarding the motion or clarity in the motion, Monica?

MS. SMIT-BRUNELLO: Yes. Brian, what do you mean when you say "invoking"?

DR. CHEUVRONT: I just didn't know which verb to use. I think what we want to do is to somehow I want to get into the motion the idea of we want to use these dates that we established as control dates as a cutoff for analysis of participation in the fishery at that point. That's what I meant by "invoking".

MS. SMIT-BRUNELLO: Are you thinking along the lines that you'd like to see what the participation looked like in '97 and before and then in 2005 and then in 2008?

DR. CHEUVRONT: Exactly, because I think the council published those dates so that gives us a good logical reason for why those dates were chosen. As a matter of fact, I'm sure we have a month and a day to go with each of those control dates, and that's what I mean really. I just don't know what the exact dates were. I just know they were done in those years.

DR. CRABTREE: So you're asking the council to develop a series of alternative limited entry programs, one that relies on 2008, one that relies on 2005, and one that relies on 1997?

DR. CHEUVRONT: That's correct.

DR. CRABTREE: I think you probably ought to tweak your wording to make that clear. Let me just tell you that 1997, in my view, is a big problem because in putting up limited entry the Act requires that you take into account historical and present participation in the fishery, and so that's getting awfully old and pretty far back.

DR. CHEUVRONT: Actually in thinking about this, I think probably that 1997 date probably has the least probability, at least in my mind, of being an acceptable date. My only reason for choosing to put that date in the motion is because it was an established control date for the black sea bass fishery.

MS. QUIGLEY: One thing that will make it easier to analyze this alternative is if we know that you mean people who participated in the year 2008, from January 1st – sometime in the year from January 1st to December 31st or if you mean people who participated prior to 2008.

MR. CURRIN: I think the intent is prior to the actual dates that were established in those years; the control dates that were established in those years; is that correct, Brian?

DR. CHEUVRONT: Yes, it is.

MS. SMIT-BRUNELLO: So, in thinking about this, whomever in the Fisheries Service goes back to look at this or Kate goes back, you will want to see, I imagine, not just people who have black sea bass – who have snapper grouper permits, but you'd want to see landings – I mean, you'd want to see not necessarily related to a specific individual, but you would want to see how many permits had landings, something along that line because they issued tags already, right, black sea bass pot tags; the numbers of individuals who have those and then of those who have landings and that sort of thing?

DR. CHEUVRONT: Yes, and I don't mean just the people who had tags. I mean people who actually participated in the fishery because there is a lot latent activity if you start looking at just those who had tags. A lot of people had tags who never used them, and I don't mean those people. I mean the people who actually participated in the fishery and had landings in black sea bass pots.

MR. CURRIN: Okay, any other clarification? Is the motion okay with you, Brian, and everybody else is comfortable with the intent?

MS. QUIGLEY: I would request that this is made as a separate action. These are modifications to the number of pots, so I guess I would request that this is not a different alternative but a different action entirely.

MR. CURRIN: That makes sense.

DR. CHEUVRONT: That's fine.

MR. CURRIN: All right, and we finally got the motion crafted and now we will need a second. Second by Robert. Rita, did you have a question or a comment?

MS. MERRITT: Just some clarification; I found in the introductory pages of the amendment the three control dates and the final rule references as well as the actions if you're interested. It's on Page I-9 through 13. It has all three of the dates; 4/23/97, 10/14/05 and 12/04/08. 4/23/97, and

that was the one action with anyone entering the federal black sea bass pot fishery off the South Atlantic after that date was not assured of future access if limited entry developed.

And then 10/14/05, considering management measures to further limit participation or effort in the commercial fishery for snapper grouper species, excluding wreckfish; and then the third one being December 4, 2008. That was the one that was specific to establishing a control date for the black sea bass pot fishery off the South Atlantic. I'm not sure where I found it but there are some numbers regarding the latest active permits being 22 out of 68.

MR. CURRIN: Okay, further discussion on this motion? Is the intent clear to everyone? Brian.

DR. CHEUVRONT: I just want to clarify something that you said, Rita. You actually said April 23, 2007; and I think you meant April 23, 1997; is that correct?

MR. CURRIN: I believe that's correct, Brian.

MS. MERRITT: I believe so and I will double check, 4/23/97, yes.

MR. CURRIN: Okay, further discussion on the addition of this action to Amendment 18? Okay, the motion is to add a new action to Amendment 18 that invokes the 12/04/08, 10/14/05 and 04/23/97 control dates to limit participation in the black sea bass pot fishery with the intent to use landings from black sea bass pots. Is there objection to the motion? I see none and that motion is approved. Ben.

MR. HARTIG: Just as a question, I'm just thinking about what happens to the hook-and-line black sea bass fishermen. Is there anything that happens to them; they just continue about doing what they're doing?

DR. CHEUVRONT: I think part of what is related to this is the fact that there is a good chance that the black sea bass pot fishery will be allowed to continue during the closure of red snapper. This does not change the quotas or anything, so they're still competing, as it were, with the hook-and-line fishermen for the same amount of the quota.

This is to try to preempt a lot of people who may be considering moving into the black sea bass pot fishery because they're going to be shut out of the hook-and-line fishery for snapper grouper potentially depending on what happens with 17B, and that was going to potentially cause problems in the pot fishery if that was allowed to go unchecked.

MR. CURRIN: All right, let's move on.

MS. QUIGLEY: Okay, one other request from staff. We've got Alternatives 7 and 8, which don't really fit in with the first six alternatives, so Alternatives 7 and 8 cannot be compared to the first six alternatives. In essence we're treating it as a different action. Staff, to clean it up, has suggested that you might want to make Alternatives 7 and 8 as their own action because they deal with bycatch specifically.

MR. CURRIN: Yes, I think that makes sense. Everybody okay with that? Okay, Kate.

MS. QUIGLEY: Okay, moving on to the next action, PDF Page 47, separate snowy grouper commercial quota into regions/states. For both Action 4; and Action 5 dealing with vermilion recreational allocation into regions and states; we really don't have much detail on how this would actually be done, so our analysis has been qualitative and very much limited.

One question that has been brought up, for example, has to do with enforcement. Would the quota be counted against the state or region depending upon where the vessel landed these species or would that have to do with where it was fished within the water? That's one question, but we probably need some more administrative detail on how these would be fleshed out before we can really analyze much of anything.

DR. CRABTREE: Well, the quotas are monitored through dealer and the dealers provide us with the landings' estimates. The selected dealers do on a two-week or so basis. Given the current system, it's going to be counted based on where they sell the fish, where the dealer is. I don't see any other way to do it because I don't know how we'd know where they fished other than to ask them, and I'm not sure that's a very good way to monitor a quota.

The other thing is personally I just don't see this as workable; maybe regional quotas but not by state because it's such a small quota; and when you start trying to break it down, the quota is going to be so small – at least in I think Georgia I know it will be and I suspect it would be quite small in South Carolina, but I'm not sure.

I don't know if we have a breakdown in here of the state-by-state landings. I suspect the Georgia landings are even confidential. I have a problem with monitoring a quota where the landings are confidential. I think the best you could hope for with this would be maybe two regions, a north and a south, somehow. As these quotas get smaller and smaller and you break them down, it is going to become much more based on projections, and the odds that we're going to overrun it or undershoot it significantly go way up.

MR. PHILLIPS: Considering the workload that we've all got and what you would get out of trying to separate it, I'm inclined to just leave it at no action and not separate it.

MR. CURRIN: Yes, and I see Brian's hand shoot up, and I was getting ready to say something as well. This has been and remains a very important issue to the fishermen in North Carolina particularly with respect to snowies. Historically our state has caught a fairly good proportion of the catch and most of the rest of it has been in Florida.

I don't know how well founded it is, but it's certainly a feeling among the fishermen that they have a heightened level of trust when dealing with the Division of Marine Fisheries here. They're willing to cooperate. The way they envision it, the Division would be monitoring for the National Marine Fisheries Service and through the trip tickets would be monitoring the catches. It's not only for snowy grouper but for every other species that the council manages. When the issue comes up, we hear from our fishermen that is the way they would like to see it. I know there are problems that Roy and other states have with it.

DR. CRABTREE: That's not how I'm reading this is going to be. This is still a federal quota and it would be monitored by the Southeast Fishery Science Center. Now, if we want to get in a situation where the North Carolina Division of Marine Fisheries is going to monitor the quota and then notify us when it's hit, we might be able to do something like that. I don't know, Monica, if we'd have to set up an MOU or would it be adequate if Louis just committed in a letter to Bonnie that they would monitor the quota and notify the Center and the Regional Office when it's hit or what we would have to do.

MS. SMIT-BRUNELLO: I'm not sure exactly what we'd have to do.

MR. CURRIN: I would ask that we look into that and get some clarification because my understanding is, Roy, that your quota monitoring system is tied into our trip ticket system. I mean it passed through the state's hands before you guys ever get them. It doesn't like there is a big deal there. Brian.

DR. CHEUVRONT: To that point, we're already doing this sort of thing in North Carolina with a couple of Mid-Atlantic fisheries. What they do is they basically require daily reporting by those fishermen who are permitted to participate in the fishery. We get a daily report from those fishermen who are permitted.

Then we combine that all together and that's the way it's reported. So it's possible and this is not – I mean, we do this for summer flounder. We do it for some fairly sizable fisheries. There is probably not a reason why we couldn't do this in snowy grouper as well. There are not that many dealers and that many participants in the fishery.

MS. SMIT-BRUNELLO: Brian, you said you get a day-by-day report from the fishermen involved in the fishery?

DR. CHEUVRONT: From the dealers.

MS. SMIT-BRUNELLO: And you don't have electronic reporting; do they call in; what do they do?

DR. CHEUVRONT: I think most of the time they fax in.

MR. CURRIN: Some are on electronic reporting so they can report I think either way. It's not in every quota-monitored fishery but in many of them.

DR. CRABTREE: At least the way we monitor quotas right now it would be difficult to handle those. If North Carolina wanted to monitor their own quota and if we figure out how to do that, you could perhaps set it up so there is a North Carolina quota and then there is everyone else, and the feds are going to monitor everyone else's quota and North Carolina monitors the North Carolina quota. Unless I hear the states of Florida, Georgia and South Carolina tell me they want to monitor their own quotas, too – and I don't see that look on Spud's face.

MR. CURRIN: I think Robert is getting ready to tell you.

DR. CRABTREE: They're small numbers but I guess the thing to do is ask Monica to look into what sort of way we would have to do that and we'll see what we can figure out.

MR. CURRIN: And that would satisfy me, I think. Robert.

MR. BOYLES: I was just going to say in stark contrast to North Carolina we get monthly reports. As much as we'd like to be able to do things better than that, it's just not feasible. We hear this at public comments often about state-by-state quotas and managing things at the state level and we just don't have the capacity to do it in South Carolina.

DR. CRABTREE: If you want to do this, you'd need to look at some different time series and then look how the allocations were.

MR. CURRIN: Oh, yes, that's important. The fishery has changed quite a bit over the last three years.

DR. CRABTREE: And if there is a big trend, then you guys will have to argue about what years to use and who gives the fish.

MR. CURRIN: It will be a big bite, I know.

MR. MUNDEN: North Carolina has four quota-managed species that we require daily reports to be submitted by the dealers based on the trip tickets. Those species are bluefish, summer flounder, spiny dogfish and black sea bass. We use the trip ticket information to verify the landings that come in from the data once the trip ticket would come in, and then the NMFS data is compared against our landing data. In the event there are discrepancies, then we work it out with the appropriate people within the National Marine Fisheries Service. The process works real well for North Carolina.

The one thing that we do have that allows the system to work is all of the quota-managed species are managed through our proclamation process; so if we see we're going over the quota, then we can shut that fishery down if it's a quota-managed species within 12 hours. We normally give the public a lot more notice than that, if possible, but that's what makes the system work for North Carolina. Thank you, Mr. Chairman.

MR. CURRIN: All right, the action is in there of the state-by-state quota as an alternative.

MS. QUIGLEY: Okay, the next action is separate recreational allocation to region/states; the same thing; just keep those in at this time?

MR. CURRIN: Everybody okay with that? Rita.

MS. MERRITT: I'm sorry, Mr. Chairman, you didn't see my hand up, I guess, when were back on Action 3. I did have something further that I needed to say, if you don't mind, if this would be the appropriate time.

MS. CURRIN: Go right ahead.

MS. MERRITT: When we were discussing the alternatives, there are several alternatives which require black sea bass pots by limiting the number of the tags. However, there is no alternative which reduces by number, which is more amendable to a fair and across-the-board reduction. I would like to see an alternative added which add have a reduction by percentage across the board versus a number that is arbitrary and not tied to these numbers as a separate alternative. I would suggest that percentage be tied somewhat to the science of how much we are trying to reduce.

MS. CURRIN: Rita, I think at one point there was an alternative in there that did exactly that, and I believe it has been moved to the considered but rejected file. Now, if the majority of the committee or the council wants to pull that back out and put it in the document we can, but it has been voted on and moved to the considered but rejected appendix.

MS. MERRITT: I do recall that we have talked about that in the past, and I did want to re-raise the issue because I do feel that it is important that we not put in superfluous kinds of regulations if we don't have something to tie it to the science. I haven't seen anything that says that a hundred versus twenty-five really makes sense.

That's why I think that if you used a percentage reduction, it would be fair across the board because there is a statement here which says that fishing large numbers of traps increases the chance that traps could be lost. We've heard that it depends upon the size of the vessel. The capability of a small boat handling a certain number versus a large boat is dependent upon the expertise of the person handling it as well as the size of the capacity of the vessel.

MR. CURRIN: Well, if that's your desire to pull that back out of the appendix and put it back in the document, then we would need a motion to do that.

MS. MERRITT: **I so move.**

MR. CURRIN: **There is a motion by Rita to pull that percentage reduction alternative out of the considered but rejected appendix, and it's PDF Page 293, so if you would like to look at it, Rita, and make sure that fits your bill.**

MS. MERRITT: We only go to 291.

MR. CURRIN: It's in Attachment 20 of the first briefing book. It's 293 in the first briefing book, but it should be in the second one as well.

MR. HARRIS: Yes, and I've got Alternative 7.

MR. DeVICTOR: That's the one.

MR. CURRIN: Yes, it's Alternative 7 that was moved back there in March of '09.

MR. DeVICTOR: Is that what she's talking about?

MR. CURRIN: That's exactly it. That was the motion by Rita; is there a second? Second by Charlie. Discussion on the motion? The motion is to move Alternative 7 from the considered but rejected file back into Amendment 18, and it's located in Attachment 20 on Page 293 if you'd like to look at it.

MS. QUIGLEY: Or Page 290 in Attachment 29.

MR. CURRIN: In Attachment 29, Kate said, Page 290, so I knew it had to be in that second briefing book version. All right, the rationale I believe as stated in the appendix was that it was a very complicated alternative, for one, and perhaps some other issues as well. Charlie.

MR. PHILLIPS: Well, without talking to the fishermen – and what I have heard is some of them put out a lot of traps, they stretch them out, and I've heard in the past – I think may Jodie Gay long years ago said that they've got another group of fishermen that fish rocks with a small amount of traps.

If you limit everybody to a small amount of traps; and it's not feasible to fish out in open bottom, then you're concentrating everybody on those few rocks which may actually cause either more user conflicts with the recreational people that might be fishing on those rocks and not out in the open bottom. In other words, you'd be concentrating the fishermen instead of allowing them to spread that fishery out over more bottom. And without talking to the fishermen a little bit more, I just kind of see that as a potential problem, which is why you'd want a trap reduction so you could still have some people that could having those traps work open bottom.

DR. CRABTREE: The way I'm reading it – and it is complicated, but it's going to take a relatively small number of fishermen and allow them to use a fairly large number of pots, but it's going to limit everybody else to a much lower number of pots with no way of ever having any right to use anymore pots, because you can't transfer any of that. Am I right; that's what this would do; wouldn't it? That seems to me to raise some fairness questions.

MS. MERRITT: I agree this is too complicated. This isn't really what I intended. I intended it to be simpler and just grandfather the current number of tags and limit those by some percentage reduction, and in this case we had talked 10 percent and I wasn't sure what percentage would be more appropriate for what we're trying to accomplish here. I would simplify the motion – I would make the motion to not be the same one as Alternative 7 that was rejected and go back to a new motion, and I'm not sure parliamentary wise how to handle that one.

MR. CURRIN: That would be the smartest thing, just withdraw that one and start over.

MS. MERRITT: **I think I'll be smart for a change and just withdraw motion.**

MR. CURRIN: Are you okay with that, Charlie?

MR. PHILLIPS: Yes.

MR. CURRIN: All right, Rita, go ahead and tell them what you'd like to see.

MS. MERRITT: And the new motion would be to add an alternative which would grandfather the current number of tags issued to be reduced by 10 percent – I’m not sure whether or not we need to add in a date here, what current means. I guess it would be as of the control date. We used 03/08/07 in the rejected alternative. What was the last control date? That would be the one that I would prefer to be in here would be the last control date.

MR. CURRIN: December 4, 2008.

MS. MERRITT: 12/04/08.

MR. CURRIN: Is that suitable to you, Rita, to use that date, 12/04/08? Roy, we’re kind of in the middle of crafting a motion here, but –

DR. CRABTREE: I’m going to ask a question about it, but I’ll wait until it’s finished if you like.

MR. CURRIN: Yes, that might be best. Is that okay; that’s it? All right, Roy.

DR. CRABTREE: Rita, the way it’s written we would reduce the number of pots that everyone uses; so if there is someone out there who is only using 20 pots, he would lose two of them; is that what you intend, or do you only intend for the people who are using a large number of pots to be reduced by 10?

MS. MERRITT: Across the board; it’s fair.

DR. CRABTREE: Okay, motion by Rita; is there a second. Seconded by Charlie. Further discussion? George.

MR. GEIGER: Well, I think I understand it, but if we’re looking to limit the number of traps and you’ve got somebody who is already using 25 traps, which is the smallest number that we know they’re using, why would you eliminate 10 percent of their potential traps? What would be the basis for doing that? I don’t understand. If the object is to reduce the total number of traps, why would we pick on the people who are already using the minimum number?

MS. MERRITT: Well, it’s not a matter of picking on them. It’s just trying to be fair across the board. If you reduce your income by 10 percent and 25 pots is trying for you to make a living at, why should you reduce somebody else by a hundred percent, you know –

MR. CURRIN: Well, I think you need to be careful there, Rita, because I don’t think –

MS. MERRITT: I mean, we’re not in the business to deal with the people’s income, but I’m just talking about from being fair to everyone. If you’re going to have an overall number of reductions, maybe losing two pots may not be as painful to somebody with 25, but 25 is going to be a lot more painful for somebody with 200, but maybe that’s the number that we need to reduce in the long term to reduce the amount of effort.

MR. GEIGER: Yes, I think it's difficult to make assumptions of people who are fishing a smaller number of pots are making less money than people who are using a larger number of pots based on where they're fishing and what they may be catching. We don't know and I think it's dangerous to make that assumption that just because somebody is fishing a small number of pots they're not making very much money. We already talked about the fact that they are efficiently fishing on structure and probably making it because they're fishing on that structure.

MS. MERRITT: To that point, I'm just recommending that we just be fair to everybody in that regard. I don't really think the number has so much to do with it as coming – we have no science to say that having 25 is the right number or having a hundred is the right number. I just thought a percentage would be a fairer way to handle it.

MR. CURRIN: Well, that's been talked about before in some manner and it's back again. Roy.

DR. CRABTREE: Well, we do know, though, this year that the quota is going to be caught as of the 20th and the fishery is going to close down until June 1. It seems to me you can make a pretty good case that there are more pots out there than are needed to catch the quota; and if we could bring the number of pots down – and I don't mean by 10 percent but by more than that – we could spread this thing out and not have this fishery close for so long.

MR. CURRIN: Further discussion on the motion? All right, all in favor of the motion raise your hand, 9 in favor; all opposed, 4. The motion is approved and this alternative will be entered into the document. All right, Kate.

MS. QUIGLEY: Okay, the next action that we have is separate gag recreational allocation to region and state, and I think we already discussed some of those issues.

MR. CURRIN: That's back on Page 48, and, yes, we have discussed it. It's a similar sort of action to the one we've discussed on snowy grouper except this is regarding the recreational allocation. Everybody okay with the alternatives that are there, regions and states. Brian.

DR. CHEUVRONT: Mark, have you heard about whether the FWC has complemented the federal rules?

MR. ROBSON: Mike just sent that around to you on e-mail and the press release has gone out, and they have approved consistent regulations.

DR. CHEUVRONT: And the reason why I asked that is because that kind of had bearing on this, because I was the one who brought this up and got this in originally because there was the concern at the time that Florida was not going to complement the federal rule in state waters, which would have meant that opened up the possibility that Florida could have caught up the entire recreational quota during the closed period. In view of their actions, I'm not sure that is as pressing an issue.

MR. CURRIN: Is that a motion to remove this action from Amendment 18?

DR. CHEUVRONT: Yes, I will make the motion to remove this action from Amendment 18.

MR. CURRIN: Second by Roy. Discussion. Any objection to that motion? That's Action Number 5.

MR. HARRIS: This is a good breaking point, and we should probably recess.

MR. CURRIN: Yes, let's recess snapper grouper. We've got a public comment period that is supposed to being 2:00 o'clock. We'll get back on this and try to move along as fast as we can, folks, when we come back.

MR. CURRIN: All right, let's get back on track with Amendment 18. Kate, I think we're at adjusting the golden tilefish year action; are we not.

MS. QUIGLEY: That's right, so we're looking at PDF Page 50 of Attachment 29; adjust golden tilefish fishing year, so you have a number of different actions. The only request that staff has is we wanted to see if it was okay with the committee if we add – you will see that there is subalternative under each of the alternatives, and what we would like is to put Subalternative 2A and Subalternative 2B, where 2A keeps the 300-pound trip limit when 75 percent of the quota is taken and 2B would be remove the 300-pound trip limit when 75 percent of the quota is taken; and then the same thing for Subalternative 3A and 3B; Subalternative 4A and 4B, and it just makes it cleaner. That's all.

DR. CHEUVRONT. I just want to clarify the reason why you're asking for this is because it will round out the analysis; right?

MS. QUIGLEY: Yes, I think implicitly you're already saying that, but it allows us to discuss – for Alternative 2 it allows us to discuss change the start of the golden tilefish fishing year from January 1st to September 1st with no changes in the 300-pound trip limit and then to discuss it changing the fishing year with removing the 300-pound trip limit so that we can compare those two.

DR. CHEUVRONT: Thank you for the clarification. I would like to make a motion that we add a subalternative under Alternatives 2, 3 and 4 that keeps the 300-pound trip limit when 75 percent of the quota is taken.

MR. CURRIN: Motion by Brian; second by Ben. Discussion on the motion? Any objection to the motion? I see none; that motion is approved. Any other comments or questions about this action? Kate, help me remember. It seems to me that the Golden Tilefish Working Group, at least some of those folks indicated, the best I can remember, that there would be no reason to mess with trip limits and change the fishing year if we established the hook-and-line endorsements and the longline endorsements. Am I just remembering part of the story?

MS. QUIGLEY: I think what you're recalling is that there is no reason to change the fishing year or the trip limits since they wouldn't apply under an LAP or Catch Shares-Type Program. However, under the endorsements it does still matter.

MR. CURRIN: Okay, thank you very much. I just wanted to make sure we didn't have something in here that wasn't going to make a whole lot of difference. All right, if there are no other questions, we'll move on.

MS. QUIGLEY: Okay, we've got improvements to data reporting, and there was a discussion during the last council meeting and among staff as we were trying to analyze this about what is the real difference between Amendment 15B, the alternatives that are offered there and those in Amendment 18. What we discussed was pointing out or having the council point out if we take a look at the Amendment 15B regulations, what does the committee and what does the council really want to change? I'm going to put up the regulations under 15B right now and some suggested change in the language.

MR. HARRIS: Page 52 of the PDF if you haven't found it.

MS. QUIGLEY: Okay, the regulations state with regards to general reporting requirements, the owner or operator of a vessel for which a commercial permit for South Atlantic Snapper Grouper has been issued as required under this section of whose vessel fishes for or lands South Atlantic Snapper Grouper in and from state waters adjoining the South Atlantic EEZ, who is selected to report by the SRD must maintain a fishing record on a form available, et cetera, so 15B applies to those people who are selected to report.

Whereas it appears in Amendment 18 from the way the alternatives have been written and what has been expressed in the committee that would not apply; and so under Amendment 18 the regulations would change in that the language "who is selected to report by the SRD" would be taken out in two different spaces and the word "must" would taken out a little bit further down in the first paragraph.

Then with regards to at-sea observer coverage, the language "if a vessel's trip is selected by the SRD" would be removed, so in that case it would make the Amendment 18 alternatives mandatory to do.

MR. CURRIN: And the best I recall that is not our intent. Gregg.

MR. WAUGH: Alternatives 2 and 3 that are in Amendment 18 now deal with federally permitted dealers. The way that's handled right now is NMFS monitors the quota by contacting a group of dealers that in the past have landed fish. What we were considering and what we heard a lot about at public hearings and as we move to more and more species that are being added to our quota monitoring, we were intending with Alternative 3 to require that all permitted snapper grouper dealers report electronically. NMFS is authorized to require weekly or daily reporting as required.

Alternative 2 would require them to report electronically if they were selected. There has been a lot of work done between NMFS and ACCSP. North Carolina north, this capability is there. It's just a matter of extending this capability south. We're having difficulty keeping up with our existing quotas and tracking them in a timely enough fashion to keep fishermen informed of quotas. We talked about this during the Mackerel Committee.

What we're trying to get at is requiring the permitted snapper grouper dealers to report electronically, a hundred percent of them, and giving the NMFS the authority to require either weekly or daily reporting.

MR. CURRIN: Thoughts, comments. Everybody okay with these actions?

DR. CRABTREE: I guess we're not looking to select preferreds or anything now. It's just are we okay with the range of things?

MR. CURRIN: Well, we don't have to. If we're comfortable doing that, it may facilitate the staff's analysis in some way. If you're comfortable selecting a preferred here, then please offer that motion.

DR. CHEUVRONT: That was part of my question that I was going to ask, whether we needed to select a preferred, but one of the things that Gregg said is that from North Carolina north, yes, in some instances we can do electronic reporting, but we have plenty of dealers who are not required currently to do electronic reporting who it would create quite a burden on them at this point because they don't participate in the Mid-Atlantic fisheries yet they do buy fish that are under this council's jurisdiction who probably would have some difficulty implementing electronic reporting.

MR. CURRIN: I would just note from North Carolina's perspective and from the Marine Fisheries Commission's perspective there has been more and more discussion about trying to move toward requiring electronic reporting of all of our dealers, and we fully understand that there are a number of them that aren't quite set to do that and operate in the pole shed in the back yard and that kind of thing, but we're certainly moving in that direction. Other comments about the action or a desired to select a preferred here? Did we give you what you need?

MS. QUIGLEY: Yes; and just one other point, Alternative 5, in reading through the regulations, it is pointed out that Alternative 5 which talks about observer coverage if selected, that is already covered under Amendment 15B; so if it is okay with you we will remove that alternative.

MR. CURRIN: I don't think there is any objection to that; we don't need to do it twice. I see no objection anywhere on that.

MS. QUIGLEY: And just one last action with regards to designating EFH and EFH-HAPC – this is on PDF Page 57 – the difficulty here is there no analysis really right now on this action. The reason is because we kind of need to know exactly where those EFH and EFH-HAPC areas would be to know if they would affect anyone or not. We're not able to do that analysis right now.

MR. HARRIS: There was discussion about this previously, and I thought that the South Atlantic Council had agreed to accept the EFH-HAPCs as designated by the Mid-Atlantic or the New England Fishery Management Council, and we wouldn't be the council that would designate those. That is what I recall; am I correct or not?

MR. CURRIN: I certainly remember, Duane, that discussion and I remember that being the sense of the committee. I don't know what the implications are of removing this action and just letting the Mid-Atlantic do that or whether we would be remiss in doing that. If we're going to keep these in, I would suggest that we ask the Mid-Atlantic or at least review the Mid-Atlantic's current designations of EFH and kind of try to overlay those with known information about where these fisheries occur, these species that we're talking about extending jurisdiction for up there or giving them jurisdiction for. That would at least provide some information for an analysis or if we're comfortable with going the alternative route or there is some other way that we can just leave it and let them designate their EFH.

MR. CUPKA: I remember that discussion, too, Duane, and in fact they were I think kind of sensitive about us designating their EFH and EFH-HAPC, and they've already designated some I think in some of those canyon areas because of anticipating taking some snapper grouper action. I think they have already moved ahead on some of that, but I seem to recall the same thing Duane does in regard to that.

MR. CURRIN: The best I remember, David, I was talking to Rick Robins about it. They have gear restricted areas. Red, you can correct me if I'm wrong on that. Whether that is equivalent to or a form of EFH designation, I'm not sure.

MS. SMIT-BRUNELLO: Well, maybe it's a little early because you don't know where that areas is, but if you extended your jurisdiction to encompass the snapper grouper up in that area or some of the snapper grouper and if there was EFH that they had designated in areas that would be EFH for your snapper grouper, then maybe you would just want to adopt that EFH that they've already designated, but I would think that to be part of the South Atlantic Snapper Grouper Fishery Management Plan you would have to designate EFH if you needed to designate EFH up in that area.

I'm kind of going around in a little bit of a circle, so maybe this is a little early to look at this, but I would think that you would have to look at the areas that they have already designated; and if they're sufficient, that's great, but you would probably need to adopt them then as EFH for your species because the management area would extend up there.

MR. CURRIN: Red, do you want to clarify what I said?

MR. MUNDEN: The gear restricted areas that we have are different than EFH areas, but in addition to gear restricted areas we have designated some of the canyons in the Mid-Atlantic area of jurisdiction as essential fish habitat for deep water species. I'll be glad to coordinate that with Tom Hoff. He is our staff person who is responsible for working on that.

MR. CURRIN: Thank you, Red, very much, and that would be helpful. It is my understanding that those canyon areas are where the fisheries occur up there.

MR. HARRIS: Just a note; I didn't go far enough down, but Alternative 3 does say track the Mid-Atlantic Fishery Management Council's EFH and EFH-HAPC, so we've got an alternative in there that would allow us to do that. We can certainly designate them or redesignate them as our snapper grouper EFH HAPCs at the appropriate time.

MR. CURRIN: All right, everybody comfortable with where we are on this action? That's it for Amendment 18 unless anybody on the committee has got anything else. All right, thank you, Kate, very much.

MR. HARRIS: Mr. Chairman, I would recommend that you adjourn the Snapper Grouper Committee at this time and convene the Committee as a Whole to deal with the remaining snapper grouper issues. You will take care of that but it will allow us not to have to vote on it again in full council tomorrow.

MR. CURRIN: Okay. Then without objection we will adjourn our Snapper Grouper Committee Meeting.

COMMITTEE OF THE WHOLE

MR. CURRIN: We will reopen snapper grouper as a Committee of the Whole and continue with our agenda. All right, our next agenda item is Amendment 20, and Kate is going to take us through there as well.

MS. QUIGLEY: Okay, Amendment 20 has its own folder in the snapper grouper.

MR. CURRIN: Attachment 24 is the folder.

MS. QUIGLEY: And it's called "Snapper Grouper Amendment 20 Draft". If you scroll down to PDF Page 14, there is a listing of alternatives to be considered. At the last council meeting there were some changes to the alternatives, that we have an MSY, OFL and ABC alternatives, and there were a couple of changes that the council had made and we put into this document.

Then the intent was to have the SSC review them and provide any comments that they had on the MSY, OFL and ABC options. They didn't get around to that and they didn't have any additional data to base their comments on, so they did not take a look at this. These are the same as what we had talked about at the last council meeting, so I'll just go them one by one. Then the council had asked staff to develop some additional alternatives, and I did that in additional actions and alternatives and we can go through those.

Action 1, changes to the Wreckfish ITQ – Alternative 1, no action; Alternative 2, eliminate the current Wreckfish ITQ Program and replace with alternate effort-limiting criteria for participation; Alternative 3, eliminate the current program and do not replace it; and Preferred

Alternative 4, modify the Wreckfish ITQ Program to keep the Wreckfish ITQ Program and update it to meet the new requirements of MSA.

We talked about how the new requirements don't apply to the Wreckfish Program because it was implemented prior to when the Reauthorized MSA was implemented, but we talked about how if major changes were made to the Wreckfish Program, then it would be required to meet the new requirements of MSA, so we went forward with developing actions and alternatives. Are there any comments or changes to the first action?

MR. GEIGER: Well, with the catch share policy having been announced today, obviously would we move forward utilizing the catch share policy as kind of our roadmap and would that then dictate major changes, or would we have to see what we come up with to determine whether it was major changes?

MS. QUIGLEY: I haven't read it yet so I'm not sure. I don't know yet.

MR. CURRIN: Any other questions or comments at this point about that first action? Rita.

MS. MERRITT: It's an old comment but I'm going to continue to say it. I can't see that it's reasonable to be changing an ITQ. We haven't had a stock assessment since probably 1990ish. We haven't had a meeting with the shareholders yet, which is planned. We need to review the new catch shares information. There are just so many things to look at, I just find it unreasonable to be moving along this path and to be setting up major changes at this time. It's really just a comment.

MR. PHILLIPS: Okay, Rita, what you would suggest is that we read the new report and the new guidelines and talk to the fishermen and see where those two things meld together?

MS. MERRITT: And schedule an assessment before 2013, recognizing how crammed the SSC's schedule is. I know it may feel like it's unreasonable, but we've gone overfishing in years and neglected it. Why should we be moving forward on something we don't know where we are with it?

MR. CURRIN: Well, one part of that rationale is that we're required under Magnuson to review ITQ Programs within ten years. It hasn't been done so that's the one impetus for at least opening this thing up. If we're going to open it up, I think we ought to take as broad a look at it as possible. That doesn't require that we make any changes, but we are required in my mind, at least, to look at it and to review the program and decide if there are any changes that need to be made. Roy.

DR. CRABTREE: Well, the other thing, Rita, is we've got to put in place annual catch limits, and we've got to do that by 2011. In all likelihood they're going to be substantially below what the current TAC is, and that's going to affect the amount of fish that the few people who are fishing are allowed to catch. I think that's going to force us to redesign this thing.

MS. MERRITT: To that, Roy, isn't it true, though, that this ITQ Program does not require us to do that because it was prior to the requirement?

DR. CRABTREE: No, we have to have annual catch limits for all of our fisheries including this one. When you look at the MSY options in Action 2, the most recent landings have been 835,000 pounds. It is highly uncertain the status of the stock. The SSC is going to come in and apply some reduction from that for uncertainty.

We could easily be looking at an ACL of 600,000 pounds or so. I think right now – how much is it right now, 2 million pounds, and so that is going to dramatically reduce the amount of allocation everyone has, and that's going to force some real changes on the fishery if we don't make some modifications to it.

MS. MERRITT: I understand; I'm just really concerned that we haven't done a stock assessment. We just keep putting it off and putting it off. I'm just feeling neglected.

MR. CURRIN: Duly noted. All right, Kate.

MS. QUIGLEY: Okay, Action 2, wreckfish MSY options; Alternative 2, 1.946 million pounds. This is average landings from 1988 to 1994, which represent the years of high landings. Alternative 3, MSY of 0.835 million pounds, and these are the average landings from 1988 to 2007, which is all the years of landings except for 2001 and 2003.

Monica and I have talked and we have talked about this in the committee about pursuing getting waivers from fishermen to sign, and that is still being worked on. Alternative 4, MSY implied by ABC Control Rule. We haven't gotten SSC input yet, so we're not able to move forward really with this action at this time. If there aren't any comments, I'll move on to Action 3.

MR. CURRIN: No comments; that's a reasonable range of alternatives. I think we've stated that before.

MS. QUIGLEY: Okay, Action 3, pretty simple. Alternative 2, F 30 percent SPR; Alternative 3, F 40 percent SPR; and Alternative 4, OFL implied by ABC Control Rule.

MR. CURRIN: Any questions or comments on that action?

MS. QUIGLEY: Okay, Action 4, wreckfish options; Alternative 2, 1.75 million pounds. That's 197,000 pounds than the MSY Alternative 2. Alternative 3, 1.5 million pounds. That almost 450,000 pounds less than MSY Alternative 2. Alternative 4, amount equal to that calculated with the use of ABC Control Rule.

MR. PHILLIPS: I thought the SSC set the ABC. Explain it to me; I missed something.

MR. CURRIN: Gregg, can you help us out with that?

MR. WAUGH: Yes, I was going to ask – and I’m sorry, just due to our workload, we haven’t had a chance to go through this in great detail – are these the same alternatives that we had from before? Okay, and this is from June when we met with the SSC? Okay. Because, to me the MSY, there is no MSY that is implied by the ABC Control Rule nor the OFL, so we need to reword those to be an MSY that the SSC provides us basically for Alternative 4, and the same thing for Action 3 Alternative, it’s OFL from the SSC. The OFL goes into their ABC Control Rule.

Then we pick with Action 4, when we get the wreckfish options, that Alternative 4 is correct where it equals that calculated by the use of the ABC Control Rule. If it’s okay with all of you, we’ll make those changes to the previous couple of actions.

DR. CRABTREE: So then, Gregg, we’re going to end up with alternative ABC Control Rules and not just one; right?

MR. WAUGH: That’s something for us to discuss. We had some just very preliminary discussions with Monica. The ABC Control Rule for SEDAR-assessed species is going to be pretty complex and the ABC Control Rule for the data-poor species is going to be pretty complex, and there is going to be a lot of time and effort that the SSC has put into that, and I’m just not sure that this is one where we have to come up with another alternative control rule.

The council has given levels of risk guidance, and they’ll certainly have that. Maybe that’s the part of the control rule that we look at some alternatives, but I think that’s something we need to have some more discussion about because it’s going to be very hard to explain one control rule to the public.

DR. CRABTREE: At some point we’re going to have to make some decisions about levels of risk. We’ve given them a range, but we haven’t made a decision, and it seems that is kind of inherent in these ABC Control Rules. I would agree with you that we need to talk about that.

MR. CURRIN: My impression, Roy, was that at some point when this ABC Control Rule was finished and they’re working on a tiered process and have finished it basically for assessed species, that would come to the council for consideration of adoption. Then that would become the council’s default ABC Control Rule and based on the emphasis and information about the various stocks would determine the ABC.

DR. CRABTREE: And I understand that. It’s just difficult for me to see how we’re going to be in a position where there is only one reasonable ABC Control Rule. It seems almost certain to me that there are going to be different ways to come at it. It’s hard for me to say without seeing what they’ve got, but it doesn’t seem likely to me that there is only one way to go with this, and this is a decision you have to make as the council and not a decision the SSC makes.

They advise on this but you choose the ABC Control Rule. You choose the risk of overfishing that is allowable. I do agree with Gregg, this is something we’re going to need to look at more carefully because I need to have a better understanding of exactly what the SSC is coming to us and recommending.

MR. HARTIG: Well, I know Erik is here.

MR. CARMICHAEL: It's probably not fair to have Erik come up and try and speak on behalf of the SSC, but it's better for me to come and do it. They've actually done their ABC Control Rule and approved the proposed control rule for you consider, which they approved in June, and copies have gone around to the council, I'm fairly certain.

The thought is that will be taken up by the council as part of the Comprehensive ACL Amendment. It is based on MSY as was discussed and then decrementing from MSY by a buffer, which for assessed stocks becomes a probability of overfishing buffer. Their intended discussion for this week, which they didn't get to was how to equate that buffer to an adjustment in landings when you only have landings.

Recognizing that they're still grappling with getting the MSY level based on landings alone, as are most of the SSCs, waiting for some additional guidance which may or may not become available in time through the National Standards Guidelines and such about just sort of what are acceptable ways of getting to MSY when all you have landings.

In the case of wreckfish and these other species, the SSC discussed this week that they intend to take those up when they meet in April, when they talk about how it is they would go from landings, which is really they have an assessment but it is quite a few years ago, and it hasn't been through SEDAR, and there are questions raised about, in the case of wreckfish, at least, whether or not it's a unit stock that was assessed and whether or not our fishermen operate on what is arguably a unit stock.

So there are questions there, so it will be another species where they're very likely looking at landings. And the hope then now we've discussed at the SSC having a webinar in January so we can talk about the process that we didn't get to talk about at this meeting, so to continue this meeting's discussions.

Then in April they really intend to be in a position to give you the ABCs that would come out of their control rule. There are going to be alternatives for control rules. Obviously, we'll talk about that through the Comprehensive Amendment. If there are other specifics, sure, throw them out here and we'll try to answer them.

MR. CURRIN: Any other questions for John or comments? Roy.

DR. CRABTREE: Well, it just sounds like to me what we're going to have to do is we can get their recommendations and look at the control rule, but the key here is going to be we're going to have to provide different alternatives in terms of the amount of risk of overfishing that we would accept. Then for the unassessed stocks, I don't think we can do that, but there is going to be some reductions on buffer. We're going have to figure out how to handle that.

It does sound like to me there will need to be different alternatives based on the levels of risk, and then maybe you apply different levels of risk, apply it to the control rule and you can then see what the consequences of those different choices are in terms of what the actual ABC would

come out. It may be that those levels of risk you're going to choose – I think what the SSC is recommending is different levels of risk for each species. I mean, it's not a level of risk; it's species specific, which means we're going to need to go through that exercise for each species, I suppose.

MR. CARMICHAEL: I think talking about the levels of risk is a good way to get into it. What the control does is it's built from a starting point of risk of 50 percent chance of overfishing occurring, and then there are four different levels with each a maximum adjustment of 10 percent, so then it gives you a range of overfishing based on how the decisions are made within each level and then it will relate to the stock status, the quality of the data, how well the assessment dealt with uncertainty.

Then it goes between a zero to a 40 percent reduction so your probability of overfishing occurring for each individual stock can then range from 10 to 50 percent. Obviously, one thing the SSC discussed was the starting point. Perhaps the council is not comfortable with any stock having an ABC that in the best case would have a 50 percent chance of overfishing occurring. I think we can work within that.

Then there is nothing that is absolute about the range being 40 points. Perhaps the council wants a wider range and the scoring within level could be adjusted to get a little bit different look at risk. I think there is some flexibility there within this framework to develop a number of options.

MR. CURRIN: Anything else? Ben.

MR. HARTIG: Just one question; we're talking about those four steps where you go down 10 percent; that's just the chance of overfishing, correct; that's not you're going to reduce it 10 percent at each step? Okay.

MR. CARMICHAEL: That's exactly right. In the case where you have a probability of overfishing occurring, the buffer values, which the ten is the buffer value at each place, the buffer value equates to how you adjust the overall probability of overfishing. The council had given advice back in I think September of '08 stating like 10 to 40, perhaps, with a midpoint of 25, so this works out pretty close within that range.

Across the 15 stocks that we looked at, I think the average was 27.8. It was very close to the 25, so in that case they do relate to a probability of overfishing, which then how that affects poundage, of course, relates back to all the assessment outcomes. Now in the case of a fishery with only landings, it may very well end up that it relates to a reduction in the average landings.

But, again, there are issues that have been thrown out and ideas have been thrown out about things like 75 percent reductions as a default. You know, we have the question of what is the time series over which you get landings; do you use some high point in the landings; do you use a low point in the landings; do you use an average versus a percentile. Those are all the things that they'll need to talk about between now and April to try to get in place to make that, so in those cases it could actually be each step is an actual percentage reduction in landings, but it was just summed up.

MR. CURRIN: John, since we're on this topic – and I had planned to bring it up during the Comprehensive ACL discussion, but since we're here has there been any consideration, when you're looking at landings, in looking at a trend, whether the landings are trending down, trending up or trending flat? I guess in a simplistic way I was thinking, well, the slope of that regression line might be a scaling factor and give you some indication of what the stock has been doing over the last few years that would vary in how you dealt with it. So, a very simplistic way.

MR. CARMICHAEL: We haven't quite got that far. I know that is certainly something that could be looked at, and we're sort of at the point of just trying to get the landings. I think the expectation of the SSC was that an exercise like that would probably be what would be considered in calculating MSY from landings that they requested of the Science Center, which we got the response about what the Science Center thinks would take to do that.

I think part of the reason it would take time and effort is to look into those sorts of things. I think one of the concerns, of course, is once you go down that path you've got to start considering, well, are the landings going down because of regulations, are they going down because of the stock, so then it opens up a whole lot of things you'll have to consider. It won't be easy.

MR. CURRIN: It's nothing simple. All right, any other questions of John regarding the ABC Control Rule at this point? Ben.

MR. HARTIG: Yes, to that point, you're actually going to have to bring some fishermen in when you start looking at some of the landings, especially for species like Spanish mackerel where we have actual fish houses that are actually instituting trip limits, and then we have days that we can't even go fishing for a number of days, which are decreasing the landings' figure. So some of this you're going to have to come to us and say what is going on to get our input in some of that.

MR. CURRIN: All right, if there are no other questions, we'll move on.

MS. QUIGLEY: Okay, Action 5, wreckfish allocation options, this was a new action put in back in September. Alternative 1 would be the no action alternative, but I don't have that in here. What I've got is Alternative 1, 90 percent commercial and 10 percent recreational; Alternative 2, 95 percent commercial and 5 percent recreational; and Alternative 3, 100 percent commercial and zero percent recreational.

MR. CURRIN: Yes, I guess, Kate, Alternative 3 actually is no action on that one.

MS. QUIGLEY: Right, I'll switch that around.

MR. CURRIN: Any questions about this action? Keep in mind I know there is opposition in the industry to any recreational allocation or use of this resource, but these things are showing up off of Virginia as well, as I understand, in that same snowy grouper, tilefish fishery, and the guys up our way off of Hatteras are starting to see a few on occasion as well; sometimes more than a few. Rita.

MS. MERRITT: The latest update is they're showing up and being caught and landed down in the Keys as well.

MR. CURRIN: Bahamas, Portugal, all over the place. All right, is everybody okay with these alternatives as a range? All right.

MS. QUIGLEY: Then if you recall at the September meeting some new actions were chosen by the council, but you asked staff to develop some alternatives, so that's what was done. Up on the board you see – I'm looking at PDT Page 16 – Action 6, redistribution of unused quota share. Alternative 1, no action; Alternative 2, redistribute shares belonging to deceased quota shareholders; Alternative 3, redistribute shares belonging to shareholders that are not able to be contacted for two years; Alternative 4, redistribute shares belonging to shareholders with significant violations on their record, to be determined by the council what "significant" means.

MS. SMIT-BRUNELLO: Do you mean fisheries violations?

MS. QUIGLEY: That is what I meant, yes.

MS. SMIT-BRUNELLO: I knew that's what you meant.

MR. PHILLIPS: Well, if they had significant violations; wouldn't they be subject to losing their snapper grouper or do they have to still have a snapper grouper to catch wreckfish?

MS. QUIGLEY: They do need a snapper grouper permit to catch wreckfish, yes, they do. I'm not sure what the regulations say with regards to when you lose your permit.

MR. PHILLIPS: Well, I guess my point is that we would let law enforcement or the NOAA Law Enforcement – if they lost their permit, then it just goes back instead of us deciding what "significant" was. If they lose their snapper grouper, then they lose their shares.

MS. SMIT-BRUNELLO: I'll look into this further because there are a number of things that can happen when you get a violation. You can get just money, you can get a permit sanction on top of it, you can get your catch taken away if there is any. I know, depending on the violation, that equates to a certain amount of time for permit sanctions. There is a lot to go in here so I'll look into this further.

MR. PHILLIPS: I was not going to belabor this. I would rather you looked at it and decide what is significant and what the penalties would be rather than us doing it.

MR. CURRIN: Well, they may or may not do that but they can at least tell us what's on the books now. I had one question regarding Alternative 2. I take it because that's there that these shares cannot be passed down through an estate. I know they can be sold before people die, but if people die and they're still holding their shares, they can't pass along as property in someone's estate; is that the case?

MS. SMIT-BRUNELLO: I'm not so sure that is the case.

MR. CURRIN: Okay, we certainly need to look into that.

MS. SMIT-BRUNELLO: We will look into that, too, and it probably depends on the law of the state that the person lived in or they died in or wherever their estate resides.

MR. BOYLES: Kate, in Action 6; these are not intended to be exclusive alternatives, so it would probably be better to characterize them as subalternatives under each action, and they could be cumulative or we could select a combination?

MS. QUIGLEY: Yes, I'll put a note in there that says that the council can choose more than one action.

MR. CURRIN: Anyone think of any others that strike you as needing to be included? All right, the next action is cost recovery fees.

MS. QUIGLEY: Does anyone want to make a motion to make this an actual action instead of alternatives or perhaps I can go through all of these and then you could make a blanket motion. Okay, cost recovery fees is the next action, Action 7. Alternative 1, no action; Alternative 2, implement a cost recovery fee based on a percentage, 3 percent or less of X-vessel value, that pays for costs associated with the administration and enforcement of the Wreckfish IFQ Program over and above traditional management of the Wreckfish Fishery. IFQ dealers will be responsible for fee collection and submission on a quarterly basis. That was borrowed I believe from one of the Gulf documents.

And then Alternative 3, implement a cost recovery fee based on a percentage, 3 percent or less of X-vessel value, that pays for costs associated with the administration and enforcement of the Wreckfish IFQ Program over and above current management of the Wreckfish Fishery under an IFQ. It is assumed that revision of the Wreckfish IFQ Program will be no more expensive than current management if IFQ dealers will be responsible for fee collection and submission on a quarterly basis.

MR. BOYLES: Kate, that last one you say would be no more expensive or would be more expensive?

MS. QUIGLEY: Let me try to figure that out; one moment.

MR. BOYLES: You said one thing and wrote another.

MS. QUIGLEY: Okay, I mean what I wrote.

MR. GEIGER: Yes, it will certainly be more expensive because we collect no fees now, so it's certainly going to be more expensive.

MS. QUIGLEY: Yes, I'm trying to figure out what it is that I was trying to get at there.

MR. CURRIN: Okay, everybody is straight on the – is everybody okay with those alternatives?

MR. STEELE: Well, there are a number of alternatives in most of the IFQ Programs in the Gulf of Mexico that I think we could add to this. I could work with Kate on it, but it seems to me that they're kind of redundant and really all you need to do is implement a cost recovery fee associated with administration and enforcement of the Wreckfish Program, period.

MR. HARRIS: Mr. Chairman, so you'd only have the no action or that action?

MR. STEELE: Well, like I said there are a number of other alternatives you could put in there, whether the dealer collects it, whether the fisherman does it. There are a bunch of other ones, but the whole concept of this thing, you just need to recover the cost recovery fees associated with the program.

MR. CURRIN: Yes, that makes sense. That's a good idea to just have the no action, a recovery fee and within the recovery fee a series of alternatives about how to collect it or how they vary.

DR. CRABTREE: Yes, because just looking at it, it's not exactly clear to me what the difference between Alternative 2 and 3 is.

MS. QUIGLEY: I'm still trying to figure that out. I think I miswrote something so I'll work on that.

MR. CURRIN: We can look at the alternatives that have come out of the Gulf and perhaps use some of those if they look reasonable. Bob.

MR. MAHOOD: Mac, maybe I'm just dreaming this or maybe it happened so long ago in this process that I forgot what we did with it, but it seems like at one time that we talked about the fact that only two to three vessels were harvesting. If you charged them 3 percent of their landings, you're not going to have enough to pay Roy's cab fare back and forth to work. At one time didn't we talk about a provision that would tax the coupon holdings or the quota holdings? If we did, what happened to that; was that deemed not to be legal?

DR. CRABTREE: We'll have to find the wording in the statute, but I think the language in the statute is that it's based on landings, so I don't think you can recover cost recovery on fish that aren't landed. It has to be on landings.

MR. CURRIN: Well, we'll take a look at what has come out of the Gulf or been developed in the Gulf and incorporate some of those.

MS. QUIGLEY: Okay, Action 8, VMS – Alternative 1, no action; Alternative 2, require all vessels with a wreckfish permit to carry an operational VMS unit.

DR. CRABTREE: And I'm assuming that what we're going to do here is that the fishermen are going to be required to pay for the VMS, the installation charge and the monthly maintenance fees. Then subject to availability of funds, they will be able to apply for reimbursement for the cost of the VMS unit through the NMFS Reimbursement Fund. That would be my intent with this.

MR. CURRIN: I think that's how we've handled it before. There seems to have always been some money when we've done this.

DR. CRABTREE: And I think, Mac, there is still some money, but I don't know if the new budget – apparently we have a budget now, but I have no idea if it contains funds for VMS units or not. I haven't had to chance to look at it.

MR. CURRIN: And, certainly, no guarantees on that. I guess we could conceivably pay for it through the cost recovery fees, too, and just let them buy them on time.

DR. CRABTREE: I don't know about that. I don't think you can do it that way.

MS. QUIGLEY: Okay, Action 9, overage or borrowing allowance – Alternative 2, allow wreckfish shareholders to annually land wreckfish in excess of annual pounds owned in the amount of 2 percent of pounds associated with shares owned and have that amount taken off of next year's annual pounds' allocation. Then Alternative 3, the same wording, but 5 percent.

MR. CURRIN: Questions or comments. Are those values usual or normal, Kate, to the best of your knowledge in fisheries where they are allowed to –

MS. QUIGLEY: They were arbitrarily chosen but they're within the range that British Columbia and other places that I've seen used. This is not used in the same way, though, as in the Gulf.

MR. STEELE: Well, a suggestion also that may go with this, Mr. Chairman, is that this could come back a little bit and kind of bite you later on depending on what is happening with TAC. One thing that you might want to consider is what we've done in two programs in the Gulf is that we allow them to go over X amount on their last trip.

Say if they have a hundred pounds left on their last trip, they can actually land 110 pounds – this is for law enforcement and so forth – and that will come off near year. That may be something else that the council may want to consider instead of just at five or ten pounds annually. If everybody went over five or ten pounds annually of their total amount, that could really influence the TAC for the following the year. You might want to think about that, also, just on their last trip.

MR. CURRIN: Yes, in this fishery it could be as high as 15 and maybe 20 percent.

MR. STEELE: Absolutely.

MR. CURRIN: If everybody went over. Yes, that seems like a reasonable approach, some percentage or range of percentages on their last trip. Everybody okay with those?

MS. QUIGLEY: And then there is Action 10, resource rent extraction, and I believe in articles distributed either for the Snapper Grouper Committee or the SSC it talked about resource rent and what that is. This is something we talked about at the last committee meeting. Resource rent is the amount of profit taken by a fishing vessel that is over and above normal returns.

What they mean by “normal returns” is first you cover your costs and you pay the skipper and you pay the owner of the boat so there is a little bit of profit there. Resource rent is over and above that, so some people think that resource rent belongs to the public and therefore that resource rent should be extracted in IFQ fisheries. There is some language about this as well in the wreckfish review, and I’ll show that in just a little while.

What I’ve written up is Alternative 2, hold an annual auction, which is the typical way of extracting resource rent, of portions of the TAC to fishermen with a wreckfish permit. Alternative 3, hold an auction every five years; Alternative 4, hold an auction every ten years; and Alternative 5 is set the tax on shareholders equal to an estimation of “super profits, profits that exceed normal profits made in the fishery”.

All this language is based on this article that was distributed. If you take a look at Attachment 25, this is the wreckfish review that you’ve seen a number of different times; and PDF Page 17 of that document, at the bottom of the page there is a discussion about resource rent and definition of resource rent and how that is sometimes applied to IFQ fisheries, typically through an auction but sometimes through a tax..

MR. GEIGER: Mr. Chairman, I guess right off the bat we need to readjust our thinking in terms of verbiage. Resource rent extraction, in the new catch shares draft they talk about royalties, so these are now royalties that we’re discussing. It also goes on in that section in the draft policy and, of course, the draft policy is a draft, that those funds are put into an account and sequestered for use for monitoring, new entrants, research and sustaining fishing communities associated with wreckfish, where the species that royalties are collected.

MR. CURRIN: Certainly, this is a very new idea for the South Atlantic or perhaps for fisheries in general, but it is not a novel idea regarding the use of commonly held public trust resources in the United States. There are a number of examples in forestry and the oil and gas industry and all of that. It’s a very interesting paper if you haven’t taken the time to read it that Kate has sent around. Other comments on this action?

MR. PHILLIPS: Okay, I’m trying to envision an auction. I see a number of ways that it happens, but if you do a new catch share, then all your old histories and your old catch shares are gone. Everybody with a permit, whether you had a 0.1 percent share or a 2 percent share, you’re on equal footing to bid for whatever allocation. I’m just curious if that’s the way it would work.

MR. CURRIN: Yes, I guess it could be structured any way that you wanted to, with delays and not having all the shares available and portions of the shares – I don’t know – and you can put limits on the proportion of shares that people can buy so that Big Daddy Warbucks doesn’t come in and buy the whole IFQ shares when it’s up for sale. Other comments on this action?

MR. STEELE: Well, I don’t know how the council feels about this, Mr. Chairman, but there are provisions in Magnuson where back to the cost recovery program that 25 percent of the cost recovery program can be used as a set-aside to allow new entries into the fishery. I don’t know if the council is considering something like that, but it seems this would also be a place, too, where

some of this resource rent could be extracted to allow provisions for young fishermen to come into the fishery; so either this or in cost recovery could be a provision to allow that.

MR. STEELE: Phil, tell me how that works. You said up to 25 percent of the cost recovery; would that amount of money then be used to purchase shares at an auction or something that then could be sold to new entrants?

MR. GEIGER: And is that 20 percent of the 3 percent cost recovery?

MR. STEELE: It's 25 percent of the 3 percent, which is kind of going to be like four dollars. I don't remember exactly all the language of the provisions in the Magnuson to allow that. The Gulf Council elected not to do that, but the language is in Magnuson. If you're concerned about providing for new, younger fishermen to come into the fishery, this is one way you could do it. We could check on the details and let you know.

MR. CURRIN: Okay, that's worth doing because over time it might be meaningful. Tom.

MR. SWATZEL: I guess I'm just confused. I thought that you could obviously charge for cost recovery, but I didn't think federal law allowed you to charge rent or royalties concerning fisheries; is that correct?

DR. CRABTREE: No, it does allow you to have options and do these types of things.

MR. CURRIN: Other comments on this action? Are we okay with this? All right.

MS. QUIGLEY: All right, Action 11, sunset provision applied to share ownership specifically – Alternative 2, redefine wreckfish shares so that they expire every five years with the start date upon implementation of this amendment. The council will determine if the share owner is reissued the shares for another five years after the time has expired. Alternative 3, redefine wreckfish shares so that they expire every five years with the start upon implementation of this amendment. An auction will be used to determine the next owner.

MR. CURRIN: Questions of comments about this action? David.

MR. CUPKA: Kate, would it be possible for someone – it would be possible for someone to get a share maybe a couple of years after everybody else got it, so what we're saying is every five-year period and not every five years for each permit holder. That would allow it to have all be staggered and you wouldn't be able to have an auction or whatever. Is that the intent?

MS. QUIGLEY: I haven't thought that much about it, but it was basically a redistribution every five years, a potential redistribution under Alternative 2, and potential but more likely redistribution under Alternative 3.

DR. CRABTREE: It seems to me this action really ought to be tied in with the previous one. I mean if you're going to auction them off every five years, then clearly they must sunset every

five years; and they're going to sunset every five years, you've got to do something to figure out how you give them back out. Aren't they sort of tied together?

MS. QUIGLEY: Yes, I had a hard time trying to figure out – I mean these actions were all part of the list of options that could be done, and then the council chose all these different actions. I tried to combine the ones that I could, but, yes, if you wanted to combine them, then that could be done.

MR. CURRIN: I think we ought to try that. That was a good catch, Roy, because they are very similar at least with the annual five-year or ten-year auctions. It may not work, Kate, but we can see if that will help.

MS. QUIGLEY: Then we've got Action 12, reallocation of wreckfish to non-ITQ shareholders. Now, this also could be tied in with the previous two. Alternative 2, set aside 5 percent of the wreckfish TAC each year to be auctioned off to snapper grouper commercial permit holders that do not possess the wreckfish permit and wreckfish shares. Alternative 3, set aside 10 percent, the same wording, of the wreckfish TAC each year to be auctioned off to snapper grouper commercial permit holders that do not possess a permit and shares.

Alternative 4, implement a use-or-lose provision and set the annual pounds needed to be used every two years or they are forfeited to be sold at auction to anyone holding a wreckfish permit. Alternative 5, implement a use-or-lose provision and set the annual pounds needed to be used every five years or they will be forfeited and sold at auction. That is the last action.

MR. CURRIN: Comments or questions about Action 12? This does provide a mechanism for holders of snapper grouper permits to obtain wreckfish shares through auctions. That requires a lot of planning, I guess. My desire I guess would be that it could be a little more spur-of-the-moment so that the guys that encountered them had some way to purchase some shares perhaps after the fact to allow a legal landing of fish that were in their possession. Maybe they know enough about where they fish and the like that they can plan to have some just in case, that kind of thing; I don't know. Roy.

DR. CRABTREE: Right now, as I understand it, the shares can only be exchanged among the initial shareholders. Do we have anything in here that undoes that and allows purchase of shares by anyone with a snapper grouper permit?

MS. QUIGLEY: No.

DR. CRABTREE: I would like to move that – it seems like it could fit in here, but I move that we add an alternative that would allow the transfer of shares among anyone with a snapper grouper permit.

MR. CURRIN: I think that's a good idea; is there a second? Seconded by Charlie. Discussion. George, you've got a question?

MR. GEIGER: In Action 12 we have a reallocation of wreckfish to non-ITQ shareholders.

DR. CRABTREE: And that's what this would allow. It would mean if I'm a shareholder in the fishery now, someone can buy me out and buy my shares and in that way the allocation is reallocated to someone else, but instead of us auctioning it, it is determined by whatever the market bears.

MR. GEIGER: Well, back in the beginning isn't there an action for transferability? We've covered that.

DR. CRABTREE: Well, that's what I asked and was told no.

MS. QUIGLEY: No, I don't think there is. There is something that talks about a reallocation of shares belonging to deceased shareholders.

DR. CRABTREE: I just don't support keeping this a closed group of people, it seems to me, and then it gets to kind of what Mac was talking about. If people are out there and they're encountering wreckfish, it seems to me anyone in that commercial fishery ought to have the option of buying shares from someone else.

DR. CURRIN: Well, another way to approach it, Roy, is for him to not only sell the shares permanently but it's providing some mechanism that coupons – the way this is set up now the guys have coupons, so the sale of coupons to someone with a snapper grouper permit, with a temporary transfer.

DR. CRABTREE: Well, I would amend my motion to say “transfer wreckfish shares or allocation”.

MR. SWATZEL: When you start talking about auctioning the shares off and it may be the highest and best use; why would you want to restrict them commercially? I mean what if on the recreational side somebody wanted to go in and buy shares and use them recreationally; what difference would it make to us?

MR. CURRIN: That's a good question. George.

MR. GEIGER: I agree with Roy that we should have an alternative that would allow transfer of wreckfish shares. I also agree with Tom that I don't think we should restrict it. We're talking about opening this up and giving anybody an opportunity. I don't think it should be constrained to somebody with a snapper grouper permit.

MR. CURRIN: Well, we've got an action in the amendment right now that would provide some allocation to the recreational community. If they want to buy them from somebody else, I guess they could buy them and then not sell them.

MR. GEIGER: With this you'd have to have a snapper grouper permit. There is an allocation but that's minimally to cover bycatch associated with people who encounter these species and are not directly fishing on them. Your allocation is so low that it's just going to be a bycatch fishery for the recreational sector so they don't have to discard these animals dead. If in fact

somebody in the recreational sector wants to buy allocation, why should they be prohibited from doing so? Well, that motion up there says you have to have a snapper grouper permit to be able to do that.

MR. CURRIN: I guess we could put in a series of alternatives that included not only that; or if you wanted it in one, that's fine. This is Roy's motion, so let's craft that –

DR. CRABTREE: I would be fine to broaden that some to ask staff to develop a series of alternatives that would allow transfer of wreckfish shares or allocation without specifying to whom.

MR. CURRIN: Is there a second to Roy's motion?

MR. GEIGER: Second.

MR. CURRIN: Seconded by George. Discussion. David.

MR. CUPKA: Mr. Chairman, I'm still thinking about this. This was kind of what I was getting at before. I think this would allow you to do that, but if we get in a situation, Roy, where we're looking at extracting rent or something from that, where these permits are good for a period of X number of years and then everybody has to get in the auction again, I could see a situation where somebody may buy shares from somebody and then next year they lose it because – I mean how would you handle something like that.

DR. CRABTREE: I would think the values of the shares would decline over the five-year period; and so if you're in the final year of them, the shares would be worth no more than leasing the coupons for that year would be. I would think whoever is purchasing these would make sure that they understand what they're buying. So if you're buying the right allocation that has got five more years, then that is going to be worth a lot more than if it has only got a year left.

MR. PHILLIPS: Mr. Chairman, if I remember how it works when I was in this fishery, you could sell shares to anybody with a snapper grouper at any time, and you could rent your coupons to anybody that had shares, but what would be different with this is if you, say, wanted to sell your coupons or lease them for a year to somebody that did not have a share but just had a snapper grouper or you could lease your shares to somebody in the recreational sector so they could have a bycatch, but they didn't necessarily have to have a share.

To have a share of the fishery that you were allocated every year, you had to have a snapper grouper, but I think what Roy is getting to is how to spread it out. Somebody without a share could actually lease coupons and not have to buy the share or a recreational person could lease some coupons. They're not going to want much, I don't think, but I think that's kind of where you're wanting to go.

MR. CURRIN: I think so. To that point, Roy.

DR. CRABTREE: Yes, it is where I'm wanting to go. The other part of this, it's not clear to me why we need a wreckfish permit. Maybe we do, but I would like that to be looked at. Now, on the idea of a recreational fisherman being able to buy or lease shares, that I think is going to run into a great deal of difficulties because I'm not sure how – you know, how are they going to go to a dealer and then report their landings and pay cost recovery? I don't know how that would work. Maybe you guys can figure something out and maybe there is a way to do it, but there are a lot of complications on trying to do it there.

MR. BOYLES: Mr. Chairman, at the risk of reopening another can of worms, back when we were having discussions among the Allocation Committee, at the time we had extensive discussions about in essence non-use of a portion of the resource. I'm just curious if there is any interest among the council that we allow for transfer of a portion of the wreckfish fishery to the recreational community or to whomever.

DR. CRABTREE: To me if you want to set aside for conservation purposes, then lower the amount of shares you're going to have to begin with and lower the quotas. Now, I don't have any objection to figuring out a way to allow the recreational fishermen to buy this stuff. It's just you've got to figure out how you're going to account for it and track and handle all these other things. That's difficult for recreational fishermen, but maybe you can come up with some provision to do that. But I think if conservation is your goal, that's where specifying optimum yield and what the catch levels are going to be comes in to me.

MR. MAHOOD: I think this is a question for Phil. Phil, do they still print up all the coupons every year and distribute them to people that haven't been using them for ten or twelve years?

MR. STEELE: Yes.

DR. CRABTREE: The goal here is we're not going to do that anymore. This is going to become an electronic program, and it's going to be online and all of these coupons and all that are going to go away.

MR. GEIGER: All right, first off, Roy talked about cost recovery and it's royalties, and the royalties are based on profit made off of a public resource. Recompense –

MR. CURRIN: There is nothing in this motion about that, I don't think.

MR. GEIGER: Well, I'm talking about what he verbalized, and currently the recreational sector is prohibited from possessing for wreckfish. I've asked Kim to ensure that is correct in our regulation, but as we move forward here – I mean that's why we talked about getting an allocation for the recreational sector because right now the recreational sector is encountering these animals all the way down into the Keys, as Rita noted, and they have to throw them back dead for the most part.

We wanted to have enough in terms of an allocation for there to be a bycatch fishery to allow people who encounter them – at least people who encounter them to land one without throwing it back dead. That was the purpose of the allocation.

MR. CURRIN: We've got that option in there; it's an action that's already in there for a percentage allocation to the recreational community to cover bycatch.

MR. SWATZEL: I could see the possibility of a for-hire fishery perhaps developing with wreckfish where you have already federal permits existing in the for-hire and you have a means of tracking catch to a certain extent that could be used in the wreckfish fishery; so just a consideration that at least for-hire permits are certainly an option in terms of a buyer for these – or at least a renter of these shares.

MR. CURRIN: And I think that would be allowed under this motion. Anything else on this motion? Monica.

MS. SMIT-BRUNELLO: Just as a point of clarification – and I'll work with staff, too, on this – I think the wreckfish shares are a little bit more transferable than you think. It's not just to the existing 25 or whatever shareholders. When I looked back at the plan, the council's idea is that these would be freely transferable.

Now, to possess a wreckfish you have to be a wreckfish shareholder and you have to have a wreckfish permit. You can get those things; you can purchase it from someone. And you need coupons, and that's only transferable between the shareholders, so I think it's a little bit more transferable than we thought.

MR. CURRIN: Yes, but it requires somebody willing to sell a share, and that apparently has been an extremely difficult thing for anyone to get that's not currently a wreckfish permit holder, from people I've talked to, anyway.

MR. MAHOOD: When this was initially discussed, you only had to buy one-tenth of a share from somebody to be eligible to get the coupon. I remember that discussion. It wasn't meant to be a big impediment, but this fishery hasn't operated at all as we envisioned when this was set up, so it's certainly due for a revamp.

DR. CRABTREE: And the intent of my motion is just for staff to develop a suite of alternatives to try and open this thing up so the shares end up and the allocation can end up to the people who want it the most. There is no specific direction here, just come up with some ideas of a way to open this thing up.

MR. CURRIN: That's right, so we're not making any decisions about anything but whether we're going to look at this or not. Anybody else got anything else to say before we vote? The motion is to add a series of alternatives that would allow transfer or wreckfish shares or allocations. Any objection to the motion? I see none so that motion is approved. Now we've got Actions 7 through 12 that we have talked about that have not been in the document before. Duane.

MR. HARRIS: Mr. Chairman, I think it's actually Actions 6 through 12, and I would move that we include Actions 6 through 12 in Amendment 20 and the associated alternatives as discussed here today for each action.

MR. CURRIN: Okay, motion by Duane; seconded by David. Discussion on the motion. Any objection to the motion? I see none; that motion is approved. Brian.

DR. CHEUVRONT: Kate, I wanted to find out if there has been any discussion of alternatives regarding maximum allowable allocation by any one shareholder? I know that has been an issue in some ITQ Programs to avoid monopolies and things like that, and that has been a concern of some fishery participants in the past.

MS. QUIGLEY: The plan was to do a presentation in March; that Mike Travis, an economist at the Southeast Region, and myself would do a presentation in March on what the guidance says with regards to what this was called in the past, at least excessive shares, and to identify what excessive shares might be in this fishery.

However, I have talked with Mike recently and it looks like there is some work being done for the Surf Clam and Ocean Quahog Fishery with regards to excessive shares and discussions taking place and reports being written.

We think that it would perhaps be best if we wait until those reports come out and take a look at what they say and use some of that guidance in our presentation and what you can use to identify excessive shares here. Instead what we would like to ask is that we put that presentation off until at least June to see what comes out of that, but that is the intent is that would be done.

DR. CHEUVRONT: And related to that, I'm fine with that, I just want to make sure that this is an issue that gets discussed in designing this ITQ Program and it doesn't get lost somewhere else while we're developing it, and I will be happy. I just want to make sure that we were not avoiding it

DR. CRABTREE: Yes, that was what I was going to bring up because it is a requirement of the Act. We will have to put a provision in here that addresses excessive shares and it prevents any one entity from accumulating excessive shares, so I would think there will have to be an Action 13 in here that addresses that.

MR. CURRIN: Anything else on Amendment 20? Gregg.

MR. WAUGH: Mr. Chairman, what about some guidance to staff. We're likely to get an ABC that won't support the two individuals that are currently fishing. Do you want to give us some guidance on a fallback position such that we – I mean the amount of work in developing this amendment as you all have laid out is a huge task, and I'm just thinking ahead to our other amendments and the timeline.

I guess if we want it before the 2011 fishing year, I can't remember if we have some requirement in wreckfish to have any quota adjustments prior to the start of that fishing year, but just thinking ahead to mid-2011 to have this implemented; if indeed the SSC recommendation is an ABC that's very low, do you want to give us some guidance on how to proceed or just wait until we get the SSC's recommendation. I'm just concerned about the staff workload and direction.

DR. CRABTREE: You might want to put an alternative here to withdraw the IFQ Program and do something else if the catch levels are going to be so low that it's just not practical or it doesn't make sense from an administrative burden point of view to have the program. If they came in with something extraordinarily low, I'm not sure having an IFQ Program, for example, to manage 50,000 pounds of fish makes sense from an administrative burden point of view.

I suppose it's conceivable that it could work that way, but I don't know where that boundary would be, though, that you would decide that this program just doesn't make sense anymore. I think I'd prefer to cross that bridge when we get there. I'm not sure what else we do. If revamping this program takes longer than we have and we have to go ahead and put the ACLs in place, I think that is going to cause a hardship on the participants in the fishery, but I'm not sure how to go about fixing that without changing the program. I don't have a good solution for that.

MR. MAHOOD: It could come down to that lower level, but even if it dropped to a million pounds it would severely affect the two people involved in the fishery in that if their shares were reduced in proportion to the total reduction they probably still couldn't make it.

DR. CRABTREE: I know.

MR. MAHOOD: So what we had talked about is, is there going to be a provision that is going to be a straight reduction, is it going to be some other mechanism based on what they've landed over the last few years. What they say is any reduction pretty much – well, they've given us a number I think – I can't remember – a million and a half pounds or something like that, but if you get below a certain point the people in the fishery under the ITQ can't make a go of it.

DR. CRABTREE: Anything other than a straight reduction, though, would be a reallocation of shares, which to me is a fundamental change to the IFQ Program. I agree with you that – and I suspect the TAC is going to be reduced substantially because of all the uncertainty, and I think it is going to create a real problem for these guys, which is why – and I come back to Rita's question about why we need to change this program, and I think that's part of the reason why. I also think the excessive shares component of this is going to be problematic, but I'm not sure how you could reduce shares unevenly without fundamentally changing the program.

MR. CURRIN: Is it conceivable that if it comes in that low that we could – we've got to do the ACL. We could shift that into the Comprehensive ACL Amendment, the ACL for wreckfish, but could that be accompanied by an action to just simply end the Wreckfish ITQ Program?

DR. CRABTREE: Yes, you could, as I said, withdraw the program, but then what are you going to replace it with? I don't think you want to just set an ACL and open it up to everybody.

MR. CURRIN: Well, you know, the guys that have been out there, there's like two of them that have been out there. I don't know, but there might be some others that would go out there for some trip limit, but they haven't been going out there for their shares they're allocated over the last five or six years. I don't know; it's just a thought.

DR. CRABTREE: Well, I don't either, but I think it would be difficult to say, all right, we're going to withdraw this program, reduce the commercial quota, and then have a limited entry program with two people in it. You know, limited entry, you've got to address excessive shares under any circumstance and having only two people have access to a fishery – maybe that's not excessive shares but it's sure I think a tough argument.

MR. CURRIN: I don't know; we'll give it some thought. George.

MR. GEIGER: Well, could we go back to the two people who are currently involved or try to convene a meeting with all the current shareholders and explain to them the belief as to what the TAC will look like and the problems associated with excessive shares and give them a peek at what we're developing here in terms – because I think we've heard in the past that a reduction beneath 1.5 million pounds and they weren't going to go for anything.

MS. QUIGLEY: Something that we talked about at the September meeting was the idea of holding a Wreckfish Fishery IFQ Program Shareholder Meeting, getting together the shareholders that we could actually contact and doing three things. One is review and provide comments on the draft program review of the South Atlantic Wreckfish IFQ Program, which you've seen.

Another would be to hear updates on proposed changes to the Wreckfish Fishery IFQ Program, so basically have them take a look at what we've come up with so far as possible options and to provide them with information about ACLs and the possibility that average landings might be used and what that ACL could look like and then what would happen to their shares as a result of that.

Then number three would be to develop a list of issues that shareholders would like to see addressed or changes made and get their reaction. That would be the idea of a shareholder meeting. We could add additional things, but the idea was for me to come back with some sort of agenda and that's what I did is to include those things as part of the agenda and perhaps to hold this meeting whenever the council would like.

The two people that participate – and there's a couple of others from year to year that participate – they start fishing I think April 1st or April 15th; I can't remember which – April 15th. My question to the council is would you like to hold this meeting and when and are there other things on the agenda that you would like included?

MS. MERRITT: This fishing closure, it's a spawning closure season, is January 15th to April 15th, so I would suggest that as close as possible after January 15th that you schedule this meeting with the shareholders. I think we've got to get some input on these decisions beyond just the two active ones. We need to get all the shareholders together and kind of get some feedback there.

MR. CURRIN: Yes, they need to be apprised of the possibilities and be thinking about some contingencies, depending upon the level of the recommendations from the SSC. Is everybody okay with Rita's suggestion? Bob, that's doable from the staff's perspective to try to get these guys together.

MR. MAHOOD: It's all doable.

MR. CURRIN: It's a can-do crowd. All right, that's all Kate has and that's all we've got on Amendment 20, so we'll go back to Rick and move into the Comprehensive ACL Amendment.

MR. DEVICTOR: Okay, this is Attachment 26 to your briefing material. This is the Comprehensive ACL Options Paper. We start on Page 1 where Action 1 is to consider designating some snapper grouper species as ecosystem component species. We probably want some guidance also as we go through this on whether we can do ecosystem component species for the snapper grouper species.

This is outlined in the National Standard 1 Guidelines on Ecosystem Component. Basically, you keep the species in the fishery, but you don't specify ACLs for them. You keep them in there for data collection, for example, or to monitor them. However, they must meet certain criteria. They must be a non-target species or non-target stocks; not subject to undergoing overfishing or overfishing nor likely to become so.

That raises a question as a lot of these species are unknown and how does that fall out, because I don't believe the National Standard 1 Guidelines touch upon if the stock status is unknown. And generally not be retained for sale or personal use. So those are criteria in the National Standard 1 Guidelines that tell you if they don't meet that criteria, then you cannot put them as ecosystem component species.

But if you recall, in September you provided alternatives to staff and we put this in the document. First, we have a Table 1 that shows landings of all 73 snapper grouper species, and I'll just highlight that there are some mistakes in the headings. The columns are right, but if you go under 2007, that last column should be OR; and then for 2008 it should follow the same pattern, COM, HB, CB and OR. I just wanted to highlight that; some people brought that to my attention.

Going through the alternatives, if you'll scroll down, Alternative 1 is no action. Alternative 2 is designate species with landings that were less than or equal to 1,000 pounds; designate these as ecosystem component species. You can see in Table 2 which species those would apply to. There are 11 snapper grouper species.

Then there is an alternative at the 2,500 pound level, and you can see what snapper grouper species those would apply to, so those are 16 species. Alternative 4 is setting it at 5,000 pounds and those are 18 species. Those are the alternatives currently in the document in terms of specifying snapper grouper species as ecosystem component species. Then the next action gets to removing species from the fishery management unit.

MR. CURRIN: Reaction to what has been done or is outlined in these alternatives here. Roy.

DR. CRABTREE: Maybe Jack is the best, but does tiger grouper even occur in the South Atlantic Area?

MR. CURRIN: I've heard Phil Conklin talk about catching tiger grouper. Now that may be a different species, I don't know.

DR. McGOVERN: They might get it in the Tortugas. There are no landings of tiger grouper.

DR. CRABTREE: You have never seen them in MARMAP or show up in any of our independent –

DR. McGOVERN: No, we've never seen them.

DR. CRABTREE: That might be one you could make a good case for just taking out of the FMP.

MR. HARTIG: I've never seen one in South Florida.

MR. CURRIN: That's the next action. What about these alternatives, and I'm most interested in the reaction from the Region and the Science Center on whether these are reasonable to consider. At what landing level do we get to the point where we're going to get push-back, and it may be at the thousand pound average; I don't know.

MR. HARTIG: Well, you've only got one up there with substantial landings compared to all the rest and that's blackfin snapper. The rest of them are under 500 pounds that you have on that list, so that could be your demarcation line. You would get it even closer.

MR. CURRIN: Well, that's at a thousand pounds; and when you go up, you start adding a few more species to capture that don't really have substantially greater. You start adding a few more as you increase that landing level. I don't know what is reasonable, but we're going to need some guidance at some point. Duane.

MR. HARRIS: Did I hear you say, Rick, to be designated as an ecosystem species they cannot be retained; so if they're caught you can't keep them if we designate them as an ecosystem species?

MR. DEVICTOR: I see Monica getting out the National Standard 1 Guidelines, but if they're generally not retained for sale or personal use they cannot be designated as ecosystem component species.

MR. HARRIS: Say that again, if they are –

MR. DEVICTOR: They cannot be specified as ecosystem component species if they're retained for sale or person use.

MR. HARRIS: Right.

MS. SMIT-BRUNELLO: And it says not generally be retained for sale or personal use.

DR. CRABTREE: And I think that's the key, and I certainly think you can make a pretty case that if there's only 200 or 300 pounds or 500 pounds caught a year and retained – whether it's retained or not, it sounds like to me they're not generally retained. I suspect they're just not generally caught, but where exactly the boundary is between "generally" I would tell you probably nobody really knows, and it depends on your building a good argument.

But if you put these in the context of the level of landings we see for most species, I agree with Ben that there are some pretty sharp breaks for a couple of those where some of those species clearly just are rarely encountered and would be rarely retained.

MS. SMIT-BRUNELLO: Here is some more helpful information. Occasional retention of the species would not in and of itself preclude consideration of the species under the EC's classification. I'm sure that made it more clear for you all. Yes, not generally is the definition of occasionally.

MR. HARRIS: So a question for you, Monica; with respect to these poundages listed here, will any of those alternatives cause you heartburn, like less than 2,500 pounds? When you've got a species like rock sea bass of 2,453, I would suspect that rock sea bass is just retained when somebody is fishing for black sea bass and just happens to throw it in the cooler, but somewhat of a – you know, that's a fair amount of weight, but throughout the entire South Atlantic it's not. Is there anything in here that gives you heartburn?

MS. SMIT-BRUNELLO: Not right now.

MR. MAHOOD: Maybe Roy can help me or Phil; in the report to congress there is a level that above that level is considered a substantial species; below it's non-substantial. I'm not sure of the terminology. What is the cutoff for that; does anybody recall?

DR. CRABTREE: I think it's 200,000 pounds so we'll have to check. Jim Balsinger tells me in Alaska for most of our fisheries they catch that much in one tow.

MR. CURRIN: Well, interestingly, I saw a report about the halibut fishery or a trawl fishery out there that has a bycatch allowance of 12 million pounds of halibut for the single fishery, so they are a different scale. Duane.

MR. HARRIS: Mr. Chairman, given the comments that we've just heard from Monica and Roy, I would recommend that we go with Alternative 4, which is any species for which there is less and equal to 5,000 pounds – now he's going to change his mind.

MR. CURRIN: No, we don't need to pick a preferred right now, but we've got enough to –

MR. HARRIS: I know, but all those options are fine with me, then.

MR. CURRIN: Okay. I guess the question is do we want to add an option for 10,000 since we're on a roll. David.

MR. CUPKA: Don't we have to do something other than just look at landings, though? Isn't there four criteria that they have to meet or are we assuming they meet the other criteria when we pick one of these alternatives?

MS. SMIT-BRUNELLO: I think when you develop your record you go through that criteria and you decide whether it should be an ecosystem species or not. It does say in the guidelines that it is important to consider whether use of the ecosystem species classification in a given instance is consistent with the Magnuson conservation and management requirement.

I think you look at the record as a whole and decide based on the facts, whether it's just landings or – you know, I'm sure you have information of whether some of these species are even within the South Atlantic area and that sort of thing, so we put all of it together.

DR. CRABTREE: And to Bob's question, it is 200,000 pounds that is the breakoff. I think at this stage in developing this, if you wanted to add another alternative that used 10,000 pounds just to see how many more species that would add, I wouldn't have any heartburn with that, but I think we've got a pretty reasonable range in here. My read on the guidelines, I think certainly some of these you can make the case for, but we're going to have a lot of discussion just exactly when the breakoff is.

MR. CURRIN: Well, that's good advice to me at this point. I think what everybody has to keep in mind that even though to an individual 2,500 or 5,000 pounds of fish sounds like a lot of fish, we've got three-plus million anglers in the South Atlantic and over 1,500 commercial or close to that – at least close to a thousand anyway snapper grouper permits or 800 and something, anyway, whatever the number is that are involved in the total harvest for all these species. There may be larger proportions in one sector or the other because of particular fishing habits.

MR. HARRIS: I would recommend that we add another alternative that is equal to or less than 10,000 pounds and create that table.

MR. CURRIN: I don't think we need a motion to do that. Oh, you've already got it. Okay, motion by Duane to add an alternative that designates the ecosystem species if landings are less than or equal to 10,000 pounds. Seconded by Spud. Discussion. Any objection to that motion? I see none; that motion is approved then.

Thank you. Action 2 is to remove species with low occurrence in federal waters from the Snapper Grouper FMU.

MR. DEVICTOR: And this looks at a comparison between state landings and federal landings. Alternative 1 is no action. Alternative 2 is remove species when 95 percent of landing is in state waters, and you can see the list of species there. Alternative 3, remove species when 90 percent of landings are in state waters; and then 80 percent is Alternative 4.

Alternative 5 is remove species that fall under the Florida Marine Life Species Rule, so this would be queen triggerfish, porkfish and pudding wife. There is something that the staff is probably going to have to give some thought to, but there are some species – I believe sailor's

choice is one – that falls under some of these alternatives and also the alternatives in the previous action. It can't be both of them so we may want to combine this action into one in some way so we don't have a species falling under both, taking it out of the FMP and also putting it as an ecosystem component species.

MR. CURRIN: Yes, there or some sort of contingency that is in the document that if one falls under this, then it's removed from the other. I don know how the best way to do it. Roy.

DR. CRABTREE: I think this again is a reasonable range of alternatives. I want to ask Mark if he has any comment on this 2,729 pounds of Goliath grouper landed in state waters. We'd like to see you do something about that, if you would.

MR. ROBSON: I have no comment on that.

DR. CRABTREE: And I'm going to suggest that right off the top we just remove Goliath grouper from this list. We're clearly not going to remove Goliath grouper from our management plan, I don't believe. Before our friends in the audience get all worked up about that, I think we ought to be clear about that because Goliath grouper is still listed as overfished, I believe, so that's going to happen. But I think other than Goliath grouper, I think this a pretty reasonable range of alternatives to take a look at.

DR. CHEUVRONT: And so you looked at all the species that are in the complex like I didn't notice spadefish or anything on there?

MR. HARRIS: Yes, it's on there.

DR. CHEUVRONT: Where is spadefish?

MR. HARRIS: Close to the bottom.

DR. CHEUVRONT: Yes, which alternative?

MR. CURRIN: It's in Alternative 4, Brian. It doesn't make the list until Alternative 4.

DR. CRABTREE: Mac, do we need a motion to take Goliath grouper off the table or can we –

MR. CURRIN: I think we can do that with direction to staff. Is everybody okay with the range we've got here? It seems reasonable to me. Okay, Action 3 is multispecies groupings for specifying ACLs and ACTs and AMs. Rick.

MR. DEVICTOR: This is PDR Page 9, and we may have to wait for some more information from the SSC on this. They didn't get to this topic this week. We have several alternatives in there looking at groupings based upon several papers that were recently prepared. These papers are included as appendices. Alternative 2, that paper is under Appendix D; and Alternative 3, that paper is under Appendix C; as is the one under Alternative 4 if you want to see details on how they determined the groupings.

Continuing on, Alternative 5 is establish species groups following the methodology used for the Gulf of Mexico and the Caribbean ACL. That is still to be worked on. We should get a presentation from those groupings in March, hopefully. Alternative 6 are grouping that you've seen before.

These are based upon a common sense approach, life history patterns and where they live and such. Those are the six species groupings. The National Standard 1 Guidelines speaks on groupings and says that you could do that if you wished to, and it does have some criteria about that that we may want to look at.

MR. CURRIN: Does this look good to everybody? If you haven't had time to look at those papers, they're interesting in helping to explain some of this stuff. At least you will understand where these folks are coming down. You may not like it. Any comments on this action? All right, let's move on.

MR. DEVICTOR: Action 4 on PDF Page 12 is to specify an ABC Control Rule for species not undergoing overfishing. You have Alternative 2, and we sort of talked about this today on we're waiting for the control rule and we'll plug this in there, and so you'll see that by the time you meet in March. Then there is Alternative 4 on dolphin and Alternative 5 on wahoo. I believe there was a question on those, Gregg.

MR. WAUGH: The MSY for both of these species – well, actually the current MSY and OY for dolphin and wahoo include the Atlantic, the Caribbean and the Gulf. The options that we had presented before looking at some proportion of MSY for ABC and so forth, we had that applying to not just the Atlantic. I think here we can't just drop those other two areas.

While we wouldn't mind that extra landings, I imagine the Caribbean and the Gulf would have some concern if we were taking that large a portion of MSY just for the Atlantic. I think to be correct, Alternative 4A and 5A need to say for the Atlantic, Gulf and Caribbean. We need to have some discussions on how we're going to deal with this or we just get the SSC to give us recommendations totally separate from what was done before, such that we get an MSY number and so forth that we can use just for the Atlantic.

MR. CURRIN: Comments or thoughts. Yes, I'd certainly like to have it so that we're managing Atlantic only. If we can get that split out somehow, that would be my preference. All right, anything else there?

MR. DEVICTOR: And staff had a question for the committee, and we feel that it would probably be best if we could separate these out by FMPs so there would be one action dealing with going from ACLs, control rule, and such for snapper grouper species and then going on to dolphin and wahoo. We just feel that would be best to find certain things for the public and the council if we separated this amendment out, restructured it going by FMPs.

MR. CURRIN: That would certainly seem to me to be the most user-friendly approach, whether that complicates you guys' life to do that.

MR. DEVICTOR: Yes, it helps.

MR. CURRIN: It helps you; that's even better, then. Is everybody okay with that? They would be linked and presented by FMP separately. I'm seeing no problems from anybody.

MR. DEVICTOR: Okay, moving on and you see that there is a progress to this where you first take species out of the FMU and the ecosystem components and then you get the ABCs; and before you set the ACLs you allocate between sectors. So if you move on down to the allocation section, we have a series of alternatives, and these alternatives actually came from the council meeting in September '08.

The motion at that time was use these for the Comprehensive ACL Amendment. Alternative 2 is divide allocations among two sectors, commercial and recreational, and then use the following equation, and you can see it there on the page. Alternative 3 is to divide it between three sectors, commercial, recreational and for-hire, and then you have an equation to determine that. I just want to see if there are anymore alternatives on how to allocate the snapper grouper species.

MR. CURRIN: Thoughts on different allocation strategies or alternatives. Roy.

DR. CRABTREE: Well, just a thought; do we really want to go down that path for all of these species of sector-specific ACLs? I mean if the total landings for a species are 20,000 pounds or something like that and it's not of much significance or economic importance, do we really want to allocate it and have separate sector ACLs? It's just a thought because I think for a lot of these the recreational catch estimates are going to be really poor.

MR. CURRIN: What do you think about that, some threshold? Some would be relatively arbitrary at this point. Do you want to look at them in the future and then make the decisions individually?

DR. CRABTREE: I guess so, but you're not required to do sector-specific ACLs so you could just have an overall ACL that's everybody; and if it's hit, you shorten the season for everybody the next year. And if it's some of these species, nobody is really fishing for them and really wants them anyway, and I don't think it would have much economic impact, I'm sure somebody will show up and say they specialize in long-spine porgy fishing.

But, by and large, I don't think it would receive a whole lot of attention. Unfortunately, by and large I'm not sure that anything we do is going to make much difference in how many are landed of some of these because of the proportion in state waters and various things, but some of these fisheries are just insignificant enough that I'm not sure that it's worth putting them up like that. It's really up to you guys what you want to do with it.

MR. CURRIN: It makes perfect sense to me, Roy. I just don't know what threshold that ought to be done. I think we probably just need to look at all of them and then –

DR. CRABTREE: That's right, and I'm just suggesting that you might have another alternative in here where you have just a single overall ACL and not go through the rest of these exercises.

MR. CURRIN: That would handle it. Brian.

DR. CHEUVRONT: To that point, do we need to do a motion on that, then, to make that alternative or just direction to staff?

MR. CURRIN: I don't think so unless the staff wants one. You guys okay with that; with the direction to just add an alternative that keeps it in one lump? Okay, other comments about allocation?

MR. DEVICTOR: Okay, there are more allocation alternatives. Action 6 is specify allocations among sectors for dolphin. Then you have Action 7 for wahoo. Those are the same alternatives I have previously shown you. Then we have sargassum and we may want to talk about sargassum, but there is a note further on down that showed some studies where sargassum for other genus that live and die within six months may be an annual crop and thus exempt from the ACL and AM requirements.

MR. CURRIN: It's kind of a unique, I guess, because we've got a plan, but basically there has been no harvest in a number of years; and maybe in the absence of the plan it could be considered an ecosystem species; I don't know. Brian.

DR. CHEUVRONT: Or it can be considered habitat, and we kind of have a policy of not harvesting habitat.

MR. CURRIN: Well, I think we've been down that road.

DR. CHEUVRONT: I understand that, but I think let's just set ACL equal to zero. Nobody is harvesting it now, right, in the South Atlantic?

DR. CRABTREE: But do you want to have another alternative for a discard ACL where you track discards of sargassum? No, but I've seen a lot of – and I've done it myself if you're recreationally fishing particularly for dolphin and you discard a lot of sargassum.

MR. CURRIN: Well, believe it or not, when I was going through this, I was very concerned if we had an ACL of zero that some overzealous enforcement officer might come up behind a charterboat and find a little branch of sargassum on there and how they dealt with it, so we certainly want to prevent anything like that from happening; not that it is going to.

DR. CRABTREE: I would think an alternative to set the ACL at zero would make sense. Then if you incidentally or accidentally catch sargassum, you would be required to release it unharmed.

MR. CURRIN: What is wrong with considering it designated as an ecosystem species? I mean there has been no interest in harvest.

DR. CRABTREE: I think you could do that. It would be kind of unique. We'd have an FMP with one species in it, and then it's an ecosystem species.

MR. CURRIN: Maybe after 15 years the FMP might get withdrawn.

DR. CRABTREE: Well, I think if we could find a way to protect sargassum without having a Sargassum FMP, I would be a hundred percent in support of that. I would ask Monica to explore if there is a way to do that.

MR. CURRIN: So at least maybe as a placeholder or as a note, Rick, we can put it down as ecosystem species, question mark, and remind us to take a look at that. Any other comments about sargassum? Everybody is okay, I presume, with the allocation alternatives for dolphin and wahoo. All right, ACLs, ACTs, AMs, there is not much we can do on that for now.

MR. DEVICTOR: We're waiting for ABCs.

MR. CURRIN: Right. Yes, Ben.

MR. HARTIG: Mac, just a general question; is that the consistent formula that we're using for everything from now on as far as –

MR. CURRIN: It's kind of what the council has settled on it seems, Ben, at least to date. I mean we've specified it in this ACL Amendment, but that doesn't mean it couldn't change. You're familiar enough with it and you know kind of what it does. It looks at a long time series and assigns some weight to that. It looks at a more recent time series and assigns some weight to that.

MR. HARTIG: Yes, and I have no problem. My thing through the whole time was just to be – whatever we use be consistent with what we use.

MR. CURRIN: We've been fairly consistent since this was developed.

MR. DEVICTOR: If you scroll down, you can see there are alternatives for dolphin and wahoo for setting an ACL. I'll just note that those are there for you, and we should get ABCs for those and then you can compare them. There is an AM alternative for dolphin; then an ACL alternative for wahoo.

Then you get into management regulations, and the one that you talked about previously was greater amberjack, and that's changing the trip limit, but we don't have a lot of information in there for you to evaluate whether those are the right alternatives or not. That recommendation came from the public, I believe.

MR. CURRIN: All right, that gets us through the Comprehensive ACL Amendment to date.

DR. CRABTREE: One thought, going back to the alternatives on removing species from the fishery management plan, I would also like to take a look at which of these species are covered under the Florida Marine Life Rule, because I think that rule is much more restrictive than anything we have. I know pudding wife, my favorite species, is. I think queen triggerfish is covered under the Florida Marine Life Rule.

MR. CURRIN: There is an Alternative 5 in there that looks at those.

DR. CRABTREE: Is there an alternative in there to do that?

MR. CURRIN: Yes. Anything else? All right, all done with that, Rick? All right, thank you very much. We've got a handful of other things. I promised Ben we would have some discussion of his desire to swap the Golden Tile SEDAR with the currently scheduled snowy grouper.

Before we get to that, though – that will be the third item of business – we had an issue left over from 17A, Rick, I think, that was dependent upon decisions in 17B, so we want to get back to that. In addition, the SEDAR participants, we tabled that, I think, and we need to get that back up. It's been so long I can't even remember exactly what the issue was in 17A. Roy.

DR. CRABTREE: One other issue, Mac, is you remember last night at the Q&A – I think his name was Chris – we promised some discussion of I think it was vermilion snapper trip limits, so at some point we need to do that.

MR. DEVICTOR: The one action in 17A – it's PDF Page 67 – is that when you got to the exemptions and got to golden tilefish, you discussed – well, let's first look at Amendment 17B and the deep water closure there before revisiting this Alternative 8. I believe right now you specified Preferred Alternative 7 to allow black sea bass pot fishing and Alternative 9 to allow spearfishing?

MR. CURRIN: Yes.

DR. DEVICTOR: Okay, and so you wanted to revisit Alternative 8 and that basically would allow – and I think that just touches longline gear, but allow harvest of golden tilefish.

MR. CURRIN: Yes, and it's currently set at 50 fathoms, I guess, where they can operate at least throughout – is that consistent with the whole area that we're considering for a closed area now? Can they longline inside of 50 fathoms, anywhere along that proposed closed area? If not, they're restricted outside of it, anyway, it seems to me. Ben.

MR. HARTIG: So the outside line is 50 fathoms; is that what you're telling me or it's not?

MR. DEVICTOR: I think Gregg is going to check, but your preferred alternative now is to use the commercial logbook grids. It's not going on the 40 fathom curve which you were looking previously, so I wouldn't say it follows the 50 fathom curve.

MR. CURRIN: That's true. Thanks, Rick, I'm still stuck on looking at those depth contours. So, yes, there is probably some 50 fathom areas out there that are within those closed areas. What is your pleasure on this? It's pretty simple. You know, we talked about allowing spearfishing and allowing black sea bass pots in the closed area, so the alternative here is whether we want to allow golden tilefish longlining in those closed areas.

It has been exempted everywhere else, so I don't think there is any intention to shut the golden tilefish fishery down. It occurs primarily in mud bottom. Occasionally when there are some rocks around, they do encounter some snowy groupers. Perhaps they'll be more careful avoiding the rocks since they can't keep them. What is the committee's desire? Mark.

MR. ROBSON: I guess I'm still a little – I'm trying to understand this because we're trying to determine if – right now the longline fishery is restricted to beyond 50 fathoms; isn't that correct, so the area that we're talking about, it doesn't go beyond 50 fathoms, right? It does?

MR. CURRIN: That's what we're trying to figure out, and I'm not sure we can determine that from the maps or can we. Roy.

DR. CRABTREE: I think at minimum the longline alternative there ought to reflect the language currently in the regulations, which says that they may possess only the following South Atlantic snapper grouper: snowy grouper, warsaw grouper, yellowedge grouper, misty grouper, golden tilefish, blueline tilefish and sand tilefish. I don't think there is any intention here to allow longliners to start fishing for species other than those they've been heretofore restricted to.

MR. CURRIN: I think that's incorporated by reference there and that –

DR. CRABTREE: Is that incorporated by reference in it?

MR. CURRIN: 62.35; is that it?

DR. CRABTREE: Okay, that's what that refers to, okay. And then it's my understanding – and, Jack, correct me if I'm wrong, but based on the logbook information the incidence of red snapper taken in that fishery is extremely low.

MR. CURRIN: What is your pleasure here, folks; do you want to allow them to fish or not?

DR. CHEUVRONT: I don't have a problem with allowing them to continue to fish under the same restrictions that they had before, so do we need a motion?

MR. CURRIN: Yes, we need a motion to make it a preferred, an additional preferred.

DR. CHEUVRONT: Right, so I'll make the motion that we make Alternative 8 to allow the longline fishery to occur in the closed area as an additional preferred alternative.

MR. CURRIN: Motion by Brian; seconded by Ben. Discussion. No further discussion; is there any objection to that motion? I see none; that motion is approved. All right, was there anything else in 17A that we had to do, Rick, that you're aware of?

MR. DEVICTOR: Didn't you have something with Nick Farmer?

MR. CURRIN: Oh, yes, there is. After we kind of went around and around about selecting a preferred closure area and Duane had some heartburn with it being so close to the coast of

Georgia, I talked to Nick Farmer after our committee meeting yesterday and asked him if he could possibly look into some runs or applications of his model where he could consider what to me would seem a reasonable assumption about less discard mortality in that shallower water.

I think there is evidence in the literature that that in fact occurs, a number of studies. I didn't really expect him to come back today and have that, but he told me today that he did. Nick, you can come up so that we can discuss that and kind of tell us what you did and what the results were.

I'll let him tell you what he did, but I said look at Alternative 4, for example, 4A, which is the 98 to 240 closure and then draw some lines to the coast and let's make a reasonable assumption about the reduction in discard mortality in those inshore areas. Then up above where there is no closure and down below where there is no closure and yet we still have some low rates of red snapper encounters, let's go ahead and just assume the values of 40 percent for the recreational and 90 percent for the commercial and just kind of see what it gives us.

And, again, that's not playing with any of the compliance or effort shift parameters that we at least have some ability to approximate through the compliance measure in his model. I appreciate very much your doing this, Nick, and being available and hanging around today so that you can share it with us.

DR. FARMER: I've made some updates to the model, and I think John Carmichael might have distributed that out to you guys, so you're welcome to take a look at it yourself. I'll just go through a brief discussion of the changes that were made in terms of additional features and kind of the rationale behind them, and then I'll show you some outputs based on some various scenarios of input parameters.

As a refresher, there are various factors contributing to release mortality and barotrauma is a major source of that release mortality. It's directly related to depth of capture. There are many others that impact red snapper that include surface interval and handling, hook location and predation and water temperature.

In looking at Mac's request, the idea is that effort shifting into shallower water may occur following the implementation of spatial closures, and several studies have suggested discard mortality may be as low as 20 percent if fish are caught in waters shallower than 20 meters, so about 66 feet.

It's difficult to predict changes in release mortality because the level and pattern of effort shifting is unknown. Higher discard mortality rates will probably continue in open areas and delayed mortality rates may be higher than those estimated. I've summarized a few studies so that we can build kind of a rationale for why we might examine a decreased inshore release mortality.

SEDAR 15's arguments basically follow this line. They say the recommended discard mortality by depth for red snapper in the Gulf of Mexico stock assessment, SEDAR 7, was 15 percent at 20 to 40 meters and to 40 percent at greater than 40 meters. Then in the next paragraph it says for the recreational fisheries, MRFSS and headboat release mortality should be set at 40 percent,

30 to 50 percent sensitivity range, and they back that up with the rationale that the mean minimum depth in the recreational charterboat fishery was 43 meters and the mean maximum depth was 58 meters, so it falls into that greater than 40 meter range from the SEDAR 7 process.

Also, SEDAR 15, in discussing commercial release mortality, says the recommended discard mortality by depth for red snapper in the Gulf of Mexico stock assessment was 71 percent at 55 meters to 88 percent at 83 meters in the commercial fishery, so they recommend following that; and a few other studies that for the commercial fishery release mortality should be set at 90 percent, and it seems that they follow that with the rationale if the commercial fishery had a mean minimum depth of fishing of 43 meters and a mean maximum of 71 meters.

In discussing kind of a different shallow release mortality, there are a few studies out there that I wanted to bring to your attention. The first is by Gitschlag and Renaud in 1994. They did a short-term less than 20-minute diver observation study of releases from a headboat. One caution about that is that the presence of divers in the water may have reduced post-release predation because sharks tend to be averse to divers and bubbles, which is good news for all the scuba divers out there.

They also did not account for any delayed release mortality, and some studies that have followed this one have shown that delayed release mortality is a factor. For Gitschlag and Renaud, in 1994 they observed immediate mortality estimates for red snapper caught at depths less than 24 meters of 1 percent.

Burns et al in 2004 did a study of barotrauma-related mortality in red snapper using depth chambers. She observed no barotrauma-related mortality from simulate depths of 21.3 meters to 70 feet and 27.4 meters, 90 feet, so that's two studies of zero to 1 percent release mortality due to barotrauma at least in an immediate context. She did observe 40 percent mortality from red snapper brought up from simulated depths of 42.7 meters, which seems to follow the SEDAR 15 and SEDAR 7 recommendations.

An unpublished study by Diamond et al is the meta-analysis of a variety of studies, and she was kind enough to provide this during the September meeting. If you look at this graphic, basically what she has done is she has plotted a linear aggression on the immediate mortality, and then she has plotted a logistic regression following the delayed mortality.

Basically, what I want you to note is kind of where the breakpoint is at 20 meters, and it's more clearly elucidated on this slide. You can see that regardless, linear or logistic, the fits seem to suggest 20 percent or less release mortality at depths of shallower than 20 meters in this amalgamation of a variety of studies. There are about six studies pulled into this meta-analysis.

What does that mean in terms of the South Atlantic? Well, I went through the commercial logbook and looked at the bathymetry in the South Atlantic using soundings charts and kind of pulled out the maximum depth in feet for all the various grid cells for the logbook. There are four cells that have a maximum depth of less than or equal to 66 feet, so less than or equal to that 20 meters.

Those cells actually do account for a reasonable percent of red snapper removals, so reducing release mortality in the inshore will actually have an impact on the projected reductions. With that said, I went through a couple of different scenarios, basically moving from conservative assumptions to less conservative assumptions. In this graphic here you can see an area closed for each alternative; and running through them, Scenario 1 here shows no impacts of previous amendments and it shows Amendment 17A having a conservative assumption that targeted trips for red snapper only will be eliminated.

It also assumes 80 percent compliance and it assumes throughout the fishery that the commercial release mortality is 90 percent and the recreational release mortality is 40 percent. Scenario 2 shows you directed and targeted trips being eliminated by Amendments 13C, 16 and 17A; at 85 percent compliance, with 40 percent recreational and 90 percent commercial offshore release mortality, and then a 20 percent across fishery sectors inshore release mortality, so for those four cells I identified, the release mortality in this Scenario 2 has been shifted to 20 percent, which seems to follow the rationale of a variety of scientific literature.

Scenario 3 is I guess the least conservative scenario. I would say that is basically the upper end in terms of all the assumptions that I could make. That shows you directed and targeted trips being eliminated by all the amendments; 100 percent compliance; 40 percent release mortality across sectors in the offshore area; and 20 percent release mortality in the inshore.

You can see how that falls out with the various scenarios. In addition to this study, I actually also was able to do something for Duane. You had asked me to look at a new bathymetric closure, and I have that built into the model as well, so we can examine that if you'd like. The model is ready to go and it should hopefully be in your e-mail in-boxes.

DR. CRABTREE: Nick, I know what the shape of 3 is, but what is the difference between 3A, 3B and then what is the difference between 4A and 4B that's not in our draft amendment?

DR. FARMER: 3A is that four-grid cell closure, mostly concentrated off of Northeast Florida and Georgia, and that would be a closure from 98 feet to 240 feet. 3B in this table would be those same four cells but the closure would be from 66 feet to 240 feet. 4A would be a seven-cell closure, so extending the closures into South Carolina, and that would be 98 to 240 feet for 4A and from 66 to 240 feet for 4B. I can show you a graphic of that if that would help.

DR. CRABTREE: It probably would. You also looked at these but going out to 300 feet; correct?

DR. FARMER: Yes, I have that built into the model, but I haven't done a slide similar to this to complement that, but I can show you that output in the model with whatever scenario of input parameters you would like to see.

MR. CURRIN: Any questions of Nick about what he has done here before he goes on and shows you the results. My intent here is in view of the angst that was associated with the closure that barely was selected to perhaps provide, depending upon these results, an alternative for

consideration by the committee if that's what they so desire. Any questions for Nick at this point? Charlie.

MR. PHILLIPS: Will you show me one more time the fishing mortality in the Gulf? I thought you said 140 foot.

DR. FARMER: Yes, let me show you that in just a second. Just really quickly for your edification, looking at this graphic here, this is showing you the A, B and C closure scenarios; so, from 98 to 240, the smallest of those, that's kind of between the orange lines with the yellow stripes. Then for B would be kind of the sage green extending into the orange; and then going from 66 to 300 feet are the bright yellow lines. You can see kind of spatially how that works out. Also, those turquoise boxes there on the end are the Moe 1963 survey of offshore fishing identified red snapper spawning aggregation locations.

DR. CRABTREE: So, Nick, this line is 66 feet?

DR. FARMER: That is 66 feet.

DR. CRABTREE: This is line is 98 feet?

DR. FARMER: That is correct.

DR. CRABTREE: And then this 240?

DR. FARMER: The orange line there is 240 on the outside and the yellow line is 300, so you can see there is not a big jump there spatially between 240 and 300 because the bathymetry cuts real hard right there. All right, you wanted to see the SEDAR 15 quote of SEDAR 7, right?

MR. PHILLIPS: Yes.

DR. FARMER: All right, let me show you that. Did you want to see it for recreational or commercial?

MR. PHILLIPS: Commercial; 71 percent at 55 meters, which I'm guessing is 170 feet or something, give or take, and 88 percent – and they're longlining, mostly, catching these or both?

DR. FARMER: I don't know exactly what study that quota came from. I might have that documentation actually within the model spreadsheet, because if you look at the release mortality tab, I've got all the relevant PDF pages from SEDAR 7 pasted in that.

DR. CRABTREE: I'm fairly sure this comes from some work LSU did, and they were riding on bandit boats. I'm not positive but I'm fairly sure.

MR. PHILLIPS: I just want to make that we're kind of comparing apples to apples, how long they've got those fish out of the water and how long we've got them out of the water, that kind of thing. While I've got the mike, are we going to have a chance to look at these preferreds

again once we have seen this; and once we look at the 30 percent are we going to have a chance to look at what our preferred is again at some time?

MR. CURRIN: You will have a chance to change the preferred I guess at this meeting at least when I present on behalf of the committee the motion from our committee meeting regarding the preferreds. If there is some desire to do it then, you could do it. If it's the desire of the committee to do it after considering this presentation, that's okay with me, too, and then we'll just have a different preferred when we go to the council. I guess that's okay, legal, and all that.

DR. CRABTREE: You could change preferred at full council at this meeting; you could change your preferred at the March meeting; and assuming that we take final action at the June meeting, you could change the preferred then, so you're going to have several other cracks at it.

MR. CURRIN: And my desire, Charlie, to bring it to you now and while we're staying late – and I apologize for all that – was that if there is some desire to change the preferred at this meeting, that is going to facilitate the staff's analysis between now and March and wouldn't take as much time as if we changed that and/or something else in March. Duane.

MR. HARRIS: Of course, I have a desire to change the preferred at this meeting because I don't think the preferred that has been selected is reasonable in any way, shape or form. It may meet the goal according to the model of reducing the discards, but I could never vote for it. I really would rather not have a preferred at this meeting; but if we have to, if it's the desire of the council to go in with a preferred, I'm willing to make a motion tomorrow. I'd rather not do it tonight because I'm almost brain-dead and just deal with that tomorrow in full council.

MR. CURRIN: Well, let's look at it and then we can deal with it at full council. We won't even consider it tonight and just present it to you. Roy.

DR. CRABTREE: Do you feel like you have what you need or would you like staff to print a copy of that map or something that you can look at overnight, or do you feel like you've seen enough? I want everybody to feel like they have the information they need. I think these have been e-mailed out so people have them.

MR. ROBSON: Well, I know I got the model, the excel setup. I don't know; did we get e-mailed, Nick, the tables that you just showed us on the results for the different alternatives?

MR. FARMER: No, but I would be more than happy to send that out to John and have him distribute it.

MR. ROBSON: For those percent reductions; that's what we need to be looking at.

DR. CRABTREE: I think, Nick, it would be good to send those ranges of the reductions out, and then I think it would be good to send that map out that showed the lines and where things are, e-mail that out to everybody so they've got it and have a chance to digest all this so we can come in tomorrow and make a decision and we've had a little time to think about it.

MR. HARRIS: What I have forwarded from Mike is a revised model with the bathometric Alternative D, 98 to 300 feet, and I don't know whether that just came to me or it went to everybody. I'd like to look at those tonight and come back with something tomorrow.

MR. CURRIN: All right, is everybody good with that and okay with that approach? Please take the time to look at that tonight so we can have a succinct discussion of that tomorrow. Robert.

MR. BOYLES: Mac, can you clarify what we should be looking at because we've gotten several things? At least I got several models, I believe, so can we just affirm what we need to look at?

DR. FARMER: To that point, it's probably best if I just walk you through the model just real quick to show you the changes that have been made so you can see how to do it. Basically, all the functionality remains the same here. I've just added Input Field 3B now, and that would be your post Amendment 17A private, charter and headboat inshore release mortality, and that is going to impact Cells 3379, 2981, 3081 and 3181, and it tells you that right here underneath in the white. When you open it up and see it on your own screen, you should be able to read that.

MR. ROBSON: And just to be clear, what you have done there in that revision is what is being called "revised model with bathometric alternative" because that's what we've all been looking at?

DR. FARMER: That's correct and the excel spreadsheet itself carries the end tag of 98 to 300 on it, so that should distinguish it from any other version.

MR. CURRIN: And the 10/12 date.

DR. FARMER: And so you've got the ability right there with Input Field 3B to change your recreational inshore release mortality; and then with Input Field 4B you have the ability to change your commercial inshore release mortality. Then, finally, I removed the 66 to 300 foot checkbox. I just decided to make things less complicated for you. You have now a 98 to 300 checkbox. Right there on the right-hand side, you can see, hopefully, where I'm moving the mouse around right here; so if you check that box, that is going to examine the bathometric closure that Mr. Harris asked me to put into the model.

MR. CURRIN: Is everybody clear? Please take a look at it tonight or sometime before tomorrow. Any other questions for Nick at this point? Robert.

MR. BOYLES: Mac, could we do what Roy suggested; could we get a copy of – Nick, could you send us a copy of the percent reduction and the comparison of the area? If you would do that, that would be helpful as well.

MR. FARMER: Yes, I can definitely do that. In fact, probably what I'll end up doing is I'll even add a little bit more because I did not update it for that 90 to 300 foot, so maybe I'll throw something in there for that to help you guys out.

MR. CURRIN: All right, thank you, Nick, very much. We greatly appreciate it. Okay, a couple of more things – we've got to vote on participants for the upcoming SEDAR updates. Don't we have to do that or are we going to do that tomorrow at council or do you want to handle that now? All right, let's hold that one until tomorrow. Now we did not approve the 17B Proposed Rules so we need to do that.

MR. HARRIS: And they have been sent out.

MR. CURRIN: Everybody has an opportunity or has received a copy of those. Whether you've had an opportunity to thoroughly review them, I don't know. Brian.

DR. CHEUVRONT: Are we doing this as council or –

MR. CURRIN: This is a Committee of the Whole that we're in right now. Again, if we'd rather wait until tomorrow for that, I guess we can do that, too. Let's wait until tomorrow; that will make sure everybody has got more homework for tonight on that. All right, let's see if we can handle Ben's issue regarding the Golden Tile SEDAR and then the other thing is the trip limit issue that Chris McCaffity brought up last night at the public hearings.

MR. HARTIG: Mr. Chairman, I have had the opportunity to talk to a number of people about this issue, both tilefish fishermen and scientists. It is a tough one because we are going to make a number of people mad if we switch snowy grouper for golden tilefish. Having said that – and I'm real sensitive to that – I still think it's compelling, after having especially talked to the fishermen, that we switch those two on the SEDAR agenda.

This isn't something that I would do flippantly. I take seriously, having been involved in SEDARs, the amount of work that they've done, but since tilefish had been on the assessment agenda for quite a long time, a lot of that work has been done in aging for golden tilefish. They have started doing the snowies, which is problematic, but in talking to some of the biologists I don't think it's that big of a problem.

Now Erik may differ significantly and John may have some problems with that, but I have talked to a number of people. Quite frankly, we are going to have a tilefish fishery that is going to be operating. The SSC has said the assessment was old. There are a number of reasons to do this, not the least of which is that significant changes have occurred in that fishery since the last assessment.

Before you implemented the quota, we had seen landings in the bandit fishery rivaling historic numbers. We haven't been able to target that fishery since you all implemented the quota in that longline closed zone, so those fish just continue to rebound in that area. The assessment is definitely warranted. It will give fish back to the commercial and recreational, by the way, fishery, and you may be able to alleviate some of that – although it's not a large percentage, they will get more fish from a new assessment, at least in our opinion. I'll leave it at that.

MR. CURRIN: Comments or reaction? Roy.

DR. CRABTREE: Well, Ben, you're presuming that with a new assessment they'll get more fish, but, of course, it's possible they would get fewer fish with a new assessment. There is no way of knowing what the outcome will be.

MR. HARTIG: Right.

DR. PONWITH: I've consulted with our biological sample processors, and on the federal side we've maintained a pretty good clip on keeping up with the golden tilefish samples, but there are also the SEAMAP samples. When we put the emphasis on snowy to be able to get those done in time for an update, they actually stopped working on golden tilefish.

At this point they've only processed about 40 percent of the samples that they've got in their possession. In consulting with them on the feasibility of making this shift, they said that to be able get the remaining otoliths processed and still have enough time left over to prepare the data for the update wouldn't be feasible with them working on it themselves.

MR. MAHOOD: Ben, not to disagree with you about what is important or not, but in the SEDAR process through the SEDAR Steering Committee we sit down and make these decisions of which assessments and updates will be carried out. We have promised Bonnie that we would not switch on them at the last minute.

I think they probably started working on the snowy grouper after last September's meeting, and so they've been gearing up for the snowy update and assessment. It's kind of unfair at the last minute to come in and ask that they change; and it sounds like from what Bonnie is saying it's not even feasible that they do that.

MR. HARTIG: Yes, unfair to change goes both ways, Bob. It was very unfair to change golden tilefish from the update that it was scheduled to be on several months ago. That was very unfair to the tilefish fishermen; so if you're telling me about fair and unfair, when you switched these species without consulting any fishermen about what may or may not happen with the species, that is unfair. The fairness of this goes both ways.

MR. CURRIN: Well, keep in mind it wasn't Bob that switched it.

MR. HARTIG: No, I understand, but I'm talking about the fairness issue. I don't want to take it out on Bob, but unfortunately for me it goes beyond just this issue on tilefish. That's why I'm showing a little bit of anger, because frankly this fishing year changed and we have been trying to get pushed – for the last five years it has been pushed from at least two amendments that we asked. My frustration is not related to just this one issue, and it came out – and I'm sorry, Bob, if I was curt there.

MR. MAHOOD: I am on the steering committee and I probably did vote for it.

MR. HARTIG: And I am sensitive to what Bonnie said. I didn't get a long chance to talk to Marie. I just had a short conversation. If it can't be done, it cannot be done, and I'll

acknowledge that. If this problem ever comes up again, it would be nice to have some fishermen involved that have been looking forward to this update for a long, long time.

It has been part of their – in the Tilefish Workshop they said if we got an increase in quota, we may be more amenable to going with the ITQs, so there is a lot riding on this benchmark assessment for the tilefish fishery, and that is why it was so important to try and get it changed in this meeting. If Bonnie says it can't be done, I'll take that and take it back to the fishermen that it can't be, and that's the answer that I will give them, but I'm not going to go down without at least expressing their views and my views about golden tilefish. Thank you.

MR. CURRIN: Thank you, Ben. Any other comments or questions for Ben or John? I think we have to accept it just as you did. The bottom line is the bottom line. Okay, the only other issue that we want to deal with tonight is addressing some comments that were made by some of folks at the public hearing last night regarding their desire to manage fisheries by trip limits.

I will tell you Mr. McCaffity was at the New Bern Hearing that I chaired. I did talk to him there. He made very similar comments about his desire to manage with trip limits. My response to him there was that I couldn't think of an amendment that we had passed recently that did not have a trip limit option in them. Gregg has I think pulled up very rapidly that option from Amendment 16 for vermilion, which is of primary interest to him. We did have a trip limit option in there. It was considered and placed in the considered but rejected appendix.

MR. WAUGH: I can read it if you'd like, Mac.

MR. CURRIN: Yes, please do.

MR. WAUGH: "The primary purpose of a trip limit would be to extend the fishing season. However, the council believes that trip limits could impose significant hardship to fishermen, particularly with the high cost of fuel. Instead the council is considering splitting the year into two quotas as a method to extend the fishing season.

"The two-quota system also has the added benefit of ensuring that retention of vermilion would be allowed later in the fishing season when a large portion of the catch has historically been taken. The council also chose not to consider establishing a trip limit for the 225-pound trip limited permit holders because their catch is a very small portion of the overall catch. Amendment 15B proposes to prohibit all bag limit sales and this is not expected to affect the proportion caught by trip-limited permit holders." We also had a trip limit analysis – that's another appendix – for both gag and vermilion, so the committee and council did look at this for both of them.

DR. CHEUVRONT: I've spoken with Chris McCaffity several times over the last several months, and he has brought this up with me in those conversations as well. I want to make sure that we understand what he was asking of us; why he wanted to have trip limits. I think his request, and we understand the full extent of it, is almost an impossible thing to do.

He wants us to establish a trip limit that would extend the fishing season through the entire length of time plus catch the entire quota. Now, I don't know how we can do that. To me that's an impossibility. We'd have to predict the future accurately every single time. Now, I think he was responding to the fact that none of us expected that the second quota period was going to be completely caught up in about 2-1/2 months. I don't think anybody foresaw that. On the other hand, I think the full extent of the request that he has asked for is untenable. I don't know how we can do it.

MR. BOYLES: Mr. Chairman, just a note everybody else's benefit, we've been approached in South Carolina from some anglers as well advocating a trip limit approach. Wayne Mershon I know has made extensive comments on the record, and I would like to refer the council to that as well.

DR. CRABTREE: And I don't have a preference one way or another on the trip limit. I'm sure the larger producers are not going to want it and the smaller ones will want it, and it's always that way. I can tell you, though, I went down this path in the Gulf of Mexico with red snapper and ten-day mini-seasons and all of that stuff and none of it extended the season year round.

The only thing that extended the season year round is when we went to the catch share program. As much as people are still resistant to this idea, they need to start coming to grips that with hard quotas and things and derby fisheries, the only way you really get out of that bind is in a catch share type program. The rest of these things, they may slow you down a little bit, but you're not going to get year-round fisheries I don't believe any other way than that. They're just going to have to decide how important is that to them.

DR. CHEUVRONT: And for trip limits to have even a chance in this we'd have to constrain participation as well. We just don't know; we don't know how many people would participate; we don't know how many trips would be taken; we don't know if the fish are going to be there; we don't know all these different things. I understand where Mr. McCaffity is coming from and I've listened to him, but I think Roy was exactly right in explaining why this perhaps isn't such a good idea.

MR. PHILLIPS: I'll be short. The fishermen down my way, they didn't get enough fish on a trip limit to make it feasible, which is the same rationale there. The only way you're going to stretch it out all year is catch limits somehow in some way.

MR. HARTIG: In your example, Roy, they had to fish through it. They had to fish through the worse damned situations you can imagine in red snapper to be able to figure out that they had to go to a catch share program. I wish it would be different here; I don't think it's going to be. Maybe we do develop some trip limits for some of these fish, and it may be difficult between the vessel sizes and maybe you do a tiered approach like they did in the Gulf; maybe we do that.

Didn't we in fact at the last meeting say that we would develop trip limits for the snapper fishery? Didn't we have two – we had a group of fishermen that wanted catch shares and we had a group that wanted trip limits. Didn't we say that we were going to develop both? I mean if we said that we were going to do that, we've stepped up to the plate already. We should develop

trip limits for the snapper grouper fisheries based on getting together with the AP and figuring out how they would do it.

MR. CURRIN: Yes, there was an analysis that was done in 16 for vermilion trip limits. Clearly, the route we chose in 16 to try to extend the season did not work, and several others have said it almost doesn't matter what you do, that it's very difficult to make that season extend for as long as everyone would like to participate.

You know, we heard it today as well – well, six-month seasons didn't work; let's go to quarters. Yes, I guess you just hope, skip and jump your way around and ultimately the quota is caught up pretty quickly within whatever time period I think you do. I'm not opposed to any of it; and if that's the way the fishermen want to do it, that's great with me. I don't think we have a vehicle right now to try to address trip limits in vermilion at this moment – maybe in Amendment 20, if that's where it needs to be done or somebody wants it to be done.

MR. HARTIG: Just to what we decided at the last meeting to develop trip limits for the snapper grouper fishery, we decided that already, so that is going to be done. Where is it going to be done, in 20 or do you have any ideas? Yes, Comprehensive Catch Shares Amendment; thank you, Kate. How far are we away from looking at that?

MR. CURRIN: If I had to predict, you'd see your golden tile assessment first. Any other comments on the trip limits? Thank you for the discussion. The next time I see Mr. McCaffity I'll make sure to tell him that we did talk about it. Somebody there is not a good answer or a good approach for any of this regarding where we are. Well, we'd like to recess as a Committee of the Whole until what time tomorrow morning, Mr. Harris.

MR. HARRIS: Thank you, Mac, great job. I'm willing to come in and start our meeting at 8:00. We have got a closed session for a legal briefing in the morning at 8:00; and as soon as that is over with, we'll go into full council.

(Whereupon, the meeting was recessed at 7:20 o'clock p.m., December 10, 2009.)

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January 3, 2010

IN SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

SNAPPER GROUPE COMMITTEE

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

December 8-10, 2009

INDEX OF MOTIONS

PAGE 6: Motion to accept the terms of reference for black sea bass. Motion carried on Page 6.

PAGE 7: Motion to accept the terms of reference for snowy grouper as modified by the SSC.
This motion was not voted on.

PAGE 14: Motion to appoint the following individuals to the Snapper Grouper SEDAR Updates from the SSC; Dr. Andrew Cooper, Dr. Marcel Reichert, Dr. John Boreman and Chip Collier; and also as an observer, Dr. Frank Hester. Motion to table the motion carried on Page 17.

PAGE 19: Motion to appoint the following AP members to the SEDAR Update: Tom Burgess, Kenny Fex, Zack Bowen and Bobby Cardin? Motion carried on Page 20.

PAGE 20: Motion that AP members Greg DeBrango, Rob Harris and Scott Osborne be listed as alternates to the SEDAR updates. Motion carried on Page 22.

PAGE 29: Motion to approve the terms of reference for red snapper as modified by the SSC and add the following items; A, inconsistencies with the Gulf assessment; a, natural mortality and other inconsistencies; B, uncertainties presented as a range and not as a base run; C, reference points. Motion carried on Page 29.

PAGE 30: Motion that for the black sea bass terms of reference and snowy grouper terms of reference, that the uncertainties be presented more as a range and not as just a base run. Motion carried on Page 30.

PAGE 81: Motion to change the preferred alternative to F 30 percent SPR. (Motion substituted on Page 88.)

PAGE 88: SUBSTITUTE MOTION: Motion to not change the preferred alternative at this time from F 40 to F 30 percent but add an analysis based on an MSY proxy of F 30 percent that will be completed and available for review at the March 2010 meeting. Motion Carried on Page 88.

PAGE 91: Motion that Alternative 2 be moved to considered but rejected. Motion carried on Page 91.

PAGE 96: Motion to change the preferred alternative from Alternative 4 to Alternative 6. Motion carried on Page 98.

PAGE 102: Motion to move Alternative 7 to the considered but rejected appendix. Motion carried on Page 102.

PAGE 109: Motion that the committee recommend to council to select Alternative 5 as the preferred alternative. Motion was defeated on Page 111.

PAGE 111: Motion that the committee recommend to council to select Alternative 4 as the preferred alternative. Motion withdrawn on Page 112.

PAGE 114: Motion to reconsider selecting Alternative 5 as the preferred alternative. Motion to reconsider carried on Page 116.

PAGE 116: Motion to consider selecting Alternative 5 as the preferred alternative. Motion carried on Page 116.

PAGE 117: Motion that Alternative 7 and Alternative 9 be listed as preferred alternatives. Motion carried on Page 117.

PAGE 119: Motion that the committee recommend to the council to make Subalternative 11A the preferred. Motion carried on Page 120.

PAGE 124: Motion to require the use of non-offset, non-stainless steel circle hooks when fishing for snapper grouper species with hook-and-line gear within the EEZ north of 28 degrees as the preferred alternative. It is unlawful to possess snapper grouper species without also possessing non-offset, non-stainless steel circle hooks. This is intended to apply to the use of natural baits only. Motion carried on Page 124.

PAGE 129: Motion to ask the Science Center to come back at the March meeting with a fishery-independent monitoring plan for monitoring red snapper stocks. Motion carried on Page 129.

PAGE 130: Motion to establish as the preferred alternative a fishery-independent monitoring program to track the progress of red snapper. Sampling would include the forming of various gears, cameras, hook and line at randomly selected stations. Motion carried on Page 130.

PAGE 131: Motion to request the Southeast Fisheries Center to provide a fishery-dependent monitoring plan for red snapper at the March 2010 meeting. Motion carried on Page 132.

PAGE 135: Motion to clarify that Alternatives 2, 3, 4, and 5; it was the council's intent that speckled hind and warsaw grouper would be closed throughout the EEZ. Motion carried on Page 135.

PAGE 137: Motion to move Alternative 4 to the considered but rejected appendix. Motion withdrawn on Page 137.

PAGE 158: Motion that the one snowy grouper boat limit be included as part of the aggregate grouper bag limit. Motion carried on Page 159.

PAGE 159: Motion to approve sending Snapper Amendment 17B to the Secretary of Commerce for formal review and implementation; with the intent to give staff editorial license to address needed changes. Motion carried on Page 159.

PAGE 160: Motion to send a letter to the Secretary along with the approved amendment which indicates having met the obligations of Magnuson, but to reiterate concerns with some of the mandates that are required to be followed. Motion failed on Page 162.

PAGE 162: Motion to direct staff to draft a letter to the Secretary of Commerce for review at the March 2010 meeting based primarily on the comments that Chairman Harris made to the congressional committee. Motion carried on Page 163.

PAGE 176: Motion to add a new action to Amendment 18 that invokes the 12/04/08, 10/14/05 and 04/23/97 control dates to limit participation in the black sea bass pot fishery with the intent to use landings from black sea bass pots. Motion carried on Page 176.

PAGE 180: Motion to move Alternative 7 from the considered but rejected file back into Amendment 18. Motion withdrawn on Page 181.

PAGE 181: Motion to add an alternative which would grandfather the current number of tags issued to be reduced by 10 percent as of the control date of December 4, 2008. Motion carried on Page 183.

PAGE 184: Motion to remove Action Number 5 from Amendment 18. Motion carried on Page 184.

PAGE 184: Motion to add a subalternative under Alternatives 2, 3 and 4 that keeps the 300-pound trip limit when 75 percent of the quota is taken. Motion carried on Page 184.

COMMITTEE OF THE WHOLE INDEX OF MOTIONS

PAGE 203: Motion to add a series of alternatives that would allow the transfer of wreckfish shares or allocations. Motion carried on Page 205.

PAGE 205: Motion to include Actions 6 through 12 in Amendment 20 and the associated alternatives as discussed here today for each action. Motion carried on Page 206.

PAGE 212: Motion to add an alternative that designates the ecosystem species if landings are less than or equal to 10,000 pounds. Motion carried on Page 212.

PAGE 219: Motion to make Alternative 8 to allow the longline fishery to occur in the closed area as an additional preferred alternative. Motion carried on Page 219.

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December 7, 2009

Mr. Duane Harris, Chair
South Atlantic Fishery Management Council
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Re: Comments for Comprehensive ACL amendment for South Atlantic fishery management plans

Dear Mr. Harris:

Ocean Conservancy¹ submits the following comments regarding the South Atlantic Fishery Management Council's (Council) draft document for a comprehensive ACL Amendment for the South Atlantic Council's Fishery Management Plans (comprehensive amendment). The purpose of the comprehensive amendment is to modify existing fishery management plans (FMPs) in order to comply with new requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

When Congress reauthorized and amended the MSA in 2006, it added new provisions aimed at ending overfishing in our nation's fisheries and ensuring it does not reoccur. The new provisions require FMPs to include mechanisms for setting annual catch limits (ACLs) for each of its fisheries that do not exceed fishing level recommendations of the Council's Scientific and Statistical Committee (SSC), as well as accountability measures (AMs) to ensure those limits are not exceeded.² These measures must be in place for all fisheries experiencing overfishing by 2010, and for all other fisheries by 2011.

On January 16, 2009, the National Marine Fisheries Service (NMFS) published revisions to the National Standard 1 (NS1) Guidelines (effective February 17, 2009) that provide guidance to this Council for effectively and fully implementing important new MSA provisions. The Council made progress in a recent amendment to its Snapper Grouper FMP to comply with MSA legal requirements and end overfishing of vermilion snapper and gag, and Amendments 17A and 17B, on which the Council is expected to act soon, include some science-based options that could end overfishing of the ten snapper grouper species currently experiencing overfishing. Further amendments to the Snapper Grouper FMP are needed, however, to ensure the system of ACLs and AMs truly ends and prevents overfishing, as required under the law, and incorporates the components of the NS1 guidelines.

¹ Ocean Conservancy is a non-profit organization committed to protecting ocean environments and conserving the global abundance and diversity of marine life. Through science-based advocacy, research and public education, Ocean Conservancy informs, inspires and empowers people to speak and act for wild, healthy oceans.

² 16 U.S.C. §1853(a)(15).

The current draft amendments 17A and B are missing critical components of the NS1 guidelines, including important status determination criteria, an ABC control rule, and legally sufficient AMs, among other things. If those elements are not included in amendments 17A and B, they must be specified under the comprehensive amendment. In addition, it is imperative that all South Atlantic FMPs be updated to incorporate the components of the NS1 guidelines to ensure measures truly meet Congress' intent to end and prevent overfishing, keep catch within the prescribed ACLs, ensure that rebuilding goals are met, and achieve optimum yield.

It is important that all appropriate issues relating to ACLs and AMs and other aspects of the NS1 guidelines are identified early in the process and are properly studied and incorporated into the comprehensive amendment. In preparing a draft and final environmental impact statement (EIS) for the comprehensive amendment, National Environmental Policy Act (NEPA) regulations require that NMFS rigorously explore and objectively evaluate all reasonable alternatives.³ For major federal actions significantly affecting the quality of the human environment, the agency must prepare a detailed statement that includes the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, and alternatives to the proposed action, among other things.⁴

We urge you to consider a broader range of alternatives in the draft comprehensive amendment than are currently identified in the document the Council is reviewing at its December meeting. Inclusion of the full range of alternatives, as required under NEPA, will allow for development of a thorough and balanced comprehensive amendment that achieves full implementation of the NS1 guidelines, including a catch-setting framework that sets limits and targets that take management and scientific uncertainty into consideration, holds fishery sectors accountable for meeting catch limits, and overall achieves a high probability of success in preventing and ending overfishing. Following are our recommendations for incorporating the NS1 guidelines into the South Atlantic FMPs covered by the comprehensive amendment.

SUMMARY OF RECOMMENDATIONS:

In summary, we recommend the draft comprehensive amendment:

- specify how overfishing limits (OFLs) will be determined, including in data-adequate and data-poor situations
- specify an acceptable biological catch (ABC) control rule that accommodates a wide range of data availabilities and becomes more restrictive as scientific uncertainty increases, population vulnerability increases and population size decreases, for a given species
- formally incorporate (by Council approval and adoption) the SSC's ABC control rule into the comprehensive ACL document at the December 2009 Council meeting
- utilize the established control rule to set or modify ABCs for species that are undergoing overfishing as well as those that are not
- examine a full range of processes for ensuring management uncertainty is accounted for in setting catch limits and targets, including the use of an annual catch target (ACT) control rule and ACTs for all species
- include in-season AMs to ensure ACLs are not exceeded and overfishing does not occur
- set sector-specific ACLs, ACTs and AMs
- take into account fishery characteristics as well as the biology and vulnerability of the species when determining species complexes
- develop a process for conducting framework procedures that allows for expedited specification of specific management parameters, but allows for full environmental analyses and opportunities for public review and comment where appropriate

A. OFL AND OVERFISHING CRITERIA

³ 40 C.F.R. §1502.14.

⁴ 42 U.S.C. §4332.

The comprehensive amendment should specify how OFLs will be determined for all species, including for data-adequate and data-poor situations

The MSA requires that all FMPs include “objective and measurable criteria for identifying when the fishery to which the plan applies is overfished.”⁵ The revised NS1 guidelines reinforce this requirement, and include specification of “overfishing limits” (OFL) as important new “status determination criteria.”⁶ The comprehensive amendment should call for and establish a process for the Southeast Data Assessment and Review (SEDAR) to specify OFLs for all of the species covered by the amendment. OFL is the science-based value from which fishing limits and targets will be set. Given that ending overfishing through science-based catch limits is the top priority for fisheries management under the MSA, it is imperative that this scientific reference point be calculated and identified in FMPs for all South Atlantic fisheries. The OFL needs to be specifically identified in FMPs so that the information is readily available for fishery managers and readily accessible for stakeholders interested in monitoring, assessing and participating in South Atlantic fisheries management.

1. All previously assessed species must have OFLs specified for every year until the next benchmark or update assessment

The Snapper Grouper FMP currently does not specify OFLs for many of the 73 managed species because this reference point has only recently been incorporated into the terms of references for SEDAR benchmark and update assessments. The vermilion snapper and gag update assessments were the first to calculate annual OFLs that span the period between the most recent and the next assessment. Those values should be included in the Snapper Grouper FMP through the comprehensive amendment, and the Council should specify for the other species that the Southeast Fisheries Science Center (SEFSC) must calculate OFLs for previously assessed species where reliable estimates of current biomass are available.

2. The Council should lay out a prescribed methodology for estimating OFL in data-poor or no-estimate situations

The vast majority of species currently listed in South Atlantic Council FMPs have not been evaluated through formal stock assessments, and many of them may not have enough data to reliably estimate the current biomass, fishing mortality rate, maximum sustainable yield (MSY), or proxies thereof. If these reference points can be estimated, then the Council should ensure that the SEFSC provides OFL values for these species, and include them in the comprehensive amendment. In situations where no estimates are available, the Council should develop a prescribed science-based methodology in the comprehensive amendment that lays out how to set an OFL for those species.

In situations where the only available data are historical catch, some method should be applied to determine whether recent average catch is sustainable or not. There are a variety of peer-reviewed studies that the Council should examine in order to fulfill this task including: the depletion-adjusted historical catch method such as MacCall’s Depletion-Corrected Average Catch,⁷ simulation testing,⁸ using empirical indicators,⁹ length-based assessments,¹⁰ ecosystem modeling,¹¹ and Johannes’ ‘data-less’ approach.¹² We recommend using multiple methods and looking for convergence in results.

⁵ MSA sec. 303(a)(10); 16 U.S.C. §1853(a)(10).

⁶ 50 C.F.R. §600.310(c) and (e)(2).

⁷ MacCall, A (2009). Depletion-corrected average catch: a simple formula for estimating sustainable yields in data-poor situations. ICES Journal of Marine Science, 66: 000-000.

⁸ Cope, J (2008). Issues and Advances in Data-Limited Stock Assessment: Experimentation through Simulation. PhD thesis, University of Washington, Seattle, WA, 223 p.

⁹ Kelly, C and E Codling (2006). ‘Cheap and dirty’ fisheries science and management in the North Atlantic. Fish. Res. 79:233-238.

¹⁰ Gedamke, T and J Hoenig (2006). Estimating Mortality from Mean Length Data in Nonequilibrium Situations, with Application to the Assessment of Goosefish. Trans. Am. Fish. Soc. 135:476-487.

3. Overfishing should be defined as fishing rate exceeding MFMT whenever possible and as annual catch exceeding the OFL limit in all other cases

Under the MSA, NMFS must regularly monitor fisheries and officially identify those species that are overfished or undergoing overfishing.¹³ Determining whether overfishing is occurring on certain species can be challenging when full stock assessment information is not available. The revised NS1 guidelines introduced further guidance for determining the overfishing status of a species, allowing overfishing determinations to be made based on catch when stock assessment data are not available. The guidelines provide two methods for determining whether overfishing is occurring: the maximum fishing mortality threshold (MFMT) method, where overfishing is deemed to have occurred if the fishing mortality rate (F) exceeds the MFMT; or the OFL method, where overfishing has occurred if the annual catch exceeds the OFL. The MFMT method is generally preferable because it is based on fishing mortality and therefore less sensitive to population fluctuations that could occur, for example, due to recruitment variation. While using the OFL method could result in false overfishing determinations if stock size has changed abruptly, the use of this method will be valuable, as F is rarely calculated on an annual basis. If F could be estimated annually, we would recommend always using the MFMT method. Since this is currently not possible, the comprehensive amendment should specify that the MFMT method will be used when stock assessment data are available, and that catch compared to OFL will otherwise be employed. We recommend that the council, the SSC, and the SEFSC explore avenues for calculating F for all stocks and stock complexes on an annual basis to be able to use the MFMT method across the board.

B. ABC CONTROL RULES

The comprehensive amendment must specify an ABC control rule that accommodates a wide range of data availabilities and becomes more restrictive as scientific uncertainty increases, population vulnerability increases and stock size decreases for a given stock

The comprehensive amendment must include ABC control rules that articulate how ABC will be set relative to OFL based on scientific uncertainty in the estimate of OFL and other scientific uncertainty. Under the MSA, SSCs are directed to provide ongoing scientific advice for fishery management to their councils, including recommendations for acceptable biological catch (ABC).¹⁴ The revised NS1 guidelines state that “each council must establish an ABC control rule based on the scientific advice from its SSC” for all species it manages. Environmental processes, population dynamics and fishery science are inherently uncertain. This uncertainty must be incorporated into the process of setting ABCs so that they are increasingly conservative as scientific uncertainty increases and stock size decreases, thus reducing the risk of overfishing to acceptably low levels.¹⁵ The comprehensive ACL amendment draft document the Council is reviewing at its December meeting includes alternatives for establishing an ABC control rule only for species not undergoing overfishing. If amendments 17A and 17B fail to adopt an ABC control (the current drafts do not include ABC control rules), then the comprehensive amendment must also develop an ABC control rule for those species currently undergoing overfishing.

1. All Council-managed species must have ABCs specified

The Council is currently in the process of amending the Snapper Grouper FMP to end overfishing of red snapper (Amendment 17A) as well as vermilion snapper, black sea bass, golden tilefish, speckled hind, gag, black

¹¹ Cheung, W and Y Sadovy (2004). Retrospective evaluation of data-limited fisheries: a case from Hong Kong. Rev. Fish. Biol. Fish. 14: 181-206.

¹² Johannes, R (1998). The case for data-less marine resource management: examples from tropical nearshore fisheries. TREE 13(6):243-246.

¹³ 16 U.S.C. §1854(e)(1).

¹⁴ MSA Sec. 302(g)(1)(B); 16 U.S.C. §1852(g)(1)(B).

¹⁵ Rosenberg, A, et. al. (2007). Setting Annual Catch Limits for U.S. Fisheries: An Expert Working Group Report. Lenfest Ocean Program.

grouper, red grouper, warsaw grouper, and snowy grouper (Amendment 17B) using ABC recommendations from the SSC and by assigning an ACL for these species. Since these ABCs were derived for the purpose of ending overfishing and not from a control rule that accounts for scientific uncertainty, the comprehensive amendment must establish and utilize an ABC control rule that guides the determination of the ABC relative to the OFL based on estimates of the amount of scientific uncertainty. The SSC has finalized its control rule, and this should be adopted and incorporated into the comprehensive amendment for all species. The comprehensive amendment should implement control-rule-based ABCs and rebuilding plans for the ten overfishing species addressed in Amendments 17A and 17B, as well as all other species in the snapper grouper and the other FMPs.

2. A tiered approach should be used for constructing the control rule

Every stock assessment has unique data and uncertainty issues, which the ABC control rule must reflect, such that estimates of ABC become more conservative as uncertainty increases.¹⁶ The ABC control rule should be applicable to data-rich as well as data-poor species, and the range between OFL and ABC should increase as the amount of information decreases. We, therefore, recommend a tiering system, as in the control rule developed by the SSC, to address the different levels of information and uncertainty characterization, as the NS1 guidelines suggest.¹⁷

3. Scientific uncertainty must be accounted for in the control rule

The available data dictate the level of assessment that can be performed on a stock. Decreasing data quality and quantity necessitate less sophisticated models. The comprehensive amendment ideally should include a control rule that takes into account all sources of scientific uncertainty, including observation error, model error, process error, environmental variability and estimation error. Since it is virtually impossible for a single-species model to remove all scientific uncertainty, some adjustment must be made. In the case of the ideal method of setting reference points, the probabilistic approach,¹⁸ the unmeasured uncertainty can be accounted for by altering P^* (as in the existing SSC control rule), or some other method of further reducing ABC from OFL.¹⁹ The Council should also consider that uncertainty must not only be taken into account when evaluating the current status of the stock, but also when projecting catches into the future.

4. Vulnerability and stock size should be incorporated into the control rule

The consequences of overfishing vary from species to species. Unproductive, non-resilient species will usually take longer to recover from a given level of overfishing than highly productive, resilient species, so the ABC must be set sufficiently below the OFL to reduce the probability of overfishing. Similarly, species that are very susceptible to the fishery will need to have the ABC reduced further from OFL than species that are not. Therefore the productivity and susceptibility of a stock should be incorporated into the ABC control rule. Productivity-susceptibility scoring has been identified by NMFS²⁰ and Rosenberg et al. (2008) as the best method for evaluating vulnerability, and the Council's SSC has decided to use the PSA score as one of the four dimensions in the ABC control rule. The control rule included in the comprehensive amendment should formally adopt the use of this methodology. PSA alone can inform, but not determine, the level at which the ABC should be set below the OFL. Validation through analysis, modeling of data-rich stocks, and correlating their historic vulnerability with their productivity and susceptibility, has the potential to extend the use of such scoring in the control rules for data-poor stocks.

¹⁶ 50 C.F.R. §600.310(f)(1).

¹⁷ 50 C.F.R. §600.310(f)(4).

¹⁸ Shertzer, E Williams and M Prager (2008). A probability-based approach to setting annual catch levels. Fish. Bull. 106:225-232.

¹⁹ Draft SUN Committee [MAFMC] Report on Methods for Determining Acceptable Biological Catch (ABC). July 13, 2009.

²⁰ Patrick, W et al. (2009). Use of productivity and susceptibility indices to determine stock vulnerability, with example applications to six U.S. fisheries. U.S. Dep. Commerce, NOAA Tech. Memo. NMFS-F/SPO-101, 90 p.

While it may be unavoidable in some cases, we strongly urge the Council not to resort to one-size-fits all kind of approaches such as 75%F_{OFL}, even for data-poor species. Every species has unique uncertainty issues and life history traits, and therefore such an approach would be inappropriate for achieving the NS1 mandate of preventing overfishing and achieving optimum yield. There should be a structured decision-making framework that is applied to determine the appropriate buffer between the OFL and ABC. As such, we strongly recommend the formal approval and adoption of the SSC's ABC control rule and its use to define or modify ABCs for all species (including those adopted in Amendments 17A and 17B) in the comprehensive ACL document at the December 2009 Council meeting.

C. ACL AND ACT CONTROL RULES

The comprehensive amendment must examine a full range of processes for ensuring management uncertainty is accounted for in setting catch limits and targets, including the use of ACTs for all species

Under the MSA, the Council must set ACLs that do not exceed the ABC recommendation of the SSC.²¹ The NS1 guidelines reinforce this requirement, stating that the ACL set by the Council cannot exceed the ABC and must prevent overfishing, and that the ACL is the limit that triggers AMs.²² The comprehensive amendment must ultimately establish a process for setting ACLs, ACTs, and AMs intended to avoid overfishing and achieve OY that considers uncertainty in both scientific information and management control of the fishery.²³

1. ACTs should be implemented for all fisheries

The guidelines call on councils to establish a "target" control rule for setting annual catch targets (ACTs) if an ACT is used as part of the AMs designated for the fishery. This target control rule should clearly articulate how to account for management uncertainty.²⁴ Regardless of the effectiveness of the fishery's management controls and the quality of data monitoring and collection in the fishery, some degree of management uncertainty will always be present in a fishery. As such, an ACT, which is set below the ACL based on the level of management uncertainty, should be used for all species managed by the Council. The comprehensive amendment should include a control rule that will result, for all species, in catch targets that have a very high probability that the ACL will not be exceeded.

It is well-established that fishery management systems should incorporate a system of targets and limits set with appropriate margins between them.²⁵ By establishing targets with appropriate margins below the limit to account for management uncertainty and then managing toward that target, the probability of meeting appropriate legal mandates, such as ending and preventing overfishing and achieving optimum yield, is greatly enhanced. In addition, setting an ACT below the ACL is the best measure for ensuring that additional, more disruptive AMs will not be needed.

Unfortunately, many South Atlantic fisheries have a history of poor performance. Considering that management uncertainty is substantial in South Atlantic fisheries, particularly in the recreational snapper grouper fishery, and that most fishing-related businesses desire management stability so that they can develop and implement a business plan, the use of ACTs will benefit fishing-related businesses.

The use of ACTs also eases administrative burdens in cases where species are caught in both state and federal waters. As required by law, an ACL overage will trigger automatic management adjustments in federal waters. This would require adjustments in state waters as well in order to ensure consistency, creating an additional management burden and affecting the timeliness of management measures.

²¹ MSA Sec. 302(h)(6); 16 U.S.C. §1852(h)(6).

²² 50 C.F.R. §600.310(f)(5).

²³ Id. §600.310(b)(3).

²⁴ Id. §600.310(f)(6).

²⁵ See references in: Prager, M et al. (2003). Targets and limits for management of fisheries: a simple probability-based approach .

2. ACT control rule must account for management uncertainty

The draft comprehensive amendment should consider a range of principles and procedures for determining the level of management uncertainty present in the fishery and establish control rules that can be used to set the management targets with the appropriate buffers for each species and sector. Management uncertainty results from uncertainty in the true catch amount (estimation error) and uncertainty in the ability of managers to constrain catch sufficiently to prevent exceeding the ACL. Estimation error results from misreporting of landed catch and uncertainty about the amount of discards and associated discard mortality. Time lag in reporting and data-availability to managers presents a major source of management uncertainty and often prevents in-season management control, especially for recreational fisheries. Generally, if the catch in a fishery (both directed catch and bycatch) can be well controlled and reliable data are available, then management uncertainty will be relatively low and the ACT can be set closer to the ACL. Conversely, where management has proven unsuccessful in constraining catch in a fishery, and/or data quality is poor, management uncertainty is higher and the ACT must be set sufficiently below the ACL in order to ensure a high probability that overfishing will not occur.

We recommend a collaborative effort between the Council, NMFS and stakeholders via some kind of working group in order to develop ACT control rules that can then be tested and modified in the future as needed as part of the management strategy evaluation and review process.

3. The comprehensive amendment should call for sector-specific ACLs and ACTs

While management measures for each fishery should be designed in order to reach a management target (ACT), ACLs are required limits that must be set, and that trigger AMs when met or exceeded. The draft amendment must include consideration of sector-specific ACLs and ACTs, with associated sector AMs. Implementing sector accountability, which is explicitly authorized in the NS1 guidelines, will encourage reduction of all fishing mortality where needed and increase the probability that overfishing does not occur by avoiding punishing one sector for the poor performance of another.

4. ACLs and ACTs should be expressed as bycatch and landed catch

Under the NS1 guidelines, the definition of “catch” includes fish that are retained for any purpose, as well as mortality of fish that are discarded.²⁶ Bycatch mortality is usually incorporated into the stock assessment model and indirectly incorporated into the OFL such that OFL numbers produced in the assessment often represent landings only. All other limit and target reference points (ABC, ACL, and ACT) consequently also represent landed catch only and the assumption is made that bycatch characteristics stay stable throughout the projection period. We strongly recommend moving away from this method of accounting for bycatch in favor of making the numbers more transparent. The comprehensive amendment should call for explicitly expressing total catch as the weight or number of fish allocated to directed catch *and* the weight or number of fish allocated for bycatch. The reporting requirement and catch monitoring system should be adjusted to track not only landings but also bycatch. This is necessary if AMs are going to be based on bycatch, as some of the measures in Amendment 17A suggest they could be. Being explicit about the amount of bycatch in the total catch also makes it much easier to gauge what the scale of the forgone yield due to bycatch mortality is for any given fishery and can facilitate the direction of research and resources to address bycatch problems that affect yields.

D. ACCOUNTABILITY MEASURES

The comprehensive amendment should include in-season AMs for all species where possible to ensure ACLs are not exceeded and overfishing does not occur

The MSA requires that FMPs include AMs to accompany ACLs. The catch-setting framework developed in the comprehensive amendment should apply an AM each and every time the ACL is exceeded. The NS1 guidelines

²⁶ 50 C.F.R. §600.310(f)(2).

state that “AMs are management controls to prevent ACLs, including sector ACLs, from being exceeded, and to correct or mitigate overages of the ACL if they occur.”²⁷

1. In-season AMs should be the default AM for all species

In order to reduce the probability that overfishing will occur and achieve the goal of ending and preventing overfishing in South Atlantic fisheries, the comprehensive amendment should use ACTs (which are considered in-season AMs under the NS1 guidelines) for all species as a base AM. This means that management measures will need to be designed to ensure that there is a high degree of probability that the ACT is met. The amendment should also require the use of additional in-season AMs in all fisheries to further ensure that the ACL is not exceeded and overfishing does not occur. In cases where data and monitoring limitations exist, the amendment should describe those limitations, identify key components necessary to address these limitations and investigate analytical tools that can be used to overcome these limitations (for example, the use of effort as a proxy for red snapper bycatch in Gulf of Mexico shrimp trawls).

2. Post-season AMs must be included and analyzed

The amendment must also establish a system of post-season AMs for instances when the combination of management measures, ACTs and in-season AMs are not successful in keeping fishing mortality within the ACL. The comprehensive amendment should require overage deductions from a following year’s ACL and ACT when an ACL is exceeded in any fishery. This can help address the biological consequences of exceeding catch limits, and more importantly, serves as a valuable incentive for staying within the catch limit.

3. AMs should be based on annual data, whenever possible

Multi-year averages should be used rarely, if at all, to address those fisheries that have highly variable catches from year to year and do not have timely data for determining if an ACL has been exceeded. The council should provide clear and compelling reasons as to why the use of multi-year average data is necessary and develop a plan for moving the fishery to AMs based on annual data. If multi-year averages are used, the average catch should annually be compared to average ACL, and AMs should be triggered when the average catch exceeds the average ACL.

4. The ACL-AM system must be re-evaluated when ACL is exceeded more than once in 4 years

Under the NS1 guidelines, the system of ACLs and AMs should be re-evaluated if catch exceeds the ACL more than once in a four-year period, and the system should be modified to improve its performance.²⁸ The comprehensive amendment must incorporate this recommendation in order to ensure that the system put in place truly ends and prevents overfishing. The use of ACLs can be an effective tool in efforts to prevent overfishing, but not if ineffective systems are allowed to languish over many years without improvement. The Council should also consider a higher performance standard, for instance re-evaluating the system upon an ACL overage more than once in six years, for more vulnerable species, as recommended in the NS1 guidelines.

E. STOCK COMPLEXES

The comprehensive amendment must take into fishery characteristics as well as the biology and vulnerability of the species when determining species complexes

Under the MSA, an FMP must contain a description of the species of fish involved in the fishery,²⁹ which is an important element of the FMP, as SDC, ACLs, AMs and other reference points are required to be identified for all “stocks in the fishery.” The NS1 guidelines provide that stocks in a fishery may be grouped into complexes based

²⁷ 50 C.F.R. §600.310(g)(1).

²⁸ 50 C.F.R. §600.310(g)(3).

²⁹ MSA Sec. 303(a)(2); 16 U.S.C. §1853(a)(2).

on similarity in geographic distribution, life history and vulnerabilities, and provide guidance as to the use of indicator stocks in stock complexes.³⁰ In addition, the guidelines provide reasons for grouping species into stock complexes based on the characteristics of the fishery and the biology of the species, and states the vulnerability of stocks to the fishery should be reevaluated when determining if a particular stock complex should be established or reorganized or if a particular stock should be included in a complex.³¹

1. Existing complexes must be re-evaluated with respect to guiding principles

The South Atlantic Council has, in the past, contemplated the use of stock complexes to assign quotas to some of its snapper grouper species that are caught together (for example, shallow and deep water groupers). Per the NSI guidelines requirement that species aggregated in complexes have similar vulnerabilities, the Council should direct the SSC to revisit current stock complexes to determine if they are consistent with the guidelines. This should be done based on guiding principles, which could include: 1) basing the decision to include or not include species in a complex on the behavior of the fishery and a well-informed analysis of the similarities and dissimilarities in vulnerabilities and life history characteristics, 2) developing objective criteria for how similar or dissimilar species must be, and 3) validating those criteria through simulation modeling and the analysis of data-rich stocks. The Council's SSC should design (and the Council adopt) these guiding principles and apply them to the species groupings proposed in the current iteration of the comprehensive amendment

For establishment of any stock complex, the amendment should provide analyses and establish metrics for what constitutes "sufficiently similar" in geographic distribution, life history, and vulnerabilities to the fishery. PSA-like analyses and management strategy evaluation modeling are well suited tools for fulfilling this need.

2. If indicator stocks are used, reference points and SDC must be based on the most vulnerable member of the complex

If reference points and SDC are established at the complex level, they must be based on the most vulnerable species in the complex, and any indicator species must also be the most vulnerable member of the complex in order to avoid overfishing the less productive species that are more susceptible to becoming overfished.³² The ACL for some of the more productive species in the complex may need to be reduced from the ABC to prevent overfishing the weak stock of the complex. A current example of this situation is gag and the shallow water grouper complex.

F. STOCKS IN THE FISHERY

The comprehensive amendment should require an analysis to determine whether any species should be removed from or added to a South Atlantic Council FMP, and a default occurrence rate should not be employed as a basis for removing species

Under the guidelines, a Council should monitor fisheries on a regular basis for purposes of determining if species are appropriately classified in an FMP.³³ The comprehensive amendment should require an analysis of South Atlantic fisheries to ensure species are appropriately classified in FMPs. The alternatives in the draft comprehensive amendment that propose removing species from the management unit based on their rate of occurrence in federal waters should not be adopted, as decisions to remove species from management should be based on a more thorough analysis.

1. Removal of selected stocks from Council management

³⁰ 50 C.F.R. §600.310(d)(1), (8) and (9).

³¹ Id. §600.319(d)(8).

³² Id. §600.310(d)(8) and (9).

³³ Id. §600.310(d)(6).

Any proposal to remove a species from the management unit must be accompanied by, at a minimum, (1) an explanation of the reasons for removal, including an assessment of fishing related mortality levels within the last five years; (2) an analysis of the effect removal will have on the health of the species being proposed for removal; (3) identification of the management body that will assume responsibility (if applicable); and (4) an analysis of the measures in place by the new management body. If significant fishing related mortality exists from federally managed fisheries, the species should remain stocks in the fishery.

2. Addition of stocks to Council management

In addition to considering the removal of stocks from South Atlantic Council management, the Council should also evaluate whether any species should be added to existing FMPs as target stocks, non-target stocks that are retained for sale and personal use, or non-target stocks that are not retained but may become an overfishing or overfished concern.

G. ECOSYSTEM COMPONENT STOCKS

The Council should use the EC species category to include species for data collection and monitoring purposes, with the goal of working toward ecosystem-based fishery management, but should not use the arbitrary landings criteria specified in the draft comprehensive amendment document

The NS1 guidelines provide that a Council may, but is not required to, use an “ecosystem component” (EC) species classification as part of the description of the fishery pursuant to section 303(a)(2) of the MSA, for data collection purposes and ecosystem considerations, among other purposes.³⁴ The classification of EC species may be helpful in efforts to incorporate ecosystem considerations into fishery management. However, as SDC, ACLs and AMs are not required for EC species under the NS1 guidelines, the classification must not be used in order to avoid development of these management specifications.

Fishery managers and scientists around the globe have recognized the importance of ecosystem based fishery management (EBFM). Ecosystem considerations are rarely ever explicitly incorporated into stock assessments or management measures, even though the ecosystem effects of fishing have been well documented in the scientific literature.³⁵ We support listing additional species in the FMP for data-collection and monitoring purposes, with the goal to eventually manage at the ecosystem rather than single species level. This is especially important for forage species and keystone species of the ecosystem in order to avoid trophic cascades as seen in the case of the mass mortality of the sea urchin *Diadema antillarum* in the Caribbean and subsequent catastrophic, long-term ecologic effects.³⁶ Other species that the Council may want to consider in this category are invasive species, such as lionfish, which are established in South Atlantic and Caribbean waters.

In order to reclassify any species that are currently in the FMP as EC species, the species must fulfill the four conditions outlined in the NS1 guidelines:

- (A) Be a non-target species or non-target stock;
- (B) Not be determined to be subject to overfishing, approaching overfished, or overfished;
- (C) Not be likely to become subject to overfishing or overfished, according to the best available information, in the absence of conservation and management measures; and
- (D) Not generally be retained for sale or personal use.

³⁴ 50 C.F.R. §600.310(d)(5).

³⁵ See publications in ICES Journal of Marine Science 57(3), proceedings from the ICES/SCOR Symposium on the Ecosystem Effects of Fishing in Montpellier, France, 1999.

³⁶ Lessios H (2005) *Diadema antillarum* populations in Panama twenty years following mass mortality. Coral Reefs 24:125-127.

We do not believe that the Council can show at this point that any species in the snapper grouper FMP meet all four of these requirements. The vast majority of species in the reef fish FMP do not have SDCs and reference points established and, therefore, points (B) and (C) cannot be determined without further information. Until we have the tools to properly monitor these species and can say with certainty that overfishing is not occurring and these species would not be overfished or become subject to overfishing without management, it would be best to leave them in the FMP as stocks in the fishery.

H. FRAMEWORK PROCEDURES

The comprehensive amendment should develop a process for framework procedures that allows for expedited specification of specific management parameters, but allows for full environmental analyses and opportunities for public review and comment where appropriate

The process for amending an FMP can often be time-consuming and in some instances may not be completed in time to implement necessary changes in management. The use of a framework procedure is an important and necessary tool for the Council to use to adjust certain management measures that are within the scope and criteria established by an FMP.³⁷ Given the new legal requirement under the MSA to establish ACLs and AMs for all fisheries, the Council should update its framework procedures (or establish them for those FMPs for which no framework is currently authorized) so that it can specify ACLs and AMs and other associated management parameters where appropriate without undertaking a full amendment process. The comprehensive amendment, as opposed to Amendment 17B, is an appropriate vehicle for establishing such a framework procedure. We caution against making the framework options too broad with respect to the type of action that can be undertaken in a framework procedure. We offer some recommendations the Council should consider when updating the framework procedure in the comprehensive ACL amendment.

1. Background

Most of the councils have adopted some form of framework or annual specification process, or both, for most fisheries, in order to carry out routine adjustments and specification of catch limits and targets within the scope of the underlying FMP. The procedures vary greatly from region to region and from fishery to fishery. Several councils have developed and employed separate annual or biennial specification processes that are distinct from the framework procedures contemplated by NMFS in its Fishery Management Plan Process Operational Guidelines. The plethora of different procedures established among the councils for frameworks, regulatory amendments, and annual specification processes from fishery to fishery demonstrate the need for further guidance on the use of these processes. In the meantime, the Council should implement improvements to its current process for its fisheries that will allow it to set certain management parameters without a full plan amendment, but that is open and transparent and allows for all necessary and appropriate environmental analyses.

2. The framework procedure may only be used to take actions that have been anticipated and analyzed in an associated FMP

A framework procedure for South Atlantic fisheries needs to state very clearly what its purpose is and what it authorizes the Council and Regional Administrator (RA) to do. A proposed framework procedure in the comprehensive amendment should authorize the Council to specify ACLs, ACTs and AMs, as well as other management parameters that can be implemented within a range or formula defined and analyzed in the FMP and associated analyses. The framework procedure should also specifically make clear that frameworks may only be used to effectuate ACLs and other annual specifications analyzed and authorized in the underlying FMP. Consistent with NMFS' Operational Guidelines, a framework procedure may not be used if circumstances in a fishery change substantially, or when adopting a different management philosophy and objectives.

³⁷National Marine Fisheries Operational Guidelines for Fishery Management Plan Process, revised May 1, 1997.

The framework procedure should also state specifically that all analyses and procedures required under other applicable law, including the National Environmental Policy Act (NEPA) and the Administrative Procedure Act (APA), must still be undertaken for frameworks as appropriate. If the proposed framework procedure authorizes actions beyond ACLs and ACTs, the framework procedure should clarify that the time required to take the action (e.g. the number of council meetings required to be held) under any framework will vary depending on the nature of the action proposed, and its impacts on the environment, fishing industry, and resource.

Finally, the proposed framework should specify that fishery-specific additions to the framework procedure may be included in individual FMPs, and that changes to the framework procedure itself may be made only by plan amendment.

CONCLUSION

The preparation of a comprehensive ACL amendment for compliance with the new requirements of the MSA offers the Council and NMFS an excellent opportunity to improve fishery management in the South Atlantic. We urge you to take full advantage of this opportunity and develop an amendment that fully incorporates the NS1 guidelines and truly meets Congress' intent to end and prevent overfishing once and for all. Thank you for considering our comments.

Sincerely,

Elizabeth Fetherston
Southeast Fishery Program Manager

Dana Wolfe
Staff Attorney

The fisherman are in a frenzy over the new fishing regulation. The South Atlantic Fishery Management Council has a large number of laws that intending to help maintain and rebuild the fish stock. The regulations consist of fish quotas, spawning closures, marine protected areas, and spawning area closures that will start at the beginning of next year. All this will make fishing in the South Atlantic Fishery's more restricted and less profitable. But who's to blame?

First of all South Atlantic Fishery Management Council is like most other government organization, it is bound by its own form of checks and balances. The Council is a diverse group of representatives from four of the southeastern states. The Council members are appointed by the Secretary of Commerce from a list nominees submitted by the governors of the state. The council is mandated by their own set of regulation called the Magnuson Stevenson Act. This Act was Reauthorized by President George Bush while he was in term. President Bush resigned the act to contain a stricter time line for fish stock recovery and mandated the best available data be used. Data is acquired by SEDAR Stock assessment group, which gather catch history and bottom sampling to get a stock assessment. Then the Scientific and Statistical Committee takes assessment and generates a Statistical time line for fish stock recovery. The Council then takes all this information to make the regulation.

The Council holds several public meetings a year to get the option on the new regulations to be considered. The problem seems to be that the fisherman argue that the stock data is no good and no regulation are needed. While the Conservancy Groups push the Council to use the data and stick to the time line that is mandated in the Act. But it seems no one gives some constructive criticism on how to get the fish stocks up or better data. The Council does takes the public option seriously, there have been public comments that changed the outcome of certain regulation.

The Council has also taken in consideration the public outcry for better stock data. Two weeks ago a large group of Scientist, Council members, and Fisherman gathered in Beaufort, NC at the NOAA lab. The group was organized to find the best way to get a better stock assessment. The members were separated into three groups life history, statistical, and gear type. The groups gathered for four days and presented their findings each day, to be analyzed by the whole group. The groups then figured the best and most efficient way to collect stock data. The group came up with a budget to sent and hopefully approved by the Secretary of Commerce.

I took my first commercial fishing trip over 24 years ago for a summer time job, then paid my way through college by fishing. I had foreseen a future in fishery once size limits were put in place, so I bought my own commercial fishing vessel. I've owned my boat for 13 years. The last three years I have got involved in the Council regulations. I've attended meetings from New Bern, NC to St Petersburg, Fl and over 30 days a year I have spent out of town. I think there is a need for 'some' of the regulations that are being imposed. The fishery would be in trouble if we did nothing to protect it. The general public needs to understand who is all responsible for the regulations and why they are needed. I personally don't have any kids to protect the fishery future for, but I have friends and neighbors that have kids to save the Fishery for.

Sincerely Kenny Fex Owner /Captain Raw Bar

November 11, 2009

To whom it may concern;

The South Atlantic Fisheries has a lot of new regulations being imposed on it. The total allowable catch of several species is being reduced, and the economical impacts are in turn likely to force out several permitted vessels. The Environmental defense has talked of fleet reduction to minimize the economical impacts, and fisherman have talked about a buy-out program for fleet reduction. I believe fisherman and the E D should work together to buy out Latent and purchasable Permits.

First of all, the South Atlantic Snapper Grouper permit is under a moratorium, and at present market the purchase price is at about \$ 12,000 dollars, and to renew it is about \$50 dollars, a small amount to pay in comparison to its value. Whereas my state Land and sea and state commercial fishing license is also under a moratorium, its value is about \$2,500 dollars, yet it costs about \$250 dollars to renew. I pay 10% of its value each year just to renew. So my belief is that a lot of federal permit holders would be willing to put out an extra \$100 dollars to fund "permit buy and terminate". This fund would be on a voluntary basis.

Secondly the Environmental Defense should maybe consider matching the funds being raised. The reason is that E D has been pushing for fleet reduction at several South Atlantic fisheries meetings through a form of a LAP program (Limited Access Privilege Program). This program would do fleet reduction by making fishing no longer financially feasible for an individual because of low Quota shares. Low Quota shares may be a cause of low Total Allowable Catch (TAC) or a small catch history. The E D is currently offering to pay half the cost for Gulf Fisheries fisherman to switch gear types, from long line to bandit fishing gear. So they might consider paying half to do fleet reduction through a buy-out, not regulation or meeting a criteria program.

Finally this Buy-out Program would be a fund taken in by NOAA upon permit renewal. This fund would then be used to purchase permits to be terminated. The permit application could also have a section on it for permit holders to put a price that they may consider to be bought out.

So with all the the new regulation being imposed, it's likely that the fisherman in the South Atlantic might be forced out. Also there is a concern that some of the latent and inactive permit might be sold and become a productive permit which would increase the fishing effort. So all in all I think the fisherman and the Environmental Defense could work together to do a fleet reduction the respectable way by "Buy-out" not "regulate out".

Sincerely, Kenneth W Fex Jr

Owner/Captain F/V Raw Bar

South Atlantic advisory Panel member.

Over 24 years exp. In the South Atlantic fishery.

PLEASE SIGN IN

So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

SNAPPER GROUPER COMMITTEE

Atlantic Beach, NC

Thursday, December 10, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Greg DeBrango - Flying Tiger Fish Co 386-663-2704 2036 Co G. Palm Dr Edgewater FL

Lilly, Silverstein

OC-FL

Dennis O'Hara

FR A

MARIE Brown

843-881-9735

3642 PANDORA DR
Mt. Pleasant, SC 29466

KELLY SCHOOLCRAFT

252-995-4029

Box 242 FRISCO NC 27936

Terry Schill

5101 Pinetree Lane
New Bern NC 28562

Michelle Owen

EDF

Sarasota FL

Leda Dunmore

PEG

Key Largo FL 33037

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

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SNAPPER GROUPER COMMITTEE

Atlantic Beach, NC

Thursday, December 10, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Mike A. Shutak Carteret County News-Times 726-7081 (252)

Leda Dunmore DEL Key Largo FL

Ken Le Oak Island NC

910-620-5847

Judy Gorman NASAF

Tampa, FL

Ruby Johnson 157 386-239-0948

P.O. Box 9351 Daytona Beach FL 32120-9351

DAVE Allison OCEANA 202-833-3900

1350 Connecticut Ave NW #500
Washington DC 20036

Jen Weaver 386-341-6917

202 Pollock St, Beaufort NC 28516

Dick Brune

CCIA

WICKINGTOM, NC

J. H. Gould
(Terrell Gould)

CHO

MCNC

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

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SNAPPER GROUPE COMMITTEE

Atlantic Beach, NC

Tuesday, December 8, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Judy Jarama	NASAFF	813, 286-8350	TYA, FL
Rusty Anderson	ASF	386-239-0948	PO Box 9351 Daytona Beach, FL 32120-9351
DAVE Allison	Ocean	202-893-3900	WA DC 20086
Holly Binns	PEG	850-322-7845	2107 Mulberry Blvd, Tallahassee, FL 32303
Sam Devenak	PEG	910-685-5785	Wilmington, NC
Libby Felthorsten	OC	727 895 2188	St. Petersburg, FL 33701
Leda Dummre	PEG	305-393-0934	
Debbie Salomone	PEG	321-972-5020	
Mitchell Owen		941-309-	Sarasota FL

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4055 Faber Place Drive, Suite 201
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SNAPPER GROUPER COMMITTEE

Atlantic Beach, NC

Tuesday, December 8, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Dick Brame

CCA

WILMINGTON, NC

Dennis Heinemann

202 436-1467

Ocean Conservancy, DC

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

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SNAPPER GROUPER COMMITTEE

Atlantic Beach, NC

Wednesday, December 9, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Cenny Fee	910-6205847	907 W. Ketch Dr
Sera Dresenak	910-685-5705	Wilmington, NC
George Sedberry	NOAA Sanctuaries	
Rusty Johnson ASF	386-239-0948	Daytona Bch, FL 32120-1604
Dick Braine	CCA	Wilmington, NC
Judy Gunnerson	NASAFF	Daytona, FL
Libby Felherston	DC-FL	
Leda Dunmore PEG		
Kerry Marhefka	843-452-7352	Heaven

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
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So that we will have a record of your attendance at each meeting and so that your name may be included in the minutes, we ask that you sign this sheet for the meeting shown below.

SNAPPER GROUPER COMMITTEE Atlantic Beach, NC Wednesday, December 9, 2009

<u>NAME & ORGANIZATION</u>	<u>AREA CODE & PHONE NUMBER</u>	<u>P.O. BOX/STREET CITY, STATE & ZIP</u>
KEN BRENNAN	252-728-8618	NMFS BEAUFORT LAB 101 RIVERSIDE RD BEAUFORT, NC 28516
Jennifer Potts	252-728-8715	Beaufort, NC
Mike Burton	252-728-8756	NMFS Beaufort Laboratory
Scott Baker	910-962-2492	NC Sea Grant Wilmington, NC
Michelle Owea		EDF Sarasota FL
Ron Lukens Omega Protein Corp	(386) 454-7192 27716	NW 182nd Ave High Springs FL 32643
Andy Hight	910-617-6528	WILM
MARK E. BROWN	843-881-9735	MT Pleasant, SC 29466
Timothy A. Sculise	843-408-3017	MT Pleasant, S.C. 29446

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10

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SNAPPER GROUPER COMMITTEE

Atlantic Beach, NC

Wednesday, December 9, 2009

NAME &
ORGANIZATION

AREA CODE &
PHONE NUMBER

P.O. BOX/STREET
CITY, STATE & ZIP

Dennis D'Horn

Fishing Rights Alliance

Jim Aitch

910-520-8229

111 5th St, Oak Island NC

TON M. HAAG

910 278-1234
(Haag & Sons Fisheries)

7901 E. OAK ISLAND DR. OAK ISLAND, NC.
28465

South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
843-571-4366 or Toll Free 866/SAFMC-10



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

MARK BROWN

TELEPHONE NUMBER (& AREA CODE)

843-881-9735

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

capt. mark brown @ comcast.net

EMAIL ADDRESS (IF APPLICABLE)

3642 PANDORA DR. Mt. Pleasant SC 29466

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Charter Boat Headboat "Teaser 2"

DO YOU WISH TO MAKE A
STATEMENT?

☒

YES

☐

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Timothy A. Sealise

TELEPHONE NUMBER (& AREA CODE)

843-408-3017

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1224 Menpawson Ct. Mt. Pleasant, S.C. 29464

EMAIL ADDRESS (IF APPLICABLE)

timsealise@comcast.net

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Gusto III Charters

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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Atlantic Beach, NC

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YOUR NAME (PLEASE PRINT)

Dennis D'Hern

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

FRIA

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Sandra Gaskill (Sandy)

TELEPHONE NUMBER (& AREA CODE)

252-728-2089

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

567 Bayview Drive, Harkers Island, NC 28531

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☒ YES

☐ NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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Atlantic Beach, NC

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YOUR NAME (PLEASE PRINT)

CHRIS MCCAFFITY

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

110 SALAM ST. MOREHEAD N.C. 28557

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Reel Jax

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Vernell Gould

TELEPHONE NUMBER (& AREA CODE)

252-726-5479

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 1663 Monrovia City NC 28552

EMAIL ADDRESS (IF APPLICABLE)

vgould@dec.ny.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Carolina Head boats

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☒ YES

☐ NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC		DATE OF MEETING December 10, 2009
YOUR NAME (PLEASE PRINT) Greg DeBrango		TELEPHONE NUMBER (& AREA CODE)
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) 2036 CoCo Palm Dr		
EMAIL ADDRESS (IF APPLICABLE) gdebrango@planethollywood.com		
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) Flying Tiger Fish Co		
DO YOU WISH TO MAKE A STATEMENT?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
(PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)		



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC		DATE OF MEETING December 10, 2009	
YOUR NAME (PLEASE PRINT) Russell Hudson		TELEPHONE NUMBER (& AREA CODE) 386-239-0948	
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) PO Box 9351 Daytona Bch, FL 32120-9351			
EMAIL ADDRESS (IF APPLICABLE) DSF2009@AOL.com			
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) Directed Sustainable Fisheries Inc.			
DO YOU WISH TO MAKE A STATEMENT?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
(PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)			



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Libby Fetherston

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

449 Central Ave Suite 200 St. Petersburg, FL 33701

EMAIL ADDRESS (IF APPLICABLE)

efetherston@oceanconservancy.org

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Ocean Conservancy

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

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December 10, 2009

YOUR NAME (PLEASE PRINT)

KELLY SCHODICRAFT

TELEPHONE NUMBER (& AREA CODE)

252-995-4029

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

Box 242 FRISCO NC 27936

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

F/V COUNTRY TIME

DO YOU WISH TO MAKE A
STATEMENT?

☒ YES

☐ NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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PUBLIC COMMENT ATTENDANCE RECORD

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LOCATION OF MEETING (CITY & STATE)

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December 10, 2009

YOUR NAME (PLEASE PRINT)

Chris Long

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 938 Little River, S.C. 29566

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Longway Fishing

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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PUBLIC COMMENT ATTENDANCE RECORD

Agenda Item Comments

LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Hal Osburn

TELEPHONE NUMBER (& AREA CODE)

305-612-0039

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

PO Box 501404

EMAIL ADDRESS (IF APPLICABLE)

Marathon, FL 33050

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Florida Keys Commercial Fishermen's Association

DO YOU WISH TO MAKE A
STATEMENT?

☒ YES

☐ NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



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LOCATION OF MEETING (CITY & STATE)

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DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

SONNY DAVIS

252-726-4675

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 3013 Atlantic Beach NC

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Capt. Stacey FINE

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

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YOUR NAME (PLEASE PRINT)

Louis Danna

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

☒

YES

☐

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
NORTH CHARLESTON, SOUTH CAROLINA 29405

PUBLIC COMMENT ATTENDANCE RECORD

Agenda Item Comments

LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Jeff Allen

TELEPHONE NUMBER (& AREA CODE)

252 482 2575

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 374 Hatteras N.C. 27945

EMAIL ADDRESS (IF APPLICABLE)

JA

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

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YOUR NAME (PLEASE PRINT)

ROBERT FREEMAN

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

221 SMITH ST ATL. BCH. N.C. 28512

EMAIL ADDRESS (IF APPLICABLE)

SUNRISE@COASTALNET.ORG

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

SUNRISE CHARTERS

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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Snapper Grouper Amendment 17 B

LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

MARK E. BROWN

TELEPHONE NUMBER (& AREA CODE)

843-881-9735

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

3642 PANDORA DR.

EMAIL ADDRESS (IF APPLICABLE)

capt.markbrown@comcast.net

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Charter Head Boat "Teaser 2"

DO YOU WISH TO MAKE A
STATEMENT?

☒ YES

☐ NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

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December 10, 2009

YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Timothy A. Scallise

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

1224 Mergansen Ct. Mt. Pleasant, S.C. 29464

EMAIL ADDRESS (IF APPLICABLE)

tsa@scallise.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Gusto III Charters

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Dennis O'Hern

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

FRA

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

CHRIS MCCAFFITY

TELEPHONE NUMBER (& AREA CODE)

(252) 240-1205

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

110 SALEM ST MOREHEAD NC 28557

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Reel Job

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Libby Felberston

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

449 Central Ave Suite 200 St. Petersburg, FL 33701

EMAIL ADDRESS (IF APPLICABLE)

lfelberston@oceanconservancy.org

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Ocean Conservancy

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

KELLY SCHOLICRAFT

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

Box 242 FALCO NC 27936

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

F/V COUNTRY TIME

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE) Atlantic Beach, NC		DATE OF MEETING December 10, 2009
YOUR NAME (PLEASE PRINT) Russell Hudson		TELEPHONE NUMBER (& AREA CODE) 386-239-0948
MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE) PO Box 9351 Daytona Beach, FL 32120-9351		
EMAIL ADDRESS (IF APPLICABLE) DSF2009@AOL.COM		
BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE) Directed Sustainable Fisheries, Inc		
DO YOU WISH TO MAKE A STATEMENT?		<input checked="checked" type="checkbox"/> YES <input type="checkbox"/> NO
(PLEASE ATTACH A WRITTEN COPY IF AVAILABLE)		



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Ram Whiteaker

TELEPHONE NUMBER (& AREA CODE)

252-966-1031

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 150 Hatteras, NC 27943

EMAIL ADDRESS (IF APPLICABLE)

Release1@mindspring.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

NCHU, Myself

DO YOU WISH TO MAKE A
STATEMENT?

☒

YES

☐

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



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4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Jeff Odom

TELEPHONE NUMBER (& AREA CODE)

252-986-2575

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P.O. Box 374 Hatteras NC 27943

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Commercial

DO YOU WISH TO MAKE A
STATEMENT?

☒

YES

☐

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Holly Binns

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2107 Mulberry Blvd., Tallahassee, FL 32303

EMAIL ADDRESS (IF APPLICABLE)

hbinns@pewtrusts.org

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Pew Environment Group

DO YOU WISH TO MAKE A
STATEMENT?

☒ YES

☐ NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

ROBERT FREEMAN

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

221 SMITH ST. ALT. BEACH, N.C. 28512

EMAIL ADDRESS (IF APPLICABLE)

SUNRISE@COASTALNET.COM

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

SUNRISE CHARTERS

DO YOU WISH TO MAKE A
STATEMENT?



YES



NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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YOUR NAME (PLEASE PRINT)

JOEL SCOTT GARRIS

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

P O BOX 4095 EMERALD ISLE, NC 28594

EMAIL ADDRESS (IF APPLICABLE)

Jsgarris@cc.ft.com

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

HV JEWELL

CHARTER VESSEL "ROSE DANCER"

DO YOU WISH TO MAKE A
STATEMENT?

☐

YES

☒

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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YOUR NAME (PLEASE PRINT)

Sherie Lewis

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

701 ANN STREET Beaufort, NC 28516

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

DO YOU WISH TO MAKE A
STATEMENT?

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

☐

YES



NO



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

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December 10, 2009

YOUR NAME (PLEASE PRINT)

William Nixon

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

PO Box 303 Little River SC 29566

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Fish Screamer Charters

DO YOU WISH TO MAKE A
STATEMENT?

☐

YES

☒

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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Snapper Grouper Amendment 17 B

LOCATION OF MEETING (CITY & STATE)

Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

Braxton E. Lewis III.

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

48 Shadow Moss Pl., N. Myrtle Bch, SC 29582

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Little River Fishing Fleet

DO YOU WISH TO MAKE A
STATEMENT?

☐

YES

☒

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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Atlantic Beach, NC

DATE OF MEETING

December 10, 2009

YOUR NAME (PLEASE PRINT)

DAN MANOS

TELEPHONE NUMBER (& AREA CODE)

843-340-8293

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

204 Rail st. Longs, S.C. 29568

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

SELF Little River Fishing Fleet

DO YOU WISH TO MAKE A
STATEMENT?

☐

YES

☒

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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YOUR NAME (PLEASE PRINT)

DAVID SPICKETT

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

208 PANAMA TERRACE NORTH HAVEN, NC 28557

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

CAPT. STACY VIL

DO YOU WISH TO MAKE A
STATEMENT?

☐

YES

☒

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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YOUR NAME (PLEASE PRINT)

William Nixon

TELEPHONE NUMBER (& AREA CODE)

843-455-7271

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

Box 303 Little River SC 29566

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Fish Screamer Charters

DO YOU WISH TO MAKE A
STATEMENT?

☐

YES

☒

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
4055 FABER PLACE DRIVE, SUITE 201
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YOUR NAME (PLEASE PRINT)

Clifford T Row

TELEPHONE NUMBER (& AREA CODE)

252 393 7253

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

311 Dolphin St Cape Carteret NC 28584

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Sea Trout II

DO YOU WISH TO MAKE A
STATEMENT?

☐

YES

☒

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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YOUR NAME (PLEASE PRINT)

TELEPHONE NUMBER (& AREA CODE)

Braxton E. Lewis III

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

48 Shadow Moss Pl., N. Myrtle Bch, SC 29582

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Little River Fishing Fleet

DO YOU WISH TO MAKE A
STATEMENT?

☐

YES

☒

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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YOUR NAME (PLEASE PRINT)

Kenneth Fes

TELEPHONE NUMBER (& AREA CODE)

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

907 W York St Dr

EMAIL ADDRESS (IF APPLICABLE)

DAK Island

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

Advisor panel member

DO YOU WISH TO MAKE A
STATEMENT?

☒

YES

☐

NO

(PLEASE ATTACH A WRITTEN COPY
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SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL
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December 10, 2009

YOUR NAME (PLEASE PRINT)

DANNY L JUEL

TELEPHONE NUMBER (& AREA CODE)

843-446-1913

MAILING ADDRESS (PLEASE INCLUDE STREET OR BOX NO., CITY, STATE, & ZIP CODE)

2525 STONEEDGE BLVD LITTLE ROCK S.C. 29506

EMAIL ADDRESS (IF APPLICABLE)

BUSINESS OR ORGANIZATION YOU REPRESENT (IF APPLICABLE)

SANFORD COMM. INC.

DO YOU WISH TO MAKE A
STATEMENT?

☐

YES

☒

NO

(PLEASE ATTACH A WRITTEN COPY
IF AVAILABLE)

Maybe